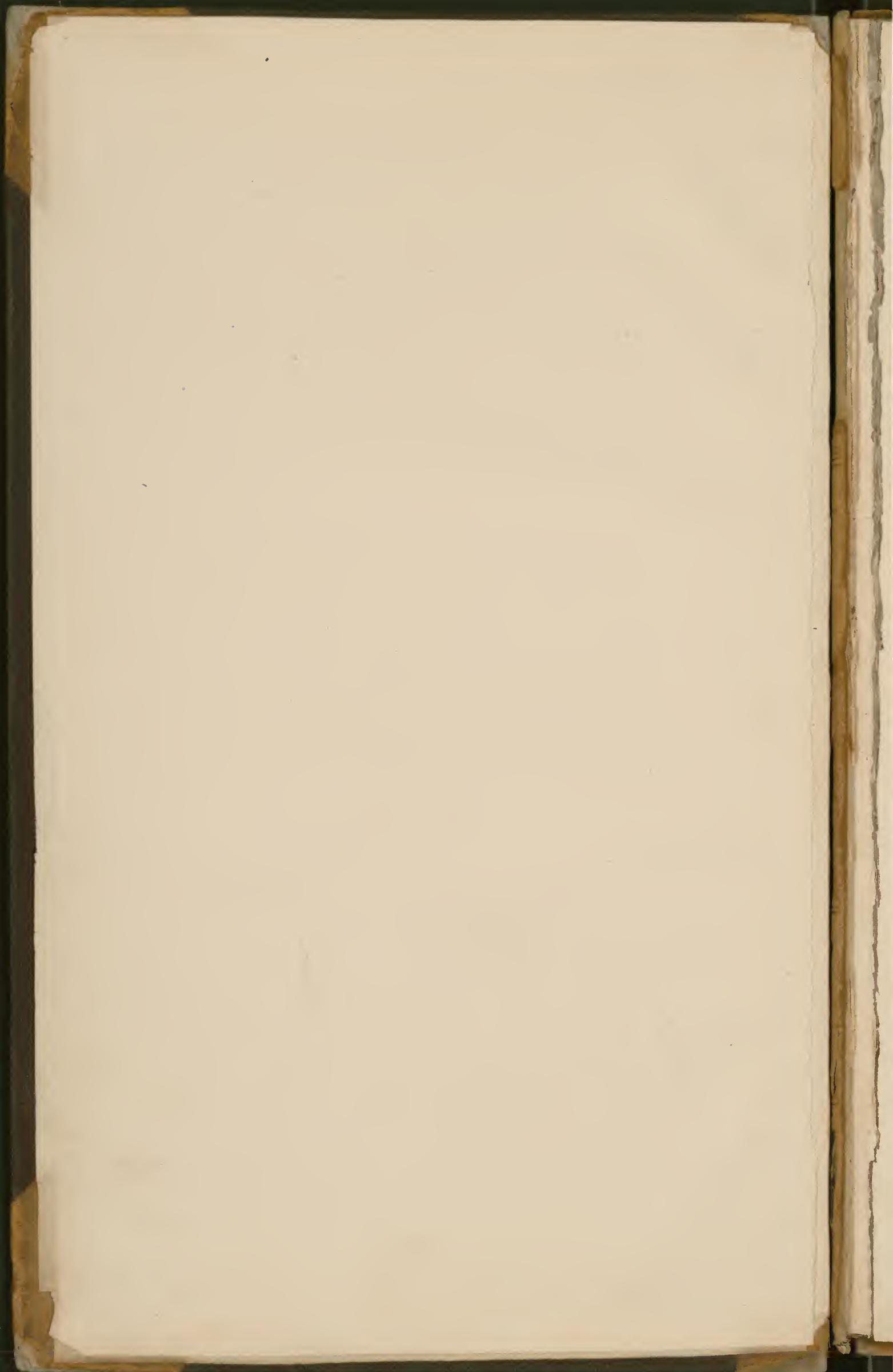
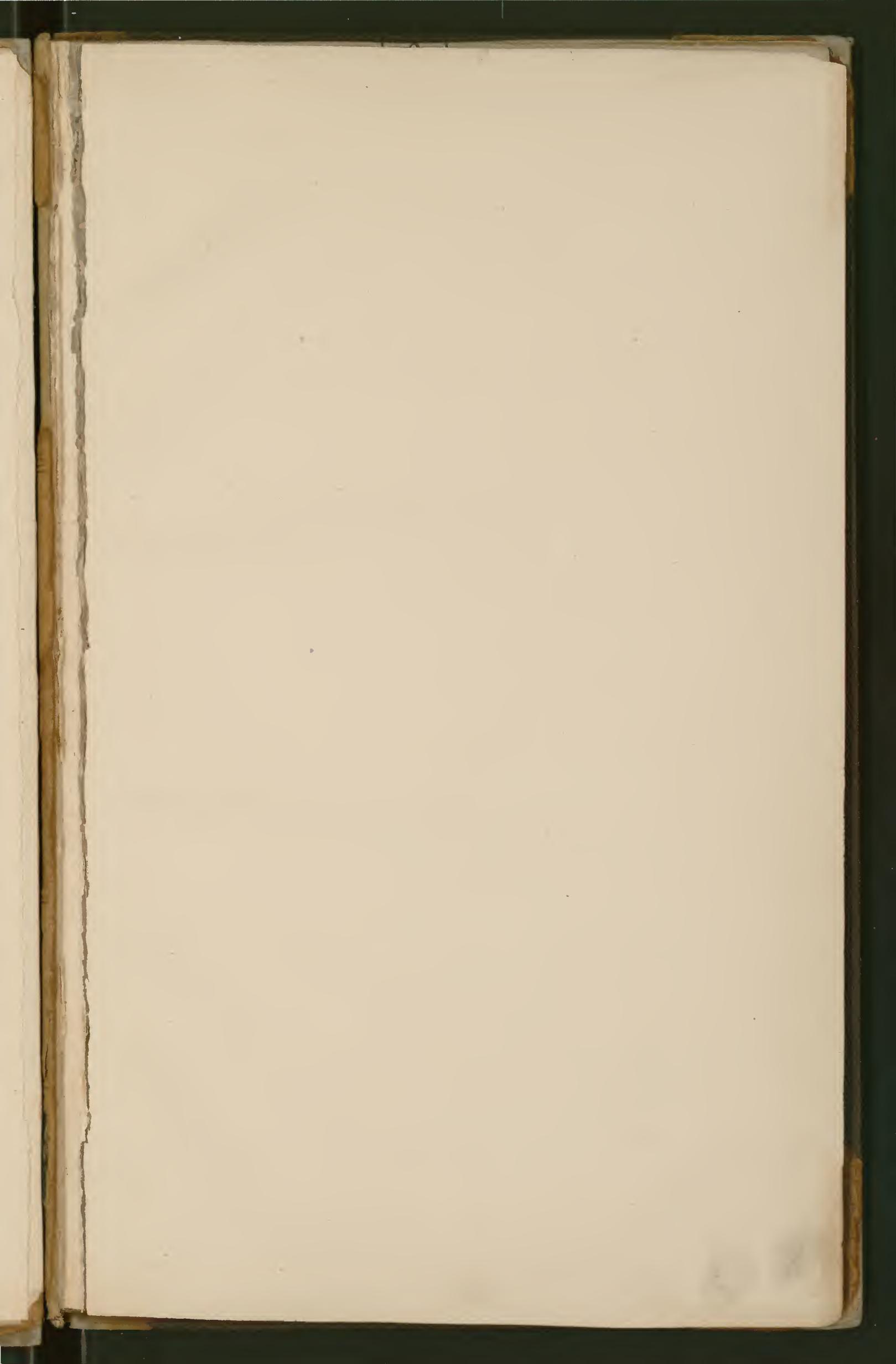


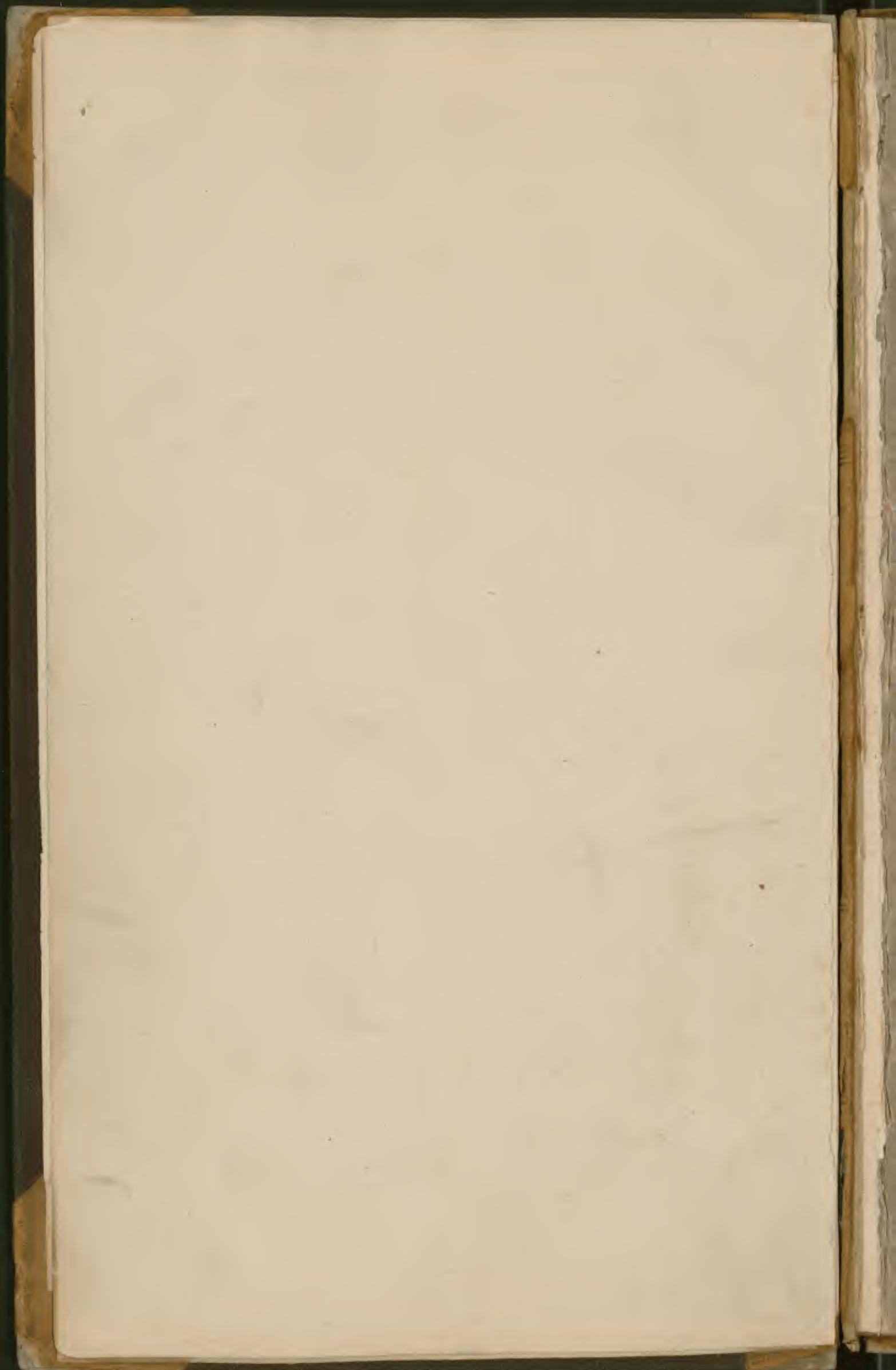
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THE
Arraignment, Tryal, and Condemnation
O F
Captain William Kidd,
F O R
MURDER
A N D
PIRACY,

Upon Six several Indictments,

At the Admiralty-Sessions, held by His Majesty's Commission at the *Old-Baily*, on *Thursday* the 8th. and *Friday* the 9th. of *May*, 1701. who, upon full Evidence, was found Guilty, receiv'd Sentence, and was accordingly Executed at *Execution-Dock*, *May* the 23d.

A S A L S O,

The TRYALS of *Nicholas Churchill*, *James Howe*, *Robert Lamley*, *William Jenkins*, *Gabriel Loff*, *Hugh Parrot*, *Richard Barlicorn*, *Abel Owens*, and *Darby Mullins*, at the same Time and Place for PIRACY.

Perused by the Judges and Council.

To which are added,

Captain *KIDD*'s Two Commissions:

One under the Great Seal of *ENGLAND*, and the Other under the Great Seal of the Court of *Admiralty*.

L O N D O N :

Printed for *J. Nutt*, near *Stationers-Hall*. 1701.

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At the Admiralty Sessions held at the Old
Baily, London, on the 8th. and 9th. of May, 1701.

THE King's Commission for holding the Court, being first read, the Court proceeded to call the Gentlemen summon'd upon the Grand Jury, and the Persons Sworn were these Seventeen following, *Viz.*

William Broughton.
Thomas Hanwell.
Daniel Borwell.
Humphry Bellamy.
Nath. Rolston, Senior.
Joshua Bolton.
Benjamin Pike.
Joseph Marlow.
Benjamin Travis.

Stephen Thomson.
Thomas Cooper.
Robert Gower.
Robert Clement.
Thomas Sisson.
William Goodwin.
Robert Callow.
Thomas Haws.

Cl. of Arr. Gentlemen of the Grand Jury, stand together, and hear the Charge.
The King's Majesty commands all Justices of the High Court of Admiralty, that have any Authority to take any Inquisitions, Recognizances, Examinations, or Informations of Offences committed within the Jurisdiction of the Admiralty of England, to deliver the Records of the same into this Court, &c. And all others are commanded to keep Silence on Pain of Imprisonment.

Then Dr. Oxenden gave the Charge to the Grand Jury, explaining the Nature of the Commission, and the Crimes inquirable by vertue of it by the Grand Jury.

Then the Grand Jury withdrew, and after some time returned into Court, and found the Bill of Indictment against Captain Kidd for Murder, and another against him and Nicholas Churchill, James Howe, Robert Lamley, William Jenkins, Gabriel Loff, Hugh Parrot, Richard Barlicorn, Abel Owens, and Darby Mullins, for Piracy. Then Proclamation (as usual) being made, the foresaid Prisoners were brought to the Bar, and Arraigned.

Cl. of Arr. William Kidd, hold up thy Hand.

Will. Kidd. May it please your Lordships, I desire you to permit me to have Council.

Mr. Recorder. What would you have Council for?

Will. Kidd. My Lord, I have some matter of Law relating to the Indictment, and I desire I may have Council to speak to it.

Dr. Oxenden. What matter of Law can you have?

Cl. of Arr. How does he know what it is he is charged with? I have not told him.

Mr. Recorder. You must let the Court know what those Matters of Law are, before you can have Council assigned you.

Will. Kidd. They be Matters of Law, my Lord.

Mr. Recorder. Mr. Kidd, Do you know what you mean by Matters of Law?

Will. Kidd. I know what I mean, I desire to put off my Tryal as long as I can, till I can get my Evidence ready.

Mr. Recorder. Mr. Kidd. You had best mention the Matter of Law you would insist on.

Dr. Oxenden. It cannot be Matter of Law to put off your Tryal, but Matter of Fact.

Will. Kidd. I desire your Lordship's Favour, I desire Dr. Oldish and Mr. Lemmon may be heard as to my Case.

Cl. of Arr. What can he have Council for before he has pleaded?

Mr. Recorder. Mr. Kidd, The Court tells you, you shall be heard what you have to say when you have pleaded to your Indictment. If you plead to it, if you will, you may assign Matter of Law, if you have any; but then you must let the Court know what you would insist on.

Will. Kidd. I beg your Lordship's Patience till I can procure my Papers, I had a couple of French Passes, which I must make use of in order to my Justification.

Mr. Recorder. That is not matter of Law. You had had long Notice of your Tryal, and might have prepared for it. How long have you had Notice of your Tryal?

Will. Kidd. A matter of a Fortnight.

Dr. Oxenden. Can you tell the Names of any Persons that you would make use of in your Defence?

Will. Kidd. I sent for them, but I could not have them.

Dr. Oxenden. Where were they then?

Will. Kidd. I brought them to my Lord Bellamont in New England.

Mr. Recorder. What were their Names? You cannot tell without Book. Mr. Kidd, the Court sees no Reason to put off your Tryal, therefore you must plead.

Cl. of Arr. Will. Kidd, hold up thy Hand.

Will. Kidd.

Will. Kidd. I beg your Lordships I may have Council admitted, and that my Tryal may be put off, I am not really prepared for it.

Mr. Recorder. Nor never will if you could help it.

Dr. Oxenden. Mr. Kidd, You have had reasonable Notice, and you knew you must be tried, and therefore you cannot plead you are not ready.

Will. Kidd. If your Lordship permit those Papers to be read, they will justifie me. I desire my Council may be heard.

Mr. Coniers. We admit of no Council for him.

Mr. Recorder. There is no issue joined, and therefore there can be no Council assigned. Mr. Kidd, you must plead.

Will. Kidd. I cannot plead till I have those Papers that I insisted upon.

Mr. Lemmon. He ought to have his Papers delivered to him, because they are very material for his Defence. He has endeavoured to have them, but could not get them.

Mr. Coniers. You are not to appear for any one till he pleads, and that the Court assigns you for his Council.

Mr. Recorder. They would only put off the Tryal.

Mr. Coniers. He must plead to the Indictment. *Cl. of Arr.* Make Silence.

Will. Kidd. My Papers were all seized, and I cannot make my Defence without them. I desire my Tryal may be put off till I can have them.

Mr. Recorder. The Court is of Opinion, they ought not to stay for all your Evidence, it may be they may never come. You must plead, and then if you can satisfy the Court, that there is Reason to put off your Tryal, you may.

Will. Kidd. My Lord, I have Business in Law, and I desire Council.

Mr. Recorder. Mr. Kidd, The Course of Courts is, when you have pleaded, the matter of Tryal is next; if you can then show there is cause to put off the Tryal, you may; but now the matter is to plead.

Will. Kidd. It is a hard case, when all these things shall be kept from me, and I be forced to plead.

Mr. Recorder. If he will not plead, there must be Judgment.

Will. Kidd. My Lord, would you have me plead, and not have my Vindication by me?

Cl. of Arr. Will you plead to the Indictment?

Will. Kidd. I would beg that I may have my Papers for my Vindication.

Cl. of Arr. Nich. Churchill, hold up thy Hand.

Nich. Churchill. My Lord, I desire I may have the Benefit of the King's Proclamation, I came in upon the King's Proclamation.

Mr. Recorder. If you do not plead, the Court must pass Judgment upon you. You can have no Benefit in what you say, till you have pleaded. If you were indicted for Felony, and you will not plead, the Law takes it in nature of a Confession, and Judgment must pass as if you were proved guilty.

Cl. of Arr. Nich. Churchill, hold up thy Hand. *James Howe,* hold up thy Hand. *Robert Lamb,* hold up thy Hand. (which they did.)

Mr. Recorder. Will Kidd has not held up his Hand.

Cl. of Arr. He does hold up his Hand. *William Jenkins,* hold up thy Hand. *Gabriel Loff,* hold up thy Hand. *Hugh Parrot,* hold up thy Hand. *Rich. Barlcorn,* hold up thy Hand. *Abel Owens,* hold up thy Hand.

Ab. Owens. I came in upon the King's Proclamation, and entred my self into the King's Service.

Mr. Recorder. You must plead first, and then, if there be Occasion, you will have the Benefit of it. (Then he held up his Hand.)

Cl. of Arr. Darby Mullins, hold up thy Hand.

D. Mullins. May it please your Lordships, I came in voluntarily on the King's Proclamation.

Mr. Recorder. That is the same Case with Owens, you must speak to that afterwards.

Cl. of Arr. Will. Kid, You stand indicted by the Name of *Will. Kid,* &c. Art thou guilty, or not guilty?

Will. Kidd. I cannot plead to this Indictment, till my French Passes are delivered to me.

Cl. of Arr. Are you guilty, or not guilty?

Will. Kidd. My Lord, I insist upon my French Papers, pray let me have them.

Mr. Recorder. That must not be now, till you have put your self on your Tryal.

Will. Kidd. That must justifie me.

Mr. Recorder. You may plead it then, if the Court see cause.

Will. Kidd. My Justification depends upon them.

Mr. Recorder. Mr. Kidd, I must tell you, if you will not plead, you must have Judgment against you, as standing mute.

Will. Kidd. I cannot plead till I have these Papers, and I have not my Witnesses here.

Mr. Recorder. You do not know your own Interest; if you will not plead, you must have Judgment against you.

Will. Kidd. If I plead, I shall be accessory to my own Death, till I have Persons to plead for me.

Mr. Recorder. You are accessory to your own Death, if you do not plead. We cannot enter into the Evidence, unless you plead. *Cl. of Arr.*

Cl. of Arr. Are you Guilty, or not Guilty?

Mr. Recorder. He do's not understand the Law, you must read the Statute to him.

Cl. of Arr. Will. Kidd, are you Guilty of this Piracy, or not Guilty?

Will. Kidd. If you will give me a little Time to find my Papers, I will plead.

Cl. of Arr. There is no Reason to give you Time; Will you plead, or not?

Mr. Coniers. Be pleas'd to acquaint him with the Danger he stands in by not Pleading. Whatever he says, nothing can avail him till he pleads.

Mr. Recorder. He has been told so, but he do's not believe us.

Mr. Coniers. If there be any reason to put off his Tryal, it must be made appear after Issue is joined.

Mr. Recorder. If you say, Guilty, there is an end of it; but if you say, Not Guilty, the Court can examine into the Fact.

Officer. He says he will plead.

Cl. of Arr. Will. Kidd, art thou Guilty, or not Guilty? *Will. Kidd.* Not Guilty.

Cl. of Arr. How wilt thou be tried? *Will. Kidd.* By God and my Country.

Cl. of Arr. God send thee a good Deliverance. (*And so of all the rest.*)

Will. Kidd. My Lord, I beg I may have my Tryal put off for Three or Four Days, till I have got my Papers.

Mr. Recorder. The Judges will be here by and by, and you may move the Court then; we are only to prepare for your Tryal: We do not deny your Motion; but when the Court is full, they will consider of the Reasons you have to offer.

Then Will. Kidd was tried upon the Indictment for Murther.

Cl. of Arr. Will. Kidd, Hold up thy Hand, Thou standest Indicted by the Name of William Kidd, late of London, Mariner, &c.

The First Indictment for MURTHE R.

THE Jurors for our Sovereign Lord the King, do, upon thier Oath, present, That William Kidd, late of London, Mariner, not having the Fear of God before his Eyes, but being mov'd and seduc'd by the Instigation of the Devil, the 30th. Day of October, in the Ninth Year of the Reign of our Sovereign Lord, William the Third, by the Grace of God, of England, Scotland, France, and Ireland, King, Defender of the Faith, &c. by Force and Arms, &c. upon the High Sea, near the Coast of Malabar, in the East-Indies, and within the Jurisdiction of the Admiralty of England, in a certain Ship call'd the Adventure-Galley, (whereof he the said William Kidd, then was Commander;) then and there being, feloniously, voluntarily, and of his Malice afore-thought, then and there did make an Assault, in and upon one William Moore, in the Peace of God, and of our said Sovereign Lord the King, to wit, then and there being, and to the Ship aforesaid call'd the Adventure Galley, then and there belonging; and that the aforesaid William Kidd, with a certain wooden Bucket, bound with Iron Hcops, of the Value of Eight Pence, which he the said William Kidd, then and there had and held in his Right-hand, did violently, feloniously, voluntarily, and of his Malice afore-thought, beat and Strike the aforesaid William Moore, in and upon the right part of the Head of him the said William Moore, a little above the Right-ear of the said William Moore, then and there upon the High Sea, in the Ship aforesaid, and within the Jurisdiction of the Admiralty of England aforesaid, giving to the said William Moore, then and there with the Bucket aforesaid, in and upon the aforesaid right part of the Head of him the said William Moore, a little above the Right-ear of the said William Moore, one mortal Bruise, of which mortal Bruise the aforesaid William Moore, from the said 30th. Day of October, in the Ninth Year aforesaid, untill the One and thirtieth Day of the said Month of October, in the Year aforesaid, upon the High Sea aforesaid, in the Ship aforesaid, and within the Jurisdiction of the Admiralty of England aforesaid, did languish, and languishing did live; upon which One and thirtieth Day of October, in the Ninth Year aforesaid, the aforesaid William Moore upon the High Sea aforesaid, near the aforesaid Coast of Malabar, in the East-Indies aforesaid, in the Ship aforesaid, call'd the Adventure-Galley, and within the Jurisdiction of the Admiralty of England aforesaid, did die; and so the Jurors aforesaid, upon their Oath aforesaid, do say, That the aforesaid William Kidd, feloniously, voluntarily, and of his Malice afore-thought, did kill and murther the aforesaid William Moore, upon the High Sea aforesaid, and within the Jurisdiction of the Admiralty of England aforesaid, in manner and form aforesaid, against the Peace of our said Sovereign Lord the King, his Crown and Dignity, &c.

How say'st thou, *Will. Kidd,* art thou Guilty of this Murther, whereof thou standest indicted, or Not Guilty?

Will. Kidd. Not Guilty.

Cl. of Arr. How wilt thou be tried? *Will. Kidd.* By God and my Country.

Cl. of Arr. God send thee a good Deliverance. *Nicholas Churchill, James Howe, Robert Lamley, William Jenkins, Gabriel Loff, Hugh Parrot, Richard Barlicorn, Abel Owens, Darby Mullins,* hold up your Hands. You the Prisoners at the Bar, those Men that you shall hear called, and personally appear, are to pass between our Sovereign Lord the King and you,

upon Tryal of your several Lives and Deaths: If therefore you, or any of you, will challenge them, or any of them; your time is to speak to them as they come to the Book to be sworn, and before they be sworn.

Will. Kidd. My Lord, I desire Council may be assign'd me.

Mr. Recorder. Capt *Kidd*, I told you it would be your time, when the Jury was call'd, to offer what you had to offer; therefore, if you have any thing now to say to the Court, you had best say it.

Will. Kidd. I beg I may have Council, Dr. *Oldish*, and Mr. *Lemmon*, that they may be heard on my behalf.

Mr. J. Powel. If he desires it, you may be Council for him, provided there be any matter of Law that he has to plead; otherwise he must be tried.

Dr. Oldish. My Lord, he moves that his Tryal for Piracy may be put off for several Reasons; one is, there is one *Davis*, that is a necessary Witness for him; he was taken a Passenger into the Ship, and therefore could not be concerned in any Piracy: Now this *Davis* stands indicted, so that he is deprived of this Person, who is a necessary Witness for him in this Case.

Mr. Coniers. He is not indicted yet, he may call him if he thinks fit.

Mr. J. Powel. If he be indicted, yet he may be a Witness.

Dr. Oldish. My Lord, we desire he may be here. *Mr. J. Powel.* Where is he?

Cl. of Arr. He is in *Newgate*. *Mr. J. Powel.* Let him be sent for.

Dr. Oldish. My Lord, it is very fit his Tryal should be delay'd for some Time, because he wants some Papers very necessary for his Defence. It's very true, he is charged with Piracies in several Ships; but they had French Passes when the Seifure was made. Now if there were French Passes it was a lawful Seifure.

Mr. J. Powel. Have you those Passes?

Will. Kidd. They were taken from me by my Lord *Bellamont*, and these Passes would be my Defence.

Dr. Oxenden. Had you any other Passes when you took the Armenian Ship?

Dr. Oldish. If those Ships that he took had French Passes, there was just cause of Seifure, and it will excuse him from Piracy.

Will. Kidd. The Passes were seifed by my Lord *Bellamont*, that we will prove as clear as the Day.

Mr. Lemmon. My Lord, I desire one word as to this Circumstance, he was doing his King and Country Service, instead of being a Pirate: For in this very Ship there was a French Pass, and it was shown to Mr. *Davis*, and carried to my Lord *Bellamont*, and he made a Seifure of it. And there was a Letter writ to testifie it, which was produced before the Parliament; and that Letter has been transmitted from Hand to Hand, so that we cannot at present come by it. There are several other Papers and Letters that we cannot get; and therefore we desire the Tryal may be put off till we can procure them.

L. C. B. Ward. Where are they?

Mr. Lemmon. We cannot yet tell whether they are in the Admiralty Office, or whether Mr. *Fodrell* hath them.

Mr. J. Powel. Let us see on what you go. You talk of French Passes, you should have been prepared to make Affidavit of it. What Ship was that which had the French Passes?

Mr. Lemmon. The same we were in, the same that he is indicted for.

Mr. J. Powel. Make out this, Mr. *Lemmon*.

Mr. Lemmon. My Lord, we desire Mr. *Davis* may be sent for, he will prove it.

L. C. B. Ward. Send for *Edward Davis*.

Mr. Fell. My Lord, will you have him brought into Court?

L. C. B. Ward. Yes.

Mr. Soll. Gen. They have had a Fortnights Notice to prepare for the Tryal.

Dr. Oldish. We petitioned for Money, and the Court ordered Fifty Pounds; but the Person that received it went away, and we had none till last Night.

Dr. Oxenden. I ordered that the Money might be paid into his own hands, that he might be sure to have it.

Mr. Crawley, Register, Declar'd, That he paid the 50*l.* into his own Hands on Tuesday Morning.

L. C. B. Ward. You ought to make it out, that there is a reasonable Cause to put off the Tryal, or else it cannot be allowed.

Mr. Lemmon. My Lord, we will be ready to morrow morning.

L. C. B. Ward. They ought to have had due Notice, What Notice have they had?

Mr. Sol. Gen. A Fortnights Notice, this Day Fortnight.

Dr. Oldish. My Lord, he should have had his Money delivered to him.

Will. Kidd. I had no Money nor Friends to prepare for my Tryal till last Night.

L. C. B. Ward. Why did you not signifie so much to the King's Officers.

Mr. Sol. Gen. My Lord, this we will do, let *Davis* be brought into Court; and if that be a just Excuse, we are contented. In the mean time, let him be tried for the Murder, wherein there is no pretence of want of Witnesses or Papers.

Officer. *Davis* is here, My Lord.

Cl. of Arr. Set all aside but Captain Kidd. *William Kidd*, You are now to be tried on the Bill of Murther, the Jury is going to be sworn; if you have any Cause of Exception, you may speak to them as they come to the Book.

Will. Kidd. I shall challenge none, I know nothing to the contrary but they are honest Men.

The Jury Sworn, were

| | |
|------------------------|-------------------------|
| <i>Nathaniel Long.</i> | <i>Henry Sherbrook.</i> |
| <i>Jo. Ewers.</i> | <i>Henry Dry.</i> |
| <i>Jo. Child.</i> | <i>Rich. Greenaway.</i> |
| <i>Ed. Reeves.</i> | <i>Jo. Sherbrook.</i> |
| <i>Tho. Clark.</i> | <i>Tho. Emms.</i> |
| <i>Nath. Green.</i> | <i>Rog. Mott.</i> |

After Proclamation made, (as usual) the Court proceeded to the Tryal, as follows:

Cl. of Arr. Will. Kidd, hold up thy Hand. (*which he did*) You Gentlemen of the Jury, look upon the Prisoner, and hearken to his Cause. He stands indicted by the Name of *William Kidd*, &c. as before in the Indictment. Upon this Indictment he has been arraigned, and thereunto has pleaded, *Not Guilty*. and for his Tryal has put himself on God and his Country, which Country you are. Your Charge is to enquire, Whether he be Guilty of the Murther whereof he is Indicted, in manner and form as he stands indicted, or Not guilty, &c.

Mr. Knap. My Lord and you Gentlemen of the Jury,

This is an Indictment of Murther. The Indictment sets forth, *That William Kidd, on the 30th. of October, on the High Sea, on the Coast of Malabar, did assault one William Moore, on Board a Ship called the Adventure, whereof William Kidd was Captain, struck him with a Wooden Bucket, hooped with Iron, on the side of the Head, near the right Ear, and that of this Bruise he died the next Day, and so that he has murdered the said Person.* To this Indictment he has pleaded Not Guilty; if we prove him Guilty, you must find him so.

Mr. Soll. Gen. My Lord, and Gentlemen of the Jury, We will prove this as particularly as can be, that *William Kidd* was Captain of the Ship, and that *William Moore* was under him in the Ship, and that without any Provocation he gave him this Blow, whereof he died.

Mr. Coniers My Lord, It will appear to be a most barbarous Fact, to murther a Man in this manner; for the Man gave him no manner of Provocation. This *William Moore* was a Gunner in the Ship, and this *William Kidd* abuses him, and calls him *Louise Dog*; and upon a civil Answer he takes this Bucket, and knocks him on the Head, whereof he died the next Day. Call *Joseph Palmer*; and *Robert Bradinham*. (*who appeared, and were Sworn.*) *Joseph Palmer*, give my Lord and the Jury an Account of what you saw done by *William Kidd*, on the Coast of *Malabar*, as to *William Moore* his Gunner.

