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THE
T R I A L
OF
WILLIAM JEMOTT,
FOR
PIRACY.

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REPORT
OF
THE TRIAL
IN THE CASE OF
THE KING *v.* WILLIAM JEMOTT,
AT THE
ADMIRALTY SESSIONS,
HELD AT THE OLD BAILEY, LONDON,
BEFORE
Sir William Scott, Sir Simon Le Blanc, &c. &c.
ON
FRIDAY the 28th of FEBRUARY, 1812;
FOR PIRACY.

TAKEN IN SHORT-HAND BY MR. JAMES DOWLING.

London :
PRINTED BY W. HUGHES,
MAIDEN-LANE, COVENT-GARDEN ;

1812.

COUNSEL FOR THE PROSECUTION.

THE ATTORNEY-GENERAL,		MR. ABBOTT,
MR. KNAPP,		MR. BOLLAND.

SOLICITORS.

MESSRS. SWAIN, STEVENS, MAPLES, AND PEARSE.

COUNSEL FOR THE PRISONER.

MR. GURNEY,		MR. ALLEY.
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SOLICITOR.

MR. THOMAS CLARKE.

THE
T R I A L,

&c. &c.

THE prisoner being at the bar, the Clerk of the Arraignment read the indictment to him, which charged the prisoner with having, on the first day of August, in the fiftieth year of his Majesty's reign, upon the high seas, and within the jurisdiction of the Admiralty of England, in a certain place distant about two leagues from the town of St. Jago, in the island of Cuba, feloniously stolen, taken and carried away, 36,000 dollars (stated to be of the value of 8000*l.*) of the proper goods, chattels, and monies of John Josiah Holford and William Gonne; and other 4000 dollars (stated to be of the value of 1000*l.*) of the proper goods, chattels, and monies of Antonio Martius Pedra and Francisco Alvez de Carvalho Vianna. There were other counts in the indictment, alledging the property to belong to persons unknown, and varying the description of the place where the offence was charged to have been committed.

To this indictment the prisoner pleaded Not Guilty, and put himself upon God and the country for trial.

The Jury were then severally sworn, and charged with the prisoner.

Mr. SHELTON, the Clerk of the Arraignment, having read the indictment to the Jury,

Mr. BOLLAND opened the proceedings, by shortly recapitulating the heads of the indictment.

different course, either to the West Indies, or to some other part of the world; and there that the cargo should be disposed of, for the benefit of those who participated in the conspiracy. A cargo was accordingly shipped on board this vessel to the amount of 60 or 70,000*l*. This fraud has been carried into execution, and not one farthing has been restored to the owners, nor any account whatever rendered to them of the property thus disposed of.

I have now stated to you, gentlemen, the particulars of the felony with which I charge the prisoner, and the general fraud in which he and others were concerned. I now proceed to state to you, with more particularity, the circumstances of that fraud, and how it was carried into execution.

Messrs. Berthon and Koster were the former owners of this vessel, called the *Maria*. A treaty was opened with them for the purchase of the vessel, and the names given to them or their brokers, at first, were those of Mr. Jacob Lazarus and Mr. G. A. Cohen; but a Mr. Moore, in company with the prisoner, were the men who personally transacted the business. It will be proved to you, that the prisoner, in company with this Mr. Moore, made frequent applications for the purpose of effecting this purchase. Moore and the prisoner frequently went to Mr. White, the broker, and had frequent communications with him on the business. There were some impediments at first in the way of concluding the purchase, but ultimately it was concluded; and the sum agreed to be paid to the owners of the vessel was 700*l*.

It will be in proof to you, that the prisoner actually paid that money. I don't mean that it was his own money, but his was the hand that paid it. That he first paid 300*l*. and afterwards paid 400*l*.: and it will be in proof to you, that the order for the delivery of the vessel was made to him (his being the hand that paid the money); and the gentleman who received the money will tell you this, that conceiving the name of *Jemott* to be that of *Lemotte*, he, in the memorandum he made at the time, called him *Lemotte* by mistake, instead of *Jemott*.

Now, we have the ship *Maria* purchased and paid for, but not yet assigned. The former owners were told, that they should be called upon to execute a bill of sale of the ship. At a subsequent time they were called upon to execute this bill of sale, and the bill of sale that was brought to them for execution was in favour of a person of the name of Moore—that person who accompanied the prisoner in the negotiations for the purchase of the vessel. But it may be objected, that there was some doubt as to the manner in which this contract affects the prisoner. It is to be observed, that though the contract was made to Moore, it is in the habendum of the bill of sale thus written:—"to have and to hold the said vessel to the said William Jemott"—which shews that the deed probably had been originally drawn in the name of the prisoner; but afterwards, it appears, that the parties altered their determination upon this subject, and fixed that it should be to Moore, and they forgot to alter the names, and that of the prisoner Jemott was copied into the deed.

Now, gentlemen, we have the vessel purchased and conveyed to Moore. She sails from London with a nominal captain, named Da Silva, and a first mate of the name of Baldwin. The vessel arrives in the Downs, and from Deal the prisoner gets on board her, apparently to the crew, at first, as a passenger; but after the part which I have described to you that he took in the original purchase of this vessel, you will be satisfied that although he had no concern with the real property of the ship, yet that he was at bottom one of the active agents in this conspiracy.

They proceeded to Madeira; there some of their crew are left on shore. They proceed from thence to Teneriffe. There other mariners are taken on board. They proceed from thence, bound, you know, for Pernambuco! filled with goods for Pernambuco; with a cargo shipped by different shippers, who had received bills of lading from the captain, for Pernambuco; the value of the cargo being 60 or 70,000*l.* shipped on board the *Maria*, Captain Da Silva; not that

really this cargo belonged to Moore, or the owners of the vessel, or the persons who obtained the possession of this vessel under the bill of sale; but the cargo was addressed to persons at Pernambuco, there to be delivered. We have, then, this ship the *Maria*, apparently commanded by Captain Da Silva, but actually commanded by Baldwin, who was *nominally* the first mate. This ship, which left England painted *black*, under the name of the *Maria*, under the command of Da Silva—this ship, upon the high seas, is painted over *yellow*, that she may have a different appearance; and as they are proceeding from Teneriffe, a witness, who will be called to you, will tell you, that having first perceived this yellow colour given to the vessel, he found written on the fore-castle next morning, the name of “ ‘The *Columbia*, of New York, Meilan, master.” So that you have the *Maria*, of London, Captain Da Silva, painted black—turned into the *Columbia*, of New York, Captain Meilan, painted yellow!

Now this could be for nothing but a fraudulent purpose; and all this time we have the prisoner on board, and who must have seen the whole of this practised. Her course, I told you, was to Pernambuco; and in her course to Pernambuco, she never could have proceeded to land at Porto Rico. But it will appear to you in evidence, that instead of intending, or of taking any steps for landing her cargo at Pernambuco for the owners, that she shapes a different course, proceeding to the island of Porto Rico, where she brings up into the harbour, and puts herself in a situation to land her cargo—not as the cargo of the *Maria*, of London, but as the cargo of the *Columbia*, of New York;—this cargo, destined for different persons at Pernambuco, in the Brazils!!—the prisoner all the time on board the ship. Did he not believe this was a fraud? Did he believe that this vessel was still intended to go to Pernambuco? or did he believe that she was originally destined for Porto Rico? You will find, gentlemen, that in the hearing of one of the witnesses, he told Moore, at Porto Rico, “ that he ought to have known, that such a vessel as this, represented as it was,

to be the Columbia, of New York, it would never be believed at Porto Rico that he had brought such a cargo as he had on board from New York." That shews him to have been conusant of what the parties were about. It will likewise appear to you, that though, when he came on board in the Downs, he appeared at first as a passenger, yet in the course of the voyage, it was found that he was interested in all the concerns in which Moore and Baldwin appeared to take in the transactions of the vessel.

They were not able to land their cargo at Porto Rico. I believe at first they had made an arrangement with the governor of that place for landing it, but upon further enquiry the governor thought it not safe, and refused to permit a landing. Well, they had to seek another market. If their object was for disposing of the cargo, then the course was clearly to proceed to Pernambuco. Now permit me to describe to you what course they did pursue. They made for St. Domingo—they reached Porto Plata in St. Domingo. How did they do this? I told you that they had written "The Columbia, of New York, Meilan, master," on the stern. Some one was to personate Meilan, and Baldwin from this time assumed the name of Meilan, and under that name he had the command of the ship. Baldwin having thus assumed the name of Meilan, they sailed for St. Domingo, and reached Porto Plata; and there you will find Meilan, otherwise Baldwin, and the others, make their arrangements. There you will find that a schooner was hired. You will find that a considerable part of the cargo was taken out of this vessel, the Maria, now called the Columbia, and shipped on board this schooner. You will find that the prisoner had entrusted to him the superintendance of the cargo—the keys of the hatches—that he had a considerable controul over the whole vessel, and that he superintended and assisted in the transposition of that part of the property which was removed from this vessel into the schooner.

Now you will find that the schooner goes off from thence,

with Moore on board. Baldwin was at this time ill on shore—but with Moore on board she went off from the Maria: It will be proved to you, that while the schooner was absent, the others were trafficking with the specie which formed part of the ship's cargo. Meilan and the prisoner, you observe, during Moore's absence, were getting rid of the cargo by degrees, as well as they could: and I think it will be specifically proved to you, indeed I *know* it will, that during the absence of the schooner, after a considerable part of the cargo had been sent off by it, two chests of dollars were taken out of the ship, and sent on shore, and disposed of there. In this manner, gentlemen, the ship was stripped of all that was taken out in her, and subsequently sold. I don't know whether I am not able to shew to you in the evidence, that the prisoner was present while the rest of the cargo was taken out, during the absence of Moore. It is quite certain, however, that the prisoner was left in the superintendance of the vessel during Moore's absence, and that he acted in the vessel as well when Moore was absent, as when he was on board.

After a certain time had elapsed—I think at the end of about six or eight weeks, the schooner returns, but without Moore. Now what message was brought back by that schooner to the prisoner, to whom the superintendance of the concerns of the vessel was then left, I am not able exactly to describe to you; but I am able most strongly to convince you what that message must have been, by shewing what the conduct of the prisoner was after the schooner had returned. They loaded the schooner again with different articles, chiefly with cheeses, from the Maria, and then the Maria proceeded from Porto Plata, from whence the schooner had sailed with Moore, and to which she had returned without him. They then sailed with the Maria, as I was stating to you, under the directions of the prisoner, to St. Jago, in Cuba. The schooner sailed again for that place, and when the Maria arrived off St. Jago, they there found the schooner also; and

there also they found Mr. Moore. Now as Moore had sailed off before in the schooner, and the schooner had returned without him, and that as quickly as she possibly could; and as the Maria sailed again with the schooner to St. Jago, and there finding Moore, I think it is not too strong an inference to draw from thence, that the schooner had first gone with Moore to this same place, to see whether it was a convenient place for carrying their fraud into execution. That the report was favourable must be judged of by the event. The schooner was sent back to the prisoner, with the report, whatever it was; in consequence of which the prisoner navigated the Maria to this place, where they then found themselves, Moore having arrived there before in the schooner.

Part of the cargo still remained on board the ship, and certainly it was the most valuable part of the cargo. Part of the cargo consisted of dollars. Two persons only had shipped dollars in the vessel from this country. Messrs. Holford and Gonne had shipped a large quantity of dollars, as had also Messrs. Pedra, Son, and Company. Part of these had certainly been already disposed of before they got to Cuba.

The particular act of felony that I impute to the prisoner was committed by him upon part of this consignment of dollars after the vessel had arrived at this bay of St. Jago, which appears to be formed by a narrow neck of land, extending a good way into the sea, and after you pass that narrow neck of land, the bay extends itself wider considerably. Six or seven miles up the bay stands the Moro Castle, considerably within the neck of land.

While the vessel was lying off the Moro Castle in the situation I have described to you on the map, it will be proved to you, by a witness who was present, and acted under the directions of Moore and the prisoner, that he was called down into the cabin, where some casks were produced, such as dollars are packed in, and exactly corresponding in description with the casks in which the dollars in question were

packed, as I shall prove to you. The witness was ordered to break open the casks.

Now you will hear from the Court, that these casks of dollars being destined for persons at Pernambuco, to be carried in this vessel, the act of breaking open these casks, and taking out the dollars, was an act of felony.

The prisoner and Moore directed the witness, who will be called to you, to use the tools that he saw lying in the cabin, which were used for that purpose, and with them to break open the casks. They complained of his tardiness in carrying their orders into execution; and the prisoner himself, with his own hands, actually assisted, and did break open the casks, and removed the dollars, which were packed in bags within. This was strongly impressed on the memory of the witness, who recollects that there was a great deal of difficulty in getting the bags out of the casks. There were two bags in each of the casks, and it was stated by the prisoner, in the hearing of the witness, that they were dollars. These dollars were handed up upon deck, and soon afterwards put upon the cabouze, or fire-place. They were afterwards handed over the side of the ship, and sent on shore. That is the act of felony that I charge upon the prisoner.