Jos. Palmer. About a Fortnight before this Accident fell out, Captain *Kidd* met with a Ship on that Coast, that was called the *Loyal Captain*. And about a Fortnight after this, the Gunner was grinding a Chissel aboard the *Adventure*, on the High Sea, near the Coast of *Malabar*, in the *East-Indies*.

Mr. Coniers. What was the Gunner's Name?

Jos. Palmer. *Will. Moore.* And Captain *Kidd* came and walked on the Deck, and walks by this *Moore*; and when he came to him, says, *Which way could you have put me in a way to take this Ship, and been clear*; Sir, says *William Moore*, *I never spoke such a Word, nor ever thought such a thing.* Upon which Captain *Kidd* called him a *Louise Dog*. And says *William Moore*, *If I am a Louise Dog, you have made me so; you have brought me to Ruin, and many more.* Upon his saying this, says Captain *Kidd*, *Have I ruined you, you Dog?* and took a Bucket bound with Iron Hoops, and struck him on the right side of the Head, of which he died the next Day.

Mr. Cooper. What was the Gunner doing at that time, when he gave him that Blow?

Jos. Palmer. He was grinding a Chissel at the time that he struck him.

Mr. Cooper. Did he give him the Blow immediately after he gave him that Answer?

Jos. Palmer. He walked Two or Three Times backward and forward upon the Deck, before he struck the Blow.

Mr. J. Turton. What did Captain *Kidd* say first?

Jos. Palmer. *Which way could you have put me in a way of taking this Ship, and been clear?* Says the Gunner, *I never said so, nor thought any such thing.*

Mr. Cooper. Hark you, Friend, explain that matter.

Mr. B. Haisel. What was the Occasion of those Words?

Jos. Palmer. It was concerning this Ship.

L. C. B. Ward. What Ship was it? Name the Ship.

Jos. Palmer. It was the *Loyal Captain*. Captain *Kidd* said to *William Moore*, *Which way could you have put me in the way to have taken this Ship, and been clear?* Says *William Moore*, *I never said such a thing, nor thought it.* And upon that he call'd him *Louise Dog*.

L. C. B. Ward. Was that Ship taken?

Jos. Palmer. No, she was gone.

Mr. Coniers. You say he call'd him *Louise Dog*. *Jos. Palmer.* Yes.

Mr. Coniers. What did *William Moore* say to him then?

Jos. Palmer.

Jos. Palmer. He said, *If I am a Lousie Dog, you have brought me to it; you have ruined me and many more.* Upon this, says *Captain Kidd*, *Have I brought you to Ruin, you Dog?* Repeating it two or three times over, and took a turn or two upon the Deck, and then takes up the Bucket, and strikes him on the Head.

Mr. Cooper. You say he made a turn or two on the Deck, and then struck him.

Jos. Palmer. Yes.

Mr. Coniers. Tell my Lord what pass next after the Blow.

Jos. Palmer. He was let down the Gun-Room, and the Gunner said, *Farewel, farewel, Captain Kidd has given me my last.* And *Captain Kidd* stood on the Deck, and said, *You are a Villain.*

Mr. Cooper. How near was *Captain Kidd* to him when he said he had given him his last?

Jos. Palmer. He was near him.

Mr. Cooper. Was he within hearing of what *Moore* said?

Jos. Palmer. Yes, he was within seven or eight Foot.

Mr. Soll. Gen. Did you apprehend that he died of that Blow?

Jos. Palmer. He was in perfect Health before that.

Mr. Soll. Gen. What did the Surgeon think of it?

Jos. Palmer. The Surgeon is here.

Mr. Soll. Gen. Did you see him afterwards?

Jos. Palmer. No, I did not see him after till he was dead.

Mr. Cooper. How did the Wound appear when you saw him?

Jos. Palmer. After he was dead, the Surgeon was called to open his Head, and *Captain Kidd* said, *You are damn'd busie without Order.*

Mr. Cooper. Though we ask you Questions, you must turn your Face there towards the Jury. Give the Jury an Account of what you saw.

Jos. Palmer. I felt on his Head, and I felt something give way, and about the Wound there was a Bruise.

Mr. Cooper. You say you saw him when he was carried off after the Blow, how did his Head appear then? was he Bloody?

Jos. Palmer. There was not much Blood came from him.

L. C. B. Ward. Was you by when those words were spoken?

Jos. Palmer. Yes, my Lord.

L. C. B. Ward. Did you see the Prisoner give the Blow with the Bucket upon those words? *Jos. Palmer.* Yes, my Lord.

L. C. B. Ward. How long was it before he went down the Deck?

Jos. Palmer. Presently. *L. C. B. Ward.* Did he complain of the Wound?

Jos. Palmer. He said, *Farewel, farewel, Captain Kidd has given me my last.*

L. C. B. Ward. Was this *Moore* in a good Condition of Health before this Blow was given him?

Jos. Palmer. Yes, my Lord. *L. C. B. Ward.* And afterwards he complained.

Jos. Palmer. Yes, my Lord.

L. C. B. Ward. When he was dead, what Marks were on his Head?

Jos. Palmer. On the right side of his Head, on this Place (*pointing to his own Head*) it was bruised a considerable Breadth; and in one Place I could feel the Skull give way.

Mr. Cooper. How long after the Blow did he die?

Jos. Palmer. The next Day following.

Mr. Cooper. And you say you saw him dead then. *Jos. Palmer.* Yes, Sir.

L. C. B. Ward. *Captain Kidd*, if you will ask him any Questions, you may.

Will. Kidd. My Lord, I would ask this Man what this *Moore* was doing when this thing happen'd.

L. C. B. Ward. *Mr. Palmer*, you hear what he says; what was *Moore* doing?

Jos. Palmer. He was grinding a Chissel.

Will. Kidd. What was the Occasion that I struck him?

Jos. Palmer. The Words that I told you before.

Will. Kidd. Was there no other Ship? *Jos. Palmer.* Yes.

Will. Kidd. What was that Ship? *Jos. Palmer.* A Dutch Ship.

Will. Kidd. What were you doing with the Ship?

Jos. Palmer. She was becalmed.

Will. Kidd. This Ship was a League from us, and some of the Men would have taken her, and I would not consent to it, and this *Moore* said I always hindred them making their Fortunes; was not that the Reason I struck him? was there not a Mutiny on Board.

Jos. Palmer. No. You chased this Dutchman, and in the way took a *Malabar* Boat, and chased this Ship all the whole Night; and they showed their Colours, and you put up your Colours.

Will. Kidd. This is nothing to the Point, was there no Mutiny aboard?

Jos. Palmer. There was no Mutiny, all was quiet.

Will. Kidd. Was there not a Mutiny, because they would go and take that Dutchman?

Jos. Palmer. No, none at all. *Mr. Coniers.* Call *Robert Bradinham*.

Jury. What was the Cause that he struck him?

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Jos. Palmer. A Fortnight before this was done, we met with this *Loyal Captain*, of which *Captain Hoar* was Commander, and he came on Board *Captain Kidd's* Ship, and *Captain Kidd* went on Board his, and then *Captain Kidd* let this Ship go. About a Fortnight after this, the Gunner was grinding his Chissel on the Deck; and *Captain Kidd* said to him, *Which way could you have put me in a way to take this Ship, and been clear?* To which he reply'd, *I never said such a Thing, nor thought of such a Thing.* Whereupon *Captain Kidd* called the Gunner *Louise Dog*. And says *Moore*, *If I am a Louise Dog, you have made me so; you have brought me to Ruin, and a great many more.* And says *Captain Kidd*, *Have I brought you to Ruin, you Dog?* and after struck him with the Bucket. These were all the Words that pass.

Mr. J. Powel. Was *Captain Kidd* aboard that Ship?

Jos. Palmer. Yes, and *Captain Hoar* was aboard him?

Mr. J. Powel. Was there any body nigh at that time?

Jos. Palmer. Yes, there were Eight or Nine Men, that had Muskets and other Arms, and they were for taking the Ship, and *Captain Kidd* was against it, so it was not done.

Will. Kidd. My Lord, I was in the Cabin, and heard a Noise, and came out; and *William Moore* said, *You ruin us because you will not Consent to take Captain Hoar's Ship.* Says a Dutchman, *I will put Captain Kidd in a way to take this Ship, and come off fairly.*

L. C. B. Ward. You may ask him any questions you have a mind to, but you must reserve what you have to say for your self till you come to make your Defence.

Mr. Sol. Gen. *Mr. Palmer*, Do you know of any other Provocation to strike him, besides those Words?

Jos. Palmer. I know of no other Provocation.

Mr. Coniers. Set up *Robert Bradinbam*. (who appeared) *Mr. Bradinbam*, In what Office was you in the Ship?

R. Bradinbam. I was Surgeon of the Ship.

Mr. Coniers. Of what Ship?

R. Bradinbam. The *Adventure Galley*; whereof *Captain Kidd* was Master.

Mr. Coniers. Was you there when the blow was given? *R. Bradinbam.* No.

Mr. Coniers. Was you sent for when *Captain Kidd* had given the Gunner the Wound upon the Head.

R. Bradinbam. I was sent for to his Assistance after he was wounded, and I came to him, and asked him how he did; he said, He was a dead Man, *Captain Kidd* had given him his last Blow. And I was by the Gun-Room, and *Captain Kidd* was walking there, and I heard *Moore* say, *Farewel; Farewel, Captain Kidd has given me my last Blow;* and *Captain Kidd*, when he heard it, said, *Damn him, he is a Villain.*

Mr. Coniers. Did you hear him say so?

R. Bradinbam. I did hear it.

Mr. Cooper. Was it in a way of Answer to what he said? *R. Bradinbam.* Yes.

Mr. Cooper. How long did he live after the Blow?

R. Bradinbam. He died the next Day. The Wound was but small, the Scull was fractured.

Mr. Cooper. Do you believe he died of that Wound? *R. Bradinbam.* Yes.

Mr. Cooper. Had you any Discourse with *Captain Kidd* after this, about this Man's Death?

R. Bradinbam. Some time after this, about Two Months, by the Coast of *Malabar*, *Captain Kidd* said, *I do not care so much for the Death of my Gunner, as for other Passages of my Voyage; for I have good Friends in England, that will bring me off for that.*

L. C. B. Ward. *Mr. Kidd*, Will you ask him any Questions?

Will. Kidd. I ask him whether he knew of any Difference between this Gunner and me before this happened.

R. Bradinbam. I knew of no Difference between them before at all.

Mr. Sol. Gen. *Mr. Kidd.* Have you any thing more to ask him? *Will. Kidd.* No.

Mr. Coniers. Then we have done for the King.

L. C. B. Ward. Then you may make your Defence, you are charged with Murther, and you have heard the Evidence that has been given, What have you to say for your self?

Will. Kidd. I have Evidence to prove it is no such thing, if they may be admitted to come hither. My Lord, I will tell you what the Case was, I was coming up within a League of the Dutchman, and some of my Men were making a Mutiny about taking her; and my Gunner told the People he could put the Captain in away to take the Ship, and be safe. Says I, *How will you do that?* The Gunner answered, *We will get the Captain and Men aboard.* And what then? *We will go aboard the Ship, and plunder her, and we will have it under their Hands that we did not take her.* Says I, *This is Judas like, I dare not do such a thing.* Says he, *We may do it, we are Beggars already.* Why says I, *May we take this Ship because we are Poor?* Upon that a Mutiny arose, so I took up a Bucket, and just throwed it at him, and said, *You are a Rogue to make such a Motion.* This I can prove, my Lord.

L. C. B. Ward. Call your Evidence.

Mr. Cooper. *Mr. Palmer*, Was there any Mutiny in the Ship, when this Man was killed?

Jos. Palmer. There was none.

L. C. B. Ward. *Captain Kidd*; Call what Evidence you will.

Will. Kidd. They are Prisoners I desire they may be called up.

L. C. B. Ward. Whatever other Crimes they may be Guilty of, they may be Witnesses for him in this Case.

Mr. Bar. Hasfell. Mr. Palmer, Did he throw the Bucket at him, or strike him with it?

Jos. Palmer. He held it by the Strap in his Hand.

Will Kidd. Call Abel Owens. (who appeared) Can you tell which way this Bucket was thrown?

Mr. J. Powel. What was the Provocation for throwing this Bucket?

Abel Owens. I was in the Cook room, and hearing some Difference on the Deck, I came out; and the Gunner was grinding a Chissel on the Grindstone, and the Captain and he had some Words; and the Gunner said to the Captain, *You have brought us to ruin, and we are desolate.* And says he, *Have I brought you to ruin? I have not brought you to ruin, I have not done an ill Thing to ruin you, you are a sawcy Fellow to give me these Words;* and then he took up the Bucket, and did give him a Blow.

Will. Kidd. Was there not a Mutiny among the Men?

Abel Owens. Yes, and the bigger Part was for taking the Ship; and the Captain said, *You that will take the Dutchman, you are the Strongest, you may do what you please; if you will take her, you may take her; but if you go from aboard, you shall never come aboard again.*

L. C. B. Ward. When was this Mutiny you speak of?

Abel Owens. When we were at Sea.

L. C. B. Ward. How long was it before this Man's Death?

Abel Owens. About a Month.

Mr. J. Powel. At this time when the Blow was given, did Moore the Gunner endeavour to make any Mutiny?

Abel Owens. No.

Mr. J. Powel. Was there any Mutiny then?

Abel Owens. None at all.

Will. Kidd. Did not he say, He could put me in a way to take the Dutchman, and be clear?

Abel Owens. I know there were several of them would have done it, but you would not give Consent to it.

Will. Kidd. No, but this was the Reason I threw the Bucket at him.

L. C. B. Ward. Captain Kidd, he tells you this was a Month before you struck him.

Jury. My Lord, we desire he may be asked, whether he did throw the Bucket, or strike him with it.

L. C. B. Ward. Answer the Jury to that Question.

Abel Owens. He took it with the Strap, and struck him with it.

Will. Kidd. Did not I throw it at him?

Abel Owens. No, I was near you when you did it.

Mr. J. Powel. Did you see the stroke given?

Abel Owens. I did see the Stroke given.

L. C. B. Ward. Captain Kidd, Will you call any more?

Will. Kidd. Yes, my Lord. Call Richard Barlicorn.

Mr. J. Powel. What Questions would you have him ask'd?

Will. Kidd. R. Barlicorn, what was the Reason that Blow was given to the Gunner?

R. Barlicorn. At first when you met with the Ship there was a Mutiny, and Two or Three of the Dutchmen came aboard; and some said she was a rich Vessel, and they would take her: And the Captain said, *No, I will not take her.* And there was a Mutiny in the Ship, and the Men said *If you will not, we will.* And he said, *If you have a mind, you may; but they that will not, come along with me.*

Will. Kidd. Do you think William Moore was one of those that was for taking her?

R. Barlicorn. Yes.

L. C. B. Ward. How long was that before Moore died, do you know?

R. Barlicorn. No, I did not keep a Journal.

L. C. B. Ward. Was it after Moore died?

R. Barlicorn. No Sir, it was before Moore died.

Mr. Coniers. How long before?

R. Barlicorn. I believe it was about a Month, or Three Weeks, I cannot tell which.

L. C. B. Ward. You say there was a Mutiny in the Ship, what was the Mutiny about?

R. Barlicorn. About taking the Ship.

L. C. B. Ward. What was the Ship's Name?

R. Barlicorn. The Loyal Captain. And the Captain said, *If they take the Ship, they shall never come aboard again.*

L. C. B. Ward. Was you by when Moore received this Blow?

R. Barlicorn. No, I was not by then.

Will. Kidd. Do you know of any Quarrel between this Moore and I before that Accident?

R. Barlicorn. No, I did not.

Mr. J. Powel. Was there any Mutiny in the Ship when this Moore died?

R. Barlicorn. They were talking of it.

Will. Kidd. Was there not a Dutchman close by us, when this Blow was given?

R. Barlicorn. Yes Sir.

Will. Kidd. He was going to make another Mutiny, and I prevented him.

Mr. J. Powel.

Mr. J. Poppel. Did *Moore*, endeavour to make any Mutiny at that time.

Barlicorn. The Ship was gone at that time.

Mr. J. Poppel. How long had she been gone?

Barlicorn. About a Week.

Mr. B. Hatfell. Was there any Mutiny about the Dutch Ship you saw?

Barlicorn. The Dutch Ship? Not that I know of; but there was a Mutiny about the *Loyal Captain*.

Will. Kidd. Do you not know of another Mutiny?

Mr. B. Hatfell. Do you know of any other Mutiny? *Barlicorn.* No.

Will. Kidd. At that very time they were going to make a Mutiny.

L. C. B. Ward. Will you ask him any more Questions?

Will. Kidd. What Discourse had I with *Moore* at that time?

Barlicorn. I was aboard our Ship, but did not see the Blow given.

Will. Kidd. They were saying they would take her, and he said, He could put me in a way to take her, without coming to any harm.

L. C. B. Ward. What occasion could those Words be of a Mutiny?

Barlicorn. There were many of the Men would have gone with Arms, and taken that Ship without the Captain's Consent.

L. C. B. Ward. At that time when this *Moore* was killed, was there any Mutiny? *Barlicorn.* No.

L. C. B. Ward. When was it that *Moore* said, They might have taken this Ship?

Barlicorn. At the same time when the Ship was in Company with us.

L. C. B. Ward. That was a Week or Fortnight before.

Barlicorn. No, Sir, the *Loyal Captain* was within sight of us.

Mr. B. Hatfell. What when *Moore* was killed?

Barlicorn. No, not then. *Will. Moore* lay sick a great while before this Blow was given; and the Doctor said, when he visited him, This Blow was not the cause of his Death.

L. C. B. Ward. Then they must be confronted. Do you hear, *Bradinham*, what he says? He says you said, That Blow was not the cause of his Death. Did you ever say so?

R. Bradinham. My Lord, I never said so.

L. C. B. Ward. Did you see that young Man there?

R. Bradinham. Yes, he was aboard the Ship.

L. C. B. Ward. Was *Moore* sick before that blow?

R. Bradinham. He was not sick at all before.

Barlicorn. He was sick some time before, and this Blow did but just touch him; and the Doctor said, He did not die on the occasion of this Blow.

Mr. J. Geld. Did you ever say so, *Mr. Bradinham*? *R. Bradinham.* No, my Lord.

Mr. Sol. Gen. You say he did but just touch him, were you present when the Blow was given.

Barlicorn. No, but I saw him after he was dead, and I was by when the Doctor said, He did not die of that Blow.

Mr. Cooper. What did he die of?

Barlicorn. I cannot tell, he had been sick before, we had many sick Men aboard.

Mr. Sol. Gen. How long did he lie after this Blow, before he died?

Barlicorn. I cannot tell justly how long it was.

L. C. B. Ward. How long do you think? You took Notice of the Blow, how long did he live after that?

Barlicorn. I believe about a Week.

L. C. B. Ward. And the two Witnesses swore he died the next Day.

Barlicorn. I cannot tell justly how long he lived afterwards.

Jury. We desire to know whether he knew what was the Occasion of this Blow.

Barlicorn. All the Reason I can give, is, because it was thought he was going to breed a Mutiny in the Vessel.

L. C. B. Ward. Did you hear of that by any Body?

Will. Kidd. Was *Bradinham* in the Mutiny? declare that.

L. C. B. Ward. *Mr. Kidd*, Why do you ask that Question?

Will. Kidd. I ask him whether *Bradinham* was not in any Mutiny in the Ship.

L. C. B. Ward. Why do you ask that?

Barlicorn. If any thing was to be, he was as forward as any one.

L. C. B. Ward. You say he was as forward as any, but it does not appear any one made a Mutiny at this time.

Barlicorn. I do not know, Sir.

L. C. B. Ward. Have you any more to call?

Will. Kidd. My Lord, here is another Witness.

L. C. B. Ward. What is your Name? *Hugh Parrot.* *Hugh Parrot.*

L. C. B. Ward. *Mr. Kidd*, what do you ask him?

Will. Kidd. I ask you whether *Bradinham* was in a Mutiny in my Ship.

Hugh Parrot. I cannot say whether he was or no.

L. C. B. Ward. Captain *Kid*, you are tried for the Death of this *Moore*, now why do you ask this Question? what do you infer from hence? You will not infer, that if he was a Mutineer, it was lawful for you to kill *Moore*.

Will. Kidd.

William Kidd. Do you know the Reason why I struck *Moore*?

Hugh Parrot. Yes, because you did not take the *Loyal Captain*, whereof Captain *Hoar* was Commander.

L. C. B. Ward. Was that the Reason he struck *Moore*, because the Ship was not taken?

Hugh Parrot. I shall tell you how it happened, according to the best of my Knowledge, My Commander fortun'd to come up with this Captain *Hoar's* Ship, and some were for taking her, and some not; and afterwards there was a little sort of Mutiny, and some rose in Arms, the greatest Part, and they said they would take this Ship, and the Commander was not for it; and so they resolv'd to go away in the Boat, and take her. Captain *Kidd* said, *If you desert my Ship, you shall never come aboard again, and I will force you into Bombay, and I will carry you before some of the Council there: Inasmuch as my Commander filled them again, and they remained on Board.* And about a Fortnight afterwards there pass'd some Words between this *William Moore*, and my Cominander; and then says he, *Captain, I could have put you in a way to have taken this Ship, and been never the worse for it.* He says, *Would you have me take this Ship? I cannot answer it, they are our Friends,* and my Com-mander was in a Passion; and with that I went off the Deck, and I understood afterwards the Blow was given, but how I cannot tell.

Mr. J. Powel. Captain *Kidd*, Have you any more to ask him, or have you any more Witneses to call?

Will. Kidd. I could call all of them to testify the same thing, but I will not trouble you to call any more.

L. C. B. Ward. Have you any more to say for your self?

Will. Kidd. I have no more to say, but that I had all the Provocation in the World given me; I had no design to kill him, I had no Malice or Spleen against him.

L. C. B. Ward. That must be left to the Jury to consider the Evidence that has been given; you make out no such matter.

Juryman. My Lord, I desire the Prisoner may give an Account whether he did do any thing in Order to his Cure.

L. C. B. Ward. He is to be tried according to Law; the King's Evidence hath been heard, and he has the Liberty to produce what Evidence he can for himself; will you put him to produce more Evidence than he can? If he has any more to say, it will be his Interest to say what he can, the Court is willing to hear him as long as he hath any thing to offer for himself, either upon that Account, or any thing else.

Will. Kidd. It was not designedly done, but in my Passion, for which I am heartily sorry.

L. C. B. Ward. Gentlemen of the Jury, the Prisoner at the Bar, *William Kidd*, is indicted for the Murder of *William Moore*; and whether he be guilty of this Murder, or not Guilty, it is your part to determine on the Evidence that has been given. The Fact charged against him is this, That the Prisoner at the Bar, *William Kidd*, being the Commander of the Ship, called the *Adventure Galley*, and the deceased *William Moore*, the Gunner in that Ship; That upon the High Sea, near the Coast of *Malabar*, in the *East-Indies*, and within the Jurisdiction of the Admiralty of *England*, in *October*, in the Ninth Year of his Majesty's Reign, 1697, the Prisoner, *William Kidd*, out of his Malice fore-thought, did strike the deceased, *William Moore*, with a Bucket hooped with Iron, on the right side of his Head, and that that Blow was the occasion of the Death of the said *William Moore*; that this was done on the 30th. of *October*, and that his death ensued on the 31st. of *October*, being the next Day. This is the Fact charged upon him.

Now you have heard the Evidence that has been given on the King's Part, and you will weigh it well. You hear the first Witness that has been produced on behalf of the King, is *Joseph Palmer*. He tells you he was present on board this Ship, at the time when this Blow was given. And he says there had been some Discourse between the Prisoner, *William Kidd*, and the deceased *Moore*, concerning taking a Ship that was called the *Loyal Captain*, and that Captain *Kidd* said to him, *How could you have put me in a way to take that Ship, and be clear? No,* says *Moore*, *I said no such thing.* The Reply Captain *Kidd* made to him was, *He was a Lousie Dog.* The Answer of the deceased was this, *If I am a so, you have made me so, you have ruined me and a great many others.* With that says Captain *Kidd*, *Have I ruined you, you Dog?* and up he took a Bucket, hoop'd with Iron, and gave him a Blow on the right side of his Head. And thereupon he complained, and said, *You have given me my last Blow.* And then *Moore* went down below Deck, and he saw him no more till the next Day, and then he was dead; and he felt upon his Head, and perceived a Bruise in one part of it, as broad as a Shilling, and he felt the Skull was broke; and he does take on him to say, that he believes that Blow was the Occasion of his Death. Being asked whether he knew in what State of Health he was before, he says, He was in a healthy Condition; he was grinding a Chissel at that time when the Blow was given; and that Blow he believes was the Occasion of his Death. And being asked whether he heard any other Words, or saw or knew any thing that could be any cause of Provocation, he says, He knew no more than the Reply of the Party deceased, *If I am a Lousie Dog, you have made me so, and you have been my Ruine:* And then, having taken two or three Turns upon the Deck, he gave him the Blow; and then *Moore* went down the Deck, and used these Words, *You have given me my last Blow*, or to that Effect.

Gentlemen,

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Gentlemen, You have heard the Surgeon also, *Robert Bradinham*, and he tells you he did not see the Blow given, but he was sent for after, and the Deceased said, *Capt. Kidd* had given him his last Blow: And thereupon he did examine him, as a Surgeon, and does believe that Blow on the Head was the occasion of his death, and he did observe it as well as he could.

Jury-man. My Lord, I think *Bradinham*, said he was not then by, when the Prisoner gave the Blow.

L. C. B. Ward. I did not say he was: He says he was sent for after the Blow; and when he came, the Deceased said he gave it him, and what would be the Consequence.

Now these two being Cross-Examined by the Prisoner *William Kidd*, whether they did not know of some Mutiny in the Ship, that might be the occasion of his giving this Blow; they have told both their Stories, of what Discourse there was of taking this Ship the *Loyal Captain*, and of what Design there was upon the *Dutch Ship* after. Now the first of these was a Fortnight before this happen'd, and the other a Week; so that there was then no Occasion of Mutiny, nor do they know of any Mutiny at that time.

Now, Gentlemen, he has produc'd for himself Three Witnesses. The first that he calls is *Abel Owens*; and this Witness has not in his Testimony made for the Prisoner, but in effect confirmed what the other Witnesses for the King said: for he tells you he was by when the Blow was given, and gives you an Account how this thing was, That there was some Discourse between them, much what to the effect aforesaid, both as to what *Capt. Kidd* said to *Moore*, and what *Moore* replied; and that *Capt. Kidd* should say to *Moore*, *You are a sawcy Fellow*, or to that purpose; and *Moore* said, *You have Ruin'd me, and a great many others*; and with that the Prisoner took up the Bucket, and struck him with it. And he being asked, if there was any Provocation or Occasion why this Blow was given, and whether there was any Mutiny at that time, as pretended, he says he knew of none, only he speaks of one about a Month before.

They have call'd two other Witnesses, one is *Richard Barlicorn*: He is the Prisoner's Servant; and though he be his Servant, yet the Law allows him to be a Witness for him, and the Credit of his Testimony is left to you. Now what has he said? He has told you something different stories. He thinks there was a Mutiny in the Ship. And being asked about what time; he thinks it was about a Month or Three Weeks before; and, upon further Examination saith, there was no Mutiny when *Moore* was kill'd. He is willing to say what he can for his Master, and believes *Mr. Kidd* did not design to do any harm to that Man; for he heard the Surgeon say, that Blow was not the occasion of his Death. Now, in contradiction to that, *Bradinham* the Surgeon says he never did say so, but believes that this Blow was the Occasion of his death. You have heard what Objections the Young Man's Testimony is liable to, and you will consider his whole Evidence.

The last Witness the Prisoner has call'd is *Hugh Parrot*. He says there was something of these words, and that the Deceased did say, He could have put the Captain in a way to have taken the Ship, and hereupon Words arose, and the Captain was in a Passion; and that then he went away, and understood afterwards the Blow was given, but how he could not tell.

Now, Gentlemen, this being the Matter of Fact, the Prisoner is Indicted upon it for Murther. Now to make the Killing of a Man to be Murther, there must be Malice prepensed, either express or implied: The Law implies Malice, when one man, without any reasonable Cause or Provocation, kills another. You have had this Fact opened to you. What Mutiny or Discourse might be a Fortnight or Month before, will not be any reason or cause for so long continuance of a Passion. But what did arise at that time, the Witnesses tell you. The first Witness tells you, the first words that were spoken, were by *Mr. Kidd*; and upon his Answer, *Mr. Kidd* calls him *lousie Dog*. The Reply was, *If I am so, you have made me so; You have ruin'd me, and a great many more*. Now, Gentlemen, I leave it to you to consider whether that could be a reasonable Occasion or Provocation for him to take a Bucket and knock him on the Head, and kill him. You have heard the Witnesses have made it out that he was a healthy Man, and they are of opinion that that blow was the occasion of his death. Now for the Prisoner, on such a Saying, and without any other Provocation, to take a Bucket and knock the Deceased on the head, and kill him, must be esteem'd an unjustifiable Act. For, as I said, if one man kill another without Provocation, or reasonable Cause, the Law presumes and implies Malice; and then such Killing will be Murther, in the sence of the Law, as being done out of Malice prepense. If there be a sudden falling-out and fighting, and one is kill'd in heat of blood, then our Law calls it Manslaughter: But in such a Case as this, that happens on slight Words, the Prisoner call'd the Deceased a *lousie Dog*; and the Deceased said, *If I be so, you made me so*; Can this be a reasonable Cause to kill him? And if you believe them to be no reasonable Cause of Provocation, and that this Blow was given by the Prisoner, and was the occasion of *Moore's* death, as the Witnesses alledge, I can not see what distinction can be made, but that the Prisoner is Guilty of Murther. Indeed, if there had been a Mutiny at that time, and he had struck him at the time of the Mutiny, there might have been a reasonable cause for him to plead in his Defence, and it ought to have been taken into Consideration; but it appears, that what Mutiny there was, was a Fortnight at least before. Therefore, Gentlemen, I must leave it to you; if you believe the King's Witnesses, and one of the Prisoner's own, that this Blow was given by the Prisoner, in manner aforesaid, and are satisfied that it was done without reasonable Cause or Provocation, then he will be Guilty of Murther; and if you do believe him Guilty of Murther, upon this Evidence, you must find him so: If not, you must Acquit him.

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Will. Kidd. My Lord, I have Witnesses to produce for my Reputation.

L. C. B. Ward. Mr. Kidd, we gave you Time to make your Defence; Why did not you produce them? You were asked, more than once, if you had any more to say; and you said you would call no more Witnesses.

Will. Kidd. I can prove what Service I have done for the King.

L. C. B. Ward. You should have spoken sooner; But what would that help in this Case of Murther? You said you had no more to say, before I began.

Then an Officer was Sworn to keep the Jury; and about an Hour after, the Jury returned, and gave in their Verdict.

Cl. of Arr. Gentlemen, Answer to your Names. Nath. Long.

Nath. Long. Here, &c.

Cl. of Arr. Are you all Agreed of your Verdict? Omnes. Yes.

Cl. of Arr. Who shall say for you? Omnes. Foreman.

Cl. of Arr. Will. Kidd, Hold up thy Hand; (which he did.) Look upon the Prisoner; Is he Guilty of the Murther whereof he stands Indicted, or not Guilty?

Foreman. Guilty, Cl. of Arr. Look to him, Keeper.

The T R Y A L of *William Kidd, Nicholas Churchill, James Howe, Robert Lamley, William Jenkins, Gabriel Loffe, Hugh Parrot, Richard Barlicorn, Abel Owens, and Darby Mullins*, for Piracy and Robbery on a Ship called the *Quedagh Merchant*.

THE Jurors for Our Sovereign Lord the King, do, upon their Oath, present, That William Kidd, late of London, Mariner; Nicholas Churchill, late of London, Mariner; James Howe, late of London, Mariner; Robert Lamley, late of London, Mariner; William Jenkins, late of London, Mariner; Gabriel Loffe, late of London, Mariner; Hugh Parrot, late of London, Mariner; Richard Barlicorn, late of London, Mariner; Abel Owens, late of London, Mariner; and Darby Mullins, late of London, Mariner: the 30th day of January, in the Ninth Year of the Reign of our Sovereign Lord, William the Third, by the Grace of God, of England, Scotland, France, and Ireland, King, Defender of the Faith, &c. by Force and Arms, &c. upon the high Sea, in a certain place distant about Ten Leagues from Cutshen in the East-Indies, and within the Jurisdiction of the Admiralty of England, did Piratically and Feloniously set upon, board, break, and enter a certain Merchant-Ship call'd the *Quedagh-Merchant*, then being a Ship of certain Persons, (to the Jurors aforesaid unknown) and then and there Piratically and Feloniously did make an Assault in and upon certain Mariners (whose Names to the Jurors aforesaid are unknown) in the same Ship, in the Peace of God, and of our said now Sovereign Lord the King, then and there being, Piratically and Feloniously did put the aforesaid Mariners of the same Ship, in the Ship aforesaid then being, in corporal fear of their Lives, then and there, in the Ship aforesaid, upon the high Sea, in the place aforesaid, distant about ten Leagues from Cutshen aforesaid, in the East-Indies aforesaid, and within the Jurisdiction aforesaid, Piratically and Feloniously did Steal, Take, and Carry away the said Merchant-Ship called the *Quedagh-Merchant*, and the Apparel and Tackle of the same Ship, of the Value of 400 l. of lawful Money of England; Seventy Chests of Opium, of the Value of 1400 l. of lawful Money of England; Two Hundred and Fifty Bags of Sugar, of the Value of 100 l. of lawful Money of England; Twenty Bales of Raw Silk, of the Value of 400 l. of lawful Money of England; an Hundred Bales of Callico's, of the Value of 200 l. of lawful Money of England; Two Hundred Bales of Muslin's, of the Value of 1000 l. of lawful Money of England; and Three Bales of Romels, of the Value of 30 l. of lawful Money of England: the Goods and Chattels of certain Persons (to the Jurors aforesaid unknown;) then and there, upon the High Sea aforesaid, in the aforesaid place, distant about ten Leagues from Cutshen aforesaid, in the East-Indies aforesaid, and within the Jurisdiction aforesaid, being found in the aforesaid Ship in the custody and possession of the said Mariners in the same Ship, from the said Mariners of the said Ship, and from their custody and possession, then and there, upon the High Sea aforesaid, in the Place aforesaid, distant about ten Leagues from Cutshen aforesaid, in the East-Indies aforesaid, and within the Jurisdiction aforesaid, against the Peace of our said now Sovereign Lord the King, his Crown and Dignity, &c.

Cl. of Arr. **S**ET William Kidd, Nicholas Churchill, &c. to the Bar; (and so of the rest.) William Kidd, Hold up thy Hand; (which he did, and so the rest.)

You the Prisoners at the Bar, those Men that you shall hear called, and that personally appear, are to pass between our Sovereign Lord the King and you, upon Tryal of your several Lives and Deaths: If therefore you, or any of you will Challenge any of them, your time is to speak to them as they come to the Book to be Sworn, and before they be Sworn.

And there being no Challenges, the Twelve that were Sworn on the JURY were as follow:

| | | |
|---------------|---------------|--------------------|
| John Cooper, | Caleb Hook, | John Micklethwait, |
| Fo. Hall, | R. Rider, | Richard Chiswell, |
| Fo. James, | P. Walker, | Abraham Hickman, |
| Peter Parker, | William Hunt, | George Grove. |

Cl. of Arr. Cryer, Count these; John Cooper.

Cryer. One, &c. Twelve Good Men and True, stand together, and hear your Evidence.

Then

Then the usual Proclamation for Information was made ; and the Prisoners being bid to hold up their Hands, the Clerk of Arraignments charged the Jury with them thus :

Cl. of Arr. You of the Jury, look upon the Prisoners, and hearken to their Cause. They stand Indicted by the Names of *William Kidd, &c.* (as before in the Indictment.) Upon this Indictment they have been Arraigned, and thereunto have severally Pleaded, Not Guilty ; and for their Tryal, put themselves on God and their Country, which Country you are. Your Charge is, to enquire whether they be Guilty of the Piracy and Robbery whereof they stand Indicted, in manner and form as they stand Indicted, or Not Guilty, &c.

Nic. Churchill. My Lord, I beg your Opinion, whether I may not Plead the King's Pardon ?

L. C. B. Ward. Let us see your Pretences : You shall have all legal Defences and Advantages allowed to you.

Nic. Churchill. I came in upon His Majesty's Proclamation.

L. C. B. Ward. Have you the King's Proclamation ? If you have, let us see it.

Nic. Churchill. We had Notice of it at *Guiana*, and we deliver'd our selves up to Col. *Bass*, Governour of *East-Jersey*, and I have it under his Hand. I beg your Lordship would appoint me Council to Plead my Case.

The Paper was shown, and read.

Mr. Crawley. I know not when it was.

Nic. Churchill. I had Notice of it at *Guiana* : I have been two years in Custody.

L. C. B. Ward. How long have you been a Prisoner ?

Nic. Churchill. Almost Two Years : Two Years next July.

L. C. B. Ward, and the rest of the Judges. The Proclamation (for what you say your self) does not reach your Case.

Howe, Churchill, Mullins. We came in, upon the Proclamation, all the same Day.

Mr. J. Powell. How can you make it appear you Surrendred ?

Prisoners. Here is an Affidavit made of it by the Governour's Secretary ; and there's the Gentleman himself, Col. *Bass*.

Mr. J. Powell. You must make it out that you have come in within the Conditions of that Proclamation, if you would have any Benefit by it.

L. C. B. Ward. Let the Proclamation be read, (which was done accordingly, and it here follows :)

By the King, A PROCLAMATION.

WILLIAM R.

Whereas We being Informed, by the frequent Complaints of Our good Subjects Trading to the East-Indies, of several wicked Piracies committed on those Seas, as well upon Our own Subjects, as those of Our Allies, have therefore thought fit (for the Security of the Trade of those Countries, by an utter Extirpation of the Pirates in all Parts Eastward of the Cape of Good Hope, as well beyond Cape Comorin, as on this side of it, unless they shall forthwith Surrender themselves as is herein after Directed) to send out a Squadron of Men of War, under the Command of Captain Thomas Warren. Now We, to the Intent that such who have been guilty of any Acts of Piracy in those Seas, may have Notice of Our most Gracious Intention, of extending Our Royal Mercy to such of them as shall Surrender themselves, and to cause the severest Punishment according to Law to be Indicted upon those who shall continue Obstinate, have thought fit, by the Advice of Our Privy Council, to Issue this Proclamation ; hereby Requiring and Commanding all persons who have been Guilty of any Act of Piracy, or any ways Aiding or Assisting therein, in any place Eastward of the Cape of Good Hope, to Surrender themselves within the several respective Times herein after limited, unto the said Captain Thomas Warren, and the Commander in Chief of the said Squadron for the time being, and to Israel Hayes, Peter Dellanoye, and Christopher Pollard, Esquires, Commissioners Appointed by Us for the said Expedition, or to any Three of them, or, in case of Death, to the Major part of the Survivors of them. And We do hereby Declare, That We have been Graciously Pleas'd to Impower the said Captain Thomas Warren, and the Commander in Chief of the said Squadron for the time being, Israel Hayes, Peter Dellanoye, and Christopher Pollard, Esquires, Commissioners aforesaid, or any Three of them, or, in case of Death, to the Major part of the Survivors of them, to give Assurance of our most Gracious Pardon unto all such Pirates in the East-Indies, (viz.) all Eastward of the Cape of Good Hope, who shall so Surrender themselves for Piracies or Robberies committed by them upon the Sea or Land ; Except nevertheless such as they shall commit in any Place whatsoever after Notice of Our Grace and Favour hereby Declared ; And also Excepting all such Piracies and Robberies as shall be committed from the Cape of Good Hope Eastward, to the Longitude or Meridian of Socatora, after the Last Day of April, 1699. and in any Place from the Longitude or Meridian of Socatora Eastward, to the Longitude or Meridian of Cape Comorin, after the Last Day of June, 1699. and in any Place whatsoever Eastward of Cape Comorin after the Last Day of July, 1699. And also Excepting Henry Every alias Bridgman, and William Kidd.

Given at Our Court at *Kensington*, the Eighth Day of *December*, 1698. In the Tenth Year of Our Reign.

God save the King.

Clerk,

Clerk. There is no Day mention'd in this Paper when they Surrendered themselves.

Mr. Moxon. My Lord, about the Year 1697. there was a Special Commission given to Four Persons, and they were to proceed in their Voyage to the *Indies*, and they carried a great number of *Proclamations*, that all the Pirates in such and such Places should Surrender themselves. Now they came to *St. Helena* with them, and Capt. *Warren* was sent to *St. Mary's*, and he was to deliver some of these *Proclamations* there, and the Commissioner had then the Ambassador to the *Great Mogul* on board, and this Capt. *Warren* these *Proclamations*. *Warren* comes and delivers the *Proclamations* out, and among the rest the Prisoner at the Bar having Notice of this, he goes to the Governour, and confesses he had been a Pirate, and desir'd them to take Notice that he Surrendered himself; And we have the Governour here, to give an Account of this Matter.

L. C. B. Ward. The *Proclamation* says they must Surrender themselves to such and such Persons by Name. See if it be not so. (Then the *Proclamation* was read again.) Here are several Qualifications mention'd; you must bring your selves under them, if you would have the benefit of it.

Dr. Newton. Let them show that they surrender'd themselves to the Persons they were to surrender to.

Mr. Moxon. My Lord, we will prove we gave Notice within the Time, by this Paper.

Mr. Sol. Gen. There is no Time mention'd in it. (The Affidavit was read.) Charles Hally, *Gen. maketh Oath*, That in the Year 98, there being Notice of His Majesty's Gracious Pardon to such Pirates as should surrender themselves, James Howe, Nic. Churchill, and Darby Mullins, in May 1699, did surrender themselves to Jeremiah Bafs, and he did admit them to Bail.

L. C. B. Ward. There are Four Commissioners named in the *Proclamation*: There is no Governour mentioned that is to receive them, only those Four Commissioners.

Mr. Moxon. But my Lord, consider the Nature of this *Proclamation*, and what was the Design of it, which was to invite Pirates to come in.

Mr. Coniers. We must keep you to the *Proclamation*. Here is not enough to put off the Tryal.

L. C. B. Ward. If you had brought your selves within the Case of the *Proclamation*, we should be very glad. You that offer it, must consider it is a Special *Proclamation*, with divers Limitations; and if you would have the Benefit of it, you must bring your selves under the Conditions of it. Now there are Four Commissioners named, that you ought to surrender to; but you have not surrendered to any one of these, but to Col. *Bafs*, and there is no such Man mention'd in this *Proclamation*.

Mr. Knapp. My Lord, and Gentlemen of the Jury, The Indictment sets forth, That the Prisoners at the Bar, on the 30th of *January*, in the Ninth Year of His Majesty's Reign, ten Leagues distant from *Cocheen*, did Piratically seize and rob a certain Ship called the *Quedagh Merchant*, and put the Men in fear of their Lives; and the said Ship, with her Apparel, Tackle, and Goods, did then and there, upon the High Sea, take and carry away, against the Peace of our Sovereign Lord the King, his Crown and Dignity. To this Indictment they have Pleaded, Not Guilty. If we Prove it upon them, you must find them Guilty.

Dr. Newton, Advocate of the Admiralty. My Lord, and Gentlemen, The Prisoners at the Bar, Capt. *Will. Kidd*, late Commander of the *Adventure Galley*, and nine other Mariners in the same Vessel, stand Indicted for Feloniously and Piratically Assaulting and Taking a Ship called the *Quedagh Merchant*, on the High Sea near *Cutshen*, in the *East-Indies*, about the 30th. of *January*, in the Ninth Year of His Majesty's Reign: The Ship was considerable for its Force and Bulk, being about 400 Tun; and more considerable for its Lading, having on board to the Value of many Thousand Pounds.

This Capt. *Kidd*, who thus acted the Pirate himself, went from *England* in *April* 1696, with a Commission dated the 26th. of *January* preceding, to Take and Seize Pirates in the *Indian Seas*, which were then very much and very dangerously infested by them, to the great hazard, and loss, and ruine of the Merchant.

The Ship carried 30 Guns, and there were on board about 80 Men; but the Captain being come to *New-York* in *July* 96, pretending, as indeed it was designed he should, and he had undertaken to make that Design good, that he was going to *Madagascar*, (which was the known and common Receptacle of the Pirates in those Seas) to take Pirates, and free the Seas from those Disturbers of the Commerce of Mankind; so many came in to him, being invited by Articles publicly set up by him in that Place, that his number quickly encreased to 155 Men; a Force sufficient, if he had meant well, to have made him useful to the Publick; and to prove as mischievous, if his Designs were otherwise: and what those were will quickly appear.

After calling in at several Places for Provisions, and among others at *Madagascar*, in *July* 97, he failed to *Babs-key*, a small island at the Entrance of the *Red Sea*, and a convenient station for the observing what Vessels went from thence for the *Indies*; and now, instead of Taking Pirates, he becomes one himself, and the greatest and the worst of all. Here he staid Three Weeks, in expectation of the *Mocca Fleet*, to make his benefit and his Fortune out of it: For whatever he had before pretended, this was his real Design, and now so possess'd his mind, that he could not refrain from declaring, and that often, to his Men, That now he should make his Voyage and ballast his Ship with Gold and Silver. After long expectation, the Fleet, on the 14th of *August*, to the number of 14, came by: he fell in with the middle of them, fired several Guns at them; but finding they had an *English* and *Dutch* Convoy, that Design happily failed of the wish'd for Success.

This Disappointment however did not discourage him, but that he proceeded on for the Coast of *Malabar*, where he knew the Trade was considerable, and hoped his Advantage would be proportionable in the disturbing it; and there accordingly, for several Months, he committed

many

many great Piracies and Robberies, taking the Ships and Goods of the *Indians* and others at Sea, *Moors* and *Christians*, and torturing cruelly their Persons, to discover if any thing had escaped his hands; burning their Houses, and killing after a barbarous manner the Natives on the Shore; equally cruel, dreaded and hated both on the Land and at Sea.

These Criminal Attempts and Actions had rendered his Name (to the Disgrace and the Prejudice of the *English* Nation) too well known, and deservedly detested, in those remote Parts of the World; and he was now looked upon as an Arch-Pirate, and the Common Enemy of Mankind; and accordingly two *Portuguese* Men of War went out in pursuit of him, and one met with and fought him for several hours; but *Kidd's* Fortune then reserved him for another Place, and another manner of Tryal.

Amongst the great number of Vessels he took on that Coast, was the Ship he now stands Indicted for, the *Quedagh-Merchant*, being then on a Trading Voyage from *Bengal* to *Surat*, the Commander *English*, Capt. *Wright*, the Owners *Armenian* Merchants, and others; he had taken *Moors* before, but *Moors* and *Christians* are all alike to Pirates, they distinguish not Nations or Religions.

Those on board the Vessel offered 30000 *Rupees* for her Ransom; but the Ship was too considerable to be parted with, even for so great a Sum: so *Kidd* sold Goods out of her, on the neighbouring Coast, to the Value of Ten or Twelve Thousand Pounds, out of which he took whatever he could pretend to for Ammunition and Provisions, with Forty Shares for himself; and the Remainder was disposed of amongst the Crew, and particularly those who are here Indicted with him, who accompany'd him, who assisted him throughout in all his Piracies, and who now too share the Spoils and the Guilt with him.

With this Ship and another, and the Remainder of the Goods not sold on the Coast, he sailed once more for *Madagascar*, where he arrived in the beginning of *May* 98, and there again, what was left on board, was divided according to the same Proportions, and amongst the same Persons, as before, each Mariner having about Three Bales to his share.

Then the Jury brought in their Verdict against *William Kidd* for Murther: And *Dr. Newton* proceeded;

It is not to be omitted, That at his return to *Madagascar*, there came on board him some Persons from the Ship *The Resolution*, formerly the *Mocca-Frigat*, (for the Piratical Seizing of which Vessel there have been formerly Tryals and Convictions in this Place) of which Captain *Culliford*, a Notorious Pirate, now in Custody, and against whom two Bills have been found for Piracy, by the Grand Jury, was the Commander: They at first seemed to be afraid of *Kidd*, but without any ground, as his former Actions had demonstrated, and the Sequel shewed. They who were hardened Pirates, and long inured to Villanies, could scarce think that any Man could so betray the Trust and Confidence the Publick had placed in him, and said, They heard he was come to take and hang them. But Capt. *Kidd* assured them, That he had no such Design, and that he had rather his Soul should broil in Hell, than do them any harm; bid them not be afraid, and swore he would be True to them. And here indeed he did not break his Word: This was his way of being True to his Trust, and making good the Ends of his Commission, in acting with the greatest Treachery and the greatest Falseness that ever Man did. And to make all that has been represented of him true, Capt. *Kidd* and Capt. *Culliford* went on board, Treated, and Presented each other; and instead of Taking *Culliford*, as it was his Duty to have done, and his Force was sufficient to have performed it, he gave him Money and Ammunition, two Great Guns and Shot, and other Necessaries to fit him out to Sea, that he might be in a condition the better to Take and Seize other Innocent Persons.

His own Ship he now left, and went on board the *Quedagh-Merchant*; several of his Men then went from him, but not the Prisoners, they were all along Well-wishers and Assistants to him, fought for him, divided the Plunder with him, and are now come to be Tryed with him.

This, Gentlemen, is the Crime he is Indicted for, Piracy; the growing Trouble, Disturbance and Mischief of the Trading World, and the peaceable part of Mankind, the Scandal and Reproach of the *European* Nations, and the Christian Name, (I wish I could not say, that the *Kidd's* and the *Avery's* had not made it more particularly so of the *English*) amongst *Muometans* and *Pagans*, in the extreamest Parts of the Earth; which turns not only to the Disadvantage of the immediate Sufferers, but of all such as Traffick in those Countries, whether Companies or single Merchants, who are to suffer for the Misfortunes of others, with whom, it may be, they have no Dealings; and for the Villanies of such, whom they and all Mankind equally and justly detest and abhor.

This is the Person that stands Indicted at that Bar, than whom no one in this Age has done more Mischief, in this worst kind of Mischief; or has occasioned greater Confusion and Disorder, attended with all the Circumstances of Cruelty and Falshood, and a Complication of all manner of Ill.

If therefore these Facts shall be Proved upon him, you will then, Gentlemen, in finding him Guilty, do Justice to the Injured World, the *English* Nation, (our Common Country) whose Interest and Welfare so much depend on the Encrease and Security of Trade; and, lastly, to your selves, whom the Law has made Judges of the Fact.

Mr. Sol. Gen. My Lord, and Gentlemen of the Jury, I am of Council for the King, against the Prisoners at the Bar, in this Case, with the Doctor that has opened the Matter from the beginning. These Prisoners at the Bar went out with Commissions for good Purposes, though they made use of them to very bad. Gentlemen of the Jury, I must tell you, The Charge upon

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which you are to enquire, is only upon a certain Ship call'd the *Quedagh-Mercham*, and to that we shall apply our Evidence. What was taken in her, has been opened already: All we will do now, is to call our Witnesses, and make out to your Satisfaction the things charged upon them.

Mr. Coniers. My Lord, We shall prove this Charge by the Persons that were Evidence before, *Robert Bradinham*, and *Joseph Palmer*. They went out with *Capt. Kidd* in his Voyage, and he began it in *April 1696*. I believe it will be necessary that they give some Account before this Piracy was committed, which was not in Time till *February 1697*. They will give you an Account of some Plunders that happened before this, and then of the Taking of this Ship, and the Dividing it amongst them.

Mr. Justice Powell. When went they out?

Mr. Coniers. They began their Voyage in *April 1696*, and took this Ship in *February 1697*. They did all along that Voyage commit several Plunders on several Ships they thought a Prey. Their Design was, not to take Pirates, but to take what they could get out of any Ships, Friends or Enemies: For in this Ship, the *Quedagh-Merchant*, which was a *Moorish Ship*, there were several *Armenians*; and they offer'd them a great Summ of Money to redeem the Ship, but they refused it; and they dispos'd of the Goods, and divided the Money: And for the Proof of that, we will call *Mr. Bradinham*.

Mr. Justice Powell. I understand that he had a Commission; therefore if any one has a Commission, and he acts according to it, he is not a Pirate; but if he take a Commission for a colour, that he may be a Pirate, it will be bad indeed: And therefore if you can prove that he was a Pirate all along, this will be a great Evidence against him.

Mr. Coniers. My Lord, We will prove that; so that the Commission was but a Colour. *Mr. Bradinham*, Pray give my Lord and the Jury an Account when you began your Voyage, and your Proceedings afterwards.

Rob. Bradinham. Sometime in the Year 1696, about the beginning of *May*, I, and others, were with *Capt. Kidd*: and we sailed from *Plymouth*, designing for *New-York*; and in the way to *New-York* we met with a *French Banker*, and took her.

Mr. Coniers. Tell the Court what ship it was you went in, and with whom.

Rob. Bradinham. We went with *Capt. Kidd*, in the *Adventure Galley*.

Mr. Coniers. What Number of Men had you when you went first out?

Rob. Bradinham. About Seventy or Eighty Men.

Mr. Coniers. What Force of Guns had you? *Rob. Bradinham*. We had Thirty Guns.

Mr. Coniers. In what Office was *Capt. Kidd* in the Ship?

Rob. Bradinham. He was the Commander of her.

Mr. Coniers. Now tell my Lord, and the Jury, what time you left *England*, and how you proceeded.

Rob. Bradinham. In *May 1696*, we left *Plymouth*, and went to *New-York*, and in the way met with a *French Ship*, and took her: And when we came to *New-York*, *Capt. Kidd* put up Articles, That if any Men would enter themselves on board his Ship, they should have their several Shares of what should be taken, and he himself was to have Forty Shares.

Mr. Coniers. What Number of Men did he get after these Articles were publish'd?

Rob. Bradinham. He carried from *New-York* an Hundred and fifty five Men.

Mr. Coniers. Whither did he sail then?

Rob. Bradinham. To the *Madera's*, from thence to *Bonavis*, from thence to *St. Jago*, from thence to *Madagascar*, from thence to *Joanna*, from thence to *Mahala*, from *Mahala* to *Joanna* again, and from thence to the *Red-Sea*; and there we waited for the *Mocca Fleet*. They passed us one Night, and he pursued them, and went among them, and was designed to take what he could of them; but he found they were too strong for him, and was fain to leave them.

Mr. Cooper. How long did you lie in wait for that Fleet?

Rob. Bradinham. A Fortnight or Three Weeks.

Mr. Cooper. Did he express himself so, that he did lie in wait for that Fleet?

Rob. Bradinham. Yes: He said that he did design to make a Voyage out of them.

Mr. Cooper. Did he not lie in wait for any *French Effects* in that Fleet?

Rob. Bradinham. No; only for the *Moorish Fleet*.

Mr. Cooper. What do you mean by the *Moorish Fleet*?

Rob. Bradinham. The Natives of *India*, the *Mahometans*.

Mr. Cooper. Where did you lie in wait for that Fleet? *Rob. Bradinham*. In the *Red-Sea*.

Mr. Cooper. In the Mouth of it? *Rob. Bradinham*. Yes.

Mr. Cooper. Is it a fit Place for that purpose?

Rob. Bradinham. Several Sail of Ships may lie there.

Mr. Cooper. Did you expect them? *Rob. Bradinham*. Yes; *Capt. Kidd* waited for them.

Mr. Coniers. How long did you stay there? *Rob. Bradinham*. About a Fortnight.

Mr. Coniers. Did you do any thing in that time to get Intelligence?

Rob. Bradinham. *Capt. Kidd* sent his Boat three times to *Mocca*, to see if they could make any Discovery; and the two first times they could make none; but the third time they brought word the Ships were ready to sail: And accordingly they came, and we sailed after them, and fell in with them, and *Capt. Kidd* fired at them.

Mr. Cooper. You say, he sent his Boat three times for Intelligence; Can you remember what Answer they brought?

Rob. Bradin-

Rob. Bradinham. The two first times they brought no Intelligence, but the third time they brought word that fourteen or fifteen Ships were ready to sail.

Mr. Cooper. What Colours did they say they had?

Rob. Bradinham. I cannot tell that. When Capt. Kidd had fetch'd them up, he found they were under Convoy, and so he left them: And then he was going to the Coast of Malabar, and by the way met with Capt. Parker.

Mr. Justice Powel. Did they fire any Guns at the *Mocca* Fleet?

Rob. Bradinham. Yes; Capt. Kidd fired divers Guns at them.

Mr. Coniers. After such time as you left the *Mocca* Fleet, What happened after that? Recollect your self.

Rob. Bradinham. We took a Ship that C. Parker was Commander of, between *Carawar* and the *Red-Sea*.

Mr. Coniers. What Ship was this that Capt. Parker was Commander of?

Rob. Bradinham. A *Moorish* Ship, she came from *Bombay*, and Capt. Parker was the Master.

Mr. Coniers. What did you take from this Ship?

Rob. Bradinham. Capt. Kidd took out Parker, and a *Portuguese* for a Linguister.

Mr. Coniers. A Linguister; What do you mean by that?

Rob. Bradinham. An Interpreter. He took out of her a Bail of Coffee, a Bail of Pepper, about twenty Pieces of *Arabian* Gold, and order'd some Men to be taken and hoisted up by the Arms, and drub'd with a naked Cutlace.

Mr. Coniers. Why did he do that?

Rob. Bradinham. That they might confess what Money they had.

Mr. Coniers. Were those Men *Frenchmen* that were thus used?

Rob. Bradinham. No; they were *Moors*.

Mr. Coniers. Was there any Demand made of those Men, Capt. Parker, and the *Portuguese*?

Rob. Bradinham. Yes: The *English* Factory sent for this Parker and the *Portuguese*, and he deny'd that he had any such Persons on board, for he kept them in a Hole.

Mr. Coniers. Do you know any thing more?

Rob. Bradinham. Then he went to Sea, and that Night he met with a *Portuguese* Man of War; the next Morning he came up with her, and the *Portuguese* first fired at Capt. Kidd, and he at him again: they fought four or five hours; Capt. Kidd had ten Men wounded.

Mr. Coniers. So that there was nothing more than Fighting. Rob. Bradinham. No.

Mr. Coniers. Go on: What did you do next?

Rob. Bradinham. We went to the Coast of *Malabar*.

Mr. Coniers. What did you go thither for?

Rob. Bradinham. We went to one of the *Malabar* Islands for Wood and Water, and Capt. Kidd went a-shore, and several of his Men, and plunder'd several Boats, and burnt several Houses, and order'd one of the Natives to be ty'd to a Tree, and one of his Men to shoot him.

Mr. Coniers. Pray go on: What was the reason of his shooting this *Indian*?

Rob. Bradinham. One of his Men, that was his Cooper, had been a-shore, and some of the Natives had cut this Man's Throat, and that was the reason he order'd his Men to serve this Man so.

Mr. Coniers. Pray go on, and give an Account what happened afterwards.

Rob. Bradinham. Then we came back again to the *Malabar* Coast, and cruised; and in *October* he kill'd his Gunner, *William Moore*.

Mr. Coniers. Tell what happened next after that.

Mr. Cooper. Was this the *October* next after he left *England*, or the Year following.

Rob. Bradinham. It was in *October* 1697.

Mr. Coniers. Well, Go on.

Rob. Bradinham. Some time in *November* he took a *Moorish* Ship belonging to *Suratt*, there were two *Dutchmen* belonging to her, the rest were *Moors*. Capt. Kidd chased this Ship under *French* Colours; and when the *Dutchman* saw that, he put out *French* Colours too. And Captain Kidd came up with them, and commanded them on board; and he order'd a *Frenchman* to come upon Deck, and to pretend himself Captain. And so this Commander comes aboard, and comes to this *Monsieur Le Rey* that was to pass for the Captain; and he shows him a Paper, and said it was a *French* Pass. And Capt. Kidd said, *By God, Have I catch'd you? You are Free Prize to England.* We took two Horses, some Quilts, &c. and the Ship he carried to *Madagascar*. In *December* he took a *Moorish* Ketch, she was taken by the Boat, we had one Man wounded in taking of her.

Mr. Coniers. When was this done? Rob. Bradinham. In *December* 1697.

Mr. Coniers. What did you Plunder there?

Rob. Bradinham. Our People took the vessel a-shore, and Capt. Kidd took out of her thirty Tubs of Sugar, a Bail of Coffee, &c. and then he order'd the Vessel to be turn'd a-drift.

Mr. Coniers. What follow'd in *January*?

Rob. Bradinham. *January* the 20th, Capt. Kidd took a *Portuguese* that came from *Bengal*: He took out of her two Chests of *Opium*, some *East-India* Goods, and Bags of Rice, &c.

Mr. Coniers. How long did you keep this Ship?

Rob. Bradinham. He kept this *Portuguese* Ship about seven Days: He took out of her some Butter, Wax, and *East-India* Goods: He kept her till he was chased by seven or eight Sail of *Dutch*, and then he left her.

Mr. Coniers.

Mr. Coniers. My Lord, Now we are come to that on which the Indictment is founded.
Mr. Bradinham, Give a particular Account of that.

Rob. Bradinham. Some time in January, Capt. Kidd took the *Quedagh-Merchant*: He gave her chase under French Colours: He came up with her, and commanded the Master aboard: And there came an old Frenchman in the Boat; and after he had been aboard a while, he told Capt. Kidd he was not the Captain, but the Gunner. And Capt. Kidd sent for the Captain on board his Ship.

Mr. Coniers. Who was that? Rob. Bradinham. Mr. Wright.

Mr. Coniers. What Countryman was he?

Rob. Bradinham. An Englishman. He was sent for a-board, and he came; and Capt. Kidd told him, He was his Prisoner. And he order'd his Men to go a-board, and take possession of the Ship, and disposed of the Goods on that Coast to the Value of Seven or Eight Thousand Pounds.

Mr. Coniers. What Persons were a-board her?

Rob. Bradinham. There was Capt. Wright, and two Dutchmen, and a Frenchman, and some Armenians, and the rest Moors.

Mr. Coniers. Did those Armenians make any Offer of any Money for their Ransom?

Rob. Bradinham. Capt. Kidd told them, They should be Ransom'd, if they made an Offer that he lik'd of. So they offer'd him Twenty Thousand Rupees. He told them, That was but a small parcel of Money, and the Cargo was worth a great deal more.

Mr. Coniers. Who did the Cargo belong to?

Rob. Bradinham. To those Armenians, as I was inform'd by Capt. Wright.

Mr. Coniers. What did he do with them?

Rob. Bradinham. He disposed of some of them on the Coast of India.

Mr. Coniers. What did he do with the Proceed of the Goods he sold?

Rob. Bradinham. He Shared the Money.

Mr. Coniers. Had these Men (the other Prisoners) any of the Shares?

Rob. Bradinham. Yes, all of them. You were a Half-share Man, and you a Half-share Man, (pointing to two of them.)

Mr. Coniers. Mr. Bradinham, You say Capt. Wright came a-board Kidd's Ship.

Rob. Bradinham. Yes.

Mr. Coniers. Did he discourse with him?

Rob. Bradinham. I was not with him, for he kept his Cabin to himself.

Mr. Coniers. But you are sure he came a-board?

Rob. Bradinham. Yes.

Mr. Coniers. And that he was an Englishman?

Rob. Bradinham. Yes.

Mr. Coniers. How did Capt. Kidd behave himself to the Ships or Boats there?

Rob. Bradinham. He boarded several Ships, and took out of them what was for his turn.

Mr. Coniers. How did he use those that he Traded with?

Rob. Bradinham. Some of them came a-board several times, and he Traded with them: But some of them came a-board when he was going away, and he plunder'd them, and sent them a-shore without any Goods.

Mr. Coniers. What Country Men were those he served thus?

Rob. Bradinham. Mahometans: They had dealt with him before considerably.

Mr. Coniers. How much did he take from them.

Rob. Bradinham. About Five hundred Pieces of Eight.

Mr. Coniers. How do you know that?

Rob. Bradinham. I saw it told afterwards. We went to Madagascar afterwards, and by the way met with a Moorish Ship, and took out of her several Casks of Butter, and other things.

Mr. Cooper. What were the Crew of this Ship?

Mr. Justice Powell. They are Indicted for the *Quedagh-Merchant*; Were all the Prisoners in that Action? You have given an Historical Account from the beginning, that he was a meer Plunderer: but now you are come to the *Quedagh*, for which they are Indicted; Go not beyond it.

Mr. Coniers. Look on the several Prisoners at the Bar, and tell whether any of the Prisoners were at the Taking of the *Quedagh-Merchant*.

Cl. of Arr. Was William Kidd there, at the time the Ship was Taken?

Rob. Bradinham. Yes.

Cl. of Arr. Was Nicholas Churchill there? Rob. Bradinham. Yes.