I will proceed to state to you how this most scandalous adventure ended, because it explains the part the prisoner took in the commencement and progress of it, and it will shew you what part he acted in the conclusion. After these goods had been put on shore, it was found that they could not conveniently carry on any farther traffic in that place. They accordingly sailed round from St. Jago, which is on the south side, to the Hannah, which is on the north side of the Island, and reached the Havannah,—the prisoner having then the command of the whole adventure, because Moore had then disappeared;—Moore having at that time sailed from St. Jago, saying that he should soon see them again. But that event, I find, never took place. However, the ship having arrived at the Havannah, under the superintendance

of the prisoner, all the rest of the cargo was taken out of her—the ship herself was then dismantled, stripped, and there sold; the prisoner then shipped himself for America, but not before he had discharged those who had served as the crew of the vessel, stating to them at the time, that their voyage there ended.

Now, gentlemen, I have given to you (with as much brevity as I thought was consistent with my duty, in possessing you of sufficient knowledge of the material facts of the case), a history of this transaction. I have given you an account of the whole of this proceeding, and the part which the prisoner took in it; and my reason for thus detailing the whole of the adventure, and the part which the prisoner took in it, is this: that if the prisoner shall attempt to say, that in doing that which he did, he thought he was pursuing the directions of those who had the legal controul and dominion over these dollars, and were the owners thereof; I would ask, (if such is his excuse) how is that consistent with the whole body of facts I have stated to you, all of which I shall prove to you in evidence—or with the part which the prisoner took in the transaction I charge him with in this indictment. In the first place, you have him early introduced into the negociation, long before the voyage commenced, and before the vessel was purchased. He sails in this vessel bound for Pernambuco, where she ought to have delivered her cargo. You find him on board the vessel at the time the change is made in her colour, and at the time her name, and the name of her Captain, is altered: a transaction which it is impossible, that it could not have excited his astonishment and his suspicion, if he had not been aware of the course to be pursued before it was pursued, had he not been himself acting in it. You find when the vessel reached Porto Rico, she was placed in a situation for unloading, but afterwards, when the expectations the Captain had formed of unloading were disappointed, he blames the Captain for acting in this manner; not because it was wrong in going to Porto Rico, but because it

was unlikely that the sale of the cargo should succeed at Porto Rico. You find him, when the schooner goes off loaded with part of the cargo of the Maria, with Moore on board, and after the schooner returns without him, proceeding in the Maria, and with the schooner, to the place where Moore had been left by the schooner, and where Moore had appointed he should join him. You find him acting in every part of this transaction. You find him assisting in discharging that cargo, which ought to have been carried to Pernambuco. You find himself ultimately, when left entirely in the command of the ship, getting rid of the cargo and discharging the remaining seamen. But will it be said that he was himself deceived? Will it be said that he found at last that these people were acting a fraudulent part, and therefore he, as an innocent man, took upon himself to look as well as he could after the interest of those whose goods were on board—that he carried them to the market to which they were destined—at least to the best market he could find under the circumstances? Why, gentlemen, if that was the conduct that he pursued, where are the goods? If that was his conduct, has he sent an account to the owners of the produce of these goods? If his object was to place himself between the owners, and the fraudulent conduct of Moore and the rest, we should have had some notice given by him to the owners of these goods of the course that he was pursuing. Mark, in this respect, what his conduct was, after he had discharged the vessel and disposed of the cargo, and of the ship itself at Havannah:—He proceeds himself to America. I know not what he became after he got to America; but from a very poor man, he became a very rich one. (He returned from America to this country, hoping to escape notice.) And I shall be able to prove to you that—he, who rejoiced at having added *five shillings* to the little pittance that he carried with him from London, in order to ensure his provisions on the road; he who was pursuing the most rigid and parsimonious economy, returned to this country rendered wealthy by the

effect of this fraud. I shall be able to prove distinctly, passing through his hands a sum not falling short of 6000*l*. Now, a great deal more no doubt has come to his hands, and is at present concealed by him.

Under these circumstances, I think you can have no difficulty in arriving at that conclusion, which you must arrive at before you can find the prisoner guilty:—namely, that with a felonious intent, he broke open these casks, and took away these dollars, which forms but one of the features of this fraud. That act I have stated to you, he did, was a felonious act. The act that he did fixes upon him the crime, which this indictment charges him with. It will be for him to explain that act, and to give a different colour to it. I admit that a person doing that mere act that I have stated, might have done it innocently. But, unless it can be so explained, it is unquestionably an unlawful one. Instead of being explained in the only way it could be explained; from all I can discover in the merits of the case, it does appear to me, that every circumstance which can be introduced into the history of this transaction, will tend to show that the prisoner is not only guilty of this crime, but that his guilt is still deeper, than that which this indictment imputes to him.

These are the facts I shall have to lay before you. If I do prove them, I have no doubt you will pursue that course which justice requires, and which, under the directions of their Lordships, it will be your duty to adopt.

*ALEXANDER WHITE sworn, and examined by
Mr. KNAPP.*

Q. I believe you are a ship-broker?—A. Yes, Sir.

Q. Do you remember in 1809, being authorized by Mr. Berthon, to offer the ship Maria for sale?—A. I do very well, Sir.

Q. She was a Portuguese ship, was she not?—A. Yes.

Q. Where was she lying at that time?—A. She was lying in the Thames half way down.

Q. Do you remember any application being made to you, and by whom, on account of the purchase of that ship?—

A. There were two persons applied to me about the purchase of the ship. One of them was the prisoner at the bar, and another of the name of Moore.

Q. Did they apply on their own account, or on the account of any body else?—A. I understood them to apply on the behalf of somebody else.

Q. Who were these persons?—A. Persons by the name of Lazarus and Cohen.

Q. Did you know those persons?—A. I did not.

Q. Did you know where they resided or carried on business?—A. I understood from the persons who applied about the vessel, that they lived in the East India Chambers.

Q. Did you conclude any bargain with them?—A. I did not conclude it; I gave them a reference to the proprietors of the ship.

Q. To whom did you give the reference?—A. To the prisoner and Moore.

Q. Who were the proprietors?—A. Messrs. Berthon and Koster.

Q. Were there any terms proposed, or any thing suggested, by which this bargain was to be carried on with the proprietors?—A. The proprietors were to be paid by bills on Lazarus and Cohen.

Q. By whom was this proposition made?—A. By the prisoner and Moore. I can't say at this period of time whether it was the prisoner or the other that made the proposition.

Q. Was the prisoner present?—A. He was.

Q. Was the proposition agreed to by you?—A. I answered them that I could not accept any bills. My orders were to take nothing but money for the ship.

Q. Was there any more than one application by Moore and the prisoner; and were all the applications with respect to this business made when they were together or apart?—

A. I can't say positively that there was any more than one application, at which the prisoner was present—I mean to speak positively to.

Q. Moore applied frequently?—A. Yes. That Moore applied frequently I can speak positively to.

Q. Was the ship subsequently sold?—She was, Sir.

Q. Upon the sale taking place were you applied to by Lazarus and Cohen, and was Moore present?—A. Not for some time afterwards.

Q. How long afterwards was it that you were applied to by them?—A. I think about a month or six weeks. I was applied to by Moore and Cohen.

Q. For what purpose were you applied to by them?—A. To know whether I could get any freight for the ship for the Brazils.

Q. Is this a card of yours?—(A card put into witness's hand)—A. It is.

Q. Was the ship put up as a general ship for any place?—A. She was put up as a general ship for Pernambuco.

Q. She was put up at the Royal Exchange and at Lloyd's Coffee House?—A. Yes.

Q. She was also advertised for Pernambuco?—A. She was.

Q. And every publicity that could be given to it you gave?—A. I did.

Q. As a general ship?—A. Yes.

Q. Did you procure bills of lading for her?—A. The bills of lading were sent in, in the usual manner.

Q. They were sent in to you?—A. Yes.

Q. They appeared to be signed by Da Silva?—A. They were.

Q. He was the Captain?—A. He was.

Q. Do you recollect how many bills of lading there were?—A. Ninety-eight different sets.

Q. Amongst them did there appear any for dollars?—A. There were two different sets for dollars.

Q. Did these sets for dollars appear to be sent to you by the Captain, Da Silva?—A. They were sent at his instance.

Mr. GURNEY.—Q. Did you see them signed by the Captain?—A. No, I did not. I have a clerk of mine here who received them from the Captain.

Mr. GIBSON sworn, and examined by Mr. KNAPP.

Q. Is that Da Silva's hand-writing?—(A paper put into the witness's hand)—A. It is.

Mr. GURNEY.—Q. Did you see him sign it?—A. I did.

Mr. KNAPP.—Q. Is that Da Silva who was master of the vessel?—A. Yes.

Mr. GURNEY.—Q. How do you know that?—A. He was represented a such.

Q. Where did you see him sign it?—A. In our counting-house.

Q. A person taking the name of Da Silva came to your counting-house, representing himself as Captain of the vessel?—A. Yes.

Q. Did you ever see him on board the vessel?—A. No, I never was on board the vessel.

Q. Therefore you have no other knowledge whatever of the person, who signed that paper, being actually named Da Silva, or of his being master of the vessel, than what he told you himself?—A. He told me so.

Mr. KNAPP.—Q. Did you find him to be the person constantly treated as Captain Da Silva?—A. Yes.

Q. Did you ever hear from any body that he was not Captain Da Silva?—A. He was always called so.

Q. Do you remember Da Silva representing himself as the Captain, and giving orders as such?—A. Yes.

Mr. GURNEY, on behalf of the prisoner, submitted to the Court, that the prosecutor had laid no foundation for the reception of the bills of lading as evidence, because there was not sufficient identity proved of the person by whom they purported to be signed.

Sir S. LE BLANC was of opinion, that they had not yet gone far enough for that purpose. All they had proved was, that this ship had been put up at Lloyd's as a general ship, and certain bills of lading had been sent to the agent, signed by a person of the name of Da Silva. There was no proof as yet of the identity of that person.

Mr. WHITE examined again.

THE ATTORNEY-GENERAL.—Q. These bills of lading were filled up by you?—A. Yes.

Q. You have seen them often?—A. Yes. Every bill of lading belonging to that ship I have had in my hand.

Q. There were no other bills belonging to that vessel but those you had?—A. Not any more.

Mr. GURNEY still submitted that there was no evidence of the identity of the person by whom the bills of lading were signed, calling himself Captain.

Sir S. LE BLANC thought the evidence of that fact was as yet but circumstantial. It did appear that these bills of lading were filled up by the witness, and afterwards signed by a person named Da Silva, and appearing to act as Captain of the vessel. Whether in the event it would be brought home positively by any evidence, that he was really the Captain, he did not know.

Mr. GIBSON examined.

THE ATTORNEY-GENERAL.—Q. What sort of a man was Da Silva?—A. An elderly man.

Q. Tall or short?—A. A short man.

Q. Were you ever on board this ship?—A. I never was.

A. What language did he speak?—A. He spoke English, and Portuguese likewise.

Mr. GURNEY.—Q. Do you speak Portuguese?—A. Not much.

Q. Enough to know that it was Portuguese that he spoke?—A. Oh, yes.

Mr. WHITE's examination continued.

Q. Were there any other bills of lading on board the vessel, in which there were any other dollars expressed, as forming a part of the cargo, but those which belonged to the prosecutors, Messrs. Holford and Gonne, and Messrs. Pedra, Son, and Company?—A. I don't know of any other casks of dollars on board but those which belonged to Messrs. Holford and Gonne, and Messrs. Pedra, Son, and Company.

Q. Was there a box of dollars on board?—A. Yes; that belonged to Messrs. Pedra and Co.

Q. Were all these dollars entered at the Custom House?—A. They certainly were.

Q. Were they cleared?—A. Yes, they were cleared in the manifest.

Q. Do you know of your own knowledge that there was a paper delivered to the Captain?—A. I don't know.

Q. Did you deliver any?—A. The Captain has nothing to do with the manifest. The manifest goes to the Officers of his Majesty's Customs.

Cross-examined by Mr. GURNEY.

Q. What goods might have been shipped on board by Moore you don't know?—A. No; I only know what the bills of lading were signed for.

Q. You did not go on board to see what kind of things were put on board by Moore?—A. No, I did not. I have been on board the ship frequently.

Re-examined by Mr. KNAPP.

Q. Did you know Da Silva the Captain?—A. I did.

Q. What sort of a man was he?—A. He was a short thickset man.

Q. Was he a young man?—A. He was about from 35 to 40.

Q. Did you see him when he came to sign the bills of lading?—A. Frequently.

Q. Then you have no doubt of the person of Da Silva?—A. Not in the least.

Mr. GURNEY.—The Da Silva you saw was a man from 35 to 40 years of age?—A. According to the best of my judgment.

By the Court.—Q. You never saw him on board the ship? A. I have seen him on board the ship.

The ATTORNEY-GENERAL.—Q. The Da Silva you saw on board the ship was the same Da Silva that was at your counting house?—A. The very same man.

Mr. GURNEY.—Q. You have seen him often on board whether he is the same or not?—A. Yes.

The ATTORNEY-GENERAL.—Q. You know his hand-writing?—A. Yes.

Q. Is that his hand-writing on these bills?—(Some bills of lading were put into the hands of the witness)—A. I am satisfied that this is his hand-writing.

The same bills of lading which were in the Portuguese language were produced in Court, and put into the hands of

JOHN BAKER GRIBBLE, who was sworn and examined.

Q. Are you acquainted with the Portuguese language?—A. I am.

Q. Tell me the contents of those bills of lading I have just put into your hand?—A. Witness read as follows: “Shipped on board the Maria at present in the river at London, and by the favour of God to sail to Pernambuco.”

Q. By whom does it say shipped?—A. “Antonio Martin Pedra, Son, and Company. A box containing 2000 dollars for their account and risk.”

Q. What is the name of the master mentioned?—A. “A. D. Da Silva;” and signed “Antonio Domingez Da Silva.” Another of these bills is as follows: “Shipped for Pernambuco.”

Q. The same master?—A. Yes.

Q. By whom shipped?—A. By Holford, Gonne, and Co. for the account and risk of whomsoever they may belong. Seven barrels containing 32,000 oz. of silver in Spanish dollars.

Mr. ABBOTT. — We have now proved the two bills of lading for the dollars; the barrels and the box, along with the other bills of lading.

Mr. WHITE examined again by the ATTORNEY-GENERAL.

Q. The freight of the goods was paid in London?—A. Every particle of the freight for the goods was paid for in London.

Q. How much did the whole amount to?—A. The freight amounted to 888*l.* 6*s.* 10*d.*

Q. All paid in London?—A. Yes.

Q. Upon a rough calculation, what do you suppose to have been the value of the cargo bound for Pernambuco?—A. I should suppose 80 or 90,000*l.* as far as I can gather.

Q. Would the value be put low at 70,000*l.*?—A. I can only conjecture.

Q. I know it is only your conjecture. But I ask, if I should give it for 70,000*l.* whether I should give it at a low price?—A. I think so.

Mr. PETER BERTHON sworn and examined.

Q. Were you the owner of a ship that was called the Maria?—A. No, Sir. I and my partner were agents for the owner.

Q. Were you at any time applied to, to sell that ship?—A. Repeatedly.

Q. Did you upon any occasion see Jemott, the prisoner, with reference to the purchase of that ship?—A. I think I did. I am certain I did. I will not positively swear that is the same man, never having seen him but once, but I am confident I have seen him.

Q. For what sum was the ship sold?—A. For 700*l.*

Q. Was the money paid all at once?—A. No, Sir, at two different payments.

Q. Whose was the hand that made the payment?—A. The

first time there were two persons. This was one (pointing to the prisoner.) Who the other was I don't know; and I never knew their names at the time they came.

The Court.—Q. The first payment was made by the prisoner and another person?—A. Yes, my Lord.

Q. How much was paid the first time?—A. On the 24th of January, 1810, there was 300*l.* paid by the two persons who came together, in bank notes.

Q. The second time who came?—A. Really I can't say. To the best of my recollection it was the same men, but whether there were more than them I don't know. It was on the 29th of January.

Q. Did you when the second sum was paid write an order for the delivery of the ship?—A. I did, as they had completed the purchase.

Q. Is that the order?—A. (A paper shown the witness) That is my hand-writing on the order.

Q. Did you deliver that to the prisoner?—A. I delivered it to the person who desired the order to be written in the name of the persons for whom the ship had been paid. I did not know their names at the time. I did not know whether they purchased the vessel for themselves or others.

Q. What were the names they mentioned?—A. Originally Lazarus and Cohen.

Q. Was the person who paid you the money, mentioned here in the order, the same who applied to you first about the purchase of the ship?—A. The very same.

Q. Was that person, in your belief, the prisoner?—A. I believe so.

The order was then put in, and read as follows:—

“ Captain John Cobb, please deliver to Mr. William Jemott the ship Maria, with all her stores as she now lies.

“ Your obedient, humble Servants,

“ BERTHON and KOSTER.

“ London, 29th Jan. 1810.”

Q. That is all you wrote upon the order?—A. That is all.

Q. There is something more however on the order.

The Clerk of the Court then read from the order as follows:—

“ Received the above ship Maria with all her stores.

“ J. T. MOORE.

“ January 30th, 1810.”

Q. Cobb was the Captain or person on board, and had the command of the ship?—A. No; he is employed in the management of all our shipping concerns. He had the charge of the ship, though he was not on board.

Q. Did you afterwards execute any bill of sale of the ship?—A. I did some time afterwards, but how long I don't exactly know.

Q. Was an Attorney employed?—A. There was some person, but I don't know exactly who; having got the money for the ship I did not ask the name of the person who brought the bill of sale.

Q. Did you not know who it was?—A. Not at all.

Q. Did you ever see the person before?—A. Never before.

Q. Not the person who brought the bill of sale for execution?—No, never.

Q. Do you know Messrs. Annesley and Bennett?—A. By name.

Q. Not by person?—A. Not by person.

Q. Should you know them if you saw them? Is that one of them up in the gallery, with his hands to his face?—A. I don't know him.

Mr. BENNETT was then called into the witness box, and examined by the ATTORNEY-GENERAL.

Q. Have you got the bill of sale there?—A. I have got the draft and the bill of sale also.

Q. Mr. Bennett, have you got the bill of sale itself?—A. I have the draft of it, and the original also.

Q. The bill of sale from Messrs. Berthon and Koster is the the one I want?—Here it is. (Produced.)

Q. You are the subscribing witness to it I see?—A. Yes.

The ATTORNEY-GENERAL.—This is a bill of sale from Peter Berthon and Benjamin Koster. They were agents to Thomas Moore, of Whitecross-street, in the city of London. The habendum is to have and to hold the said ship or vessel, and all and singular the property in the said ship or vessel, unto the said William Jemott, his executors, administrators, and assigns. *Jemott not being named before.* The undertaking is between Peter Berthon, B. Koster, and Thomas Moore; and the habendum to Jemott. The consideration is 700*l.* It is not signed by Moore, but by Berthon only, and his partner Koster.

By the Court.—Q. Mr. Bennett, that is the original bill of sale?—A. Yes, my Lord.

Mr. BERTHON cross-examined by Mr. ALLEY.

Q. You say you never saw the prisoner more than once?—A. No; I can say positively only once; but I think I must have seen him twice, having given the order in his name.

Q. I want to know whether you will undertake to say that you ever saw Jemott more than once?—A. I think I may say positively I saw him once. I think so; but I won't swear to more than once.

Q. And the time that you saw him, was when the application was made about the ship?—A. The first time was when the first payment was made.

*WILLIAM HEPWORTH sworn, and examined by
Mr. BOLLAND.*

Q. You are clerk to Messrs. Holford and Gonne?—A. I am.

Q. Of what persons does the firm consist?—A. John Joseph Holford and William Gonne.

Q. Are these the only partners?—A. The only.

Q. Were you at any time in the month of March, 1810, directed by your employers to purchase dollars?—A. I can't say.

Q. Have you any papers respecting the purchase of dollars?
—A. Not respecting the purchase; I have paid the money for them.

Q. When did you pay the money?—A. On the 29th of March.

Q. Did you see them weighed?—A. I did.

Q. What did they weigh?—A. 32,000 ounces.

Q. Did you see them packed?—A. I did.

Q. What were they packed in—were they put in boxes?—
A. No; they were put in casks. They were first put into bags, and then into casks; there were a thousand ounces in each bag; 32 bags, containing thirty-two thousand ounces.

Q. They were put into seven casks?—A. They were.

Q. They were packed with great care?—A. They were.

Q. Were they marked?—A. They were marked.

Q. What was the mark?—A. H. G.

Q. Were they numbered?—A. Yes; they were numbered—one to seven.

Q. Did you take the dollars from the Bank?—A. I did.

Q. Where did you take them to?—A. They were taken down to the Custom House Quay.

Q. Did you give any instructions there about them?—A. Yes; I told the person I saw to pass the entry.

Q. Where were they to be entered for?—A. On board the ship Maria, for Pernambuco, Captain Da Silva.

Q. Were they afterwards conveyed down to the ship?—
A. They were.

Q. How were they sent—Did you send them, or did you see them go?—A. I saw them put into the lighter at the wharf, but I can't say positively that I saw them put on board.

Q. You never heard of their arriving at Pernambuco?—
A. Never.

Q. Who were they addressed, or consigned to?—A. Mr. John Baker Gribble.

Q. Were they the property of Messrs. Holford and Gonne?
—A. They were.

Cross-examined by Mr. GURNEY.

Q. How do you know they were addressed to Mr. Gribble?

—A. I have seen the bill of lading.

Q. By the bill of lading they were made deliverable to Gribble?—A. They were.

Mr. JOHN BAKER GRIBBLE examined.

Q. Were you at Pernambuco in 1810?—A. I was.

Q. How long did you remain there?—A. I arrived there on the 4th of October, and left it on the 29th.

Q. During the time you were there did you receive any dollars consigned to you by Holford and Gonne?—A. No; I did not.

Q. Did you hear any thing of the ship Maria, Captain Da Silva?—A. Nothing more than that she had not arrived.

Q. And you never have heard of the arrival or delivery of these dollars?—A. No.

Q. Have you had constant communication with Pernambuco?—A. I left Pernambuco for Maranhã; after I left Maranhã I have had constant communication with Pernambuco, and I have never heard of them.

WILLIAM PEARCE sworn and examined.

Q. I believe you are the confidential clerk of Messrs. Pedra and Co?—A. I am.

Q. What is the name of the firm?—A. Antonio Martius Pedra, Son, and Company.

Q. Who are the partners?—A. Antonio Martins Pedra and Francisco Alvez de Carvalho Vianna.

Q. Are there any other partners?—A. Not that I know of.

Q. Did you, by the direction of Messrs. Pedra and Co. in March, 1810, purchase any dollars of the Bank of England?—A. I did; 2000.

Q. On their account?—A. Yes.

Q. What was done with those dollars?—A. They were sent off from the Bank to go on board the Maria.

Q. Who was the Captain?—A. Da Silva, bound for Pernambuco.

Q. Did you ever hear of the arrival of that vessel at its destination?—A. Not to my knowledge.

Q. Had you ever advice that the dollars were received at Pernambuco?—A. Not the least.

*NATHANIEL PETER SAMPSON sworn, and examined by
Mr. KNAPP.*

Q. You were shipping-clerk to Messrs. Pedra and Co.?—
A. I was.

Q. Did you attend at the Bank of England, and see the dollars that were purchased by the last witness?—A. I did.

Q. Did you see them packed?—A. I did.

Q. What were they packed in?—A. In a small deal case.

Q. Do you recollect the mark on them?—A. I do.

Q. Were they put in a bag before they were put in the case?—A. They were put in a bag first, and afterwards in a case.

Q. How were they marked?—A. A. M. F. with P. over it.

Q. After they were packed and marked as you have described, did you go with them to the Custom House?—A. I did.

Q. Did you pass the entry there?—A. I did.

Q. How many bags were there in the box?—A. Two bags, each containing 1000 dollars.

Q. Did you go with the box to the ship Maria?—A. I did.

Q. Did you deliver the box on board?—A. I did.

JOHN FOREMAN sworn, and examined by Mr. ABBOTT.

Q. Are you a tide-waiter belonging to the Customs?—A. I am, Sir.

Q. Were you stationed on board the ship Maria in the month of March, 1810?—A. I was.

Q. Who was your brother officer there?—A. John Jennings.

Q. Did you take an account of all the articles that came on board the ship?—A. I did.

Q. And you entered them in a book?—A. I did.

Q. Was her manifest made out afterwards?—A. I have nothing to do with that.

Q. Have you your book with you?—A. I have.

Q. Have you looked at it lately?—A. I have not.

Q. Hand the book into Court?—A. Here it is.

Q. Did you enter in your book every thing that was taken on board?—A. I did; every thing.

Q. Do you remember any casks of dollars?—A. I do.

Q. How many?—A. Seven.

Q. Do you remember a case or box of dollars?—A. Yes.

Q. How many?—A. One.

Q. Do you recollect any other dollars coming on board?—
A. No; not to my knowledge.

Q. If any others had come on board, would they have been entered in your book?—A. Most certainly.

Q. Were the cockets made out?—A. Yes.

Q. You saw them?—A. I never saw them.

Mr. Ford sworn and examined.