Cl. of Arr. Do you know James Howe? Was he there. Rob. Bradinham. Yes.

Cl. of Arr. Had he a Share? Rob. Bradinham. Yes.

Cl. of Arr. Had Robert Lamley a Share?

Rob. Bradinham. Yes. He was a Servant, and had but Half a Share of the Money, and a Whole Share of the Goods.

Cl. of Arr. William Jenkins, was he there, and had a Share? Rob. Bradinham. Yes.

Cl. of Arr. Gabriel Loffe, did you know what he had?

Rob. Bradinham. He had Half a Share of the Money, and a Whole Share of the Goods.

Cl. of Arr. Hugh Parrot, what had he? Rob. Bradinham. Half a Share.

Cl. of Arr. Had Richard Barlicorn a Share?

Rob. Bradinham. He had Half a Share of Money, and a Whole Share of Goods.

Cl. of Arr. Had Abel Owens any? Rob. Bradinham. He had Half a Share.

Abel Owens. Had I any of it? Rob. Bradinham. You had it: You took it.

Cl. of Arr.

Cl. of Arr. What had *Darby Molins* ?

R. *Bradinham*, He had half a share of the Money, and a whole share of the Goods.

Mr. *Coniers*, Now we have fully proved this as to the *Queda Merchant*.

Dr. *Newton*, When you came to *Madagascar*, what was done there ?

R. *Bradinham*, There came a *Canooe* to us with some *English Men* in her; they were formerly acquainted with Capt. *Kid*, and they told him, They had heard, that he was come to take them, and hang them.

Dr. *Newton*, Who were they ? R. *Bradinham*, They belong'd to the *Moco Frigate*.

Mr. *Coniers*, Give a particular account of that matter.

R. *Bradinham*, When we came to *Madagascar*, there came a *Canooe* off to us.

Mr. *Coniers*, From whom ?

R. *Bradinham*, From the *Moco Frigate*, Capt. *Culliford* was the Commander. And there were some white Men in her, that had formerly been acquainted with Capt. *Kid*; they heard that he was come to take them, and hang them. He told them, it was no such thing for he was as bad as they.

Mr. *Coniers*, Were they thought to be *Pyrates* ? R. *Bradinham*, They were so.

Mr. *Coniers*, What was it that Capt. *Kid* said ?

R. *Bradinham*, He assured them it was no such thing. And afterwards went aboard with them, and swore to be true to them; and he took a cup of *Bombooe*, and swore to be true to them, and assist them; and he assisted this Capt. *Culliford* with Guns, and an Anchor, to fit him to Sea again.

L. C. B. *Ward*, How came you to know all this? Was you aboard then ?

R. *Bradinham*, I was aboard then, and I heard the words.

Dr. *Newton*, Were any of the Goods divided at *Madagascar* ? R. *Bradinham*, Yes.

Mr. *Coniers*, Now look on the *Prisoners* again, You say after he met with this Capt. *Culliford*, you went and had a division made; pray give an account of it.

R. *Bradinham*, When we came to *Madagascar*, Capt. *Kid* ordered the Goods to be carried a-shore, and shared. And he had forty shares himself.

Cl. of Arr. Had *Nich. Churchill* a share ? R. *Bradinham*, Yes.

Cl. of Arr. Had *James Howe* a share ? R. *Bradinham*, Yes.

Cl. of Arr. Had *Robert Lamley* a share ? R. *Bradinham*, Yes.

Cl. of Arr. Had *Will. Jenkins* a share ? R. *Bradinham*, Yes.

Cl. of Arr. Had *Gabriel Loff* a share ? R. *Bradinham*, Yes.

Cl. of Arr. Had *Hugh Parrot* a share ? R. *Bradinham*, Yes.

Cl. of Arr. Had *Richard Barlicorn* a share ? R. *Bradinham*, Yes.

Cl. of Arr. Had *Abel Owens* a share ? R. *Bradinham*, Yes.

Cl. of Arr. Had *Darby Molins* a share ? R. *Bradinham*, Yes.

Cl. of Arr. So that you say, every one of the *Prisoners* at the Bar had a share.

R. *Bradinham*, Yes.

Mr. *Coniers*, What became afterwards of the *Adventure Gally* ?

R. *Bradinham*, She was so leaky, that she had two Pumps going; and when they came to shore, they left her, because she was not fit to go to Sea again. And so Capt. *Kid* went aboard the *Scuddee Merchant*, and designed to make a *Man of War* of her.

Mr. *Coniers*, What is that *Scuddee Merchant* ? Do you mean the *Queda Merchant* ?

R. *Bradinham*, Yes.

L. C. B. *Ward*, What became of that Ship afterwards ?

R. *Bradinham*, I left him at *Madagascar*, after the Money and Goods were divided; and can give no account afterwards.

Dr. *Newton*, But you say, Capt. *Kid* went aboard the *Queda*. R. *Bradinham*, Yes.

Mr. *Coniers*, My Lord, we have done as to this Witness; if they will ask him any thing they may.

Cl. of Arr. Will any of you ask him any Questions ?

Will. Kid, He says, when we went out first from *England*, we went out of *Plymouth* in *May*, which we did not; for we went in *April*, therefore this is a contradiction.

L. C. B. *Ward*, Mr. *Kid*, if you will ask him any Questions, you may. Do you desire he should be positive when you went from *Plymouth* ?

R. *Bradinham*, It was about the first of *May*, my Lord.

L. C. B. *Ward*, What Year ? R. *Bradinham*, In the Year, 1696.

Cl. of Arr. *Nich. Churchill*, will you ask him any Questions ?

N. Churchill, I would have went a-shore at *Carawar*, but the Captain would not let me

L. C. B. *Ward*, It is proved, that you was at the taking of the *Queda Merchant*, and dividing the Goods.

N. Churchill, Yes, my Lord, but I could not help it, I was forc'd to do what the Captain ordered me.

Cl. of Arr. *James Howe*, will you ask him any Questions ?

James Howe, Have not I obeyed my Captain in all his commands ?

L. C. B. *Ward*, There is no doubt made of that. If any of you will ask him any Questions, you may.

Will. Kid, Did you not see any *French Passes* aboard the *Queda Merchant*?

R. Bradinbam, You told me, you had *French Passes*; I never did see them.

Will. Kid, Did you never declare this to any body, that you saw these *French Passes*?

R. Bradinbam, No, I did never see any; but I only said, I heard you say you had them.

Nich. Churchill, Had I any share? R. Bradinbam, Yes.

Nich. Churchill, How will you prove that?

Will. Jenkins, My Lord, I ask him, Whether I was not a servant?

L. C. B. Ward, Ask the Witnesses what Questions you will.

R. Bradinbam, My Lord he was a Servant.

L. C. B. Ward, Who was he a Servant to? R. Bradinbam, To *George Bullen*.

Will. Jenkins, My Lord, I beg you will examine my Indenture; for I have it in my Pocket, I had nothing aboard that Ship, but what my Master had.

R. Bradinbam, But you had a share of the Goods, I cannot tell whether your Master had it afterwards.

Cl. of Arr. Gabriel Loff, Have you any Question to ask him?

Gab. Loff, I have nothing to say to him, but to ask him, Whether I did ever disobey my Captain's commands, or was any ways mutinous on board the Ship?

R. Bradinbam, No, I cannot say you did.

Cl. of Arr. Hugh Parrot, do you ask him any Questions? Hugh Parrot, No.

Cl. of Arr. Richard Barlicorn, do you ask him any Questions?

R. Barlicorn, I ask him, Whether I was not the Captain's Servant?

L. C. B. Ward, Yes, he says you was.

Cl. of Arr. Abel Owens, will you ask him any Questions?

Ab. Owens, I have nothing to say; but depend upon the King's Proclamation.

Cl. of Arr. Darby Molins, have you any Questions to ask him?

D. Molins, My Lord, he knows I had nothing but what Capt. Kid was pleas'd to give me.

L. C. B. Ward, Was he a Servant to Capt. Kid, or no?

R. Bradinbam, He had a-half share of Money, and a whole share of Goods.

Mr J. Powel, What was the reason some had whole shares, and some half shares?

R. Bradinbam, Some were able Seamen, and some Landmen, or Servants. There were in all 160 shares, whereof Capt. Kid had 40; and some of the Men had whole shares, and some only half shares.

Mr. Cooper, You told us at first, That in your passage to *New York*, you took a *French Banker*, and that he condemned her at *New York*. R. Bradinbam, Yes.

Mr. Cooper, Did he offer to carry any other Ships he took, to be condemned?

R. Bradinbam, No Sir, never.

Mr. Coniers, Call *Joseph Palmer*. [who appeared] Mr. Palmer, Give my Lord, and the Jury an account, whether you were one of the Men that went with Capt. Kid in the *Adventure Gally*. Jof. Palmer, Yes, I was.

Mr. Coniers, Then give an account when you left *England*; and of your proceedings in your Voyage.

Jof. Palmer, About the last of *April*, or the beginning of *May*, 1696, we went out of *Plymouth* to *New York*; and by the way took a *French Banker*. And in *July*, we came to *New York*. About the 6th of *February* we went to *Maderas*.

Mr. Coniers, When you were at *New York*, was there any publication of any thing to invite Men to come in to Capt. Kid?

Jof. Palmer, Yes, there were Articles set up for Men to come aboard Capt. Kid's Ship. He was to have 40 shares for his Ship, and every Man was to have a share. And they were to give him six pounds a Man for their Arms.

Mr. Coniers, How many Men was his complement?

Jof. Palmer, When he came from *New York*, he had between 150, and 160 Men.

Mr. Coniers, Give an account what you did after this. Whither did you go then?

Jof. Palmer, We went from *New York* to *Maderas*, and from thence to *Bonavist*, and there we took in Salt; and from thence we went to *St. Jago*, and there we bought Provisions; and from thence we went to *Madagascar*. When we were not far from the *Cape of good hope*, he met with Capt. Warren, with three Sail of Men of War besides himself; there was the *Tyger*, and the *King-fisher*, and another Ship. And Capt. Kid kept them company about three or four Days, and after that went to *Madagascar*, and sometime in *February* arriv'd there; and there we watered and victualled. We came to *Malabar* about the first of *June*. Then we went to *Joanna*, and from thence to *Mabala*; and from thence to *Joanna* again. And then we met with some *Indian Merchants*, so we watered the Ship there, and did them no harm. And from thence we went to *Mabala*, where Capt. Kid grav'd his Ship: We had a great sickness in the Ship, and sometimes we lost four or five Men in a Day. And afterwards we went to *Joanna* again, and there came aboard several *French Men*, and several *English Men* that had lost their Ship. Those *French Men* lent Capt. Kid some money to mend his Ship. And after this, we went to a place call'd *Mabbee* in the *Red Sea*, and took in Water, and *Guiny Corn* that he took from the Natives. And from thence we went to *Babs Key*.

Mr. Coniers, What time was it that you came to that *Babs Key*?

Jof. Palmer, In *July* 1697.

Mr. Coniers,

Mr. Coniers, Now pray tell us what passed there.

Jof. Palmer, When Capt. Kid came to *Babs-key*, he stayed there about three Weeks.

Mr. Coniers, Why did you stay there? Tell us the reason of it.

Jof. Palmer, I heard him say, Come Boys, I will make money enough out of that Fleet.

Mr. Coniers, Out of what Fleet?

Jof. Palmer, The *Moco* Fleet. When he came to the Key, he ordered some of his Men to look out as Spies. He sent his Boat three times to make discovery, and he gave them orders either to take a Prisoner, or to get an account what Ships lay there. And the Boat went twice, and brought no News; but the third time they brought word, that there were 14, or 15 Ships lying there ready to Sail; some of them had *English* Colours, some *Dutch* Colours, and some *Moorish* Colours; and that there was a great Ship with Red Colours, with her Fore-top-sail loose, ready to Sail. And Capt. Kid ordered his Men to take care these Ships did not pass by in the Night.

Mr. Coniers, You say, he ordered his Men to watch this Fleet, How did he order them?

Jof. Palmer, He ordered them by a List in their turns, to look out for the coming of this Fleet. And so after four or five Days the Fleet came down in an evening, about the 14, or 15 of *August*; the next morning Capt. Kid went after them, and he fell into the midst of the Fleet, and there was a *Dutch* Convoy, and an *English* one among them. He went into the midst of the Fleet, and fired a Gun after a *Moorish* Ship. And the two Men of War fir'd at us, but did no harm, for they did not reach us. So he left the Fleet, and from thence went to *Carawar*.

Mr. Coniers, Tell what passed there.

Jof. Palmer, Then we met with a small Vessel belonging to *Aden*.

Mr. Coniers, What Country did it belong to?

Jof. Palmer, Black People, only there was one *Thomas Parker*, and a *Portuguese Don Antonio* on board.

Mr. Coniers, Was he the Commander of the Ship?

Jof. Palmer, I cannot tell.

Mr. Coniers, What did Capt. Kid do with this Ship?

Jof. Palmer, He took this *Parker* for a Pilot, and the *Portuguese* for a Linguister.

Mr. Coniers, What do you mean by that word Linguister?

Jof. Palmer, An Interpreter to speak *Spanish*, and *Portuguese*.

Mr. Coniers, Did he take any thing out of the Ship besides the Men?

Jof. Palmer, He took a Bail of Pepper, and a Bail of Coffee, and let the Ship go. But after this we came to *Carawar*.

Mr. Coniers, Before you let the Ship go, how were the Men used by him?

Jof. Palmer, He ordered some of the Men to be hoisted up by their Arms, and drubb'd with a naked Cutlass. They were laid with their Hands backward.

Mr. Coniers, When they were hoisted up, give an account how they were used, and for what reason.

Jof. Palmer, They were beat with a naked Cutlass to make them discover what money was aboard.

Mr. Coniers, What was the next thing?

Jof. Palmer, He took out this *Parker* for a Pilot, and *Antonio* the *Portuguese* for a Linguister. I heard there was money taken, but I did not see it.

Mr. Coniers, What did he do with those Men?

Jof. Palmer, He kept them as the other Men were kept.

Mr. Coniers, Was there any demand made of these Men?

Jof. Palmer, When we came to *Carawar*, the Factory demanded them, and he denyed them.

Mr. Coniers, What Factory is this?

Jof. Palmer, An *English* Factory. There was one *Harvey* and *Mason* came to demand these Men.

Mr. Coniers, And what said Capt. Kid to them?

Jof. Palmer, He denyed that he had any such Men; and he kept them in the Hold, I believe a Week. Several of his Men would have left him if they could.

Mr. Coniers, What did he do after this?

Jof. Palmer, He put to Sea, and met with a *Portuguese* Man of War, and fought her; he engaged her five or six Hours, and afterwards left her, and then he bought some Hogs of the Natives. After he went from this *Carawar*, he went to *Porco*, and took in some Hogs there. And then went to the Island of *Malabar*, and watered his Ship. And his Cooper went ashore, and the Natives cut his Throat. And after this, Capt. Kid sent some Men ashore, and ordered them, That if they should meet any of the Natives, they should kill 'em, and plunder 'em.

Mr. Coniers, Go on Sir.

Jof. Palmer, After that they went to the Coast of *Malabar* again, and in *November* met with a Ship, and took her. One *Schipper Mitchel* was the Commander, she was a *Moorish* Ship.

Mr. Coniers, What became of her? Jof. Palmer, Capt. Kid carried her to *Madagascar*.

Mr. Coniers, What Goods were in her?

Jof. Palmer, There were two Horses, and ten Bails of Cotton, that he sold to the Natives.

Mr. Coniers, Did he send for any aboard at this time?

Jof. Palmer,

Jos. Palmer, There was a *Frenchman*, that was to pretend himself the Captain. He took her under *French* Colours, and haled the Ship in *French*. And this *Monsieur Le Roy* was to pass for Captain, and he shewed his *French* Pass, and——

Mr. Coniers, Give an account of his personating the Captain. Who order'd him to do so?

Jos. Palmer, Capt. *Kid* ordered him to do so, and they haled him in *French*, and he came aboard, and he had a *French* Pass. And then Capt. *Kid* told him, he was Captain.

Mr. Coniers, And he took the Ship?

Jos. Palmer, Yes the Cotton, and Horses, and sold them afterwards.

Mr. Coniers, Whither went you next?

Jos. Palmer, We coasted about the Coast of *Malabar*.

Mr. Coniers, Did you meet with any Boats there? *Jos. Palmer*, Yes, several.

Mr. Coniers, What did you do with them?

Jos. Palmer, Capt. *Kid* robbed and plunder'd them, and turn'd them adrift again.

Mr. Coniers, What was the next thing you did.

Jos. Palmer, About the first of *Jannary*, we met with a *Portuguese* Ship.

Mr. Coniers, Where? *Jos. Palmer*, On the same Coast. We took her.

Mr. Coniers, What did you do with that Ship?

Jos. Palmer, He kept her a Week, and took out two Chests of *Indian* Goods, and 30 Jars of Butter, and a Tun of Wax, and half a Tun of Iron, and an Hundred Bags of Rice.

Mr. Coniers, Did you take those Goods you mention?

Jos. Palmer, Yes, and carried them aboard the *Adventure* Gally.

Mr. Coniers, What was the next Ship you met with? *Jos. Palmer*, The *Queda* Merchant.

L. C. B. Ward, Be very plain and particular in this, and how She was taken; for this is the Ship in the Indictment, and for taking of which the Prisoners are Tryed.

Jos. Palmer, About the last of *January* she was taken, I was not then aboard the Gally; for then I was aboard the *November*, and was ordered to get Water. After three or four Days I went aboard; but I was not aboard at the time She was taken. About three or four Days after, I saw her, and Capt. *Kid* was aboard; and I believe there were taken out of her Goods to the value of Ten or Twelve Thousand Pounds; which were sold, some before they were put ashore, and some after.

Mr. Coniers, To whom were they sold?

Jos. Palmer, To the *Banians*. Capt. *Kid* kept the Seamen to help Sail the Ships.

L. C. B. Ward, What became of the money the Goods were sold for?

Jos. Palmer, It was shared.

L. C. B. Ward, What share had the Captain? *Jos. Palmer*, He had forty Shares.

Cl. of Arr. What share had *Will. Kid*? *Jos. Palmer*, He had forty Shares.

Cl. of Arr. In Goods, or Money? *Jos. Palmer*, In both Goods and Money.

Cl. of Arr. Look upon *Nich. Churchill*, What had he?

Jos. Palmer, He had near two Hundred Pounds of each, which was a Man's share.

Cl. of Arr. Look upon *James Howe*, Had he any share? *Jos. Palmer*, Yes, a whole share.

Cl. of Arr. Had *Robert Lamley* any share?

Jos. Palmer, He had half a share of the money, and a whole share of the Goods.

Cl. of Arr. *Will. Jenkins*, Had he any share?

Jos. Palmer, He had half a share of the Money, and a whole share of the Goods.

Cl. of Arr. Had *Gabriel Loff* any share?

Jos. Palmer, He had half a share of the Money, and a whole share of the Goods.

Mr. Coniers, Why had they no more?

Jos. Palmer, They were Land-men.

Cl. of Arr. *Hugh Parrot*, Had he any?

Jos. Palmer, He had a whole share.

Cl. of Arr. Had *Rich. Barlicorn* any share?

Jos. Palmer, He had half a share.

Cl. of Arr. Had *Abel Owens* any?

Jos. Palmer, He had a whole share.

Cl. of Arr. Had *Darby Molins* any share?

Jos. Palmer, He had a whole share.

Mr. Coniers, What became of the rest of the Goods?

Jos. Palmer, They were carried to *Madagascar*.

Mr. Coniers, Who ordered the Goods to be hoisted out, and shared? Who ordered that?

Jos. Palmer, At the beginning I was not there.

Mr. Coniers, Who ordered it?

Jos. Palmer, Capt. *Kid*. And most of the Goods were ashore before I came back, and before I came back he had his share, and most of the rest.

Mr. Coniers, How many of the Prisoners at the Bar, had their shares of the Goods?

Jos. Palmer, All these Men.

Cl. of Arr. Whose shares were divided to them before you went away?

Jos. Palmer, None; but only they were prepared in order to be divided.

L. C. B. Ward, Did you hear any of them say, They had any shares?

Jos. Palmer, Yes, *Hugh Parrot*, and *Gabriel Loff*.

Cl. of Arr. What say you to *Will. Kid*? Did he own he had any share? *Jos. Palmer*, No.

Cl. of Arr. Did you hear *Nich. Churchill* say he had any?

Jos. Palmer, No, I did not; I cannot say, I heard them say so.

Cl. of Arr. Did you hear *Gabriel Loff* and *Hugh Parrot* say, they had any shares?

Jos. Palmer, Yes, I heard them say so.

Mr. Coniers,

Mr. Coniers, Whither did you proceed next ?

Jos. Palmer, We left Capt. Kid there, I went no further with him.

M. Coniers, I ask you, Whether you met with any Ships, besides what you mentioned.

Jos. Palmer, When we came to *Madagascar*, in the latter end of *April*, or beginning of *May*, 1696, there was a Ship call'd the *Resolution*, which was formerly call'd the *Moco* Frigate; several of the Men came off to Capt. Kid, and told him, They heard he came to take, and hang them. He said, that it was no such thing, and that he would do them all the good he could. And Capt. *Culliford* came aboard of Capt. Kid, and Capt. Kid went aboard of *Culford*.

Mr. Coniers, Who was that *Culliford*?

Jos. Palmer, The Captain of the Ship. And on the Quarter-deck they made some Bomboo, and drank together, and Capt. Kid said, Before I would do you any harm, I would have my Soul fry in Hell-fire; and wished Damnation to himself several times, if he did. And he took the Cup, and wished that might be his last, if he did not do them all the good he could.

Mr. Powel, Did you take these Men to be Pirates?

Jos. Palmer, They were reckon'd so.

Dr. Newton, Did Capt. Kid make *Culliford* any Presents?

Jos. Palmer, Yes, he had four Guns of him.

Dr. Newton, Of whom?

Jos. Palmer, Of Capt. Kid, he presented him with them.

Mr. Powel, Was there not a Present on the other side?

Jos. Palmer, I believe there was, I have heard so; I heard *Culliford* say, I have presented Capt. Kid to the value of four or five Hundred pounds.

Mr. Cooper, Were these kindneses done to *Culliford* after *Culliford's* Men said, They heard that Capt. Kid was come to hang them?

Jos. Palmer, Yes.

Mr. Cooper, What did Capt. Kid do after that?

Jos. Palmer, He went aboard the *Queda* Merchant.

Mr. Cooper, What did he do with his own Ship?

Jos. Palmer, She was leaky, and he left her.

Mr. Cooper, Did he carry, or attempt to carry, any of the Ships he took; in order to condemn them, besides that *French* Banker?

Jos. Palmer, He never did, nor talked of any such thing.

L. C. B. Ward, Mr. Kid, Will you ask this Witness any Questions?

Will. Kid, I ask him, Whether I had no *French* Passes?

Jos. Palmer, Indeed, Capt. Kid, I cannot tell. I did hear him say, that he had *French* Passes, but I never saw them.

L. C. B. Ward, Those Goods that were taken out of the *Queda* Merchant, whose Goods were they suppos'd to be?

Jos. Palmer, The *Armenian* Merchants. I have heard Capt. Kid say several times, he had *French* Passes.

Will. Kid, And did you hear no body else say so?

Jos. Palmer, No.

Cl. of Arr. Nich. Churchill, Will you ask him any Questions?

N. Churchill, My Lord, I have no Questions to ask him.

Cl. of Arr. James Howe, Will you ask him any Questions?

J. Howe, No.

Cl. of Arr. Robert Lamley, Will you ask him any Questions?

R. Lemley, No.

Cl. of Arr. Will. Jenkins, Will you ask him any Questions?

Will. Jenkins, Had I half a share?

Jos. Palmer, You received half a share of money, and a whole share of Goods.

Will. Jenkins, You know that I was a Servant, and had nothing in this Voyage but what my Master had.

Cl. of Arr. Gabriel Loff, Will you ask him any Questions?

Gabriel Loff, No.

Cl. of Arr. Hugh Parrot, Will you ask him any Questions?

Hugh Parrot, No.

Cl. of Arr. Richard Barlicorn, Will you ask him any thing?

Richard Barlicorn, No.

Cl. of Arr. Abel Owens, Will you ask him any thing?

Abel Owens, No.

Cl. of Arr. Darby Molins, Will you ask him any thing?

D. Molins, No.

Will. Kid, It is in vain to ask any Questions.

L. C. B. Ward, Then you may make your own defence. Come Mr. Kid, what have you to say in your own defence?

Will. Kid, I had a Commission to take the *French*, and Pirates, and in order to that, I came up with two Ships, that had *French* Passes both of them. I called you all a Deck to

consult ; And did not a great many of the Men go aboard ? Did not you go ? You know, Mr. Palmer, I would have given these Ships to them again, but you would not ; you all voted against it.

Jos. Palmer, This Man (pointing to the *Armenian*, that was in Court) offered you twenty thousand Rupees for the Ship, and you refused it.

Will. Kid, Did not I ask, Where will you carry this Ship ? And you said, we will make a prize of her, we will carry her to *Madagascar*.

Jos. Palmer, Says Capt. Kid to his Men, These *Armenians* make such a noise for the Ship, that I must say, my Men will not part with her ; but there was not a quarter part of the Men concerned in it. The *Armenians* came crying and wringing their Hands: Upon which, says Capt. Kid, I must say, my Men will not give them the Ship. And so some of the Men went on the Fore-castle, and pretended, they would not give them the Ship ; but there was not a quarter part of the Men concerned in it.

L. C. B. Ward, Did those Goods belong to *Frenchmen*, or *Armenians* ?

Jos. Palmer, To *Armenians*.

L. C. B. Ward What was that pretence of a *French Pass* that was on board the *Queda Merchant* ? Jos. Palmer, I saw none.

Will. Kid, But you have heard of it.

Jos. Palmer, I have heard of it, but never saw it.

L. C. B. Ward, Mr. Kid, have you any more to say ? You speak of a Commission that you had, you may have it read if you please.

Will. Kid, I desire to have them both read.

L. C. B. Ward, Yes, they shall.

Then his Commission for Reprisals upon the *French*, was Read.

WILLIAM the Third, *By the Grace of God, of England, Scotland, France and Ireland King, Defender of the Faith, &c. Whereas We having taken into Our Consideration, the Injuries, Spoils, and Acts of Hostility committed by the French King and his Subjects, unto, and upon the Ships, Goods, and Persons of Our Subjects extending to their grievous Damages, and amounting to great Sums; and that notwithstanding the many and frequent Demands made for redress and reparation, yet none could ever be obtain'd. We did therefore with the Advice of Our Privy Council, think fit, and ordered, that general Reprisals be Granted against the Ships, Goods, and Subjects of the French King; so that as well Our Fleets and Ships, as also all other Ships and Vessels that shall be Commissionated by Letters of Marque, or general Reprisals, or otherwise, shall and may lawfully seize, and take all Ships, Vessels, and Goods belonging to the French King, or his Subjects, or Inhabitants within any of the Territories of the French King: And such other Ships, Vessels, and Goods, as are, or shall be liable to Confiscation, and bring the same to Judgment in Our High Court of Admiralty of England, or such other Court of Admiralty as shall be lawfully Authorized in that behalf, according to the usual course and Laws of Nations. And Whereas William Kid is thought fitly qualified, and hath Equipped, Furnished, and Victualled a Ship called, The Adventure Gally, of the burthen of about Two hundred eighty seven Tunns, whereof the said William Kid is Commander. And whereas, he the said William Kid hath given Security with Sureties by Bond to Us, in Our said High Court of Admiralty according to the effect and form set down in certain Instructions made the second Day of May, One thousand six hundred ninety three, and in the Fifth Year of Our Reign, a Copy whereof is given to the said Capt. William Kid. Know ye therefore, That We by these Presents, grant Commission to, and do Licence and Authorize the said William Kid to set forth in warlike manner the said Ship call'd, The Adventure Gally, under his own Command, and therewith by force of Arms to Apprehend, Seize and take the Ships, Vessels, and Goods belonging to the French King and his Subjects, or Inhabitants within the Dominions of the said French King; and such other Ships, Vessels, and Goods, as are, or shall be liable to Confiscation, and to bring the same to such Port as shall be most convenient, in order to have them legally adjudged in Our High Court of Admiralty, or such other Court of Admiralty as shall be lawfully Authorized in that behalf; which being Condemned, it shall and may be lawful for the said William Kid, to sell and dispose of such Ships, Vessels, and Goods so adjudged and condemned, in such sort and manner as by the course of Admiralty hath been accustomed (except in such Cases where it is otherwise directed by the said Instructions and the Act of Parliament thereunto annexed. Provided always, that the said William Kid keep an exact Journal of his proceedings, and therein particularly take notice of all Prizes which shall be taken by him, the nature of such Prizes, the times, and places of their being taken, and the values of them, as near as he can judge; as also of the station, motion, and strength of the Enemy, as well as he or his Mariners can discover by the best Intelligence he can get; and also whatsoever else, shall come unto him, or any of his Officers, or Mariners, or be discovered or declared unto him or them, or found out by examination, or conference with any Mariners or Passengers of, or in any of the Ships or Vessels taken, or by any other person, or persons, or by any other ways or means whatsoever*

whatsoever touching or concerning the Designs of the Enemy, or any of their Fleets, Vessels, or Parties, and of their Stations, Ports, and Places, and of their intents therein; and of what Merchants Ships or Vessels of the Enemy's bound out, or home, or to any other place, as he, or his Officers, or Mariners shall hear of, and of what else material in those Cases may arrive to his, or their knowledge, of all which he shall from time to time, as he shall, or may have opportunity, transmit an account to our Commissioners for executing the Office of Lord High Admiral of England, or their Secretaries, and to keep a Correspondence with them by all opportunities that shall present. And further, Provided that nothing be done by the said William Kid, or any of his Officers, Mariners, or Company, contrary to the true meaning of Our aforesaid Instructions, but that the said Instructions shall be by them, and each and every of them, as far as they, or any of them are therein concern'd, in all particulars well and duly perform'd and observed. And We pray and desire all Kings, Princes, Potentates, Estates, and Republicks, being Our Friends and Allies, and all others to whom it shall appertain, to give the said William Kid all aid, assistance and succour in their Ports with his said Ship, Company and Prizes, without doing, or suffering to be done to him any wrong, trouble, or hindrance. We offering to do the like, when We shall be by them thereunto desired. And We will and require all Our own Officers whatsoever, to give him succour and assistance as occasion shall require. This Our Commission to continue in force till further order to the contrary from Us, or Our Commissioners for executing the Office of Lord High Admiral of England. In Witness whereof We have caused the Great Seal of Our High Court of Admiralty of England to be hereunto affixed. Given at London the Eleventh Day of December, in the Year of Our Lord One thousand six hundred ninety five, and in the Seventh Year of Our Reign.

Orlando Gee Reg.

Mr. Just. Powel, Capt. Kid, Can you make it appear there was a French Pass aboard the Queda Merchant?

Will. Kid, My Lord, these Men say, They heard several say so.

Mr. Coniers, But all came from you.

L. C. B. Ward, If there was a French Pass in the Ship, you ought to have condemned her as Prize.

Then his other Commission was Read for cruising against the Pirates.