Q. You were an officer of the Customs, and a clerk in the Cocket-office?—A. Not in the Cocket-office; in the Searchers-office.

Q. Have you got any cockets for the ship *Maria*?—A. I have not the cockets; I have the care of the shipping bills at the time the ship is loaded.

Q. Are those the shipping bills in your hand belonging to the *Maria*?—A. They are.

Q. Do they contain an entry of all the goods put on board that ship?—A. Most undoubtedly.

Q. Do you find in those shipping bills, an account of dollars shipt on board the *Maria* for Pernambuco?—A. I do.

Q. How many parcels?—A. Two.

Q. What does the first contain an account of?—A. The

first is in the names of Pedra, Son, and Co. ; one case containing two thousand ounces of silver.

Q. Is there any thing else in the name of Pedra, Son, and Co. ?—A. Nothing more.

Q. In what name is the other entry ?—A. In the names of Holford and Gonne, for 32,000 ounces of silver, in foreign coin.

Q. How did they appear to have been packed ?—A. They appeared to have been packed in seven casks, marked H. G.

Q. Did those seven casks contain the 32,000 ounces of silver ?—A. They did.

Q. Are there any more entries for dollars in those bills than those you have mentioned shipt on board the Maria ?—A. Not any.

Q. You have looked them through ?—A. I have.

Q. They were all for Pernambuco ?—A. Yes.

Mr. HENRY READ sworn and examined.

Q. You are an officer of the Customs ?—A. I am.

Q. Do you produce the ships contents or manifest ?—A. I have it here.

Q. Look at it, and tell me, is it the manifest of the Maria ?—A. It is ; Captain Da Silva, bound for Pernambuco.

Q. Does that manifest contain all the cargo shipt on board the Maria that could legally be shipt ?—A. It contains only the marks and numbers of the goods, but not the contents of the ship.

Q. Do you find there two entries for dollars ?—A. I do.

Q. Do you find one marked A. M. F. and P. at top, in the name of Pedra, Son, and Co. ?—A. I do.

Q. Do you find seven casks entered and marked H. G. in the names of Holford, Gonne, and Co ?—A. I do.

Q. How many are there ?—A. Seven.

Q. Was that manifest sworn before Mr. Walsh, the Comptroller ?—A. It was.

Q. Sworn by the Captain before him ?—A. Yes.

Mr. WILSH sworn and examined.

Q. You are Comptroller of the Customs, I believe?—
A. I am.

Q. Will you look at that manifest, and tell me if it was sworn before you by the Captain of the *Maria*?—A. No, it was not. It was sworn before the collector, whose handwriting I know, and the other signature is my son's. I can swear to both. It was sworn by mistake before the collector instead of the comptroller.

Mr. WHITE again called and examined.

Q. Is that Da Silva's hand-writing? (the manifest here put into the witnesses hand.)—A. It is.

PETER JOHANSON sworn, and examined by the ATTORNEY-GENERAL.

Q. What countryman are you?—A. I am a Swede.

Q. You are a mariner?—A. Yes.

Q. Were you a mariner on board the *Maria*?—A. Yes.

Q. Did you sail at any time on board the *Maria*?—A. Yes; on the 2d of Oct. I think I was discharged from her.

Q. What time did you ship yourself on board?—A. On the 2d of April.

Q. You went from this country?—A. Yes.

Q. Where were you bound for?—A. They were telling me that they were bound for Pernambuco, but I never saw the articles.

Q. Was Da Silva on board?—A. Yes; I understood he was to cover the Portuguese flag.

Q. Was there a man of the name of Baldwin on board?—
A. Yes; he called himself so.

Q. What was he?—A. He was the American Captain of her. He was first as chief-mate; but he commanded the ship in general. He was the only seaman-captain amongst them.

Q. Was there a man of the name of *Moore* on board?—
A. Yes; he was supercargo and owner.

Q. Did the prisoner at the bar sail with you from London?

—A. No; he came on board in the Downs.

Q. After he was on board, you first sailed for Madeira?—

A. Yes.

Q. You knew nothing of the prisoner before?—A. No; I never knew or saw him before. I joined the ship at Gravesend.

Q. What colour was the ship?—A. She went out in Portuguese colours.

Q. What colour was she of her outside?—A. Black.

Q. You got to Madeira you say?—A. Yes.

Q. Did the prisoner appear to know Baldwin and Moore?
—A. I don't know for Baldwin; but he and Moore were great companions together. The prisoner appeared to be a friend to Mr. Moore.

Q. Have you ever seen them with any papers together?—

A. Yes, I have: but of what description I cannot say.

Q. At Madeira you left some of your crew?—A. Yes; we left four men.

Q. And then you got to Teneriffe?—A. Yes.

Q. Have you ever been at Pernambuco?—A. No; never.

Q. What did they call the ship in London, when you first went on board?—A. They called her the *Maria*; but I did not know the name of the ship. But they told me.

Q. Who told you?—A. Moore told me they had three colours on board; English, American, and Portuguese.

Q. You took in some more men at Teneriffe?—A. Yes.

Q. After you left Teneriffe, was there any alteration made in the outside of the ship?—A. Yes; she was painted yellow sided.

Q. Where did you go to from Teneriffe?—A. We went to St. John's, Porto Rico.

Q. Do you know enough of navigation to be convinced that that was not the course for Pernambuco?—A. Certainly, that was not the course for the Brazils.

Q. Before you got to Porto Rico, did you observe any

thing written on the fore-castle of the vessel?—A. Yes; they wrote in chalk on the fore-castle,---*The Columbia of New York, Captain William Meilan.*

Q. Was that ever painted on the stern?—A. Yes; it was painted on the stern, at Porto Rico.

Q. When you got to Porto Rico, was the ship hauled up in a situation to unload?—A. Yes; they had got the loading boom ready for delivering the cargo. She was hauled up close to the shore.

Q. The loading boom was a sort of crane for unloading the cargo?—A. Yes.

Q. I believe you did not unload the cargo there?—A. No; we hauled up for it, but did not unload, and hauled into the river again and went away.

Q. Did you hear the prisoner, Jemott, say any thing about Moore's having gone into Porto Rico to unload?—A. I heard him say that he blamed Mr. Moore for going into Porto Rico with such a cargo, under American colours; for he should have known better.

Q. What, should he have known better, did he say?—A. I did not hear any further.

Q. How! did he not say why?—A. No.

Q. Do you know whether the prisoner wished to unload there or not?—A. I did not hear him say any thing of that sort; but I heard him blame Mr. Moore for going in with such a cargo in an American ship.

Q. Did he say why he blamed him?—A. No; he said those words that I have told you; and that was all I heard him say.

Q. Where did you go to from Porto Rico?—A. To Porto Plata, in St. Domingo.

Q. Domingo was under the dominion of Christophe?—A. No; that part of it belonged to the Spanish.

Q. You told me there was written on the fore-castle, and afterwards painted upon the stern of the ship, "the Columbia of New York, Captain Meilan." What became of Da Silva?—A. He died.

Q. But Baldwin you said had the chief command of the ship?—A. Yes.

Q. Was there any body took the name of Captain William Meilan on board?—A. Yes; Baldwin took the name of Captain William Meilan.

Q. Now you have got to Porto Plata in St. Domingo?—A. Yes.

Q. Did Moore, and Da Silva, and Baldwin, go on shore at Porto Plata?—A. Yes; I understand that they went to a Black place there, called Port au Prince.

Q. They did go on shore; did they stay any time on shore?—A. They staid eight days.

Q. Did the prisoner go with them?—A. No; Mr. Jemott was in the cabin, and had the keys of the hatches. He had the command of the ship, and the controul of every thing.

Q. You had taken a mate on board at Teneriffe?—A. Yes; and Mr. Jemott delivered out to him the necessaries for supplying us.

Q. Who had the keys of the hatchway?—A. They were in the cabin, under Mr. Jemott's directions.

Q. Do you remember at any time their hiring a schooner there?—A. Yes.

Q. While the ship was at Porto Plata?—A. Yes.

Q. They came back after being absent eight days?—A. Yes.

Q. Who came back?—A. They came all three back; Da Silva, Moore, and Baldwin.

Q. Do you remember a schooner being hired?—A. Yes; Moore hired it, to the best of my knowledge.

Q. When the schooner was hired, was any thing taken out of the ship and put into the schooner?—Yes; he was to take part of the cargo of the ship, and put it into the schooner.

Q. Did Jemott take any part in loading the schooner?—A. Yes; he had some papers in his hand, and assisted in taking the cargo from the ship to put it into the schooner along-side.

Q. He appeared to be taking an account of the goods as they passed from the ship to the schooner?—A. Yes; he was

taking the marks of the things, as they passed from one vessel to the other.

Q. Do you know whether any chests of dollars were taken out of the ship and put into the schooner?—A. I was informed so.

Q. Did you see any thing that you took for dollars?—A. No; I can't exactly say I did. They were covered up in the boat. But I was told so.

Q. You must not tell us what you were told; did the schooner sail from you at any time?—A. Yes, on the 4th of July, with Moore on board.

Q. There were some sailors?—A. Yes; the crew of the schooner.

Q. Did Moore sail with this cargo that had been unshipped from the vessel?—A. Yes.

Q. How long was she absent?—A. About five weeks, or thereabouts.

Q. Did you lie at Porto Plata all the while?—A. Yes.

Q. While the schooner was absent, do you remember any bags of dollars being taken from the ship and sent on shore?—A. Yes; there were two bags sent on shore.

Q. Was Baldwin sick at the time?—A. Yes.

Q. Moore was gone off with the schooner?—A. Yes; Baldwin was ill, but was on board at the same time.

Q. Who had the management and direction at this time on board?—A. Mr. Jemott had the charge of the cabin.

Q. Where were these two bags of dollars taken from?—A. They were taken from the cabin.

Q. Were they taken from a locker there?—A. I cannot say.

Q. Where did you see them?—A. I and another man were sent up to Mr. Frandeivar's with them.

Q. Was it at Porto Plata?—A. Yes.

Q. Who sent you?—A. Mr. Jemott and Mr. Baldwin; it was their orders, I believe. It was Mr. Jemott told me, as Baldwin was ill.

Q. I believe some time after you had carried one of these

bags of dollars on shore, and the other man carried the other, the schooner returned?—A. Yes.

Q. Did Mr. Moore come back in the schooner?—A. No.

Q. How long after the schooner came back did your vessel stay at Porto Plata?—A. For very near eight days—about six or eight days, and then we sailed again.

Q. Baldwin was ill at this time?—A. Yes; but we brought him on board.

Q. He died afterwards?—A. I was informed so.

Q. Where did you sail for then?—A. We sailed for Cuba.

Q. Did you arrive at Cuba?—A. We did.

Q. Did the schooner sail at the same time?—A. Yes; the schooner sailed with some boxes of cheese.

Q. After the schooner came back, did you transfer any thing from the ship to the schooner?—A. We did; nine or ten, or twelve boxes of cheese.

Q. By whose directions?—A. Baldwin was on shore at that time; but Mr. Jemott gave us the key of the hatches, and we got them out by his directions.

Q. Then you and the schooner sailed together?—A. The schooner got there before us; when we arrived, we found the schooner there; she was up to the harbour.

Q. You mean St. Jago?—A. Yes.

Q. I apprehend there is a little neck of land that opens to the sea there?—A. Yes.

Q. Then you got into the harbour which widens there?—A. Yes.

Q. And the Moro Castle is directly to your right, as you get in?—A. Yes.

Q. And when you get up six miles, you arrive at the capital?—A. Yes.

Q. Where vessels lie?—A. Yes.

Q. This place is called St. Jago—Is it not?

(Here the witness described the situation on the map, and the map was shewn to the Jury.)

Q. Moore and the schooner were at St. Jago when you arrived there?—A. Yes.

Q. You anchored, I believe, just within the neck of land off the Moro Castle?—A. Yes.

Q. In the harbour?—A. Yes; in the basin, as we call it.

Q. While you were anchored there, did Moore come on board?—A. Yes; he came on board once, and went on shore again, and came a second time.

Q. Do you remember at any time being called into the cabin, to open any boxes or chests?—A. Yes.

Q. Was Moore there?—A. Yes.

Q. Was the prisoner there?—A. Yes.

Q. Was there any one else there?—A. Yes; there were some English officers there; there were Meilan, or Baldwin as they called him, and some English officers. I don't remember whether Captain Neilson was there.

Q. Baldwin was there?—A. Yes; he was lying very ill upon the bed.

Q. I believe in consequence of Baldwin's illness you had got Neilson as your Captain?—A. Yes.

Q. There were some English officers in a boat off your ship?—A. Yes.

Q. But not in the ship?—A. The English officers were on board, belonging to the English boat that was along side.

Q. Was there more than one English officer?—A. I think there were two.

Q. What were you directed to do?—A. There were some hammers, some axes, and other tools in the cabin when I came down; and they told me to assist in breaking open the casks, and hand the bags upon deck.

Q. First you were to break open the casks?—A. Yes.

Q. Did you begin breaking open the casks?—A. I did.

Q. Was any thing said to hurry you?—A. Yes; they told me not to be afraid of it; to bear a hand.

Q. Was Jemott there?—A. Yes; he assisted.

Q. Assisted in breaking open the chests or casks?—A. Yes; he handled the bags and put them on deck.

Q. What did he do to assist?—A. He took and knocked away; and took the bags and pulled them out of the chest.

Q. Were they packed tight?—A. They were packed very tight.

Q. How many were there in the chest?—A. I saw one box that Mr. Jemott brought in, with two bags in it.

Q. But you can't say how many bags there were in each cask?—A. No; I cannot.

Q. Who broke open the box that Mr. Jemott took out of the locker?—A. Mr. Jemott himself.

Q. Now, these casks that were taken out in the cabin, and that you were sent for to break; you said that Jemott broke some of them?—A. There were some broke before I came into the cabin.

Q. After you were in the cabin, did Jemott help in breaking them?—A. Yes, he did, and helped to give directions where they were going to, and helped them on deck.

Q. Then after the casks were broken open, the bags were handed up from below; and handed up and put into the cabouze or fire-place, and from thence put into the English boat?—A. Yes.

Q. To carry them up to St. Jago?—A. Yes.

Q. Who went on shore with them in the boat?—A. Moore and Baldwin.

Q. When they went off in the boat, did they say any thing to the prisoner?—A. Not that I heard; but Moore said to the crew, "we shall soon return to you; perhaps we shall get to the Havannah before you."

Q. After these dollars had been sent on shore in the boat, how soon after did you leave the harbour?—A. We left it the very instant after. We were under weigh before the boat left us.

Q. I believe St. Jago is on the south side of the island, and Havannah is on the north?—A. Yes.

Q. Did you sail for Havannah?—A. Yes.

Q. Did you reach Havannah?—A. Yes.

Q. Who had the management of the ship?—A. Neilson was the Captain, but Jemott was the supercargo.

Q. Had he the keys?—A. Yes.

Q. When you got to Havannah, what became of the rest of the cargo?---A. I left the ship as I was very ill; but I saw that the cargo was delivered at Havannah. I saw it landed.

Q. Jemott had the controul of the ship then?---A. Yes.

Q. You never saw Moore again?---A. No.

Q. Nor Baldwin?---A. He died, I was informed.

Q. What became of the ship?—A. As soon as the cargo was delivered, the ship was hauled up to the wharf, stripped, and afterwards I heard she was sold.

Q. Did Jemott discharge you?—A. Yes.

Q. Did he pay you any part of your wages?—A. Yes.

Q. Did he tell you whether the voyage was ended?—A. Yes; he said the voyage was up, as the ship was sold.

Q. You were ill you say; did Jemott leave Havannah before you left it?—A. Oh! yes.

Q. Where did he go?—A. I don't know, but he left it before I left it.

Q. Did he give you any note?—A. Yes; I prayed for a note for my discharge, and at last he gave me one.

Mr. THOMAS BENNETT examined.

Q. Has your partner got the note the witness speaks of?—
A. He has declared to me positively that he has not.

Q. Has he not told you that he had?—A. It had struck my mind that there was a paper of some sort of that description.

Q. Is your partner here?—A. No.

Q. Then send for him.

The examination of the preceding witness, JOHANSON, resumed.

Q. You afterwards got employed on board another ship?—
A. Yes.

Q. I believe you saw some of those dollars of which we have been speaking?—A. Yes; I saw some dollars taken out of a bag.

Q. Who did you see take them out of the bag?—A. I saw Mr. Jemott take some dollars out of a bag.

Q. Where did you see him do so?—A. At Porto Plata, as well as I can recollect.

Q. From what place did he take them out?—A. He took them out in the cabin.

Cross-examined by Mr. GURNEY.

Q. Dollars, I suppose would be the kind of coin in which the crew would be paid in that country?—A. Yes.

Q. Dollars were the kind of money used in that country, and therefore if any thing was wanted a person would use dollars in paying away for that purpose; and all you know is, that the prisoner took out of a bag some coin of that kind?—A. Yes.

Q. You say four of your men were left at Madeira—A. Yes:

Q. Your ship, I believe, was blown off the Island in a squall; four of your men were gone on shore when the ship was blown off?—A. Yes; but she was not blown far off.

Q. But she was so blown off that it would have taken some time to get back again when the weather became moderate?—A. But the squall continued some time.

Q. All the next day?—A. Yes.

Q. And that drove you far off the island?—A. No; we were mostly in sight of the island, but we were a little to leeward of it.

Q. But at last you went on without returning to the island?—A. Yes.

Q. At Teneriffe you got some more men instead of those you left at Madeira?—A. Yes.

Q. You say you were told by Moore, that he had English, American, and Portuguese colours on board?—A. Yes.

Q. That is a very common thing in time of war to have?—A. Yes; they told me that they had a letter of marque commission.

Q. But it is a common thing to have different colours on board?—A. Yes; I knew that on board British men of war they have.

Q. But independent of British men of war, is it not a common thing for merchant vessels to have false papers and false colours on board?—A. I was in one ship where that was the case.

Q. They had an American Captain for America, a Portuguese Captain for Portugal, and an English Captain for England?—A. Yes.

Q. When you went to Porto Rico, you went as an American ship?—A. Yes.

Q. If you had gone as a Portuguese ship, they would not let you into the port?—A. That I don't know; it is very likely.

Q. You say that while Moore was on shore at St. Jago, dollars were taken from the cabin?—A. Yes.

Q. What dollars they were you don't know?—A. No; I don't know.

Q. Look at this plan of the harbour of St. Jago, in Cuba?

(A plan put into the witness's hand.)

Q. That is the Moro Castle?—A. Yes.

Q. You see there is a mark there of a ship; is that the place where the ship lay?—A. Yes; just at the entrance.

Q. That is about half a mile, or a mile up?—A. It is about half a mile up.

Q. How broad is the water there?—A. I don't think it is an English mile, but it is wider inside.

Q. Was the ship inside the mouth half a mile?—A. It was about half a mile inside the Moro Castle.

Q. Was it half a mile from the outside head-land, as near as you can guess?—A. It was.

Q. What is the width of the entrance of the harbour?—A. It is not very wide.

Q. It is about as wide as the River Thames at the entrance, but it gets wider?—A. When you get inside it gets wider.

Q. Then just at the entrance, it is not so wide as the river at London?—A. It is about as wide.

Q. You were between the Moro and St. Catharine's battery?—A. Yes; just close to the battery.

Q. You were quite close to it?—A. Yes, with our stern.

Q. You say you lay above the Moro Castle half a mile, and close to St. Catharine's battery?—A. I don't know the name of the battery.

Q. Do you mean the battery opposite to the Moro Castle; that is on the same side of the water, but above the Moro Castle; and with the stern of your vessel close almost to that battery; and that within the entrance of the harbour, you were about half a mile?—A. Yes.

Q. During the whole of the voyage, did not Mr. Moore act as the supercargo in charge of the vessel?—A. Yes, all the while he was on board.

Q. But when he was away Jemott did what you have described?—A. Yes.

Q. He had the keys, and so on?—A. Yes.

Q. Whenever Moore was on board, he was the director and governor of every thing?—A. Yes.

Q. And whenever he was away, Jemott or Baldwin directed?—A. Yes.

Q. Was Baldwin one of the persons who directed when Moore was away?—A. Yes.

SAMUEL MOSS sworn and examined.

Q. Did you happen to be at Havannah when this vessel called the Columbia, of New York, arrived there?—A. Yes.

Q. Did you see Jemott there?—A. Yes.

Q. Did he superintend the unloading of the vessel?—A. He did.

Q. Did you see what she was called?—A. No, I don't recollect; I saw the words New York written upon her.

Q. Did you see Jemott afterwards?—A. I think I saw him about two months afterwards at Philadelphia; one of the gentlemen that came passenger with me dined with him in Philadelphia, and I think I saw him there.

Cross-examined by Mr. ALLEY.

Q. You can't be certain about that fact?—A. I cannot ; I think I spoke to him at the New York Hotel, where he put up, in Philadelphia.

JOHN PEARKS examined.

Q. You are an officer of Bow-street, and you apprehended the prisoner?—A. I did.

Q. When was it you apprehended him?—A. I cannot say ; I had a warrant for the purpose.

Q. But you did apprehend him?—A. I did.

Q. Where?—A. In Arundel-street, in the Strand.

Q. You have got some papers in your hand?—A. I have.

Q. Where did you get them?—A. I took some keys from the prisoner's person, from his pocket, which led me to a desk in his lodgings ; and Mr. Nias and I in company took these papers from that desk.

Q. Are you sure these are the papers you found there?—
A. I am sure they are the same.

Here several Letters, addressed by the prisoner to his wife, found in the prisoner's desk, were put in, and the following extracts read, viz.

Deal, 11 o'clock, Friday, 6th April, 10.

The ship has not yet arrived, but expected to-day or to-morrow. I am at the Globe Inn, where Mr. Moore is to meet me on his arrival, which I hope will be soon. Travelling by the mail is so very expensive, that I found myself, after paying all expenses, and only a glass of warm brandy and water last night at Rochester, in which I drank my dear Mary's health, possessed of eighteen shillings only. How very opportunely the additional crown, without which I should have been badly off indeed ; but as it is, I can manage with economy very well with what I have until the ship arrives ; and I am only grieved at having been necessitated to break in upon the note, which I hoped to have returned you. I will certainly pay my respects to your brother before I leave Deal, and hope to find him well. Should I receive any money from M—, I will instantly send it you ; and believe me, my dear Mary, when I say I wish I had worlds for your sake.

Globe Inn, Deal, 7th April, 2 P.M.

The ship has not made her appearance, which gives me a great deal of uneasiness—several have come in, but no Maria. The wind has certainly been contrary since Friday until this morning, when, among other ships that were coming in, I expected mine, but have been grievously disappointed. I however hope to-day or to-morrow will give her to my sight. I live here, my dear Mary, as economically as possible, having a little tea and toast for breakfast, and a very simple dinner, with a glass of beer. Nothing more in the four and twenty hours.

Sunday, 6 P.M. April 8, 10.

9 o'clock.—The pilots here say the ship could not have arrived with the wind that has prevailed since Thursday. I wish from my soul this detention could have been foreseen, it would have saved me much anxious thought, and the purse too would not have been so light. I shall not conclude this letter until three to-morrow, when I hope to acquaint you with her arrival. This inn is one of the cheapest in Deal; yet my expenses will be at least seven shillings a day. From Mr. M., however, I shall expect to receive a pecuniary supply, which will be very acceptable to us both. Several ships are off—one I believe to be the Maria.—The ship has arrived, my dear Mary.

Santa Cruz, Teneriffe, 9th May, 1810.

From this island we sail to-morrow for the West Indies, and hope to arrive in a fortnight, when I hope to have it in my power to send you a remittance. I hope you have received the money from Toulmin, and are not under any little pecuniary embarrassments—a month longer and I shall be able to send my dear Mary some assistance.

Commins Hotel, 13th June, 1811.

I am at this moment as vexed as ever you saw me. The packet has sailed and left me behind. The box of dollars I brought with me is on board the packet; indeed I thought it safer there than at an hotel; so sent it on board the first day of my being here. That is an inconvenience only, as I am uncertain whether the captain will leave it with the agents for the packets on his arrival at Barbadoes, or whether he will bring it back here. To obviate, however, the risk of my not finding it at Barbadoes, I have by this post drawn upon my agents for 500*l.*, with which Mr. Banfield, of this place, will purchase me dollars, and told them in my letter, that I have requested you, (which I hereby do immediately on your receipt of

this,) to pay Toulmin 500*l.*, with which sum I have directed him to honour my draft; lose no time, my dearest Mary, in sending the money to Toulmin, because he will have received the draft before you have received this, and may possibly not take it up, and these you know are delicate affairs. Be very careful of the sealed paper after you have opened it, and mark against the note you give to Toulmin, as you will find the numbers of all of them upon a leaf of paper inside, and the persons from whom I received them. You may either give him five of 100*l.* each, or one of 500*l.*, just as you please, recollecting to mark against the numbers upon the paper the notes you so give.

Barbadoes, August 25, 1811.