WILLIAM Rex,

WILLIAM III. By the Grace of God, King of England, Scotland, France and Ireland. Defender of the Faith, &c. To our trusty and well-beloved Capt. William Kid, Commander of the Ship Adventure Gally, or to any other, the Commander of the same for the time being, Greeting, Whereas We are inform'd, that Capt. Thomas Too, John Ireland, Capt. Thomas Wake, and Capt. William Maze, or Mace, and other Our Subjects, Natives, or Inhabitants of New England, New York, and elsewhere, in Our Plantations in America, have associated themselves with divers other wicked and ill-disposed Persons, and do against the Law of Nations, daily commit many and great Piracies, Robberies, and Depredations upon the Seas in the parts of America, and in other parts, to the great hindrance and discouragement of Trade and Navigation, and to the danger and hurt of Our loving Subjects, Our Allies, and all others Navigating the Seas upon their lawful Occasions: Now Know Ye, That We being desirous to prevent the aforesaid Mischiefs; and as far as in Us lyes, to bring the said Pirates, Freebooters and Sea-Rovers to Justice, have thought fit, and do hereby Give, and Grant unto you the said Capt. William Kid (to whom Our Cammissioners for Exercising the Office of Our Lord high Admiral of England, have Granted a Commission as a private Man of War bearing date the Eleventh day of December, 1695.) and unto the Commander of the said Ship for the time being, and unto the Officers, Mariners and others which shall be under your Command, full Power and Authority, to Apprehend, Seize, and take into your Custody, as well the said Capt. Thomas Too, John Ireland, Capt. Thomas Wake, and Capt. William Maze, or Mace, as all such Pirates, Freebooters, and Sea-Rovers, being either Our own Subjects, or of other Nations associated with them, which you shall meet with upon the Coasts or Seas of America, or in any other Seas, or Ports, with their Ships and Vessels, and also such Merchandizes, Money, Goods and Wares, as shall be found on board, or with them, in case they shall willingly yield themselves. But if they will not submit without fighting; then you are by force to compel them to yield: And we do also require you to bring, or cause to be brought such Pirates, Freebooters, and Sea-Rovers as you shall seize to a legal Tryal; to the end they may be proceeded against according to the Law in such Cases. And We do hereby charge, and command all Our Officers, Ministers, and other Our loving Subjects whatsoever, to be Aiding and Assisting to you in the Premises. And We do hereby enjoin you to keep an exact Journal of your proceeding in the Execution of the Premises, and therein to

Set down the Names of such Pirates, and of their Officers and Company, and the Names of such Ships and Vessels as you shall by virtue of these Presents seize and take, and the quantities of Arms, Ammunition, Provision, and Loading of such Ships, and the true value of the same, as near as you can judge. And We do hereby strictly charge, and command you, as you will answer the same at your utmost peril, that you do not in any manner offend, or molest any of Our Friends or Allies, their Ships, or Subjects, by colour or pretence of these Presents, or the Authority thereby Granted. In Witness whereof, We have caused Our Great Seal of England to be affixed to these Presents. Given at Our Court at Kensington, the 26th Day of January, 1695, in the Seventh Year of Our Reign.

L. C. B. Ward, Now you have had the Commissions Read, What do you excuse your self by? What use do you make of them to justify or defend your self?

Will. Kid, About this *Queda* Merchant.

L. C. B. Ward, What would you have her a *French* Ship?

Will. Kid, Under a *French* Commission. The Master was a Tavern-keeper at *Surat*: Do not you know that, Mr. Palmer?

Jes. Palmer, I was not on board when this Pass came, I never saw it.

L. C. B. Ward, But then you should have Condemned this Ship, if she had been a *French* Ship, or had a *French* Pass.

Will. Kid, The Evidence says, it was by my order that the Goods were taken out; I was not at the sharing of the Goods, I knew nothing of it.

L. C. B. Ward, Out of the Goods that were taken, some were sold in the Country there, and the produce of them was so much money; it is proved, that that money was divided; and pursuant to the Articles set up, you were to have forty Shares, and the rest of the Men whole, or half Shares as they deserved. Now this money both these Men Swear, it was taken by you. And the first Swears, That the Goods not sold then, that remained in the Ship were also divided, and that you had forty shares of them. And the other says, he did not see the Goods divided, but two of the Men acknowledge it.

Will. Kid, My Lord, this *Frenchman* was aboard five or six Days before I understood there was any *Englishman* aboard. Well, said I, What are you? An *Englishman*, I am Master. What have you to shew for it? Nothing (says he.) When they see a *French* Pass, they will not let the Ship go.

Mr. J. Powel, You have produced Letters Patents that impowered you to take Pirates, why did you not take *Culliford*?

Will. Kid, A great many of the Men were gone a-shore.

Mr. J. Powel, But you presented him with great Guns, and swore you would not meddle with them.

L. C. B. Ward, When the Question was put, Are you come to take us, and hang us? You answered, I will fry in Hell before I will do you any harm.

Will. Kid, That is only what these Witnesses say.

L. C. B. Ward, Did not you go aboard *Culliford*?

Will. Kid, I was not aboard *Culliford*.

L. C. B. Ward, These things press very hard upon you. We ought to let you know what is observed, that you may make your Defence as well as you can.

Will. Kid, I desire Mr. Davis may be called (he was called accordingly, and appeared) Mr. Davis, pray give an account whether you did not see a *French* Pass?

L. C. B. Ward, You are his Witness, you must answer what he asks you.

Mr. Davis, I came a Passenger from *Madagascar*, and from thence to *Amboyna*, and there he sent his Boat a-shore, and this Man was a-shore; and there was one said, Capt. Kid, was published a Pirate in *England*; and he gave those Passes to him to Read. The Captain said, they were *French*.

L. C. B. Ward, Who gave them?

Mr. Davis, Captain Kid gave them.

L. C. B. Ward, Did you know any thing of taking the *Queda* Merchant?

Mr. Davis, No, no.

L. C. B. Ward, Then you cannot say, they have any relation to the *Queda* Merchant.

Mr. Davis, No, not I.

Will. Kid, You heard Capt. Elms say, They were *French* Passes.

Mr. Davis, Yes, I heard Capt. Elms say, they were *French* Passes. Says he, if you will, I can turn them into *Latin*.

Mr. B. Hatfel, Have you any more to say, Capt. Kid?

Will. Kid, I have some Papers, but my Lord *Bellamont* keeps them from me, that I cannot bring them before the Court.

Cl. of Arr. Have you any more to say?

Will. Kid, I have some to call, that will bear testimony to my Reputation.

L. C. B. Ward, Call whom you please, we will not abridge you.

Will. Kid,

Will. Kid. Call Mr. *Bradinbam*. I desire this of him, whether he never saw the *French Passes*, and whether he did not tell *Coll. Bafs* so.

R. Bradinbam. I never saw a *French Pass*, I only heard so.

Coll. Bafs. I have heard Mr. *Bradinbam* say, he heard *Capt. Kid* say he had *French Passes* on Board, but I never heard him say he saw them *Passes*.

Will. Kid. He just now denied that he ever saw the *French Passes*, or heard of them.

L. C. B. Ward. He says so now, that he never saw them, only he heard you say so.

Coll. Bafs. have you heard him say the *Passes* related to the *Quedab Merchant*?

Coll. Bafs. He has often said he heard *Kid* say the *French Passes* were aboard.

Cl. of Arr. Have you any more *Witnesses* to call?

Will. Kid. I desire Mr. *Say* may be called, he is in the Prison, I desire he may be sent for.

L. C. B. Ward. We will give you all the liberty you can expect, if you have any more, you were best call them all together. In the mean time what say you, *Churchill*?

N. Churchill. I desire *Coll. Bafs* may be called, and that this *Affidavit* may be read.

L. C. B. Ward. Colonel *Bafs*, what have you to say for *N. Churchill*?

Coll. Bafs. My Lord, I only wait for his question.

L. C. B. Ward. *Churchill*, what will you ask *Coll. Bafs*?

N. Churchill. Whether I did not Surrender myself to him.

L. C. B. Ward. If you can make your Case come within the Proclamation, you must make it appear that you Surrendered according to the Directions of it.

N. Churchill. My Lord, we came in, in the Year 1699, and Surrendered our selves to *Coll. Bafs*.

L. C. B. Ward. If you can make it appear that you Surrendered your selves in pursuance of that, to the Persons appointed to receive your Surrender, that will be somewhat to the Point; but *Coll. Bafs* had not power by that Proclamation to receive your Surrender, and therefore you cannot have any benefit by it, unless you can bring your Case within it. But you may call *Coll. Bafs*, if you will.

N. Churchill. My Lord, we came in upon that Proclamation, and might have gone away any day if we would; but we stay'd in the Country, and we never offered to go away till it was my Lord *Bellamont's* pleasure to send for us.

L. C. B. Ward. You may call *Coll. Bafs*, and hear what he says.

N. Churchill. *Coll. Bafs*, will you be pleased to tell my Lord whether we did not Surrender our selves to you in pursuance of the King's Proclamation.

Coll. Bafs. My Lord, about the 29th of *May*, 1699, I had an account of some Persons, that were supposed Pirates, that were come to Surrender themselves; and on my Landing, these two Persons came to me, and Surrendered to me the 4th of *June*, 1699. And I told them I must refer their Case to his Majesty at home.

L. C. B. Ward. Who were they that Surrendered to you?

Coll. Bafs. *Nich. Churchill*, and *James Howe*.

L. C. B. Ward. Where were you Governor?

Coll. Bafs. At the Province of *West Jersey*.

Dr. Oxenden. How came they here?

Coll. Bafs. I left them under Bail.

L. C. B. Ward. Did you send them over?

Coll. Bafs. No, my Lord, I came to *England* before; I left them in Custody. They were sent over Prisoners by my Successor.

L. C. B. Ward. What did they say to you when they Surrendered themselves to you?

Coll. Bafs. They said they had been in the *Indies*, and that they had committed several Piracies, and desired they might have the benefit of his Majesty's Proclamation.

L. C. B. Ward. What Pirates did they mention to you?

Coll. Bafs. They mentioned the *Moco Frigate*, and *Capt. Kid*.

Dr. Oxenden. Had you the Proclamation?

Coll. Bafs. No, but I had seen one of them.

L. C. B. Ward. Did you take your self allowed to receive their Surrender?

Coll. Bafs. No, my Lord, I did not.

Cl. of Arr. *N. Churchill*, have you quite done?

N. Churchill, and *James How.* Yes Sir, we came in upon his Majesty's Proclamation.

Cl. of Arr. *Rob. Lamley*, what have you to say?

Rob. Lamley. My Lord, I was but a Servant.

L. C. B. Ward. Who was you a Servant to?

Rob. Lamley. To Mr. *Owens*.

L. C. B. Ward. How does that appear?

Rob. Lamley. The Surgeon knows it.

R. Bradinbam. My Lord, he was concerned with the Cook.

Rob. Lamley. My Lord, here is my Indenture (which was read)

Cl. of Arr. *Will. Fenkins*, what have you to say?

Will. Fenkins. I have nothing to say, but I was a Servant to Mr. *Bullen*.

L. C. B. Ward. Where is your Witness to prove it?

- Will. Jenkins.* Both the Kings Witnesses know it.
- Bradinham and Palmer.* My Lord, he was his Servant.
- Cl. of Arr. Gabriel Loff,* what say you for your self?
- Gabr. Loff.* My Lord, about the Year 1696, I entred my self on board Capt. *Kid*, and went out with him, and I never disobeyed his Command in any thing.
- L. C. B. Ward.* Did he go out under the first Commission?
- Jos. Palmer.* He came aboard at *New York*.
- L. C. B. Ward.* Did you take him in before, or after the Articles were set up.
- Jos. Palmer.* After the Articles were set up.
- L. C. B. Ward.* Did Capt. *Kid* take any Notice of his Commissions in the Articles?
- Jos. Palmer.* Yes, my Lord, he did mention them. I have a Copy of the Articles.
- Mr. Crawly.* Mr. *Palmer*, are these Articles the Copy of the Articles set up by Capt. *Kid*, at *New-York*?
- Jos. Palmer.* Yes.
- Mr. J. Gould.* Did you examine them?
- Jos. Palmer.* To the best of my knowledge they were a true Copy.
- Mr. J. Turton.* Did you compare them with the Original?
- Jos. Palmer.* No, my Lord.
- Cl. of Arr. Gabriel Loff,* have you any more to say?
- Gabr. Loff.* Yes, a great deal more to ask the Evidence.
- Cl. of Arr.* What will you ask them?
- Gabr. Loff.* Whether I did not obey the Captain.
- Mr. J. Turton.* There is no scruple to be made of that.
- Gabr. Loff.* I went out to serve his Majesty under his Commission.
- L. C. B. Ward.* But how came you to take part of the Money?
- Gabr. Loff.* I had what they pleased to give me.
- L. C. B. Ward.* You must needs imagine, that when Capt. *Kid* did these extravagant things, and divided the Money and Goods, that he did not act according to his Commission. What could you think of it?
- Cl. of Arr. Hugh Parrot,* what have you to say for your self?
- H. Parrot.* My Lord, in the Year 1695, in the Month of *October*, I sailed out of *Plymouth* in a Merchant-man, bound for *Cork* in *Ireland*, there to take in Provisions; thence to the Island of *Barbadoes*; and in sight of the Island of *Barbadoes*, I was taken by a *French* Privateer, and carried to *Martinico*; and thence coming in a Transport-Ship, I was brought to *Barbadoes*, there I Ship'd my self in a Vessel bound to *Newfoundland*, and thence to *Maderas*. And then I went to *Madagascar*; and there I stayed some short time after, and came in Company with Capt. *Kid*; and then the Commander and I had a falling out, and so I went ashore at that Island. And understanding that Capt. *Kid* had a Commission from the King, I came aboard Capt. *Kid's* Ship, and ever since have been with him.
- L. C. B. Ward.* Did you come to him after he had been at *New York*?
- H. Parrot.* This was in the Year 1697.
- L. C. B. Ward.* You have acted with him, and shared with him. Could you imagine he was acting according to his Commission, when he was doing these things?
- H. Parrot.* I thought I was safe where the King's Commission was.
- L. C. B. Ward.* The Commission was to take Pirates, and not to turn Pirates.
- H. Parrot.* Mr. *Palmer*, did you ever see me guilty of an ill thing? Did I ever disobey my Captain?
- Jos. Palmer.* You were always obedient to your Commander.
- H. Parrot.* Then I came to *Madagascar* with Capt. *Kid*, where I might have gone aboard a known Pirate, but I refused it, and kept close to my Captain: And when I came to *New-England*, I might have gone away as others did; but I had my Liberty at *Boston* for above a Week, and went up and down, and I Surrendered my self.
- L. C. B. Ward.* You did not Surrender your self, but only you had a liberty to go away, and did not.
- H. Parrot.* I thought there was no need of it. My Lord, I desire you will ask the Witnesses whether I ever disobeyed my Captain's Commands.
- L. C. B. Ward.* They say no otherwise, but that you went willingly.
- Cl. of Arr. Rich. Barlicorn,* what have you to say?
- R. Barlicorn.* My Lord, I beg leave that I may produce some Evidence for my Reputation. Here is a Certificate from the Parish where I was born.
- L. C. B. Ward.* That will signify nothing, we cannot read Certificates, they must speak *Viva Voce*.
- R. Barlicorn.* Call *Benj. Bond*, *Daniel Phillips*, and *James Newton*.
- L. C. B. Ward.* What do you call these Witnesses for?
- R. Barlicorn.* To give an account of my Reputation, what they know of me.
- Benj. Bond.* I knew him when he was a Child, and he was very civil and honest; I lived near him till he was 13 or 14 year old. And he came of honest Parents, and behaved himself very civilly all that time.
- L. C. B. Ward.* Have you known any thing of him since?
- Benj. Bond.* No, my Lord.
- L. C. B. Ward.* What have you to say further?

R. Barlicorn. My Lord, I was a Servant to Capt. *Kid*, and I have been with him six Years; and I have a Certificate from several of my Relations that will testify it.

Cl. of Arr. *R. Barlicorn*, have you any thing more to say?

R. Barlicorn. I am a Servant to Capt. *Kid*.

L. C. B. Ward. How long have you been so? Where was it that you came first to be his Servant?

R. Barlicorn. At *Carolina*.

Cl. of Arr. *Abel Owens*, what say you for your self?

Abel Owens. My Lord, I desire the Privilege of the Proclamation. I entred my self into the King's Service. I have been in the King Service, according to his Majesty's Proclamation. I desire it may be read (which was done.)

L. C. B. Ward. You desire the benefit of this Proclamation, but you must bring your self under the qualifications it requires, if you would have any benefit by it.

Mr. Crawly. He has a Certificate of it.

L. C. B. Ward. Is it within the Proclamation?

Mr. Crawley. The Certificate is dated 15th *March*, 1700, from *Mr. Riches*, a Justice of Peace in *Southwark*.

L. C. B. Ward. *Mr. Riches*, I suppose, did believe he was within this Proclamation.

Mr. J. Gould. The Pardon extends to all persons for Piracies committed before that time, if they surrender themselves to such and such, and enter themselves on board one of his Majesty's Ships.

Mr. Coniers. A Justice of the Peace is not within the Proclamation.

Cl. of Arr. Have you any more to say?

Ab. Owens. Only to desire the benefit of that Proclamation.

L. C. B. Ward. He surrendred himself to Justice *Riches*, and then entred himself aboard one of his Majesty's Ships; and then there was evidence against him, when on board, and he was seized. This may be fit to recommend him to the Kings Mercy, but it is not a Defence against the Accusation.

Cl. of Arr. *Darby Molins*, what do you say for your self?

D. Molins. I came in upon the King's Act of Grace, I came ashore with the rest of the People.

L. C. B. Ward. What have you to shew, to intitule you to the benefit of this Proclamation?

D. Molins. I was ready to dye of the Bloody Flux, and not able to go my self, but I sent my name in to the Governour.

L. C. B. Ward. Where was you when you was so sick?

D. Molins. In *West Jersey*. I came ashore in *Cape May*. I was sick like to die all the way from *Madagascar*, expecting every Minute to dye with the Bloody Flux.

Dr. Oxenden. How came you to leave Capt. *Kid*?

D. Molins. He used me very hardly, and therefore I left him.

L. C. B. Ward. You had a dividend of the Money and Goods.

D. Molins. He gave it me, and afterwards took it from me.

L. C. B. Ward. Was he your Master? *D. Molins.* I had no Master.

Dr. Oxenden. How did you come to *Jersey*?

D. Molins. I came thither with Capt. *Shelly*, he is in Court.

Dr. Oxenden. You were aboard Capt. *Culliford*.

D. Molins. I came home in hopes to get the King's Pardon.

L. C. B. Ward. That which you say is very odd, tho' you quitted Capt. *Kid*'s Ship, you went into *Culliford*'s.

L. C. B. Ward. Capt. *Kid*, you said you had more to say just now; if you have, let us hear it.

Will. Kid. I desire this Man may be heard two or three Words.

L. C. B. Ward. What is his Name? *Will. Kid.* *Mr. Say*.

Mr. Say. I hapned to be at the Treasury Office in *Broad-street* to receive some Money; and *Mr. White* was there; and he ask'd me, will you go along with me, and see one *Elbury* that is in the *Marshalsea* for Debt? says I, I am a Stranger to him, I do not care to go. Says he, bear me Company. So I went with him, and when I came there, I saw Capt. *Kid*'s Men. And this *Mr. Elbury* was in Company with Capt. *Kid*'s Surgeon. Says I, I am a Brother of the quill, I should be glad to drink a Glas with you. We stay'd there but a little while, and asked what that Man was; says he, he is Capt. *Kid*'s Surgeon. Upon this I said, here is a mighty noise about Capt. *Kid*; says he, I believe he has done nothing but what he can answer, or that can do him any hurt. Says I, where have you been with him? He said, at *Madagascar*.

L. C. B. Ward. *Mr. Bradinham* was with them, there is no doubt of that. It is not to be questioned that he would say any thing ill of them then. Capt. *Kid*, have you any thing more to say?

Will. Kid. Call Capt. *Humphrys*, (who appeared.)

L. C. B. Ward. What questions would you ask him?

Will. Kid. What do you know of me?

Capt. Humphrys. I knew you, Sir, in the *West-Indies* in the beginning of the late War, and I know you had the applause of the General, as I can shew by the General's Letter. I know nothing further of you.

Will. Kid. Did you know any thing that I was Guilty of any Piracies?

Capt. Humphrys. No, but you had a general applausè for what you had done from time to time.

L. C. J. Ward. How long was this ago?

Capt. Humphrys. Twelve Years ago.

L. C. J. Ward. That was before he was turned Pirate.

Will. Kid. Call *Capt. Bond* (who appeared.)

L. C. B. Ward. What do you call him for?

Will. Kid. *Capt. Bond*, pray will you give an account what you know of me.

Capt. Bond. I know you was very useful at the beginning of the War in the *West Indies*.

Mr. B. Hatfell. To be sure they had a good opinion of him in 1695, when they granted him the Commission.

Will. Kid. There is nothing in the World can make it appear I was guilty of Piracy, I kept company with *Capt. Warren* for six days.

Mr. Coniers. I believe you kept company more with *Capt. Culliford*, than with Captain *Warren*.

Will. Kid. I never designed to do any such thing.

Mr. Coniers. My Lord, we will say nothing at all, but leave it to your Lordship to direct the Jury.

Will. Kid. I have many Papers for my Defence, if I could have had them.

L. C. B. Ward. What Papers were they?

Will. Kid. My *French Passes*.

L. C. B. Ward. Where are they?

Will. Kid. My Lord *Bellamont* had them.

L. C. B. Ward. If you had had the *French Passes*, you should have Condemned Ships.

Will. Kid. I could not because of the Mutiny in my Ship.

L. C. B. Ward. If you had any thing of Disability upon you, to make your Defence, you should have objected it at the beginning of your Trial; what you mean by it now, I cannot tell. If you have any thing more to say, you may say it, the Court is ready to hear you.

L. C. B. Ward. Gentlemen of the Jury, the Prisoners at the Bar, *W. Kid*, *N. Churchill*, *J. How*, *R. Lamly*, *Will. Jenkins*, *Gabriel Loff*, *Hugh Parrot*, *Rich. Barlicorn*, *Abel Owens*, and *Darby Mullins*, in number Ten; stand all here Indicted for the Crime of Piracy, charg'd to be committed by them. And the instance of the Crime, is for Feloniously and Piratically Seizing and Taking the Ship call'd the *Quedab Merchant*, with the Apparel and Tackling thereof, to the value of 400*l.* and divers Goods mentioned in the Indictment, to the value of 4500*l.* the Goods of several Persons unknown, from the Mariners of the said Ship, and this at high Sea, within the Jurisdiction of the Court of Admiralty, about ten Leagues from *Cutseen* in the *East-Indies* the 30th of *January*, 1697, and in the 9th Year of his Majesty's Reign. Now whether all, or any, and which of these Prisoners are Guilty of this Crime of Piracy laid in this Indictment, or not Guilty, it is your part to determine according to the Evidence that has been given on both sides. The Crime charged on them is Piracy, that is, Seizing and Taking this Ship and Goods in it Piratically and Feloniously; the time and place is laid also in the Indictment. To make good this Accusation, the King's Council have produced their Evidence; and two Witnessses have been Examined in this case, each of them were in the same Ship which took the *Quedab Merchant*, and very well acquainted with all the proceedings, that is, *Rob. Bradinham*, and *Joseph Palmer*. The first has given you an Historical account of the whole proceedings of *Capt. Kid*, from his first going out of *England* in the *Adventure Gally*, to the time of this fact charged on them. They tell you; that about *May* 1696, the King intrusted this *Capt. Kid* with two Commissions, and they were both read to you. By one of them, under the Admiralty Seal, he was Authorized to set out as a Privateer the *Adventure Gally*, and therewith to Take and Seize the Ships and Goods belonging to the *French King*, or his Subjects, and such other as were liable to Confiscation. And by the other Commission under the Broad Seal of *England*, Authority was given for the taking of some Pirates by Name, and all other Pirates in the several places therein mentioned. But in no sort to offend or molest any of the King's Friends or Allies, their Ships or Subjects by colour thereof. And by both Commissions command was given to bring all such Ships and Goods, as should be taken to legal Trials and Condemnations. They tell us, that this Ship set out from *Plimouth* about *May*, 1696, and that in their Passage, they did take a *French Ship*, and they did Condemn that Ship. Now Gentlemen, you must bear this in your Minds, that to make it Piracy, it must be the taking Piratically and Feloniously upon the High Sea, within the Jurisdiction of the Admiralty of *England*, the Goods of a Friend, that is such as are in Amity with the King. Now you see what way they went to work, and what measures they took. *Capt. Kid* goes out, and goes to *New-York*; and when he was there, he has a project in his Head of setting up Articles between himself and the People that were willing to be concern'd with him: For now whether it seems more probable from what followed that *Capt. Kid* designed to manage himself according to the measures given him, and the Powers of his Commissions, or another way, you must consider; for it is told you that between 150, and 160 Men came in under those Articles, whereof the other

other Prisoners were part and concern'd in them. And as to those Articles, the import of them was, that whatever should be taken by these people in their Expeditions, should be divided into 160 parts, whereof Capt. *Kid* was to have 40 shares for his part, and the rest were to have according to the merit of each party, some whole shares, and some half shares.

Now after these Articles, you perceive what Progress they made, and what Course they took. They went from one place to another, and used a pretty deal of Severity wherever they came. A design they had to go into the *Red-Sea*, and they had expectations of the *Moco* Fleet that lay at *Moco*, and they sent their Spies three times to get Intelligence. The two first times they could make no Discovery; but the third time they made an effectual Discovery that the Fleet was ready to Sail; and in the mean time Capt. *Kid* lay there in expectation of this Fleet; and as the first Witness tells you, Capt. *Kid* said he intended to make a Voyage out of this Fleet. Well, he had a Discovery of this Fleet, and they came accordingly, and they tell you, that he and his Men in the Ship did attack one of the Ships: But these Ships being guarded by two Men of War, he could make nothing of them, however he shewed what his intention and design was. Could he have proved that what he did was in pursuance of his Commissions, it had been something; But what had he to do to make any attack on these Ships, the Owners and Freighters whereof, were in Amity with the King; this does not appear to be an action suitable to his Commission. After he had done this, he came to Land, and there, and afterwards at Sea, pursued strange methods, as you have heard. The seeming justification he depends on, is his Commissions; now it must be observed how he acted with relation to them, and what irregularities he went by. He came to a place in the *Indies*, and sent his Cooper ashore, and that Cooper was killed by the Natives; and he uses Barbarity, and ties an *Indian* to a Tree, and shoots him to Death. Now he went from place to place, and committed Hostilities upon several Ships, dealing very severely with the People.

But this being something foreign to the Indictment, and not the Facts for which the Prisoners at Bar are Indicted, we are confined to the *Quedab Merchant*; but what he did before shews his Mind and Intentions not to act by his Commissions, which warrant no such things. Gentlemen, you have an account that he met with this Ship the *Quedab Merchant* at Sea, and took her; that this Ship belonged to People in Amity with the King of *England*; that he seized this Ship, and divers Goods were taken out of her, and sold, and the Money divided pursuant to the heads contained in those Articles set up at *New-York*. The Witnesses that speak to that, come home to every one of the Prisoners: They tell you that this Dividend was made, that Capt. *Kid* had 40 Shares of the Money, and the rest of the Prisoners had their proportions according to the Articles, some whole shares, and some a half share of that Money. After they had seized on the Ship, you hear of a certain sort of project, that a *French* Man should come and pretend himself the Master, and produce, or pretend to produce a *French* Pass, under a colour that these Peoples Ship and Goods, who were *Moors*, should be *French* Men's Ship and Goods, or Sailed under a *French* Pass, and so justify what they did under the colour of his Commission from the King. Now no Man knows the Mind and Intention of another, but as it may be discovered by his Actions. If he would have this to be understood to be his Intention, or that it was a reality, that he took this as a *French* Ship, or under a *French* Pass, then he ought to have had the Ship and Goods inventoried, and Condemned, according to Law, that he might have had what proportion belonged to him, and that the King might have had what belonged to him, as his Commissions directed. But here was nothing of that done, but the Money and Goods that were taken were shared; and you have an account likewise how some of the Goods were sold, and the Money disposed of, and how the remaining Goods were disposed of; and one Witness speaks positively of the distribution of the Goods that remain'd unsold, that they were divided according to the same proportions as the Articles mentioned, and every one of the Prisoners had his share. There belonged 40 shares to Capt. *Kid*, and shares and half shares to the rest.

Now this is the great case that is before you, on which the Indictment turns. The Ship and Goods, as you have heard, are said by the Witnesses, to be the Goods of the *Armenians*, and other People that were in Amity with the King; and Capt. *Kid* would have them to be the Goods of *French* Men, or at least that the Ship was Sailed under *French* Passes. Now if it were so, as Capt. *Kid* says, it was a lawful Prize, and liable to Confiscation, but if they were the Goods of Persons in Amity with the King, and the Ship was not Navigated under *French* Passes, it is very plain it was a Piratical taking of them. Gentlemen, it is to be considered what Evidence Capt. *Kid* hath given to prove that Ship and Goods to belong to the *French* King, or his Subjects, or that the Ship was Sailed under a *French* Pass, or indeed that ever there was a *French* Pass shewn or seen. He appeals indeed to the Witnesses over and over again, Did you never see it? No, say they, Nor did not you, saith he, say you saw it? No, saith the Witnesses. I said that Capt. *Kid* said he had a *French* Pass, but I never saw it. Now after all, the taking of the *Quedab Merchant* is brought down to Mr. *Kid*, and the Prisoners with others, and the distribution of the Money produced by the Sale of the Goods among Mr. *Kid*, and his Crew, whereof every one of these Prisoners were present at the same time, and had their Proportions.

Now Gentlemen, this must be observed, if this was a Capture on the High Sea, and these were the Goods of Persons in Amity with the King, and had no *French* Pass, then it is a plain Piracy. For if you believe the Witnesses, here is a taking of the Goods and Ship of Persons in Amity, and converting them to their own Use. Such a taking at Land as this

would be Felony, and being at Sea it will be Piracy: For this is a taking the Ship from the right Owners, and turning it to their own use. So that you have Evidence as to the Seizing of the Ship, and dividing the Money rising from the Goods sold, and sharing the remainder according to the Articles.

Now, what does Capt. *Kid* say to all this? He has told you he acted pursuant to his Commission; but that cannot be, unless he gives you satisfaction that the Ship and Goods belonged to the *French* King, or his Subjects, or that the Ship had a *French* Pass, otherwise neither of them will excuse him from being a Pirate; for if he takes the Goods of Friends he is a Pirate, he had no Authority for that: There is no colour from either of his Commissions for him to take them. And as to the *French* Passes, there is nothing of that appears by any Proof, and for ought I can see, none saw them but himself, if there were ever any. It is proved that the People that were Owners of the Goods, made him very large Offers to redeem the Ship (Twenty Thousand Rupees, as I remember) but he would not accept their Proposal; but said, That is a small Summ, the Cargo is worth a great deal more, or to that effect: And further said, he must answer these People, that his Men will not part with it. And a *French* Man was to be set up for a Mock business, as you have heard; and if the Witnesses say true, they were said by the Captain of the Ship to be, and were reputed to be, the Ship and Goods of Friends, and not of Enemies; and if they were so, and had no *French* Pass, then is he, and those that were concerned with him, guilty of Piratically taking this Ship, and of Piratically seizing the Goods in the Ship; and neither of his Commissions will justify such an Action as this. If he had acted pursuant to his Commission, he ought to have condemned the Ship and Goods, if they were a *French* Interest, or Sailed under a *French* Pass; but by his not condemning them, he seems to shew his Aim, Mind and Intention, that he did not act in that Case by virtue of his Commission, but quite contrary to it; for he takes the Ship, and shares the Money and Goods, and is taken in that very Ship by my Lord *Bellamont*, and he had continued in that Ship till that time, so that there is no colour or pretence appears, that he intended to bring this Ship to *England* to be condemned, or to have condemned it in any of the *English* Plantations, having disposed of the whole Cargo as aforesaid. Here I must leave it to you, to consider whether, according to the Evidence that appears, there is any Ground for him to say, he has acted by his Commission in taking the *Quedab Merchant* and Goods in her, or whether he has not acted contrary thereunto.

Now for himself he has called some Persons here, to give an account of his Reputation, and of his Services done in the *West Indies*; and one of them says, about 10 or 12 Years ago, he did good Service there. Why so he might, and might have, and 'tis very like he had such Reputation, when the King trusted him with these Commissions, else I believe he had never had them; so that whatever he might be so many Years ago, that is not a matter to be insisted on now, but what he hath been since, and how he hath acted in this matter charged against him. So that, Gentlemen, as to Mr. *Kid*, I must leave it to you, whether he is Guilty of Piracy or no, and if you believe him Guilty upon the Evidence, you will find him so, if not you will acquit him.

Now for the other Prisoners, it is proved they were all concerned in taking and sharing the Ship and Goods in the Indictment; yet their Circumstances differ pretty much among themselves. There are three of them, that it has been made out to you, and owned by the King's Witnesses that they were Servants. *Robert Lamley, William Jenkins, Richard Barlicorn*. All these are made out to be Servants, and you have had the Indentures of two of them produced, and the King's Witnesses prove them so, and they were admitted to be Servants. Now, Gentlemen, there must go an Intention of the Mind, and a Freedom of the Will, to the committing of a Felony or Piracy. A Pirate is not to be understood to be under constraint, but a free Agent; for in this case, the bare Act will not make him Guilty, unless the Will make it so. Now a Servant, it is true, if he go voluntarily, and have his Proportion, he must be accounted a Pirate, for then he Acts upon his own account, and not by Compulsion. And these persons, according to the Evidence, received their Parr, but whether they accounted to their Masters for their shares afterwards, yea or no, as they pretend, but make no proof of it, I must leave that to you; and therefore there is a consideration to be had of them. For if these Men did go under the Compulsion of their Masters, to whom they were Servants, and not voluntarily, and upon their own Accounts, it may difference their Case from others, who went and acted willingly in this matter, and upon their own Accounts. So that as to those that were Servants under the command of their Masters that were present with them, I must leave it to you, whether you will distinguish between them and the others that were not Servants, but free Agents. It is true, a Servant is not bound to obey his Master, but in lawful things, which they say they thought this was, and that they knew not to the contrary, but that their Masters acted according to the King's Commission; and therefore their case must be left to your consideration, whether you think them upon the whole matter Guilty or no. If you believe them Guilty, you will find them so, otherwise you will Acquit them.