I have only drawn upon George Blackman for 1000*l.*, therefore you have a credit upon him for 1000*l.*, the amount of the bill I left with him. In my letter by the Barton, which sailed from here the 5th instant, I informed you of my arrangements with Mr. —. The 4000*l.* in my care, which I left with you, that sum is now my property, having given him value for it in this island; the 1200 dollars I shipped on board the Princess Mary packet, will return to England, and have left directions with Banfield and Lake to remit the amount to you.

Thursday, Nov. 7, 1811.

By Sunday night's mail I sent you a parcel, inclosing a letter, and although I have nothing particular to communicate, I cannot resist my desire to write to you. Agreeably to my promise, I would have written to you every day, but I do not deem it prudent, under present circumstances. By my not having heard from you, I conclude nothing has transpired, and I still indulge a hope of being with you in your confinement; indeed it would be a cruel thing to be obliged to be absent from you at such a time, as my presence would greatly console you in the awful trial.

I have not since I have been here, my dear Mary, experienced a moment's enjoyment, independent of the circumstance that obliges me to absent myself, being apart from you, (particularly at such a time,) and my little boy is a source of unhappiness to me. I do not see why I should have precluded your writing to me, but in the case of any thing happening, as in either case your letters would have come safe, and I should have received the happiness of hearing from you. This you will receive on Saturday, when you will write to me by that night's mail, superscribing your letter according to the direction I left with you, with the difference of, "to be left at the Post-

office till called for." Do not fatigue yourself by a long letter; but let me know if you have received this, and my former one, and if Blackman and Toulmin have accepted the drafts I left with you; also any thing material that may have occurred. Your letter I shall receive on Monday, and on Wednesday, if you will write me a few lines, and nothing occurs to prevent it, I will be in London on Saturday evening, but this you must keep to yourself, as it may not be prudent for me to be with you the same night. I will, however, let you know when I do arrive, and if I find it prudent to be with you, I shall be so, for I think it an age since I have been from you and my dear little boy.

The letter which you will write to me on Wednesday, I shall receive on Friday, when, if nothing happens, I will immediately depart for London, therefore do not write to me again. If you have not had Blackman's draft presented yet, keep it until I come to London; but if the letter has been sent to him, the bill must be also; and if any thing happens to prevent my seeing you immediately, it must be presented at all events, as in that case the sooner you will receive the money. I must debar myself the pleasure of writing to you again immediately, therefore, my dearest Mary, do not be disappointed, but keep up your spirits, and be assured all will be well. I shall be inexpressibly happy, if I am permitted to see you soon; and really I have a strong presentiment it will be so.

Mr. ROBERT LAWS sworn and examined.

Q. You are clerk to Messrs. Richardson, Overend, and Co.?

—A. I am.

Q. Did you discount these bills for the prisoner Jemott?—

A. Yes, I did. (Several bills put into the witness's hand.)

Q. When did you do so?—A. On the 14th March, 1811.

Q. I believe they are all drawn from America, are they not?

—A. Yes; they are.

Q. Look at that one. Did you discount that?—A. Yes; we did this bill I can speak to myself. It passed through our hands; but it has not been discounted by me.

Q. Is the prisoner's name upon the other bill in your hand?—A. Yes, it is.

Q. The bills which you had first in your hand amount to 4000l.?—A. Yes, they do.

Q. Those you discounted for him?—A. Yes.

Q. Though the other which has his name upon it, was not discounted by you, yet it passed through your hands?—A. Yes.

Q. How much is it for?—A. Four hundred pounds.

The ATTORNEY-GENERAL to the Court. Your Lordship will find that these bills which come from America, and amount to 4000*l.*, are dated from the latter end of October, November, and December, 1810. This bill of 400*l.* is dated March, 1811.

Q. (To witness.) Your principals are Quakers, I believe?—A. Yes.

SAMUEL BROWNE sworn and examined.

Q. You are clerk to Sir James Esdaile and Co.?—A. Yes.

Q. Did you pay the prisoner a sum of 1500*l.*?—A. I paid the prisoner a sum of 1500*l.* on the 10th of May, 1811, in discharge of a bill.

Q. Is that the bill?—A. I don't know that this is the bill.

Q. Is it drawn upon you?—A. It is drawn upon Duncan and Co., and accepted by us on account of the Liverpool Bank, accepted at our house by Hughes and Co.

Q. That bill has the prisoner's name upon it?—A. Yes.

The ATTORNEY-GENERAL. My Lord, this is signed and receipted 9th May, William Jemott; and the bill is dated in December, 1810. I shall now call a witness to prove the prisoner's hand-writing upon this bill.

ABRAHAM TOULMIN sworn and examined.

Q. Is that Mr. Jemott's hand-writing; I mean the receipt on the bill?—A. Yes; I think it is.

Q. You have seen him write?—A. Yes, I have.

The bill was then put in and read as follows:

“New York, 12th Month, 4th Day, 1810. Bill. Sixty days after sight of this first per Exchange, the second, third, and fourth unpaid, pay to William Jemott 1500*l.* British sterling money: value received: and charge the same to the account of

“R. Richardson and Company.

(Signed) “Hicks, Jenkinson, and Co.

“Addressed to Messrs. Hughes and Co. Liverpool.”

On the back of the Bill—“Received 9th May, 1811, W. Jemott.”

Cross-examined by Mr. GURNEY.

Q. You have known the prisoner some five or six years?—

A. Yes.

Q. He was a purser in the Navy?—A. Yes.

Q. The vessel in which he was a purser was laid up in ordinary at the time he went upon the voyage?—A. Yes.

Q. I would ask you, during the whole of the time you have known him, whether he has not borne a most respectable character?—A. Very much so, ever since I have known him.

Q. I believe you had seen him a short time after his return to this country in 1811?—A. Yes.

Q. That is, before he went to Barbadoes?—A. Yes.

Q. He was transacting business with you?—A. Yes.

Q. After 1810. He went to Barbadoes; that is, last year, and you recommended him a friend to transact business with him?—A. Yes.

Re-examined by the ATTORNEY-GENERAL.

Q. After he came from Cuba he transacted money business with you?—A. Yes.

Q. He was pretty flush of money, I believe?—A. He paid us whatever he owed us; he paid us the amount of our account which was in arrear before.

GEORGE BLACKMAN, Esq. examined.

Q. You are one of the Directors of the Bank of England?

—A. I am, Sir.

Q. Did Mr. Jemott ever desire to open an account with you?—A. Mr. Jemott was introduced to me on Wednesday or Thursday the 22d or 23d of May last, at the Bank.

Q. Did he deposit that bill with you, or a bill of that description? (A bill shewn to the witness)—A. Yes, he did.

Q. How many bills did he deposit with you?—A. He deposited only this bill for 1000*l.*, and he gave me a 1000*l.* Bank note.

Q. The bill is indorsed payable to you?—A. Yes.

Q. Did you see him indorse it?—A. Yes, I saw him make the indorsement.

The bill was then put in and read as follows :

[Dated Alexandria in the District of Columbia, America, 17th March, 1811. Payable to the order of Mr. William Jemott, and drawn upon a gentleman in London named William Murdoch.]

The ATTORNEY-GENERAL. “ My Lords, that is the case on the part of the prosecution.

Mr. GURNEY then rose, to submit to the Court on behalf of the prisoner, an objection in point of law. He argued that this offence was not committed within the jurisdiction of this Court. The particular act, he said, specified by the witnesses, and with respect to which the Court of Admiralty was called upon now to adjudicate, was simply the taking of some dollars by the prisoner from the cabin while the vessel lay in the harbour of St. Jago. It was, he said, no part of his business in arguing this point of law, to observe whether the cargo of the vessel was or was not the property of the persons who were alledged to have shipped it. It was in proof that the vessel, at the time the offence imputed to the prisoner was committed, was within the mouth of the harbour of St. Jago: it being in proof what kind of harbour this was; that at the entrance it was not so broad as the Thames at London; and that this vessel was lying half a mile up the harbour under a battery, he should submit that the offence was not within the jurisdiction of the High Court of Admiralty, and could not be taken cognizance of in this country. And next he should submit, that if such an offence was committed in a similar situation in any part of England, it would be considered clearly as within the body of a county, and not within the jurisdiction of the Admiralty.

In proof of this no one could deny, that if an offence of a similar nature were committed in the harbour of Portsmouth, it would be considered as committed in the body of the county of Hants, (here some gentleman in an undervoice asked whether Torbay was to be considered as in the county.)

Mr. GURNEY answered, that he was not prepared to say whether the whole of Torbay was in the body of the county.

The ATTORNEY-GENERAL said, that the time would come when it should be answered.

Mr. GURNEY continued, by saying, that he never saw Torbay. But he was sure from what he knew of it, that it was extremely unlike the harbour of Portsmouth. He took Torbay to be in the nature of roads and not as a harbour, which was completely shut in from the sea as the harbour of Portsmouth was: and he thought that instance was precisely in point on the present occasion. With respect to the doctrine for which he thus contended, he said there was a case in *Strange*, 1697, which was a question whether a Coroner had jurisdiction in the harbour of Portsmouth. It was the case of SOLGA. It was a case where a sailor had hung himself on board a vessel in the harbour of Portsmouth, and the Coroner was refused admittance to hold his inquisition by the defendant, and the matter was argued solemnly in court. On the part of the Coroner, the maxims upon this subject in the 4th institute, and Hale's Pleas of the Crown, were urged, to shew that his jurisdiction extended to the *harbour* of Portsmouth, and that it was to be considered within the body of the county. On the other side, it was insisted by the Admiralty that they had a Coroner of their own, and that the refusal of his authority in this particular case, would be attended with a great many inconveniences, in as much as it would call in question their right of jurisdiction in other matters. The decision, however, was in favour of the Coroner. They did not contend that the Admiralty Court had a concurrent jurisdiction with the Courts of the county. All that was contended was, that it would be attended with great inconvenience to public justice. In the present case, he contended, that the same doctrine was strictly applicable. In the case which he cited the variance between the Admiralty Court and the Common Law Court arose, because there was an obstruction to the Common Law Officer, who, he certainly admitted, had no right to interfere with the legitimate jurisdiction of the Admiralty; but whose authority was unquestionable in parts considered within the body of the county.

Sir SIMON LE BLANC suggested, that in the case just alluded to, they seemed desirous of shewing a concurrent jurisdiction between the two authorities.

Mr. GURNEY said, that the Court seemed not to have listened here to the argument of a concurrent jurisdiction. He, Mr. Gurney, supported as he was by that case, would submit, that a murder committed in Portsmouth harbour would have been tried at Winchester; and it must occur to their Lordships that in all cases of a similar description, the Common Law jurisdiction prevailed. And for his own part, he confessed he could not see any difference in point of principle between that case and the present. Upon this subject he quoted the opinion of Hale, "*De Jure Maris*," who held, "that offences committed between shore and shore might be within the body of the county." But Serjeant Hawkins had given a more explicit opinion upon the subject; and he had stated that a man standing on one side of the land, and might see what was done on the other, the space between was to be considered in the body of the county. Now the present case came far indeed within this distinction. This was a harbour locked in from the sea, and completely running up within the land; and entirely within the jurisdiction of the country where the offence was alledged to be committed. He, therefore, humbly submitted to their Lordships that it would be impossible for the court to take cognizance of this case under the present commission. He admitted the authority of the Crown to appoint a special commission for the trial of offences committed by his Majesty's subjects in foreign countries; and by such a commission only could this case be legally decided in this country.

Mr. ALLEY shortly followed on the same side, and stated that he could not improve upon the argument of his learned friend. He said there were other counts in the indictment, in which the place where the offence was charged to have been committed, was differently described. But he took it, the jurisdiction of this Court could not be extended in the one case if not in the other.

THE ATTORNEY-GENERAL, (in reply.) My Lords, I take it in the first place, that this Court has clearly a jurisdiction on the present occasion, by the words of the statute of the 28th of Henry VIII. c. 15. By the 2d section of that Act, it is enacted, that such persons to whom commission or commissions shall be directed, shall enquire of such offences as are therein described, in such manner and form as if the said offences had been committed on the land; and that for every indictment found and presented by such commission of any treasons, murders, or other felonies, being committed or done on the high seas, or in or upon any haven, river, or creek, shall be good and effectual in law; and any person or persons whatever to be indicted for such offences then or hereafter to be done on the high seas, or such haven, river, or creek, shall have judgment and execution done and made to and against them, as against treasons, felonies, or other offences committed upon the land. These, my Lords, are pretty nearly the words of the statute; and if it were necessary for me to resort to them expressly, it will be seen at once that this Court has an express jurisdiction of offences committed in havens, rivers, or creeks, as well as of offences committed upon what is commonly called the open sea. But my friend contends that if this offence were committed in this country, it would be considered to have been committed in the body of the county; and therefore that it would not have been within the Admiralty jurisdiction. I am not sure that in this case both the Courts of Common Law and Admiralty would not have had a concurrent jurisdiction. But whether that be or be not so, docs not alter; does not in the slightest degree affect the present question, because there is no difference between an offence committed upon the waters abroad, and an offence committed upon the waters at home, under the statute of Henry VIII. to which I have referred; or whether or not the offence be considered to be committed within the body of the county, and cognizable by the common law or not.

Now your Lordships know, that by the 15th of Richard II.

the jurisdiction of the Admiralty is excluded from all cases happening within the body of counties, except the cases of treasours, murders, and mayhems, so that it seems, that originally by the general law as it stood before that act passed, the Admiralty had jurisdiction within the body of counties: probably it was a concurrent jurisdiction. But that act as it appears to me, does not bear on the present question; because the question arises out of a transaction which took place abroad, and cannot come within the body of the county. I don't know that by the law of any foreign country criminal tribunals of the country have jurisdiction of offences committed upon the waters; as by the laws in our own country. Our Admiralty Law extends its power over the water upon each side of which the land lies. That is the law in our country; but how it stands in foreign countries I do not know. I take it therefore, that the Admiralty of this country have clearly a jurisdiction by the Statute of the 28th of Henry VIII. over the high seas, havens, creeks, and rivers. Now there are many cases which are precisely in point, and set this matter at rest. A case occurred within my own experience in this very Court not long since. The case I allude to was that of the King *versus* John Sutherland, which was tried on the 23d June, 1809, before Mr. Justice Grose and the Learned Judge at present presiding. This was an indictment for murder committed on the Tagus, off Lisbon, a mile up the river. Now there was no doubt entertained that that offence was committed within the jurisdiction of the Admiralty. It is quite impossible to distinguish that case from the present. It was an offence committed within the mouth of the river; and no one entertained a shadow of doubt of its being within the jurisdiction of the Court. I, therefore, humbly submit, that upon the words of the second section of the 28th of Henry VIII. the Court of Admiralty has a general jurisdiction over all offences committed on the high seas, in creeks, havens, and rivers; and that this Court, in all cases of this description, has exercised it.

Mr. GURNEY submitted, that by no description given by the witnesses of the place where the offence was committed, did this case come within the terms of the Act of Parliament which the Attorney-General had cited. The word *haven*, he contended, was very different from the word *harbour*: and certainly in the Act of Parliament they seemed not to have given the word *harbour*; and the word *creek*, he contended, also, signified a very different thing from the word *harbour*. With respect to the case the Attorney-General had cited, he took it for granted that there was no objection taken to it; and that a similar objection to that he now made was not then called to the attention of the Learned Judge: and he was persuaded it was no reflection upon the knowledge of the Learned Judges upon the subject, if it did not occur to their minds at the time. The Attorney-General had observed, that we were not conversant with the laws of other countries upon this subject; and that we did not know whether other countries could take cognizance of an offence of this description. But he thought that the best test of this matter was, whether this case could not have been brought to trial by special commission; and he submitted that this case might have been so dealt with. Had this objection been urged in the case alluded to, it would have had its weight.

Sir SIMON LE BLANC observed, that it certainly would have received the consideration of the Judges who presided.

Mr. GURNEY submitted that it would have been a good objection to the jurisdiction of the Admiralty.

Sir WILLIAM SCOTT. I take it to be a clearly established maxim of this Court, that it can take cognizance of all offences committed in such places as that in which this offence appears to have been committed. In several cases which have happened within my own experience, very much the same objection has been taken as that stated by the learned gentleman; but invariably over-ruled. In other cases which were equally open to the same objection, they have passed without notice. But this Court has never entertained any doubt whatever of its jurisdiction, with respect to any offences committed

in foreign waters by British subjects. It is, therefore, my opinion, that this offence cannot be considered to have been committed within the body of the county; and that the Admiralty Court has always exercised its jurisdiction in these cases.

Sir SIMON LE BLANC. I perfectly concur in the opinion that has been just delivered.

Mr. GURNEY then submitted another objection to the indictment; namely, that the offence imputed to the prisoner did not warrant an indictment for *piracy*; and that the offence imputed to the prisoner was nothing more than a simple case of *larceny*, if made out at all.

Sir SIMON LE BLANC took it to be clearly piracy, under the Admiralty jurisdiction. Before the Statute of the 39th of the King, this offence was not always piracy. By that Statute, robbery or larceny on the high seas was made piracy.

Mr. GURNEY again submitted, that as this could not be considered a higher crime than larceny at common law on shore, it could be only of the like kind in the situation where this offence was committed. He took it, that this offence, if committed on shore, could only be considered as larceny, and not a capital offence.

Sir SIMON LE BLANC. The judges in their construction of the 39th of the King, taking the preamble of the act into consideration, were of opinion that that act was applicable only to those cases which before were not piracy in the Admiralty jurisdiction: and, I believe, that point was settled in the case of the *King and Curling*.

Mr. KNAPP. My Lord, that was the very case; and the sentence of death was given in it afterwards. It was the first case that occurred after the passing of the act.

Sir SIMON LE BLANC. I believe it was the first that occurred under that act. Does the prisoner wish to say any thing in his defence?

The prisoner then addressed the Court; and said he would beg leave to trespass on the attention of their Lordships in a

few words. It might be necessary for him to explain in what manner he became acquainted with *Moore*. He therefore told their Lordships, that in the month of May, 1810, he was employed on board one of his Majesty's ships, destined with others to convey men to Dantzic. In this enterprize, he and the rest of the crew were made prisoners by the *French*, and carried to *Verdun*. At Verdun he was suffered to go at large upon his parole of honour. In consequence of the escape of two officers in the East India service, the commandant of Verdun issued an order, by which he and others were compelled to throw up their paroles. He was then confined in the same prison with Mr. Moore, a man who was very generally respected by every description of English prisoners. It were unnecessary, he said, for him to enter into a detail of the circumstances, by which he, Mr. Moore and others were enabled to effect their escape from France to England. It was sufficient to say, that he and Mr. Moore *did* effect their escape in the July of the same year: they arrived in England the latter end of August. He (the prisoner) was then a purser of his Majesty's ship *Amphitrite*, and that ship being laid up in ordinary, and his personal attendance not being required on board, he was induced to accept an employment from Mr. Moore to go out with him in the ship *Maria*. Mr. Moore hired him. He went out with him as his servant—as his clerk, subject entirely to his orders. In the whole of the transaction, which was the subject of this day's inquiry, he acted in no other capacity than as clerk to Mr. Moore, hired by him as a servant. He obeyed the orders given by him, and rendered him an account of all his proceedings. He (the prisoner) arrived in England the latter end of February, in the last year; he arrived in London, and appeared publicly in town for three or four months, constantly moving about the town. He was on ²Change three or four times, and at Lloyd's, He would ask them, did any criminality attach to his conduct, would he have thus exposed his person to the consequences of the

charge now imputed to him. Conscious, however, of having discharged his duty towards his employers, he came forward in the face of day, and even executed a commission for a member of Lloyd's. He attended that gentleman at Lloyd's and appeared publicly; and he would ask again, would he have thus exposed himself to the arm of the law if he was conscious of having done any dishonest act. The witness, Peter Johanson, had been frequently at his lodgings in Surry-street, where he had then lodged several weeks, and the witness had frequently seen him there. Would he, then, if he were guilty of any crime, suffer his place of abode to be known to any body? Would he not, on the contrary, have left the country and gone out of the reach of prosecution? But he had no motive for such conduct. When Mr. Thompson applied to Mr. Toulmin to know where he was, Mr. Toulmin informed him that he was in town, and always to be seen. When Mr. Toulmin informed him of this circumstance, he told Mr. Toulmin he would call upon Mr. Thompson. That circumstance alone, he said, would have been sufficient to have excited his alarm if he had committed any crime he wished to conceal. Under all these circumstances, he had sailed from London for the West Indies: he had now a few words to say—with respect to the letter produced in evidence, which appeared not to be dated from any place—that letter was written in Liverpool when he was going to Ireland to execute a commission for a friend in the West Indies: but the indisposition of his wife induced him to return to London, where he remained in public ever since until the day of his apprehension.

He had now only to conclude by observing, that he had faithfully discharged the trust imposed upon him by Mr. Moore. He had returned to him a faithful account of all the transactions in which he was employed for him, and he held himself to have done his duty for which he had been punctually paid.

Mr. RUSSELL was then sworn, and examined on the part of the prisoner by Mr GURNEY.

Q. You are a broker?—A. I am, and live No. 22, Eastcheap.

Q. Have you known Mr. Jemott many years?—A. I have known him about two years.

Q. In the course of the last year, 1811, did you see Mr. Jemott in London?—A. I did.

Q. What time of the year; was it after he came from America and before he went to Barbadoes?—A. I saw him after he came from America and before he went to Barbadoes. I saw him publicly on 'Change, and I don't know whether I saw him in public any more in London. I saw him for half an hour on 'Change.

Here the case on both sides closed.

Sir SIMON LE BLANC then proceeded to deliver his charge to the Jury:—

“ Gentlemen of the Jury; the prisoner, William Jemott, is charged by this indictment with stealing, piratically on the high seas, within the jurisdiction of the Court of Admiralty, a quantity of dollars, the property of Messrs. Holford and Gonne, and of Messrs. Pedra and Co. The prosecutors have gone into evidence for the purpose of shewing that these dollars were the property of the individual persons I have mentioned; and this is stated, by the indictment, to have been done in a ship, in which the prisoner had acted in the controul and management. For the purpose of meeting this part of the case, you must be satisfied, by the evidence afterwards produced, in order to find the prisoner guilty. The prosecutors have gone at considerable length into evidence for the purpose of proving the previous transactions relative to this ship, before they come to that fact which they charge as the act of felony to have been committed by the prisoner,

and for the purpose of shewing the manner in which this property was put on board, which is alledged to have been stolen. They have also gone into evidence to shew the course of her voyage, and to shew that she did not pursue the voyage for which she was advertised ; and the manner also in which the persons who were on board along with the prisoner conducted themselves, prior to the time when they came to the place where the prosecutors charge the felony to have been committed ; because they charge the felony at the time this mariner Johanson was called down into the cabin of the ship, where the prisoner assisted him in breaking open the casks in which the dollars were contained, and putting them on board a boat for the purpose of being sent on shore. The other branch of the evidence is for the purpose of shewing the state of the prisoner's pecuniary circumstances prior to this voyage, and subsequently to his return from it ; and this is done with a view of proving to you that the prisoner did not take an innocent part in this transaction ; and that he went out with these goods for the purpose of stealing them for his own use, and that he was *conusant* at the time of what he was doing.

The first evidence is for the general purpose of shewing that this vessel was purchased by the prisoner and his confederates ; and they call Mr. White—(*Here the learned Judge recapitulated the whole of the evidence, with appropriate comments as he proceeded, and having gone through the whole, continued*)—

“ This, Gentlemen, is the whole of the evidence on the part of the prosecution and that of the prisoner. The fact upon which you are to determine will be simply this—Whether or not, at the time when the prisoner, in company with Moore and Baldwin, who afterwards took the name of Meilan, was in the cabin of this vessel which sailed from England, and when they were breaking open these boxes and casks of dollars, and removing them from the ship into a boat to go on shore—whether or no, I say, the prisoner was doing that act with a fraudulent and felonious knowledge at the time, either

for his own benefit, or for the benefit of somebody else. To either one or the other of these conclusions you must arrive before you pronounce the prisoner guilty of stealing the property from the owners; and that conclusion must depend upon the different circumstances with which you find his case attended. If it was the case of a mere clerk or servant on board the ship, not at all *conusant* of the affairs of that ship,—and who being ordered by his master to take an account of any particular goods, or to assist in delivering any particular property from the vessel, though it might be gross fraud or felony in the person who had the charge of those goods; yet if a servant, ignorant of the conduct of his principal, and not knowing that he was engaged in any thing felonious, or not doing any thing that was not within the scope of his authority;—and he, the servant, obeying such commands, *that* would not be the crime imputed to the prisoner. But, on the other hand, if a man does the act I have described, either for his own benefit, or that of any other person, knowing at the time that it was not legally authorized to be done either by himself or his employer, he would be guilty of felony. The evidence on the part of the prosecution is adduced to shew that this act could not have been innocently done on the part of the prisoner; and particularly on this account, that is to say, that he himself clearly was a party to this foul transaction of purchasing a ship, to take in goods for general freight to go to the Brazils, when the real purpose of that voyage was not for the purpose of going to the place they proposed, but of disposing and making away with the property consigned to their care, without going to the place of its proper destination. And the prosecutors say that this prisoner's conduct is affected by this original design, under the circumstances which attended his own conduct, namely, by saying that he took part in the treaty for the purchase of the ship, and not *that he was an innocent servant*: but that he was *the* man who went originally to bargain for the vessel; and though they have not proved that he himself went on