For the other Persons, some of them pretend they came in on his Majesty's Proclamation, and for that you must consider the Evidence, and take it all together, and consider whether you are satisfied by what they have said or proved, that they have brought themselves within the benefit of the King's Favour by that Proclamation. You have
heard

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heard it read, and observed the Qualifications and Directions by it, and the Terms upon which the Pardon was promised, which are not made out to you, to be complied with by them; they may apply another way, for the King's Mercy, this Court must proceed according to the Rules of Law and Justice. But then all of them hold on this: We were, say they, under the Captain, and acted under him as their Commander; and, Gentlemen, so far as they acted under his lawful Commands, and by Virtue, and in Pursuance of his Commissions, it must be admitted they were Justifiable, and ought to be Justify'd. But how far forth that hath been the Actions of the Captain and their own, will best make it appear. It is not contested, but that these Men knew, and were sensible of what was done and acted, and did take part in it, and had the benefit of what was taken, shared amongst them: And if the taking of this Ship and Goods was Unlawful, then these Men can claim no Advantage by these Commissions, because they had no Authority by them to do what they did, but acted quite contrary to them. What had they to do to enter into such Articles, and to act as they did? You must consider the Evidence given here, according to the Rules of the Law, and if you are satisfy'd that they have Knowingly and Wiltully been concerned or partaken with Capt. *Kid*, in taking this Ship, and dividing the Goods, and that Piratically and Feloniously, then they will be Guilty within this Indictment. It is worthy of consideration what appears upon the Evidence, that they met with one reputed to be a Notorious Pirate, call'd *Culliford*; he was esteemed an Arch-Pirate, and known to be so, yet this Capt. *Kid*, that was Commission'd to take Pirates, instead of taking him, grows to such an Intimacy with him, that he said he would have his Soul try in Hell, before he would hurt him, or to that effect, and so they made Presents one to another; and Capt. *Kid* left three of his Men with him. Whilst Men pursue their Commissions, they must be Justify'd, but when they do things not Authorized, or never acted by them, it is as if there had been no Commission at all. I have distinguished the Evidence as well as my memory serves me, and must leave it to you to determine upon the whole matter, who are Guilty, and who not; and such as you are satisfy'd to be Guilty, you will find so, and such as you are not satisfy'd to be Guilty, you will acquit.

Then the Jury withdrew, and after half an hours stay, brought in their Verdict.

Cl. of Arr. Gentlemen of the Jury, Answer to your Names, *John Cooper, &c.*

J. Cooper. Here, &c.

Cl. of Arr. Are you agreed of your Verdict? *Omnes.* Yes.

Cl. of Arr. Who shall say for you? *Omnes.* Foreman.

Cl. of Arr. *Will. Kid*, hold up thy Hand. (which he did) How say you, Is he Guilty of the Piracy whereof he stands Indicted, or not Guilty? And so of the rest.

Foreman. Guilty.

Cl. of Arr. Is *Nich. Churchill* Guilty, or not Guilty?

Foreman. Guilty.

Cl. of Arr. Is *James Howe* Guilty, &c? *Foreman.* Guilty.

Cl. of Arr. Is *Rob. Lamley* Guilty, &c? *Foreman.* Not Guilty.

Cl. of Arr. Is *Will. Jenkins* Guilty, &c? *Foreman.* Not Guilty.

Cl. of Arr. Is *Gabriel Loff* Guilty, &c? *Foreman.* Guilty.

Cl. of Arr. Is *Hugh Parrot* Guilty, &c? *Foreman.* Guilty.

Cl. of Arr. Is *R. Barlicorn* Guilty, &c? *Foreman.* Not Guilty.

Cl. of Arr. Is *Abel Owens* Guilty, &c? *Foreman.* Guilty.

Cl. of Arr. Is *Darby Mullins* Guilty, &c? *Foreman.* Guilty.

Then Will. Kid, and the other Nine Persons were further Arraigned upon four Indictments, in manner following.

Cl. of Arr. *Will. Kid*, hold up thy Hand. (which he did) And so the other Nine.

You stand Indicted by the Name of *Will. Kid*, late of *London* Mariner, &c.

The Jurors for our Sovereign Lord the King, do upon their Oath, present that *William Kid*, late of *London*, Marriner, *Nicholas Churchill*, late of *London*, Marriner, *James Howe*, late of *London*, Marriner, *Robert Lamley*, late of *London*, Marriner, *William Jenkins*, late of *London*, Marriner, *Gabriel Loffe*, late of *London*, Marriner, *Hugh Parrot*, late of *London*, Marriner, *Richard Barlicorn*, late of *London*, Marriner, *Abel Owen*, late of *London*, Marriner, and *Darby Mullins*, late of *London*, Marriner, the 20th Day of *September*, in the Ninth Year of the Reign of our Sovereign Lord *William* the Third, by the Grace of God, of *England, Scotland, France and Ireland*, King Defender, of the Faith, &c. By Force and Arms, &c. upon the High Sea, in a certain place, distant about Fifty Leagues from the Port of *Carrawar*, in the *East-Indies*, and within the Jurisdiction of the Admiralty of *England*, did Piratically, and Feloniously set upon, board, break and enter a certain Ship call'd a *Moorish* Ship, then being a Ship of certain persons (to the

Jurors

Jurors aforesaid unknown) and then and there Piratically and Feloniously did make an assault, in and upon certain Marriners (whose Names to the Jurors aforesaid are unknown) in the same Ship in the Peace of God, and of our said now Sovereign Lord the King, then and there being, Piratically and Feloniously did put the aforesaid Marriners of the same Ship, in the Ship aforesaid, then being in corporeal fear of their Lives, then and there in the Ship aforesaid upon the high Sea, in the place aforesaid, distant about Fifty Leagues from the Port of *Carrawar* aforesaid, in the *East-Indies* aforesaid, and within the Jurisdiction aforesaid, Piratically and Feloniously did Steal, take and carry away One Hundred Pound weight of Coffee, of the value of Five Pounds of lawful Money of *England*, Sixty Pound weight of Pepper, of the value of Three Pounds of lawful Money of *England*, One Hundred weight of *Myrrh*, of the value of Five Pounds of lawful Money of *England*, and Twenty pieces of *Arabian Gold*, of the value of Eight Pounds of lawful Money of *England*, the Goods Chattels and Moneys of certain persons (to the Jurors aforesaid unknown) then and there upon the high Sea aforesaid, in the aforesaid place, distant about Fifty Leagues from the Port of *Carrawar* aforesaid, in the *East-Indies* aforesaid, and within the Jurisdiction aforesaid, being found in the aforesaid Ship, in the Custody and possession of the said Marriners in the same Ship, from the said Marriners of the said Ship, and from their custody and possession then and there upon the High Sea aforesaid, in the place aforesaid, distant about 50 Leagues from the Port of *Carrawar* aforesaid, in the *East-Indies* aforesaid, and within the Jurisdiction aforesaid, against the Peace of our said now Sovereign Lord the King, his Crown and dignity, &c.

D. H. BLACKBURN
MAY 5 1886

How say'st thou, *William Kid*, art thou Guilty of this Piracy and Robbery, whereof thou standest Indicted, or not Guilty?

Will. Kid. Not Guilty.

Cl. of *Arr.* Culprit, how wilt thou be Tried?

Will. Kid. By God and my Country.

Cl. of *Arr.* God send thee a good Deliverance. (And so the other Nine.)

Cl. of *Arr.* *Will. Kid*, hold up thy Hand. (Which he did.) And so the other Nine.

You stand Indicted, by the Name of *Will. Kid*, late of *London*, Marriner, (and so the rest.)

The Jurors for our Sovereign Lord the King, do upon their Oath present that *William Kid*, late of *London*, Marriner, *Nicholas Churchill*, late of *London*, Marriner, *James Howe*, late of *London*, Marriner, *Robert Lamley*, late of *London*, Marriner, *William Jenkins*, late of *London*, Marriner, *Gabriel Loffe*, late of *London*, Marriner, *Hugh Parrot*, late of *London*, Marriner, *Richard Barlicorn*, late of *London*, Marriner, *Abel Owen*, late of *London* Marriner, and *Darby Mullins*, late of *London*, Marriner, the 27th Day of *November*, in the 9th Year of the Reign of our Sovereign Lord *William* the Third, by the Grace of God, of *England*, *Scotland*, *France* and *Ireland*, King, Defender of the Faith, &c. by Force and Arms, &c. upon the high Sea, in a certain place, distant about four Leagues from *Callicut*, in the *East-Indies*, and within the Jurisdiction of the Admiralty of *England*, did Piratically, and Feloniously set upon, board, break, and enter a certain Ship, call'd a *Moorish Ship*; then being a Ship of certain persons (to the Jurors aforesaid unknown) and then and there Piratically and Feloniously did make an assault in and upon certain Marriners (whose Names to the Jurors aforesaid are unknown) in the same Ship in the Peace of God, and of our said now Sovereign Lord the King, then and there being, Piratically and Feloniously did put the aforesaid Marriners of the same Ship, in the Ship aforesaid then, being in corporal fear of their Lives, then and there in the Ship aforesaid, upon the High Sea, in the place aforesaid, distant about four Leagues from *Callicut*, aforesaid, in the *East-Indies* aforesaid, and within the Jurisdiction aforesaid, Piratically and Feloniously did Steal, take and carry away the said Ship, and the Apparel and Tackle of the same Ship, of the value of Five Hundred Pounds of lawful Money of *England*; Eleven Bales of Cotton, of the value of Sixty Pounds of lawful Money of *England*, two Horses, each of them of the Price of Twenty Pounds of lawful Money of *England*, and 50 *Indian Quilts*, of the value of Five Pounds of lawful Money of *England*, the Goods and Chattels of certain persons (to the Jurors aforesaid unknown) then and there upon the High Sea, aforesaid, in the aforesaid place, distant about four Leagues from *Callicut* aforesaid, in the *East Indies* aforesaid, and within the Jurisdiction aforesaid, being found in the aforesaid Ship, in the Custody and Possession of the said Marriners, in the same Ship, from the said Marriners of the said Ship, and from their Custody and Possession, then and there upon the High Sea aforesaid, in the place aforesaid, distant about four Leagues from *Callicut* aforesaid, in the *East-Indies* aforesaid, and within the Jurisdiction aforesaid, against the Peace of our said now Sovereign Lord the King, his Crown and Dignity, &c.

How.

How say'st thou, *Will. Kid*, art thou Guilty of this Piracy and Robbery whereof thou standest Indicted, or not Guilty?

Will. Kid. Not Guilty.

Cl. of Arr. Culprit, How wilt thou be try'd?

Will. Kid. By God and my Country.

Cl. of Arr. God send thee a good Deliverance. (And so of the other Nine.)

Cl. of Arr. *Will. Kid*, hold up thy hand (which he did) and so the other Nine.

You stand indicted by the Name of *Will. Kid*, late of *London*, Mariner (and so of the rest.)

" The Jurors for our Sovereign Lord the King, do upon their Oath, present, That
" *William Kid*, late of *London*, Mariner, *Nicholas Churchurchill*, late of *London*, Mariner,
" *James How*, late of *London*, Mariner, *Robert Lamley*, late of *London* Mariner, *Wil-*
" *liam Jenkins*, late of *London*, Mariner, *Gabriel Loff*, late of *London* Mariner, *Hugh*
" *Parrot*, late of *London*, Mariner, *Richard Barlycorne*, late of *London*, Mariner, *Abel*
" *Owens*, late of *London*, Mariner, and *Darby Mullins*, late of *London*, Mariner; the
" Twenty Eighth Day of *December*, in the Ninth Year of the Reign of Our Sovereign
" Lord, *William* the Third, by the Grace of God, of *England*, *Scotland*, *France*, and
" *Ireland*; King, Defender of the Faith, &c. by Force and Arms, &c. upon the High
" Sea, in a certain Place, distant about four Leagues from *Callicut*, in the *East-Indies*,
" and within the Jurisdiction of the Admiralty of *England*, did Piratically and Feloni-
" ously set upon, board, break, and enter a certain Ketch, call'd a Moorish Ketch,
" then being a Ketch of certain Persons (to the Jurors aforesaid unknown) and then
" and there, Piratically and Feloniously did make an Assault, in and upon certain Ma-
" riners (whose Names to the Jurors aforesaid are unknown) in the same Ship, in the
" Peace of God, and of Our said now Sovereign Lord the King, then and there being,
" Piratically and Feloniously, did put the aforesaid Mariners of the same Ketch, in
" the Ketch aforesaid, then being in corporal Fear of their Lives, then and there in
" the Ketch aforesaid, upon the High Sea, in the Place aforesaid, distant about four
" Leagues from *Callicut* aforesaid, in the *East-Indies* aforesaid, and within the Jurisdiction
" aforesaid, Piratically and Feloniously did steal, take and carry away the said Ketch,
" and the Apparel and Tackle of the same Ketch, of the Value of fifty Pound of law-
" ful Money of *England*, thirty Tubs of Sugar-Candy, of the Value of fifteen Pounds
" of lawful Money of *England*, six Bales of Sugar, of the Value of six Pounds of law-
" ful Money of *England*, and ten Bales of Tobacco, of the Value of ten Pounds of
" lawful Money of *England*, the Goods and Chattels of certain Persons (to the Jurors
" aforesaid unknown) then and there upon the High Sea aforesaid, in the aforesaid
" Place, distant about four Leagues from *Callicut* aforesaid, in the *East-Indies* aforesaid,
" and within the Jurisdiction aforesaid, being found in the aforesaid Ketch, in the Cu-
" stody and Possession of the said Mariners in the same Ketch, from the said Mariners
" of the said Ketch, and from their Custody and Possession, then and there upon the
" High Sea aforesaid, in the Place aforesaid, distant about four Leagues from *Callicut*
" aforesaid, in the *East-Indies* aforesaid, and within the Jurisdiction aforesaid, against
" the Peace of Our said now Sovereign Lord the King, his Crown and Dignity, &c.

How say'st thou, *Will. Kid*, art thou Guilty of the Piracy and Robbery whereof thou standest Indicted, or not Guilty?

Will. Kid. Not Guilty.

Cl. of Arr. How wilt thou be try'd. *Will. Kid.* By God and my Country.

Cl. of Arr. God send thee a good Deliverance. (And so of the other Nine.)

Cl. of Arr. *Will. Kid*, Hold up thy Hand (which he did) and so the other Nine.

You stand Indicted by the Name of *Will. Kid*, late of *London*, Mariner, &c. (and so of the rest.)

" The Jurors for our Sovereign Lord the King, do upon their Oath, present, That
" *William Kid*, late of *London*, Mariner, *Nicholas Churchill*, late of *London*, Mariner,
" *James How*, late of *London*, Mariner, *Robert Lamley*, late of *London*, Mariner, *Wil-*
" *liam Jenkins*, late of *London*, Mariner, *Gabriel Loff*, late of *London*, Mariner, *Hugh*
" *Parrot*, late of *London*, Mariner, *Richard Barlycorne*, late of *London*, Mariner, *Abel*
" *Owens*, late of *London*, Mariner, and *Darby Mullins*, late of *London*, Mariner; the
" Twentieth Day of *January*, in the Ninth Year of the Reign of Our Sovereign Lord,
" *William* the Third, by the Grace of God, of *England*, *Scotland*, *France*, and *Ireland*;
" King, Defender of the Faith, &c. by Force and Arms, &c. upon the High Sea, in
" a certain Place, distant about twelve Leagues from *Callicut*, in the *East-Indies*, and
" within the Jurisdiction of the Admiralty of *England*, did Piratically and Feloniously
" set upon, board, break, and enter a certain Ship, call'd a Portugueze Ship, then
" being a Ship of certain Persons (to the Jurors aforesaid unknown) and then and there
" Piratically and Feloniously did make an Assault in and upon certain Mariners, Sub-
" jects of the King of *Portugal* (whose Names to the Jurors aforesaid are unknown) in
" the same Ship, in the Peace of God, and of our said now Sovereign Lord the
" King, then and there being, Piratically and Feloniously did put the aforesaid Ma-
" riners of the same Ship, in the Ship aforesaid, then being in corporal Fear of their Lives,
" then and there in the Ship aforesaid, upon the High Sea, in the Place aforesaid, distant
" about twelve Leagues from *Callicut* aforesaid, in the *East-Indies* aforesaid, and within the
" Jurisdiction aforesaid, Piratically and Feloniously did steal, take, and carry away two
" Chests of Opium, of the Value of forty Pounds of lawful Money of *England*, eighty
" Bages

“ Baggs of Rice of the Value of twelve Pounds of lawful Money of *England*, one Tun of
 “ Bees-Wax of the Value of ten Pounds of lawful Money of *England*, thirty Jars of But-
 “ ter of the Value of ten Pounds of lawful Money of *England*, and half a Tun of Iron of
 “ the Value of four Pounds of lawful Money of *England*, the Goods and Chattels of cer-
 “ tain Persons (to the Jurors aforesaid unknown) then and there upon the High Sea
 “ aforesaid, in the aforesaid Place, distant about twelve Leagues from *Callicut* aforesaid,
 “ in the *East-Indies* aforesaid, and within the Jurisdiction aforesaid, being found in the
 “ aforesaid Ship, in the Custody and Possession of the said Mariners in the same Ship,
 “ from the said Mariners of the same Ship, and from their Custody and Possession, then
 “ and there upon the High Sea aforesaid, in the Place aforesaid, distant about twelve
 “ Leagues from *Callicut* aforesaid, in the *East-Indies* aforesaid, and within the Jurisdiction
 “ aforesaid, against the Peace of Our said now Sovereign Lord the King, his Crown and
 “ Dignity, &c.

How say'st thou, *Will. Kid*, art thou Guilty of the Piracy and Robbery whereof thou standest Indicted, or not Guilty? *Will. Kid.* Not Guilty.

Cl. of Arr. How wilt thou be try'd? *Will. Kid.* By God and my Country.

Cl. of Arr. God send thee a good Deliverance. (And so of the other Nine.)

Then the Court Adjourned till to morrow Morning Eight a Clock.

The further Proceedings against Will. Kid, and the other nine Prisoners on the four Indictments, May the 9th, 1701.

Cl. of Arr. Call *Will. Kid*, *Nich. Churchill*, *James How*, *R. Lamley*, *Will. Jenkins*, *Gabr. Loff*, *Hugh Parrot*, *R. Barlicorn*, *Abel Owens*, and *Darby Mullins*, to the Bar. You the Prisoners at the Bar, *Will. Kid*, &c. those Men that you shall hear called, and personally appear, are to pass between our Sovereign Lord the King, and you upon Tryal of your several Lives and Deaths; If therefore you, or any of you, will challenge them, or any of them, your time is to speak unto them as they come to the Book to be sworn, and before they be sworn. Call *W. Smith*, who appeared, and there being no Challenges, the twelve that were sworn, are as follows.

Jury.

Will. Smith.

Benj. Hooper.

Jo. Hibbert.

Jo. Pettit.

Will. Hatch.

Jos. Chaplain.

Peter Gray.

Rob. Comfort.

Tho. Hollis.

Will. Ford.

Tho. Stephens.

Jo. Dodson.

Cl. of Arr. Cryer, Count these, *Will. Smith.* Cryer. One, &c.

Cl. of Arr. *Benj. Hooper.*

Cryer. Two, &c. Twelve good Men and true, stand together, and hear your Evidence.

Then the usual Proclamation for Information was made, and the Prisoners being bid to hold up their Hands, the Clerk of Arraignments charged the Jury with them thus:

Cl. of Arr. “ You of the Jury, look upon the Prisoners, and hearken to their Cause.
 “ They stand Indicted by the Names of *Will. Kid*, &c. (as before in the Indictment)
 “ Upon this Indictment they have been Arraigned, and thereunto have severally plead-
 “ ed, Not Guilty; and for their Tryal put themselves on God and their Country,
 “ which Country you are. Your Charge is to enquire, Whether they be Guilty of the
 “ Piracy and Robbery whereof they stand Indicted, or not Guilty, &c.

Nich. Churchill. May it please you, My Lord, I come in upon His Majesty's Proclamation, and if that do not do, I throw my self upon the Mercy of the Honourable Bench.

Mr. B. Harfel. If they will withdraw their Plea, and confess the Indictment, they may.

W. Churchill. } We refer our selves to the King's Proclamation.
J. How. }

Dr. Oxenden. But do you confess the matter of the Indictment? You may do that if you will, and then you need not be tryed.

Abel Owens. My Lord, I came in upon the King's Proclamation, and enter'd my self aboard one of the King's Ships.

Dr. Oxenden. You must answer first, and come to your Defence afterward.

Ab. Owens. I hope your Honours will grant it me as well as the rest, I entred my self into the King's Service.

Cl. of Arr. You of the Jury, look on the Prisoners, and hearken to their Cause. They stand Indicted by the Name of *Will. Kid*, &c.

Mr. J. Turton. You may try all the Indictments together, if they are the same Persons concerned. *Cl. of Arr.* They are the same that are concerned in the two first Indictments.

Mr. J. Turton. Then proceed upon these two together.

Cl. of Arr. They stand a second time Indicted by the Name of *Will. Kid*, late of *London*, Mariner. (and so of the rest) Upon these two Indictments they have been Arraigned, and thereto have severally pleaded, Not Guilty; and for their Tryals have put themselves on God and their Country, which Country you are. Your Charge is to enquire, Whether they are Guilty of the said Piracies and Robberies whereof they stand Indicted, or not Guilty, &c.

Mr. Knapp. May it please your Lordship, and Gentlemen of the Jury, these are two several Indictments against *Will. Kid*, &c. and they are both for Piracy. One sets forth,

forth, That the Prisoners at the Bar, on the twentieth of *September*, in the ninth Year of His Majesty's Reign, fifteen Leagues from *Carawar*, did Piratically invade and take a Ship called the Moorish Ketch, and put the Mariners in fear of their Lives. The other Indictment sets forth, that on the 27th of *November*, in the ninth Year of His Majesty's Reign, four Leagues from *Callicut*, the Prisoners at the Bar did seize and take another Moorish Ship. To both which Indictments they have pleaded, Not Guilty. If we prove the Fact, you must find them Guilty. We will call our Witnesses. The Witnesses are the same. The whole Story you have heard before, and we will apply our selves now to these Facts mentioned in these two Indictments.

Mr. J. *Turton*. You must open your Matter first, because there is a new Jury.

Mr. *Knapp*. Then, my Lord, and Gentlemen of the Jury, This Capt. *Kid* went out of *England* in a Ship called the *Adventure-Gally*. He first went to *New York*, and there he set out Articles to procure Men, and promised them that would come in to him a share in the Adventures they should get. From thence he goes to *Babs-Key*, and lies about three Weeks there, watching for the *Moco Fleet*. He sent his Boat out three times to see in what condition the Ships were. He could get no Intelligence the two first times, but the third time he did; they brought him word, there were fourteen or fifteen Ships ready to sail, and that their Colours were English and Dutch, and Moorish. He lay in wait for these Ships, and watched them; and when they came down, he fell in with them, and fired at them; but he found they were under an English and Dutch Convoy, and so away he went, and left them. And then he came to Cruise on the Coast of *Malabar*, and there he met with his first Prize, and that is the Moorish Ship mention'd in the first Indictment. They seized and took this Moorish Ship, and entred her, and took several Goods out of her, and then let the Ship go away. We will call our Witnesses as to this Ship first. Call *Rob. Bradinbam* and *Joseph Palmer*. (who appeared and were sworn)

Mr. *Bradinbam*. What have you to say as to this matter?

Mr. B. *Hatsel*. Tell it from the beginning, from the time that you went out of *England*, to the time of taking this Ship, because there is a new Jury.

R. *Bradinbam*. About the beginning of *May*, 1696. we went out of *England*, and went to *New York*, in the *Adventure-Gally*, whereof Capt. *Kid* was Commander.

Mr. *Knapp*. Whither did you go?

R. *Bradinbam*. To *New York*. We took a Ship by the Way, and carried her to *New York*, where we condemn'd her.

Mr. *Knapp*. What Ship was that?

R. *Bradinbam*. A French Banker. At *New York* Capt. *Kid* put up his Articles, that if any would come aboard his Ship they should be welcome, no Purchase, no Pay, mentioning that he had the King's Commission. From thence we went to *St. Jauger*, then to *Maderas*, then to *Madagascar*, then to *Bonavis*, then to *Joanna*, and then to the *Red Sea*, and then to *Babs-Key*. There he lay three Weeks looking for the *Moco Fleet*.

Mr. *Knapp*. Where?

R. *Bradinbam*. In *Babs-Key*.

Mr. *Knapp*. You say he lay there about a fortnight or three Weeks, how did he behave himself there?

R. *Bradinbam*. He sent out his Boat three times, and the two first times they could get no Intelligence.

Mr. J. *Turton*. Tell whose that *Moco Fleet* was.

R. *Bradinbam*. They belong'd to the Moors, they were Merchant-men belonging to the Moors.

Mr. *Knapp*. What News did they bring the third time?

R. *Bradinbam*. The third time they brought word that there were 14 or 15 Ships in the Harbour ready to sail.

Dr. *Newton*. What did he say then?

R. *Bradinbam*. That he would take as many of them as he could, and did not doubt but to make a Voyage out of them.

Mr. J. *Turton*. What Account did the two first Boats bring?

R. *Bradinbam*. No Account at all, my Lord.

Mr. J. *Turton*. What Notice did they bring the third time?

R. *Bradinbam*. They brought word, that there were about 14 or 15 Ships in the Harbour ready to sail.

Mr. J. *Turton*. Which time was it that they brought that word?

R. *Bradinbam*. The third time. Then the Fleet came down, and Capt. *Kid* followed them.

Mr. *Knapp*. Were there any on Shoar to watch this Fleet?

R. *Bradinbam*. There were some sent to the high Land of the Island to see if the Fleet came; and when they saw it, they were to give a Sign with a half Pike and Flag, and then the Boat was to fetch them off. At last the Fleet came down, and Capt. *Kid* went among them, and fired at them; but finding they were under a Convoy, and too strong for him, he was forced to leave them.

Mr. *Knapp*. Whither did you go then?

R. *Bradinbam*. From thence we went to *Carawar*, and by the Way we met with a Moorish Ship, of which Capt. *Parker* was Commander.

Mr. *Knapp*. My Lord, that is the Ship that they are Indicted for. Where was it you met with that Ship?

R. *Bradinbam*. About 50 Leagues from *Carawar*.

Mr. *Knapp*. Pray what did they do with that Ship?

R. *Bradinbam*. We took Capt. *Parker's* Ship, and took him aboard, and the Portugeze for a Linguister. And he took out some of the Men, and bound their Hands behind them, and order'd them to be drubb'd with a naked Cutlace. And he took out of her some Pepper, and Coffee, and Arabian Gold, and wearing Apparel, and several other Things.

Mr. *Knapp*. What did he do with these Men, after he had plundered the Ship?

R. *Bradinbam*.

R. Bradinham. He let the Ship go, and kept *Parker* and the Portugueze aboard.
 Dr. Newton. How many Men were there aboard the Ship? R. Bradinham. About thirty.
 Dr. Oxenden. What Country-man was this *Parker*?
 R. Bradinham. He was an English-man. Dr. Oxenden. How do you know that?
 R. Bradinham. He told me so. Mr. Knapp. What Ship was it?
 R. Bradinham. A Moorish Ship. Mr. Knapp. What time was this done?
 R. Bradinham. In September, 1697.
 Mr. Knapp. What did he do with the two Men he took out of this Ship?
 R. Bradinham. He kept them aboard his Vessel.
 Mr. Knapp. What Ship was Capt. *Kid* in then?
 R. Bradinham. He was in the *Adventure-Gally*.
 Mr. Knapp. Tell us whether any other of these Prisoners at the Bar were in that Ship when this was done.
 R. Bradinham. Every one of them.
 Cl. of Arr. Was Capt. *Kid* himself there?
 R. Bradinham. Yes.
 Cl. of Arr. Was *Nich. Churchill* there?
 R. Bradinham. Yes.
 Cl. of Arr. Was *James How* there?
 R. Bradinham. Yes.
 Cl. of Arr. Was *Rob. Lamley* there?
 R. Bradinham. Yes.
 Cl. of Arr. Was *Will Jenkins* there?
 R. Bradinham. Yes.
 Cl. of Arr. Was *Gabriel Loff* there?
 R. Bradinham. Yes.
 Cl. of Arr. Was *Hugh Parrot* there?
 R. Bradinham. Yes.
 Cl. of Arr. Was *R. Barlicorn* there?
 R. Bradinham. Yes.
 Cl. of Arr. Was *Abel Owens* there?
 R. Bradinham. Yes.
 Cl. of Arr. Was *Darby Mollins* there?
 R. Bradinham. Yes.
 Cl. of Arr. You say you are sure they were all there.
 R. Bradinham. Yes, I am sure they were.
 Mr. J. Turton. What Goods did they take out of that Ship?
 R. Bradinham. Several Bales of Pepper, several Bales of Coffee, and some Myrrh, which is a Gum.
 Mr. Soll. Gen. What did they do with it?
 R. Bradinham. Capt. *Kid* made use of the Myrrh to make Pitch of.
 Mr. Soll. Gen. What was the Value of the Myrrh? R. Bradinham. About 15 Pounds.
 Mr. Soll. Gen. Where did they go after the taking of this Ship?
 R. Bradinham. To *Carawar*. Mr. Soll. Gen. What did they do there?
 R. Bradinham. There the Captain wooded and watered his Ship.
 Dr. Oxenden. What is *Carawar*? Tell the Court.
 R. Bradinham. There is an English Factory. They sent some Men aboard, and demanded this *Parker*, and the Portugueze; and the Captain denyed them, and kept them in the Hold, and would not let them know he had them on board.
 Dr. Oxenden. Had they any notice of *Parker's* being on board Capt. *Kid's* Ship.
 R. Bradinham. I suppose they had Information from *Bombay* by the Mariners that went away, for Capt. *Parker's* Vessel belonged to that Place.
 Mr. Soll. Gen. How far is that *Carawar* from *Bombay*? R. Bradinham. About 40 Leagues.
 Mr. Soll. Gen. Where did you go after that?
 R. Bradinham. They cruised on that Coast, and then went to one of the *Malabar* Islands.
 Mr. Soll. Gen. What was done there? R. Bradinham. We wooded and watered our Ship.
 Mr. Soll. Gen. Did they take any Ships there?
 R. Bradinham. Capt. *Kid* went a-Shore there, and burnt some Houses, and plundered several Boats.
 Mr. Soll. Gen. Was there any Ship taken there?
 R. Bradinham. Yes. Mr. Soll. Gen. What Ship?
 R. Bradinham. Some time in *November*; about the 17th of *November*, they took a Moorish Ship, Skipper *Mitchel* was the Commander.
 Mr. B. Hatfel. You need go no further now.
 Mr. Knapp. We will call the other Evidence, if you please, Mr. Solicitor.
 Mr. Soll. Gen. We will give our Evidence upon both Indictments together.
 Mr. Knapp. They stand charged with taking another Ship. You have heard how far we have carry'd it: Now they went and took another Ship about the 17th of *November*.
 R. Bradinham. They took a Moorish Ship four Leagues from *Callicut*.
 Mr. J. Turton. Now go on.
 R. Bradinham. Capt. *Kid* took this Moorish Ship on the Coast of *Malabar*, Skipper *Mitchel* was the Commander; she was a Moorish Ship. He took out of her two Horses, some Bails of Cotton, some Quilts.
 Mr. B. Hatfel. What Country-man was this Skipper *Mitchel*?
 R. Bradinham. A Dutch-man. Mr. B. Hatfel. What Ship was it?
 R. Bradinham. A Moorish Ship, she belong'd to *Surat*.
 Mr. Soll. Gen. What burden was she? R. Bradinham. About 150 Tun.
 Mr. Soll. Gen. What was found in her?
 R. Bradinham. Two Horses, about eleven or twelve Bales of Cotton.
 Mr. J. Turton. Was this on the Coast of *Callicut*?
 R. Bradinham. It was on the Coast of *Malabar*. Mr. Knapp. How far from *Malabar*?
 R. Bradinham. Seven or eight Leagues.
 Mr. Soll. Gen. What did they do after this with the Ship, and Goods, and People?
 R. Bradinham. The People they set a-Shore, and kept the Ship, and carry'd her to *Madagascar*.
 Mr. Soll. Gen. What was the Value of the Horses taken out of her?
 R. Bradinham.