board the ship, at the time it was freighted in London, yet they have clearly shewn that he goes down from London to Deal, to wait the arrival of a ship, for the purpose of going on board, when he should have gone on board before, had he been merely as a clerk or servant to any body else. It appears further, that instead of being able to live at any expence, that at that time he could ill afford to travel by land, to wait till the ship arrived;—further they draw an inference against this man's conduct from the part he takes with the other persons on board the vessel. He appears to have been on terms of great intimacy with Moore, who is acting as the super-cargo; and when Moore is absent from the ship, the prisoner has the charge of every thing on board; and they give you as a decisive proof of his connivance in this transaction the circumstances which take place during the ship's voyage. They prove to you that she clearly went far away from the place whither she originally purposed to be destined, to a place where the fraudulent purpose of the persons concerned in the transaction might be effected. The ship is altered in her colour, and the name of the Captain who commanded her is altered. This circumstance, to be sure, might, in other cases, arise from a harmless design, and standing by itself it might be an equivocal matter. But it is certain that by the terms upon which the goods were suffered to be taken on board, they had no business to depart from the course of the voyage to Pernambuco.—It appears that in furtherance of the original fraudulent design, they went at length to Cuba. They landed this vast quantity of dollars; and, clearly, whoever took those dollars and landed them with a fraudulent design, was equally as guilty of felony as the captain who broke open the casks in which the prisoner appears to have assisted. But in giving that assistance you must be satisfied that he did it with a knowledge that he was committing a fraud on the persons who put them on board; and it is for you to say, whether he knew at the time that he removed the dollars from the casks,

that they were the property of the merchants to whom they of right belonged, and that he was conusant at the time that that was not the place to which they were originally destined by the owners. Why then the prosecutors lay before you other circumstances to shew that he had this knowledge, and that he was himself a great partaker of the property thus fraudulently disposed of. Certainly, it was incumbent upon the prisoner to shew by what means he became possessed of property to so large an amount, in which he began to appear immediately after the ship and the cargo were disposed of; and the manner in which that property made its appearance in his hands, at that particular period of time, is certainly matter of just surprize; and with respect to this part of the case, his letters to his wife are produced to shew the state of his circumstances, immediately before and immediately after the voyage: and from them you are called upon to draw a conclusion, that the prisoner was concerned in this fraud. The whole of the cargo of this vessel appears to have been taken out from England, and delivered by somebody prior to the month of October, 1810. The prisoner, in the spring of 1810, appears to have been in very distressed circumstances. Immediately after the cargo is delivered in 1810, the sailors are discharged and the ship is sold. The prisoner then goes to America, and from America you have him making remittances to England, to the amount of 10,000*l.*, and afterwards when he comes to this country he appears to have been making deposits to a very large amount in the hands of other persons; and he then goes to the West Indies. All this money makes its appearance after the month of October, and never before. It is after the cargo is disposed of that this man goes to America and makes these large remittances; and it is after that voyage that he returns to this country possessed of a very large property. Gentlemen, these are the circumstances which are submitted to you for the purpose of making out the charge against the prisoner, that he was concerned in this foul fraud

of taking out a ship freighted with the property of other persons, for the purpose of selling the cargo and dividing the produce between himself and his fellow-conspirators, and that he was not an innocent clerk or servant. That is the purpose for which they call the evidence, and it is for you to say, whether that evidence satisfactorily makes out the fact. If so, he is guilty. If the evidence fails to satisfy you of the fact, of course he will be innocent. I must beg to observe, that it is not in evidence that the bills of lading were shewn to the prisoner, or that he ever saw them; but that business was transacted before he left London. You will consider your verdict.

The Jury immediately pronounced the prisoner **GUILTY**.

The Clerk of the Court then asked the prisoner what he had to say why sentence of death should not be pronounced against him according to law.

The prisoner bowed in silence.

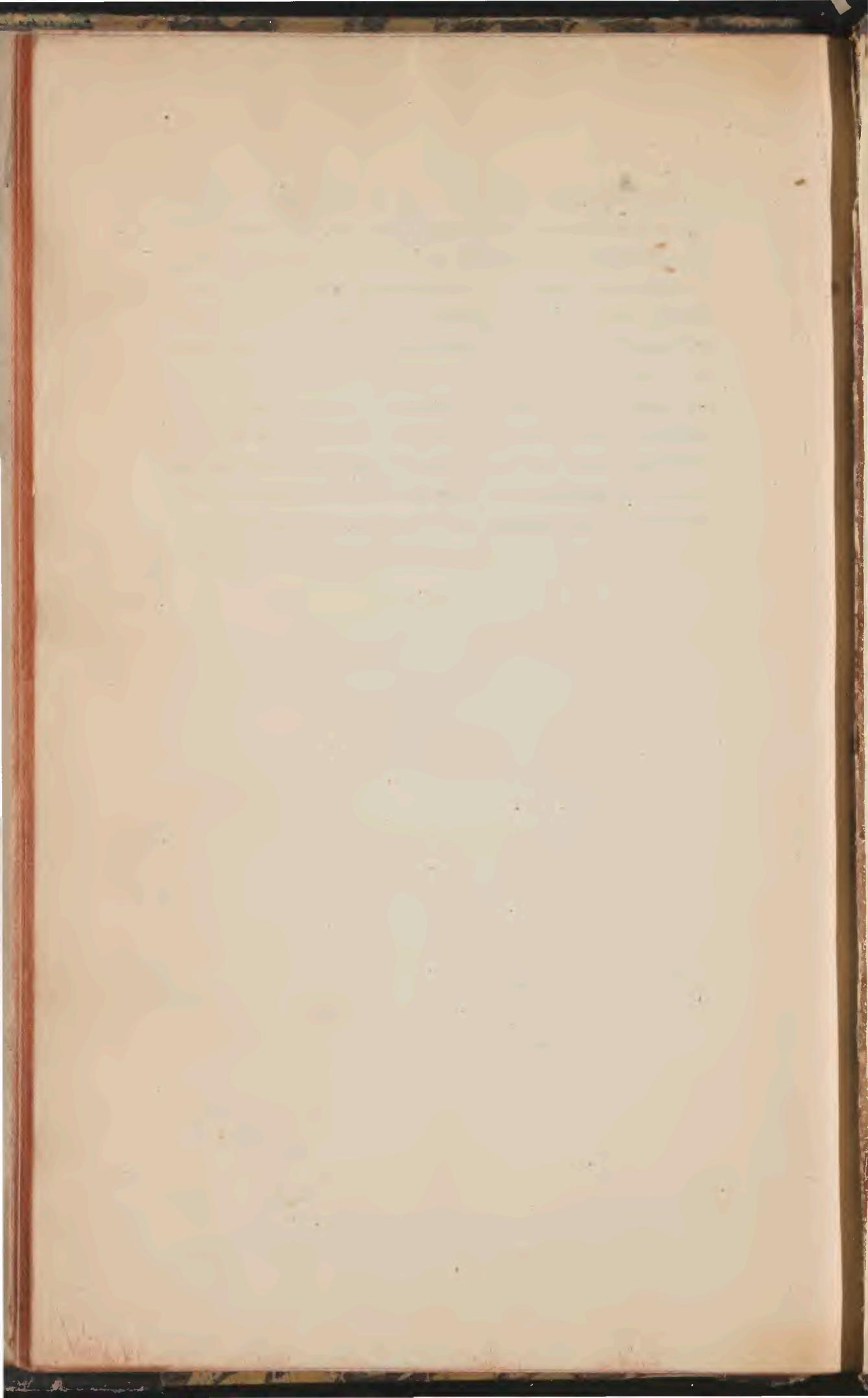
Silence being then proclaimed by the Crier,

Sir **WILLIAM SCOTT** addressed the prisoner :—

“ William Jemott; you have been convicted after a very patient and deliberate trial, for having feloniously and piratically stolen a quantity of silver coin, the property of other persons, from on board the ship *Maria*: an offence highly aggravated in your case by its arising out of a complication of deep-laid systematic fraud, pursuing and effecting its purpose by false pretences, illegally held out in this country—by deceptions practised upon a variety of individuals, by devising changes of characters, assumed and imposed by your confederates and yourself; in short, by every artifice by which a man confirmed in the practice of wickedness, can effect the execution of a system of infamous plunder. Your accomplices have hitherto successfully eluded the hand of human justice. You stand in the face of your country, the detected and devoted example of their guilt, and your own: and it is but fit that a person like you, who has lent his head, his heart, and his hand, in the

practice and execution of a fraud so extensive in its effects, should compensate, in some degree, for the magnitude of the injury he has done to society by holding out, in the example of his ignominious punishment, a warning against the example of his crime. It is no more than charity to inform you, that you have little reason to expect mercy on this side of the grave. You must look for it on that other side, to which, in all probability, you will be shortly dismissed. The judgment of the law upon you is, that you, William Jemott, be taken from that bar to the place from whence you came, and that you from thence be taken to a place of execution, where you are to be hanged by your neck until you are dead.—And the Lord have mercy on your soul!

THE END.



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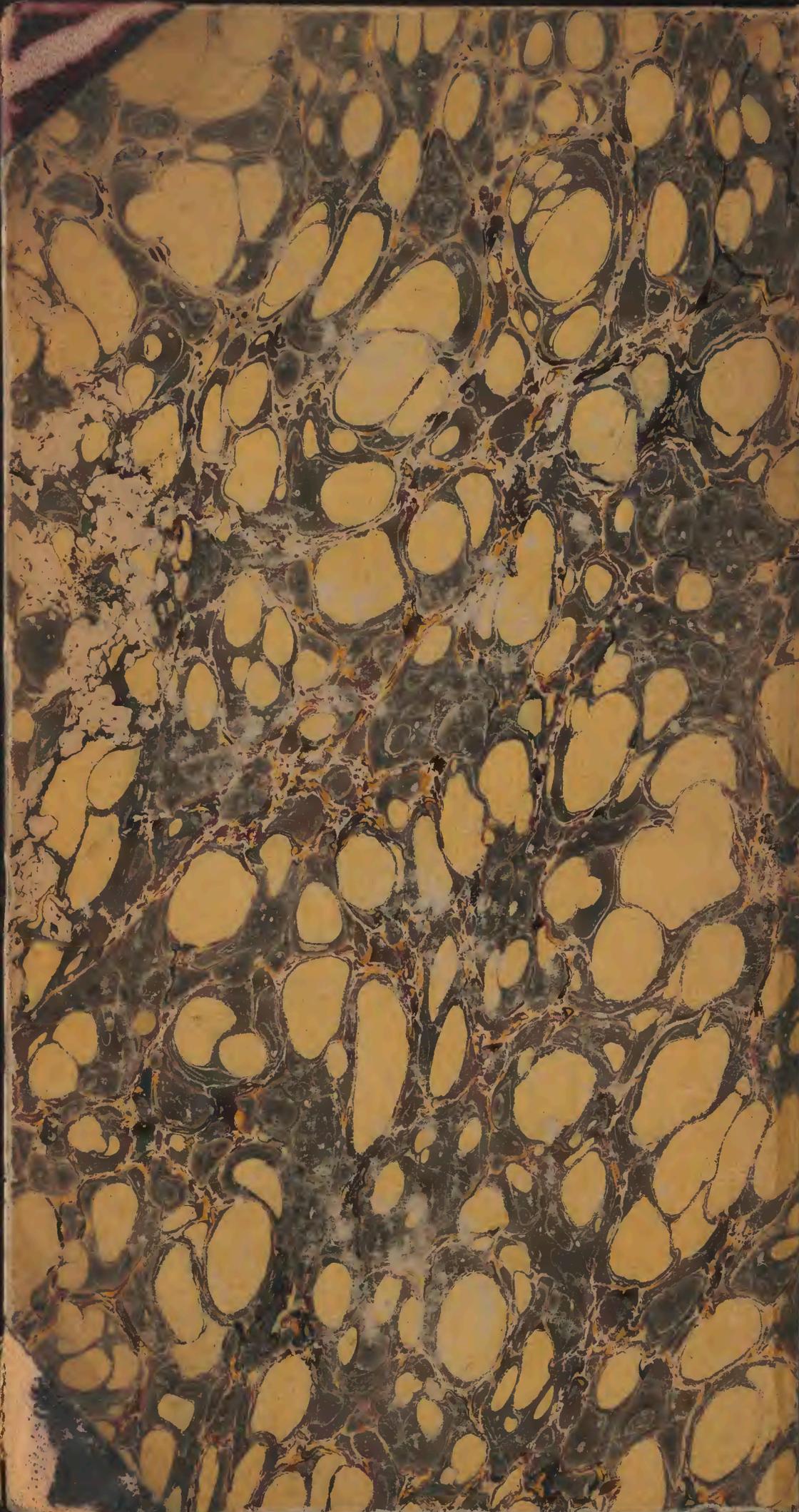
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