R. Bradinham. The Horses were worth about 40 *l.* *Mr. Soll. Gen.* What the Cotton?
R. Bradinham. About an Hundred Pounds.
Mr. B. Hatsel. How do you know this Skipper *Mitchel* was a Dutch-man?
R. Bradinham. He told me so, he came afterwards aboard Captain *Kid*, and took Arms
under him. *Mr. Soll. Gen.* Were all these Persons aboard this Ship when she was taken?
R. Bradinham. Yes, my Lord.
Mr. B. Hatsel. You say this Ship was about 150 Tun; what might she be worth?
R. Bradinham. About 500 *l.* *Mr. B. Hatsel.* To whom did she belong?
R. Bradinham. To the Moors. *Mr. B. Hatsel.* What Moors?
R. Bradinham. The Moors that belonged to *Surat*, as I was informed by the Moors.
Mr. Soll. Gen. What did he do with this Ship afterwards?
R. Bradinham. She was carried to *Madagascar*.
Mr. Soll. Gen. What did they do with the Ship? *R. Bradinham.* They funk her.
Mr. Soll. Gen. Do you know why they funk her? *R. Brad.* She was funk voluntarily.
Will. Kid. This Man contradicts himself in an hundred places.
R. Bradinham. The Ship was funk purposely.
Dr. Newton. What was done when you came to *Madagascar*?
R. Bradinham. When we came to *Madagascar*, there came off a Canoe with white
Men aboard that belong'd to the *Moco* Frigate. Some of these Men belong'd formerly to
Capt. *Kid*. She was suppos'd to be a Pirate-Ship.
Mr. Soll. Gen. What was the reason of sinking that Ship?
R. Bradinham. They funk her in the Harbour, that she might be convenient for Ves-
sels to Careen by. Some Men came off in this Canoe, and they told him, they heard
he was come to take them, and hang them. He said it was no such thing.
Dr. Newton. Who was the Captain of the *Moco* Frigate? *R. Brad.* Captain *Culliford*.
Dr. Newton. Was he a Pirate? *R. Bradinham.* Yes, he was reputed so.
Mr. Soll. Gen. Well, go on.
R. Bradinham. Capt. *Kid* swore he would be true to them, and that he would do them
no harm. *Mr. Soll. Gen.* Did you hear all this?
R. Bradinham. Yes, he swore to be true to them.
Mr. Knapp. Was there any thing said about Capt. *Kid's* taking her. *R. Bradinham.* Nothing.
Dr. Newton. What passed afterwards between Captain *Kid* and *Culliford*?
R. Bradinham. They were very friendly together, and they made Presents to one ano-
ther. *Dr. Newton.* What Presents were there made?
R. Bradinham. *Culliford* gave to Capt. *Kid* some Pieces of *China-Silk*, and *Kid* bid *Culli-*
ford take any thing he had. *Mr. Soll. Gen.* Did Capt. *Kid* give *Culliford* any Guns?
R. Bradinham. He supply'd him with two Guns.
Dr. Newton. Was there any Division of Goods or Money?
R. Bradinham. After we came to *Madagascar*, Capt. *Kid* order'd the Goods to be hoist-
ed out, and shared, and Capt. *Kid* had forty Shares for himself.
Mr. Soll. Gen. What became of the Goods of those Ships? *R. Bradinham.* They were sold.
Mr. Soll. Gen. What was done with the Product of the Goods?
R. Bradinham. Capt. *Kid* kept it, and when there was something worth sharing, he
shared it, and he had forty Shares for himself. *Cl. of Arr.* Had *N. Churchill* any Share?
R. Bradinham. He had a whole Share. *Cl. of Arr.* Had *James How* any Share?
R. Bradinham. He had a whole Share. *Cl. of Arr.* Had *R. Lamley* any Share?
R. Bradinham. He had a half Share. *Cl. of Arr.* Had *W. Jenkins* any Share?
R. Bradinham. He had a half Share.
W. Jenkins. How can you attest these wicked Lies? I had nothing.
Mr. B. Hatsel. Who shared it? *R. Bradinham.* The Captain.
Will. Kid. He tells a thousand Lies. *Cl. of Arr.* Look on *H. Parrot*, had he any Share?
R. Bradinham. No, half a Share of Money, and a whole Share of Goods.
Cl. of Arr. Had *R. Barlycorn* any Share? *R. Bradinham.* He had half a Share.
Cl. of Arr. Had *Abel Owens* any Share? *R. Bradinham.* He had a whole Share.
Cl. of Arr. Had *Darby Mollins* any Share? *R. Bradinham.* He had half a Share.
Mr. Soll. Gen. Now if any of you will ask him any Questions you may?
Will. Kid. Mr. *Bradinham*, Pray what Share had you?
R. Bradinham. If my Lord ask me, I will answer him. *Will. Kid.* Had you any Share?
R. Bradinham. Yes.
Will. Kid. Did not you come aboard my Ship, and rob the Surgeons Chest?
R. Bradinham. No, I did not.
Will. Kid. Did not I come to you, when you went away, and met you on the Deck,
and said, Why do you take the Chest away? *R. Bradinham.* No, I did not do it.
Will. Kid. You are a Rogue.
Mr. J. Turton. It were the same thing for him to confess it, as to deny it, if he had
done it. *Will. Kid.* He did certainly do it. *Mr. B. Hatsel.* But he says he did not.
Mr. J. Turton. Would any of you ask him any Questions?
Cl. of Arr. *N. Churchill*, will you ask him any Questions?
N. Churchill. I came in on the King's Proclamation, and depend wholly on it.
Will. Kid. Were there not any French Passes aboard that Ship?
R. Bradinham. I heard say there were, I did never see them.
Will. Kid. I did not divide the Things, but the Men did what they pleas'd, and you
had your Share, and saw the French Passes. L Mr.

Mr. B. *Hatsel*. What Ship is that you mean, that taken in *September* or that in *November*?

R. *Bradinham*. The Moorish Ship, that *Parker* was Commander of.

Mr. B. *Hatsel*. There were two mentioned.

Will. Kid. Just now he told you of two in *November*, now he says one in *November*, another in *September*. Mr. B. *Hatsel*. He says that in *September*, that *Parker* was Commander of.

Will. Kid. There was no such thing in *November*; he knows no more of these Things than you do. This Fellow used to sleep 5 or 6 Months together in the Hold.

Mr. J. *Turton*. I assure you he gives a very good Account of the matter.

Mr. B. *Hatsel*. Why did you give him a Share then?

Will. Kid. Because he was Surgeon. As for the Goods they took it amongst them, and did what they pleased, I was never near them. They laid wait for me to kill me. They took away what they pleas'd, and went to the Island; and I, with about 40 Men, was left in the Ship, and we might go whither we pleased.

Mr. *Soll. Gen.* Mr. *Kid*, will you ask him any Questions?

Will. Kid. No, no, so long as he swears it, our Words or Oaths cannot be taken.

Cl. of Arr. Will you ask him any more Questions? *Will. Kid*. No, no, it signifies nothing.

Cl. of Arr. N. *Churchill*, Will you ask him any Questions?

N. *Churchill*. I came in on his Majesty's Proclamation, and rely upon that.

Cl. of Arr. J. *How*, Will you ask him any Questions?

J. *How*. I surrendred my self upon the King's Proclamation, and plead Guilty.

Cl. of Arr. R. *Lamley*, Will you ask this Witness any Questions?

R. *Lamley*. Do you say I had half a share of Money?

R. *Bradinham*. Yes. R. *Lamley*. No, I had none.

Cl. of Arr. It was your Share, and you must make it appear if you accounted for it to your Master. R. *Lamley*. If your Lordship please, I was an Apprentice.

Mr. B. *Hatsel*. To whom was you a Servant?

R. *Lamley*. I was an Apprentice to *A. Owens*.

Mr. J. *Turton*. Was *Lamley* an Apprentice to *Owens*?

R. *Bradinham*. My Lord, he was a Servant to *Owens*, who was aboard then.

Mr. J. *Turton*. He had half a Share, but perhaps he might account for it to his Master afterwards. Cl. of Arr. W. *Fenkins*, Will you ask the Witness any Questions?

W. *Fenkins*. My Lord, I beg he may speak the Truth, whether I was a Servant.

R. *Bradinham*. My Lord, he was a Servant to *George Bullen*.

Mr. J. *Turton*. Was this *Bullen* aboard then? R. *Bradinham*. Yes.

Mr. J. *Turton*. When both Ships were taken? R. *Bradinham*. Yes.

Cl. of Arr. Will you ask the Witness any Questions, G. *Loff*?

G. *Loff*. My Lord, when I came aboard, the Captain opened his Commission there. Did I ever disobey his Commands? R. *Bradinham*. Not that I know of.

G. *Loff*. Did you see me receive any Share?

R. *Bradinham*. Yes, half a Share of Money, and a whole Share of Goods.

G. *Loff*. Where? R. *Bradinham*. In the great Cabin.

Cl. of Arr. What Questions will you ask him, *Hugh Parrot*?

H. *Parrot*. May it please your Lordship, I will give you an exact Account from the time of my going out of *England*. In the Month of *October*, 1695.-----

Cl. of Arr. You may make your Defence afterwards, in the mean time will you ask him any Questions now?

H. *Parrot*. I appeal to him, whether he ever saw me do any such Cruelty as he mentions. Mr. J. *Turton*. You hear what he says, answer him.

R. *Bradinham*. I cannot say you were the very Man that did it. But those Men were used so, they were hoisted up, and drubb'd with a naked Cutlace.

H. *Parrot*. And then I ask him, whether I ever went any further than my Commander ordered me, or against the King's Commission as I thought.

R. *Bradinham*. I cannot say you did any thing contrary to your Commander's Orders.

H. *Parrot*. I ask him, whether, when I might have went aboard this Pirate, I did not stick close to my Captain, and come home with him, and whether I had any Inclination to leave him.

Mr. J. *Turton*. He knows not your Inclination. Where did you leave Captain *Kid*? will you ask him that?

H. *Parrot*. I came home to *Boston* with Captain *Kid*. Doctor, did I go away with them that left Captain *Kid*?

R. *Bradinham*. You went with Captain *Kid* to *Madagascar*.

H. *Parrot*. I came home with Captain *Kid*, and surrendred my self to my Lord *Bellamont*. Cl. of Arr. *Abel Owens*, will you ask the Witness any Questions?

A. *Owens*. I ask the Witness, whether I did not surrender my self.

R. *Bradinham*. I cannot say any thing to that.

Cl. of Arr. Will you ask him any more Questions?

A. *Owens*. No I stand to his Majesty's Proclamation, and the Mercy of the Honourable Bench. Cl. of Arr. *Darby Molins*, will you ask the King's Witness any Questions?

D. *Molins*. No. May it please you, my Lord, I came in upon the King's gracious Proclamation, as the King's Evidence knows. Do you not know I came a-Shore with you about the 28th of *May*? R. *Bradinham*. I know he went a-Shore.

D. *Molins*. I went a-Shore. I came home upon the King's Proclamation. We went a-

Shore at Cape *May*. I was very sick of the Bloody-Flux, and not able to travel, and was like to die every day.

R. Bradinbam. My Lord, I know this Man was very sick in the Passage.

D. Molins. I was a Passenger aboard Captain *Shelly's* Ship.

Mr. J. Turton. How came he to come aboard Captain *Shelly*? Where did he leave Captain *Kid*?

R. Bradinbam. He left Captain *Kid* at *Madagascar*, and took his Passage with Captain *Shelly* afterwards, after these Ships were taken.

Mr. Soll. Gen. How came he to leave Captain *Kid* at *Madagascar*?

R. Bradinbam. He went aboard Captain *Culliford's* Ship. There were about 60 or 70 Men went aboard *Culliford*.

Mr. Knapp. Call *Joseph Palmer*.

Dr. Oxenden. He says he came in upon the King's Proclamation, to Cape *May*, do you know any thing of that?

R. Bradinbam. Yes.

Dr. Oxenden. Where is that Cape *May*?

R. Bradinbam. Off of *Maryland*; where Captain *Shelly's* Ship was at Anchor; and Captain *Gravenport* came on board Captain *Shelly's* Ship, and said he heard his Majesty's Proclamation was out to receive Pirates that would come in; and the Men rejoiced that there was such a thing, and they went a-Shore, and surrendered themselves.

Dr. Oxenden. Where?

R. Bradinbam. At Cape *May*.

Dr. Oxenden. Did he go to the Governour? *R. Bradinbam*. I did not see him go a-Shore.

Cl. of Arr. D. Molins, will you ask him any more Questions?

D. Molins. You was aboard when I went a-Shore.

R. Bradinbam. I did not see you go ashore.

Mr. Soll. Gen. Was he sick when he went a-Shore?

R. Bradinbam. He was sick.

D. Molins. I was sick, and expected to die every moment.

Cl. of Arr. All was done before that time.

Mr. Soll. Gen. Did he rejoice, when he heard the King's Proclamation was out?

R. Bradinbam. I heard him say the King's Proclamation was out, and he rejoiced with others.

Mr. Soll. Gen. Did he surrender himself to the Governour?

R. Bradinbam. I cannot say that. He went a-Shore.

Mr. B. Hatsel. Now set up *Joseph Palmer*.

Mr. J. Turton. Gentlemen, I would not have you under any Mistake; that surrendering himself comes not under your Consideration, it was after all the Facts were done that the Prisoner is charged with.

Mr. Knapp. *Mr. Palmer*, give my Lord and the Jury an Account of what you know concerning Captain *Kid's* Voyage from *England* in the *Adventure-Gally*, when he went out of *England*, and his Proceedings afterwards.

J. Palmer. About the last of *April*, or beginning of *May*, he went from *Plymouth* to *New York*; and in the way took a French Banker, and carried her to *New York*, and condemned her there. And at *New York* he set up Articles, to invite Men to come aboard, his Ship; that if any would come aboard, they should have a Share of such Treasure as he should take: He was to have forty Shares himself, and every Man a half or whole Share. And about the first of *September* following, he went from *New York* to *Maderas*, from thence to *Bonavis*, from thence to *St. Fauzer*, then to *Madagascar*, then to *Malabar*, then to *Joanna*, then to *Mahala*, then to *Joanna* again, then to the *Red Sea*.

Mr. Knapp. Pray give an Account of what was done there.

J. Palmer. There he watered, and took *Guiny Corn* to victual his Ship. And then to *Babs-Key*, near the *Red Sea*.

Mr. Knapp. Give an Account what he did there.

J. Palmer. He sent out his Boat three times to discover the Fleet, and likewise some Spies on the high Land to look out on both sides, to see that the Ships did not pass by.

Mr. Soll. Gen. What Ships?

J. Palmer. Moorish Ships from *Moco*.

Mr. Soll. Gen. Whose Ships were those Moorish Ships?

J. Palmer. They were Turks and Moors together.

Mr. Knapp. What did he do then?

J. Palmer. He called the Men by Lot to look out, and he sent his Boat out twice, and they returned without bringing any Tidings. And he sent the Boat the third time, with Orders to take a Prisoner, or to see what Ships lay there. And the third time word was brought, that there were about 14 or 15 Ships lay in the Road ready to sail, with Dutch, English, and Moorish Colours. And when this News came, Captain *Kid* ordered the Men to go on the other side upon the high Lands, to see that the Ships did not pass by in the Night. And in four or five days the Ships came down, about the 14th of *August*. The Fleet came down in the Evening, and Captain *Kid* went after them. And some of the Men said, we will go among them to Night. No, says Capt. *Kid*, we will go in the Morning, and then we will take our choice.

Will. Kid. Did you hear me say so? *J. Palmer*. I heard you say so.

Will. Kid. I am sure you never heard me say such a word to such a Logger-head as you.

J. Palmer. These are the words I heard him say. And the next Morning he fell in with this Fleet, and went through them; and there was a Dutch and English Convoy; and they fired at one another.

Will. Kid. Hear me-----

Mr. Knapp. You shall ask him what Questions you will presently.

Mr.

Mr. J. Turton. Who fired first?

J. Palmer. The Dutch and English fired first. When we lay between the English and Dutch, a Moorish Ship came by, and he fired several Shot after her. And the English Ship fung a Shot almost home, and then he made sail, and went out of the Fleet. And from thence he went to Carawar, and in the way met with a Ship, whereof Parker was Commander, and there was one Antonio a Portugeze. Mr. Soll. Gen. Where was this done?

J. Palmer. About 50 Leagues from Carawar.

Mr. Soll. Gen. What time of the Year was it? J. Palmer. It was about September.

Mr. B. Hatfel. The Witness is now come to speak to the Ship, for which the Prisoners are Indicted. Mr. Soll. Gen. Go on, what did they do with that Ship?

J. Palmer. He fought the Ship, and took her, and took out of her several Bails of Coffee, and he retained only one Bail, and sent the rest back again. And he took a Bail of Pepper, and some Myrrh, to use instead of Pitch.

Mr. Soll. Gen. What quantity of Pepper was there? J. Palmer. About 60 pound weight.

Mr. Soll. Gen. What Myrrh? J. Palmer. About 30 pound weight.

Mr. Soll. Gen. What Value was it of? J. Palmer. I cannot tell that.

Mr. Soll. Gen. What Arabian Gold?

J. Palmer. I did not see it. I did not see any taken out then. But a pretty while afterwards, when Captain Kid came to Carawar, he gave every Mess two Pieces of Arabian Gold. Mr. Knapp. How long was this after the Ship was taken?

J. Palmer. Ten or twelve days. Mr. Soll. Gen. How was the Pepper dispos'd of?

J. Palmer. It was divided among the Messes. Mr. Soll. Gen. Had these Prisoners their part?

J. Palmer. Yes. Mr. Knapp. How did they use the Men of this Ship?

J. Palmer. There were several hoisted up, and drub'd with a naked Cutlase:

Will. Kid. Where was this done? J. Palmer. In your Ship.

Will. Kid. What Ship? J. Palmer. The Adventure-Gally.

Will. Kid. Did not a parcel of Rogues go aboard their Ship, and do it?

Mr. Knapp. For what purpose was this done?

J. Palmer. Because they thought they had more Money in the Ship.

Mr. Knapp. What Country-man was Parker?

J. Palmer. An English-man, born in the North of England. He said so.

Mr. J. Turton. Who else was detained, besides Parker?

J. Palmer. One Antonio a Portugeze. Parker was detained for a Pilot, and the other for a Linguister. Mr. J. Turton. What do you mean by a Linguister?

J. Palmer. To speak Moorish and Portugeze. Mr. Soll. Gen. Where did they go then?

J. Palmer. From thence we went to Carawar, and watered and wooded the Ship; and a great many of his Men left him there. And when he saw his Men leave him, he went to Sea, he would not trust any more to go a-Shore. And the next Evening he met a Portugeze Man of War, and fought her, but did not take her.

Mr. J. Turton. Did you know any that left him?

J. Palmer. Peter Lehair, and Churchill, and others. They went to the English-Factory, to know whether they would entertain them or no. Mr. J. Turton. Who went?

J. Palmer. Mr. Lehair, N. Churchill, and another, they went to know whether they should be entertained. And they told them, they were loath to entertain them, for fear Captain Kid should know of it, and do them an Injury.

Will. Kid. My Lord, a parcel of these Men went a-Shore to run away with this Ship.

Mr. J. Turton. Were there any more of these Prisoners at the Bar, that would have gone off, besides Churchill? J. Palmer. No, but he would have gone off.

Mr. J. Turton. How do you know that? J. Palmer. He told me so.

Mr. B. Gold. Had they an opportunity to go off?

J. Palmer. Some more were going off afterwards, and had got a Boat for that purpose; but they were taken, and Captain Kid order'd them to be brought aboard, and whipt at the Gun. Will. Kid. Certainly you have not the Impudence to say that?

J. Palmer. I say you order'd them to be whipt for attempting to go a-Shore.

Mr. Soll. Gen. Whither did you go then?

J. Palmer. That Evening we went and met with a Portugeze Man of War.

Mr. Soll. Gen. You may go on from that. Whither did you go then?

J. Palmer. To the Malabar Islands. Mr. Soll. Gen. What to do?

J. Palmer. To take in Water. His Cooper went a-Shore, and the Natives cut his Throat. And Capt. Kid sent his Men a-Shore, and order'd them to divide themselves into Squadrons, and to burn all the Houses they came near, except the Houses that had white Flags upon them. Mr. Soll. Gen. Why not them?

J. Palmer. Because they helped us to water the Ship.

Mr. Knapp. And were there any Houses burnt?

J. Palmer. Yes, a great many. Mr. Knapp. What did he do more?

J. Palmer. I heard what he did, I did not see it.

Mr. B. Hatfel. What do you know of any other Ship?

J. Palmer. About the 27th of November, he took the Ship Maden near Callicut. We spy'd a Ship in the Night, and chased her all Night, and the next Morning he took her.

Mr. J. Turton. What Ship was that?

J. Palmer. Skipper Mirchel was Commander, it was a Moorish Ship, she belong'd to Surat. She was taken in November, and after that she was called, The November.

Mr. Soll. Gen. How was she taken?

Jos. Palmer. Cap. *Kid* chased her under *French* Colours, and this Ship had *French* Colours, and when he hailed her, it was in *French*. And this Skipper *Mitchell* answered in *French*.

Mr. Soll. Gen. Had the *Moorish* Ship *French* Colours before Cap. *Kid* put up *French* Colours, or after?

Jos. Palmer. After.

Mr. Soll. Gen. What Colours had she, when she was chased at first?

Jos. Palmer. It was in the night. In the morning Cap. *Kid* hoisted up *French* Colours, and then the *Moorish* Ship likewise hoisted up *French* Colours.

Mr. Soll. Gen. What followed?

Will. Kid. Speak true.

Jos. Palmer. I will. He fired three or four Shot at the Ship, and commanded them aboard. And *Mitchel* did so, and some of his Men with him. And he ordered *Monfieur Leroy* to be as Captain. And he came from below Deck, and received him as Captain.

Will. Kid. Did you see that?

Jos. Palmer. I did not see that, but I know he was ordered to do so, and he received him as Captain, I was not in the Cabin at that time. *Monfieur Leroy* received him as Captain, and carried him aft. They hailed this Ship in *French*, and bid him come aboard in *French*. and this *Frenchman* received him as Captain. And I heard them say, that he brought a *French* Pass along with him.

Mr. Soll. Gen. Who did you hear say so?

Jos. Palmer. I heard people on board say so.

Will. Kid. Palmer, did you not see that Pass?

Jos. Palmer. Indeed Captain I did not.

Mr. Soll. Gen. What did you do with the Ship?

Jos. Palmer. There were two Horses on board, and ten or twelve Bails of Cotton, and some Quilts and Capt. *Kid* sold them at *Malabar*.

Mr. Soll. Gen. What Goods were there?

Jos. Palmer. Two Horses.

Mr. Soll. Gen. What besides?

Jos. Palmer. Ten or twelve Bails of Cotton, and some Quilts.

Mr. J. Turton. What Countryman was Skipper *Mitchel* the Captain?

Jos. Palmer. A *Dutchman*.

Mr. Soll. Gen. What was the Ship worth?

Jos. Palmer. I cannot tell the Value of her.

Mr. Soll. Gen. What Burden was she?

Jos. Palmer. About 150 Tun.

Mr. Soll. Gen. What did they do with those Horses, and the Cotton?

Jos. Palmer. They sold them to the *Banians*.

Mr. Soll. Gen. What did they do with the proceed of those Goods?

Jos. Palmer. Cap. *Kid* kept it, till they had a pretty deal of Money together, and then they Shared it.

Mr. Soll. Gen. Had the Prisoners at the Bar any Shares of it? *Jos. Palmer.* Yes.

Cl. of Ar. Had Cap. *Kid* himself any Share? *Jos. Palmer.* Yes.

Cl. of Ar. Had *Nich. Churchill* any Share? *Jos. Palmer.* Yes, he had a whole Share.

Cl. of Ar. Had *James Howe* any Share. *Joseph Palmer.* Yes, a whole Share.

Mr. J. Turton. Where did they Share it? *Jos. Palmer.* On the Coast of *Malabar*.

Cl. of Ar. Had *Robert Lamley* any? *Jos. Palmer.* Yes, half a Share.

Cl. of Ar. Had *William Jenkins* any Share? *Jos. Palmer.* He had half a Share.

Cl. of Ar. Had *Gabriel Loff* any? *Jos. Palmer.* He had a half Share.

Cl. of Ar. Had *Hugh Parrot* any? *Jos. Palmer.* He had a whole Share.

H. Parrot. Did you see me have any Share? Can you speak that to my face now? Did you see any of us have any?

Jos. Palmer. When Cap. *Kid* shared this Money, I did not actually see him pay their Shares; but he called every Man by the List, and they came with their Hats in their Hands, and he gave them their Money, and they swept it up, and went away.

Mr. Sol. Gen. Were these Men called by the List? *Jos. Palmer.* Yes.

Mr. Sol. Gen. And did they miss none? *Jos. Palmer.* Not that I know of.

Cl. of Ar. What say you to *Richard Barlicorn*? had he any?

Jos. Palmer. He had half a Share; whether his Master had it or no afterwards, I know not.

Cl. of Ar. Had *Abel Owens* any Share? *Jos. Palmer.* He had a whole Share.

Cl. of Ar. What had *Darby Molins*? *Jos. Palmer.* He had a half Share.

Mr. Knapp. I think you were speaking of *Arabian* Gold, that they had it in Messes, had these Prisoners their Share of that?

Jos. Palmer. Yes, there was no difference, they had all their Shares.

Mr. Knapp. Now, if you will ask this Witness any question, you may.

Will. Kid. What signifies it to ask him any questions? we have no Witnesses, and what we say signifies nothing.

Cl. of Ar. N. Churchill, will you ask him any questions?

N. Churchill. No. I have acknowledged all these crimes, and surrender'd my self, and rely on the Kings Mercy.

Cl. of Ar. James How, Will you ask him any thing? *J. How.* No.

Cl. of Ar. Robert Lamley, Will you ask him any thing?

Robert Lamley. Mr. Palmer, How can you tell I had a half Share?

- Jos. Palmer.* There was a half Share directed for you.
Robert Lamley. I had not a Farthing.
Mr. J. Turton. Was he an Apprentice? *Jos. Palmer.* Yes he was Servant to *Mr. Owens.*
Will. Jenkins. Can you say I had any Share?
Jos. Palmer. I know there was a half Share appointed for you, but I know not whether your Master had it.
Mr. J. Turton. Was his Master Aboard then?
Jos. Palmer. Yes, his Master was Aboard then.
Cl. of Ar. Gabriel Loff, Have you any questions to ask him?
G. Loff. Had I any Share?
Jos. Palmer. You had a half Share, I did not see you take it, but you were in the List.
Cl. of Ar. Hugh Parrot, Have you any questions to ask him?
Jury-Man. Did you see them come out with the Money in their Hats?
Jos. Palmer. Yes.
Mr. Soll. Gen. Did *Gabriel Loff* come out as contented as the rest?
Jos. Palmer. No, because he had but half a Share.
G. Loff. Did you see me come out with any Money?
Jos. Palmer. I saw you come out with Money in your Hat, and I heard you say you had half a Share.
G. Loff. As I live I had no Hat then.
Cl. of Ar. Have you any questions to ask him, *Hugh Parrot*?
H. Parrot. Did you see me have any Share?
Jos. Palmer. I did not see you receive any Share, but you was called among the rest.
Mr. J. Turton. He says they were all called man by man to take their Shares.
Cl. of Arr. Richard Barlicorn, Have you any thing to ask him?
R. Barlicorn. I desire of him whether he saw me have any Goods, or take any Share.
Jos. Palmer. My Lord, when the Goods were shared at *Madagascar*, I was at *Bonavis*; I was not present, but I heard of it afterwards.
R. Barlicorn. I hope the Jury will take notice of this.
Mr. B. Hasfell. *Mr. Bradinham,* Did any of these Men complain that they had not their Share?
R. Bradinham. No, no, I heard nothing of that.
Mr. J. Turton. Were these Shares such as were agreed on in the Articles at *New York*?
Jos. Palmer. Yes. *Cap. Kid* ordered the Goods to be hoisted out.
Will. Kid. Did I order the Goods to be hoisted out? *Jos. Palmer.* Yes you did.
Will. Kid. It was the mutinous men that did it.
H. Parrot. How do you know that I had any Share? you did not see me in a Year after.
Jos. Palmer. I do not say I saw it given you.
Will. Kid. My Lord, there were 95 Men that deserted my Ship, and took away what they pleased, we could not stand in defence of any thing.
R. Barlicorn. Was not I an Apprentice to *Cap. Kid* and waited on him continually in the Ship?
Jos. Palmer. Yes you were.
Mr. Soll. Gen. Had he a Share allotted him?
Jos. Palmer. Yes, but I am apt to think his Master had it.
Mr. J. Turton. Who was his Master? *Jos. Palmer.* *Captain Kid.*
Cl. of Ar. Abel Owens have you any thing to say for your self?
Ab. Owens. I refer my self to the King's Proclamation.
Cl. of Arr. Darby Molins, have you any thing to say for your self?
D. Molins. I came to *Cape May*, where I heard of the King's Proclamation. Did not you and I come ashore together?
Jos. Palmer. Yes we did, the same day.
D. Molins. Did not we come ashore on the King's Proclamation?
Jos. Palmer. We did hear of it.
D. Molins. Did not you know that all the men were glad at that News, when they heard of the Proclamation?
Dr. Oxenden. What did the men say then?
Jos. Palmer. They all rejoiced to hear of such a thing.
D. Molins. From the time I came from *Madagascar* I was sick of the Bloody Flux, I could not walk a mile in a day.
Jos. Palmer. I know you was sick.
D. Molins. I have no more to say: I stand to your Lordships mercy, and the King's gracious Proclamation.
Mr. J. Turton. If you have any Witnesses to call for your selves, you may call them. *Capt. Kid*, what have you to say for your self? You may make your Defence first for that Ship taken in *September*, then for that in *November*.
Will. Kid. What is it the near for me to speak? I have no Witnesses for these things.
Mr. B. Hasfel. Yesterday you produced your Commissions; if you will, they may be read now.
Will. Kid. It availed nothing then. Here is all these men saw the *French Pass*.
Jos. Palmer. Indeed, *Captain*, I never saw it.
Will. Kid. You left my Ship, with 95 men more, and you went a roguing afterwards.
Mr. Soll. Gen. Why did you go aboard that Pirate?
Will. Kid. My Lord, I had a design to take that Frigate, and then I designed to come for *England*. I would not go with such a Roguish Crew as you were. Was not I threatened to be shot

shot in the Cabin by such Villains as you, if I would not go along with you? This was the reason I could not come home. Did not you, with others, set fire to the Boat, to destroy my Ship?

Jos. Palmer. I know nothing of that; but I am sure I saved your Life on the *Malabar* Island, when you burnt the Boat.

Will. Kid. My Lord, they took what they pleased out of this Ship, and I was forced to stay by my self, and pick up here a man, and there a man, to carry her home.

Cl. of Arr. N. Churchill, what have you to say for your self?

N. Churchill. My Lord, I plead Guilty, and rely on the King's Proclamation.

Cl. of Arr. James Howe, have you any thing to say for your self?

J. Howe. I plead Guilty, my Lord.

Will. Kid. Here are some Gentlemen here, I desire they may be heard as to my Reputation. Here is *Coll. Hewson.*

Mr. J. Turton. What do you ask *Coll. Hewson*?

Will. Kid. I ask him what he knows as to my Reputation in the *West Indies*?

Coll. Hewson. My Lord, he was a mighty man there. He served under my Command. He was sent to me by the order of *Coll. Codrington.*

Mr. Soll. Gen. How long was this ago?

Coll. Hewson. About Nine Years ago. He was with me in two Engagements against the *French*, and fought as well as any man I ever saw, according to the proportion of his men. We had six *Frenchmen* to deal with, and we had only mine and his Ship.

Will. Kid. Do you think I was a Pirate?

Coll. Hewson. I know his men would have gone a pirateering, and he refused it, and his men seized upon his Ship. And when he went this Voyage, he consulted me, and told me they had engaged him in such an Expedition; and I told him he had enough already, and might be contented with what he had: And he said it was his own inclination; but my Lord *Bellamont* told him, if he did not go the Voyage, that there were Great Men, and they would stop his Brigantine in the River, if he did not go.

Mr. J. Turton. Who told you so, did he? *Coll. Hewson.* Yes, my Lord.

Mr. J. Turton. If he had kept to the honest Design of that Expedition, he had done very well. Did you apprehend that his Intention in that Undertaking was to be a Pirate?

Coll. Hewson. No, my Lord. He told me his business was to go a cruising, and surprize Pirates.

Mr. Soll. Gen. Did he tell you he had no such Design?

Coll. Hewson. Yes, he said he would be shot to death before he would do any such thing. I know he was very serviceable in the *West-Indies.*

Cl. of Arr. Robert Lamley, have you any thing more to say?

Rob. Lamley. I can say nothing, for I have none of my Friends here.

Will. Kid. Call *Thomas Cooper.* (*Who appear'd.*)

Mr. J. Turton. What questions do you ask him?

Will. Kid. Sir, pray tell my Lord what you knew of me in the *Indies.*

Tho. Cooper. I was aboard the *Lin*, and this *Capt. Kid* brought his Ship from a place that belonged to the *Dutch*, and brought her into the King's Service at the beginning of the War, about Ten Years ago. And he took Service under the Colonel; and we fought *Monfieur Du Coss* a whole day, and I thank God we got the better of it, and *Capt. Kid* behaved himself very well in the face of his Enemies.

Juryman. How many Years ago was this? *Tho. Cooper.* About Ten Years ago.

Cl. of Arr. Rob. Lamley, have you any thing more to say?

R. Lamley. I have no Friends here, I am a Prentice, my Lord.

Cl. of Arr. Will. Jenkins, have you any more to say?

Will. Jenkins. I was an Apprentice, my Lord.

Cl. of Arr. Gabriel Loff, have you any thing to say for your self?

G. Loff. My Lord, I was a Servant under *Capt. Kid*, and always obeyed his Commands, and had no Share. I came home with *Captain Kid* to *Boston*, and went to my Lord *Bellamont*, and the men came and told us he had discharged us, and I went about my business. And some days after we were committed to Prison, and I was sick, and my Lord let me be in the Keeper's House, and I was trusted by him four or five Months with the Keys to look after the Prisoners. *Mr. Davis* can testify this. If I had had a mind to have done any ill thing, I might have done it then. (*Then Davis appeared.*) Pray, *Mr. Davis*, declare what you know of me when I came to *Boston*, and how the Keeper intrusted me with the Prisoners.

Mr. Davis. I remember when we came there to the *Road-Island*, *Capt. Kid* sent him home. And when he came to *Boston*, he was trusted with the Keys, and had liberty to go where he pleased, not out of the Yard.

Mr. J. Turton. Was this after he was a Prisoner? *Mr. Davis.* Yes, my Lord.

R. Lamley. I hope the Jury will take notice of this.

Will. Kid. *Mr. Davis*, did you not hear of any *French Passes* that I had?

Mr. Davis. I heard of them, and I saw them.

Mr. Soll. Gen. How do you know they were *French Passes*?

Mr. Davis. He told me they were *French Passes*, I did not know it, I could not read them.

Mr. J. Turton. They shewed you the Papers, did you know what Ship they belonged to?

Mr. Davis. No, my Lord, not I.

Will. Kid. I desire *Captain Hunt* may be called, to know what my Lord *Bellamont* said of me.

Mr. B. Hartsel

Mr. B. Hatfel. That will signify nothing.

Cl. of Arr. Hugh Parrot, have you any thing to say for your self?

H. Parrot. My Lord, I had no share of the Goods.

Will. Kid. My Lord, I desire this Commission may be read.

Mr. B. Hatfel. Is it under the Broad Seal?

Mr. Crawly. It is a Letter of Mart and Reprisal, my Lord.

(Then the Commission was read, dated the 11th of December, 1695.)

Will. Kid. Now, my Lord, in pursuance of this Commission I went and took these Ships, which had French Passes on board, and my Lord Bellamont took them by force from me.

Mr. J. Turton. You took one French Ship, and acted in a regular manner to condemn her; but did you do so with the rest?

Will. Kid. I could not carry these Ships home, by reason my men left me.

Mr. J. Turton. Mr. Bradinham, with what number of men did you go out of England?

R. Bradinham. With about Seventy men.

Mr. J. Turton. What number had you when you went from New York?

R. Bradinham. About 155.

Mr. J. Turton. So that your number was increased.

R. Bradinham. Yes, my Lord.

Mr. J. Turton. Was there any other Ship condemned, besides the French Banker.

R. Bradinham. No, my Lord.

Will. Kid. These men were some of them that left me, and took the Goods. What was left I carried with me.

Cl. of Arr. Hugh Parrot, have you any more to say?

H. Parrot. The Evidence cannot prove that I had any share. I came with my Commander from Madagascar, and he paid me an hundred Pieces of Eight, and my Lord Bellamont seized all. And I had opportunity enough to have gone a pirateering with Capt. Culliford, but I told them I would not. And I came to my Lord Bellamont, and surrendered my self.

Cl. of Arr. R. Barlicorn, have you any thing to say in your own defence?

R. Barlicorn. I desire Witness may be called, to know whether I was not a Servant aboard.

Mr. J. Turton. The King's Evidence say you were.

Cl. of Arr. Abel Owens, what have you to say?

Abel. Owens. I own my self guilty. I came in upon the King's Proclamation.

Cl. of Arr. Darby Molins, what have you to say?

D. Molins. I did what I did under the King's Commission. I obeyed my Captain, and came home with him. I durst not for my life do otherwise. Examine the Witneses, and they will not say otherwise. Mr. Bradinham, did I do any thing against the Captain's command?

R. Bradinham. I cannot say but he did always obey the Captain's commands.

Mr. Soll. Gen. Did he not go aboard Capt. Culliford afterwards?

R. Bradinham. Yes, my Lord.

D. Molins. I went for want.

Cl. of Arr. Have any of you any more to say?

H. Parrot. My Lord, I did not go out of England with Capt. Kid, but I shipt my self on board a Merchantman bound for Newfoundland, and I was taken by a French Privateer. And afterwards coming to Madagascar, Capt. Kid was there, and he took a Pistol to shoot me, but I avoided it. But hearing afterwards that Capt. Kid had the King's Commission, I went aboard him.

Mr. J. Turton. Had he any Commission to take any Goods from the King's Subjects?

Mr. B. Hatfel. Capt. Kid says the Seamen forced him from the Ship, and you shared the Goods your selves.

H. Parrot. He does not say so of us. My Lord, with submission, be pleased to ask my Commander, whether I ever disobeyed his Commands, or was forward to attempt any ill thing, or did any thing of that which is alledged against me.

Will. Kid. Mr. Bradinham, are not you promised your Life, to take away mine?

Mr. J. Turton. He is not bound to answer that question. He is very fit to be made an Evidence for the King, perhaps there can be no other in this Case, than such who are in his Circumstances.

H. Parrot. With submission. I ask the Evidence whether I ever disobey'd the Captain's Orders.

Mr. J. Turton. The Captain's Orders will excuse you in honest things, but not in unlawful actions.

H. Parrot. As for the Ships that were taken, I had no hand in it.

Mr. Knapp. But you received your Share, and knew of the robbing of the Ships.

Mr. J. Turton. Gentlemen of the Jury, Here is Will Kid, Nich. Churchill, James Howe, Rob. Lumley, Will Jenkins, Gabr Liff, Hugh Parrot, Rich. Barlicorn, Abel Owens, and Darby Molins, the Prisoners at the Bar; who are all indicted for Piracy, or piratical and felonious taking a Moorish Ship on the High Seas, about fifty Leagues from Carawar in the East-Indies, and seizing the Goods that were in that ship to a considerable value. And they are also indicted for the piratical and felonious taking another Ship, which was likewise a Moorish Ship, with the Tackle and Apparel thereof, to the value of 105 l. four Leagues from Calicut in the East Indies. Now to these Indictments they have pleaded, Not Guilty. And whether they are guilty or no, you are to determine on the Evidence you have heard.

I need not tell you the Heinousness of this Offence wherewith they are charged, and of what ill consequence it is to all Trading Nations. Pyrates are called *Hostes humani generis*, the Enemies

to all mankind, but they are especially so to those that depend upon Trade. And these things that they stand charged with, are the most mischievous and prejudicial to Trade that can happen. But as it is not my business to aggravate the Offence, so it is yours to consider whether they or any of them are guilty or not.

Two Witnesses have been produced for the King, and both of them were concerned in all the transactions relating to the Prisoners. And by their Evidence it appears, that in the Year 1696, about the beginning of May, Capt. Kid, who was Captain of the *Adventure Gally*, was fitted out on a very good design, for he was to take Pyrates, and to seize the Ships and Effects of the King's Enemies, That was the end of this Expedition. He went out from *Plimouth* with about Seventy Men From *England*; they sailed to *New-York*, and in their passage they seized a *French Vessel*; and that Vessel was condemned in a due manner, and that was pursuant to their Commission.

When they came to *New-York*, there were other things in contemplation; then he made a Proclamation, to give notice, that if any would come aboard him, he proposed terms for their encouragement that they should be Sheres in all they could acquire; He himself would have Forty Shares, because the Ship, Arms, Ammunition and Provisions were his, and the rest should be divided proportionably to those that should be aboard him. And whereas they went out with Seventy Men, there their number was encreased to 155. for with that number he Sailed from *New-York*.

Gentlemen, The Witnesses tell you whither they went afterwards; I will not mention all the particular places, but only such where any thing remarkably was done. They say they came to a place called *Babs Key*; and there it seems they had an intention to observe a Fleet called the *Moco Fleet*, there they stayed about three Weeks, and in that time Capt. Kid sent his Boat three times to *Moco*, where this Fleet was; the two first times they brought no certain account; but the last Boat that was sent, brought intelligence that there were 14 or 15 Ships lay in the River or Harbour there, and were ready to Sail, and that they had *Dutch Colours*, *English Colours*, and *Moorish Colours*. And Capt. Kid said then, he expected to make a considerable advantage of them. And after this advertisement, he sent some men to the *High Lands* to observe the motion of this Fleet, who after some time gave notice that the Fleet was coming, and then he went out with his Vessel; and, as they tell you, he went into this Fleet, and discharged some Guns at them. But they having a Convoy, he found he was not a match for them, and that it would be in vain to attempt any thing further on so great a disadvantage; and so that design was frustrated. But it must be observed, that these Ships were all *English*, *Dutch*, and *Moorish*, and none of them *French*, which shews Capt. Kid's inclinations to take such Ships for which he had no authority by any Commission.

But they tell you, after this, when he had met with this disappointment, then he Sailed towards the Coast of *Carawar*; And there they met with the first *Moorish Ship* that he is now charged with. And this Ship they seized, and took one *Parker*, who was the Captain; they seized him, and also a *Portuguese*, whom they made use of as an Interpreter, and some of the men, who they treated in a barbarous manner. They tell you, that there happening to be an *English Factory* near that place, they of that Factory understanding that this *Parker* and the *Portuguese* were aboard the Ship, they sent to demand them; and Capt. Kid denied them, and said there were no such men on Board, and yet he had hid them under the Deck. You are also told by the Witnesses what they found and seized aboard this Ship, viz. *Pepper*, *Coffee*, *Myrrh*, and some *Gold*. They have told you, the *Gold* was shared amongst them, and in *Specie*, as I remember, every *Mess* had two pieces, and the rest of the Goods were divided amongst them in proportion, according to their original Agreement, or they had their Shares of the Money for which they were sold. This was the first Ship that he stands charged with the Piratical taking of; and this Ship was a *Moorish Ship*, and did belong to the Natives of that Place.

And then it appears they went to the Coast of *Malabar*, and there they took the other Ship that he is charged with by the other Indictment; the first was taken in *September*, and this in *November*. There was on Board that Ship two *Horses*, and several *Bails of Cotton*, and some other Goods; and this also belonged to the *Moors*, and one Skipper *Mitchel*, a *Dutchman*, was Capt. of her. When they had taken this Ship, they went to *Madagascar*; and there it is told you, they Sunk this Vessel. And they having several other Goods that they had taken out of another Vessel, the Goods were Sold, and divided between the Captain and the rest of the men, according to their several proportions. And it is proved to you, that every one of these Prisoners had some share of the product of those Goods. And to show what Capt. Kid was, and that he was a favourer of those he ought to have opposed, there was another Pirate there, one Capt. *Culliford*, who had a Vessel that he used to the same purpose, called the *Great Mahomet*; And he having heard of *Kid's Commission*, had a Jealousie that Capt. Kid had a design to take him and his Company: But he told them he had no such design, he was so far from that, that he assured them, nay Swore he would be True to them, and there were great appearances of friendship between Capt. Kid and Capt. *Culliford*, they made mutual visits to each other. And Capt. Kid did accommodate *Culliford* with some Guns, and gave him liberty to take any thing he had; and Capt. *Culliford* likewise presented him with *China Silks*. Now this also is given in evidence, to show that Capt. Kid had a Piratical design in all this, and that he did assist those that were engaged in the like design with him, instead of endeavouring to suppress them.

Now, Gentlemen, the first Witness, *Rob. Bradinham*, has declared all this to you; And likewise *J. Seph Palmer* has spoken to the same purpose, though something more than the other. And he tells you how they went ashore on one of the *Mallabar* Islands, and how they burnt some Houses, and did other very barbarous things. But that concerns not this matter for which they are now indicted. He tells you also, that when they took one of these Ships, whereof *Capt. Parker* was Commander, they took two of the Men on board that Ship, and hoisted them up, and used them severely, which they did to cause them to discover what things of value they had on board; but it seems they had nothing of any considerable worth on board. However this shows that *Capt. Kid* had a design to act Piratically. The Witness gives you an account of all the transactions, in taking the two Ships, and disposing of the Goods, and dividing of the Money. Indeed he says, when the distribution was made, he was not in the Cabin, but tells you he heard the List called over, and all the other Prisoners severally went in, and brought out their Shares in their Hats, or otherwise, and did not hear any one complain that he had not his Share.

Gentlemen, there are three Persons that were Servants, that is, *R. Lamley*, he was Servant to *Owens* the Cook; *Will. Jenkins*, he was Servant to the Mate, and *R. Bartcorn*, who was Servant to *Capt. Kid*. Now though these might have their Shares delivered them, yet it is to be presumed that they were to be accountable to their Masters; And they being Servants, I suppose you will think fit to distinguish them from the rest.

Gentlemen, this is the sum of the Evidence given for the King. And indeed this seems to be as strong an Evidence against the Prisoners at the Bar as can be. They did endeavour to take the *Moco* Fleet, but they were too strong for them; And they could have no suspicion that they were *French*, for they had *English*, and *Dutch*, and *Moorish* Colours: so that *Capt. Kid* could have no pretence from his Commission to look after these Ships; There were no *French* among them, and yet there he lay three Weeks waiting for them. But they did actually take these two Ships mentioned in the Indictments, and disposed of the Goods, and shared the product among themselves. Here is all the Evidence that can be given of Piracy.

Now *Capt. Kid*, when he comes to make his Defence, tells you, he had a Commission, and it was produced; (and that is no more than what is common in time of War) whereby he is authorized to take the Ships and Goods of any of the Subjects of the *French King*. But it is Penned with great caution, he is to take none but the Goods and Ships of the *French King*, or his Subjects, and he is to keep an exact account of all that he takes, and to procure them to be condemned in the Admiralty. Now if he had pursued this Commission, and gone no further, it had been well, he had done justly, and answered the end on which he was sent out. And it does appear, that the first Vessel that he took in his passage to *New York*, was thus condemned. But afterwards I do not find that he had any regard to his Commission; but waited for that great *Moco* Fleet a considerable time, I think about three Weeks; and being disappointed there, he afterwards did take these two Ships mentioned in the Indictment; and it does not appear that they were *French* Ships, neither were there any *French* Passes on board them. One of the Witnesses indeed says he heard of *French* Passes, but neither he or any other person that hath been produced has seen one of them. Now I do not observe that his Commission does any manner of way tend to excuse the Captain in taking both, or either of these Ships. One of them was under an *English* Commander, which was *Parker*, the other under a *Dutchman*; there were no *Frenchmen* aboard, only *Leroy*, who was made a kind of a mock-Captain by *Kid* to serve a present turn. But what Captain *Kid* has said from his Commission, is so far from justifying him, that it seems rather an aggravation of his Crime. For he that will go out with the King's Commission on a just and laudable design to take the Ships and Effects of the *French King* in War, and also to destroy Pirates (which were the principal ends of his being fitted out to Sea) and instead thereof will turn Pirate himself, make use of the force with which he was entrusted for the promoting his Piratical purposes, and for the felonious taking the Ships and Goods of those that were in Amity with the King of *England* appears to be a manifest breach and violation of his trust; attended with very aggravating circumstances.

Now for those three that were Servants, I must leave it to you, whether they did act otherwise than they might do. A Servant is to obey his Master, but it must be in things lawful and honest; If they did any thing else, you who have heard the Evidence will consider of their Guilt, and whether their cases differ from the rest; but there is some probability that their Shares might be accounted for to their respective Masters.

Now as to the rest, there are some of them that do pretend they did surrender themselves, one of them to *Mr. Riches* a Justice of Peace in *Surry*, others to *Colonel Bass* that was a Commander in *East-Jersey*; and it does appear that they did surrender themselves accordingly. But that does not come under your consideration, you are to consider only whether they are Guilty of the Facts they stand charged with, or no. As to what effect their Surrendering themselves may have with his Majesty, must be left to the King's Royal Pleasure; but we are to consider the Evidence. Now they generally say they did obey the Captain, and that they understood he had the Kings Commission; Truly so far as he pursued the Kings Commission, they were to obey him; But when he acts contrary to the Kings Commission, in acts of Piracy upon the Ships, Goods and Effects of the Kings Friends, and those in Amity with the Crown of *England* they should have been so far from obeying and assisting him, that they should have obstructed him and seized him that he might have been brought to Justice, and that would have been a greater vindication of their Innocencies. But as the matter now appears, I do not see that any thing they

they have said, tends to their defence, and therefore I must leave it to your consideration. Indeed there are some Witnesses appear for Capt. *Kid*. Coll. *Hawson* gives you this account of Capt. *Kid*, that he was under his Command in the beginning of the War, and that he Fought and behaved himself very well, and was serviceable in the *West Indies*; and he says he discourf'd him about his going out on the expedition he was sent, and that *Kid* said he had no inclination to go. And Mr. *Cooper* likewise tells you, that about ten or twelve Years ago he knew him, and that he Fought the *French*, and behaved himself very well at that time; and that several of his Men run away with his Ship when he was at *Antego*.

Then there is *Gabriel Loff*, he has produced a Witness for himself, one *Davis*. And *Davis* tells you he was a Prisoner in *New-York* by order from my Lord *Bellamont*; and at first they were some days there before they were taken into Custody, and there was so little apprehension of his being a dangerous Man, that he had some favour allowed him, and had a great deal of liberty. This is that he says. I find not that any of the rest have produced any Evidence, only they say they were under the Commander, and were to observe him. But if that would excuse them, then all Pirates would be excused. Now as to Capt. *Kid*, it seems he has woefully transgressed the business of his Commission, and acted contrary to the end and design of his being sent out, in the Piratical taking the Ships and Goods mentioned in the Indictments, in which the other Prisoners at the Bar have joined with him; and they were so far from being the Ships and Goods of the *French King*, or his Subjects, or Pirates, that they were the Ships and Goods of Persons of other Nations in Amity with the King of *England*. Now if you believe these Witnesses, that Capt. *Kid* has taken these Ships in a Piratical manner, and that the other Persons assisted him in it, and had their Shares of the Money and Goods, which is an evidence of their consenting to, and spontaneous acting, I believe you will think fit to find them Guilty, but I leave it to you. And as to these three Persons that were Servants, I must leave their case to your consideration, whether you will think fit to distinguish them from the rest, or not.

Then an Officer was sworn to keep the Jury:

And after about half an Hour the Jury return'd and brought in their Verdict.

Cl. of Arr. Gentlemen, answer to your Names, *William Smith*, *William Smith*. Here, &c.

Cl. of Arr. Gentlemen, are you all agreed of your Verdict? *Omnes*. Yes.

Cl. of Arr. Who shall say for you? *Omnes*. Foreman.

Cl. of Arr. *William Kid*, hold up thy Hand (which he did) Look upon the Prisoner: How say you? Is he Guilty of the Piracy and Robbery whereof he stands Indicted by the first Indictment, or not Guilty? *Foreman*. Guilty.

Cl. of Arr. Is *N. Churchhill* Guilty, or not Guilty? *Foreman*. Guilty.

Cl. of Arr. Is *James Howe* Guilty, or not Guilty? *Foreman*. Guilty.

Cl. of Arr. Is *Robert Lamley* Guilty, or not Guilty? *Foreman*. Not Guilty.

Cl. of Arr. Is *Will. Jenkins* Guilty, or not Guilty? *Foreman*. Not Guilty.

Cl. of Arr. Is *Gabriel Loff* Guilty, or not Guilty? *Foreman*. Guilty.

Cl. of Arr. Is *Hugh Parrot* Guilty, or not Guilty? *Foreman*. Guilty.

Cl. of Arr. Is *R. Barlecorn* Guilty, or not Guilty? *Foreman*. Not Guilty.

Cl. of Arr. Is *Abel Owens* Guilty, or not Guilty? *Foreman*. Guilty.

Cl. of Arr. Is *Darby Molins* Guilty, or not Guilty? *Foreman*. Guilty.

In like Manner Kid and Six more were found Guilty on the other Indictment, and the Three Servants acquitted:

The Tryal of *William Kid*, and the other Nine Persons, upon Two more In- dictments of Piracy:

One committed on a *Moorish* Ship Four Leagues from
Calicut, the other on a *Portuguese* Ship, Twelve Leagues
from *Calicut*.

THE Prisoners being called to the Bar, and the Jury called; and *Capt. Kid* Challenging
those that had Tryed him for the Murther, the Twelve that were Sworn are as fol-
loweth, *viz.*

JURY.

| | | | |
|------------------------|---|---|-----------------------|
| <i>Jos. Watson.</i> | } | { | <i>Tho. Plaisted.</i> |
| <i>Jos. Villers.</i> | | | <i>Sam. Rowen.</i> |
| <i>Geo. Ashby.</i> | | | <i>Marm. Bludder.</i> |
| <i>Ed. Fenwick.</i> | | | <i>Jo. Scot.</i> |
| <i>Gilbert East.</i> | | | <i>Jo. Reynolds.</i> |
| <i>Tho. Humfrevil.</i> | | | <i>Rich. Drew.</i> |

Cl. of Arr. Cryer Count these: *Jo. Watson.*

Cryer. One, &c. Twelve Good Men and True, stand together and hear your Evidence.

Mr. J. Turton. With what will you proceed on now?

Cl. of Arr. With the two other Ships.

*Then the usual Proclamation for Information was made, and the Prisoners being bid to hold
up their Hands, the Cl. of Arr. charged the Jury with them thus.*

Cl. of Arr. You of the Jury, look upon the Prisoners, and hearken to their Cause. They
stand Indicted by the names of *William Kid* late of *London* Mariner, &c. (as before in the In-
dictment) upon this Indictment they have been Arraigned, and thereunto have severally
pleaded Not Guilty, and for their Tryal have put themselves on God and their Country,
which Country You are. Your Charge is to enquire whether they be Guilty of the Piracy
and Robbery whereof they stand Indicted, or not Guilty, &c.

N. Clu-chill. I plead Guilty, my Lord, I submit my self to the King's Proclamation.

Cl. of Arr. *James Howe.* Do you stand to your Plea?

J. Howe. Guilty, my Lord, I submit to His Majesties Gracious Proclamation.

Cl. of Arr. *Rob. Lamley,* what do you say?

R. Lamley. Not Guilty.

Mr. J. Turton. You may enter their retracting their Pleas in Court.

Cl. of Arr. *Will. Jenkins,* what say you? Do you stand to your Plea?

Will. Jenkins. Not Guilty.

Cl. of Arr. *Gabriel Loff,* what say you?

Gabriel Loff. Not Guilty.

Cl. of Arr. *Hugh Parrot,* what say you?

Hugh Parrot. Not Guilty.

Cl. of Arr. *R. Barlicorn,* what say you?

R. Barlicorn. Not Guilty.

Cl. of Arr. *Abel Owens,* what say you?

Abel Owens. Guilty. I came in upon the King's Proclamation.

Mr. Knapp. The Jury is not to be charged with them three then.

Cl. of Arr. Here is a second Indictment against them, wherein they stand indicted by the Name of *Will. Kid*, late of *London*, Mariner, &c. (as in the former Charge) What must I say now?

Mr. *J. Turton*, Ask them three, Whether they stand to their Plea to this Indictment, or retract it.

Cl. of Arr. *Nich. Churchill*, Do you confess this Indictment?

N. Churchill, Yes, my Lord.

Cl. of Arr. *James Howe*, What say you?

James Howe, Guilty of that, and all the other.

Cl. of Arr. *Abel Owens*, What do you say?

Ab. Owens, Guilty of that, and all the other.

Cl. of Arr. Set them three by. Gentlemen of the Jury, Here is *Will. Kid*, *Rob. Lamley*, *Will. Fenkins*, *Gabr. Loff*, *Hugh Parrot*, *Rich. Barlicorn*, and *Darby Molins*, have been indicted upon two several Indictments that have been read; and for Trial have put themselves on God and their Country, whose Country you are.

Mr. *Knapp*, My Lord, and Gentlemen of the Jury, These are two several Indictments of Piracy, against *Will. Kid* and the six other Prisoners at the Bar. The first sets forth, That these Prisoners, the 28th of *December*, in the Eighth Year of his Majesty's Reign, about four Leagues from *Calicut*, did piratically enter a certain Ship, called a *Moorish Ship*; and that they took her, with the Apparel and Tackle, and took out of her several Goods that have been read to you in this Indictment. To this Indictment they have pleaded, Not Guilty. If we prove them Guilty, you must find them so. The other Indictment sets forth, That on the 9th of *January*, &c. that they took another Ship, a *Portuguese Ship*; and to this also they have pleaded, Not Guilty. If we prove them Guilty, you must find accordingly. Call *Robert Bradinbam* and *Joseph Palmer*, (who appeared, and were sworn.)

Mr. *Soll. Gen.* My Lord, and Gentlemen of the Jury, I am Counsel for the King against the Prisoners at the Bar. They stand indicted for several Piracies committed on two Ships, and our Evidence against them will be to this Purpose: Captain *Kid* had two Commissions, one was to take Pirates, the other was to take *French Ships*. *Will. Kid*, in his Ship the *Adventure Gally*, went out of *England* in the Year 1696. He afterwards went to *New York*, and there he increased the number of his Men. And from thence went away with a Resolution to commit the Piracies, some of which he has been convicted of already. Then he went to *Babs-Key*, and lay in wait to intercept the *Moco Fleet*; but was disappointed of that, they being well guarded. He went afterwards to other Places, and took two Ships; which were not the Ships here mentioned. After that he seized a Ship, called a *Moorish Ship*, ten Leagues from *Calicut*, and there seizes one of the Ships for which he is now indicted, a *Moorish Ship*, and takes out of her *Sugar-Candy*, and other Goods, to the value of about five and twenty Pounds. In *January* following he meets another Ship, and seizes her too, and takes out of her to the value of sixty Pounds. These Goods he disposes of, and divides the Proceed of it between himself and the Crew of the Ship. And this is the Piracy for which he is now indicted. The matter you are to inquire into is, Whether they be guilty of Piracy on these two Ships, or no. We will call our Witnesses, and if we prove them guilty I doubt not but you will do right to your Country and them. Mr. *Bradinbam*, these Gentlemen have not been upon the Jury before, therefore you must give an account of the whole matter from the beginning, from your going out of *Plimouth*.

R. Bradinbam, In the Year 1696, the beginning of *May*, we went from *Plimouth* to *New-York*.

Mr. *Soll. Gen.* What Ship did you go in?

R. Bradinbam, The *Adventure Gally*. And by the way he took a *French Ship*, which he condemned when he came to *New York*. At *New York* he put up his Articles, to get Men aboard his Ship, and they were to have a share of what was taken: About the sixth of *September* we sailed.

Mr. *J. Gould*, What number of men had you when you went from *England*?

R. Bradinbam, About seventy Men.

Mr. *J. Gould*, How many had you when you went from *New York*?

R. Bradinbam, About an hundred and fifty. The sixth of *September* we sailed from *New York*, and went to *Maderas*, then to *Bonavis*, then to *St. Fauger*, then to *Madagascar*, then to *Foanna*, then to *Mabala*, then to *Foanna* again, then to *Meta* in the *Red Sea*, and then to *Babs-Key*.

Mr. *Soll. Gen.* What did you do there?

R. Bradinbam, He lay there about a fortnight or three weeks, to wait for the *Moco Fleet*, and sent out his Boat three times to make discovery; the two first times they made no discovery, but the third time they brought information, that they were ready to sail.

Mr. *B. Hatzel*, What was the *Moco Fleet*?

R. Bradinbam, They were *Moorish Ships*.

Mr. *B. Hatzel*, To what end did he wait for them?

R. Bradinbam, He said he would make a Voyage out of them.

Mr. *Soll. Gen.* What hapned on that?

R. Bradinbam, He ordered some men to look out for them on the *Highlands*; and when they saw them coming they were to give notice, and he was to fetch them off in the Boat. This Fleet came, and he fell in with them, and fired at them; but they being under Convoy, he was forced to quit them. And then going to *Carrawar*, he met with one *Parker's Ship*; he took this *Parker's Ship*, and took him for a Pilot, and the *Portuguese* for a Linguister.

Mr. *Soll. Gen.* How did he use the men there?

R. Bradinham, Two of them were brought on board the Adventure Galley, and they were hoisted up, and drubb'd with a naked Cutlafs.

Mr. Soll Gen. Why did he do that?

R. Bradinham, That they might make discovery of their Riches.

Mr. Soll Gen. What did they take out of that Ship?

R. Bradinham, Some Coffee, Pepper, &c.

Mr. Soll Gen. What did he do with the two Men?

R. Bradinham, He carried them with him to *Carravar*; and when he came there they were demanded by the *English* Factory there, and he denied them, and said he had no such men aboard.

Mr. Soll Gen. Where had he put them?

R. Bradinham, He confined them aboard in the Hold.

Mr. Soll Gen. Where did he go then?

R. Bradinham, He put to Sea, and the next day he met with a *Portuguese* Man of War, and fought her.

Will. Kid. He tells nothing but meer Lies.

R. Bradinham, Then he went to the *Malabar* Islands, and watered and wooded, and caused his men to burn several Houses, and plunder several Boats, and afterwards burnt them.

Mr. B. Turton. Did you see them burnt?

R. Bradinham, I was not ashore, but I saw the Smoke.

Will. Kid. It is a fine trade, that you must take away so many of the King's Subjects Lives, and know nothing at all of the matter.

Mr. Soll Gen. What did you do with that Ship?

R. Bradinham, He took her, and disposed of the Goods, and carried her to *Madagascar*.

Mr. Soll Gen. What did he do after that?

R. Bradinham, We went to the *Malabar* Islands some time in *December*, and he took a *Moorish* Ketch.

Will. Kid. How came you to keep this account, when for five or six months together you were under Deck?

Mr. Soll Gen. Go on, *Mr. Bradinham*, and give an account of your further Proceedings.

Will. Kid. I hope the King's Counsel will not put him in the way. It is hard that a couple of Rascals should take away the King's Subjects Lives. They are a couple of Rogues and Rascals.

R. Bradinham, This Ketch was taken by the Ship's Crew, about *December*, 1697. and one of the Boat's Crew was wounded at the taking of this Ketch.

Mr. Soll Gen. What was there in this Ship?

R. Bradinham, Some Tubs of Sugar-Candy, Tobacco, &c.

Mr. Soll Gen. What did he do with these Goods?

R. Bradinham, They were carried aboard, and shared into Messes, two Tubs and a half of Sugar-Candy to a Mess.

Mr. Soll Gen. Had the Prisoners at the Bar any share?

R. Bradinham, Yes; and then he set the Ship on fire.

Cl. of Arr. Had Captain *Kid* himself any share?

R. Bradinham, Yes.

Cl. of Arr. How much had he?

R. Bradinham, He had forty shares.

Mr. B. Hatfel. You should tell this Jury how many shares the whole was divided into.

R. Bradinham, It was divided into 160 shares, and Captain *Kid* was to have forty shares, let them be as many as they would, and the rest were to be divided among the Men.

Cl. of Arr. Had *Robert Lamley* any share?

R. Bradinham, Yes.

Cl. of Arr. Had *William Jenkins* a share?

R. Bradinham, Yes.

Cl. of Arr. Had *Gabriel Loff* any share?

R. Bradinham, Yes.

Cl. of Arr. Had *Hugh Parrot* any share?

R. Bradinham, Yes.

Cl. of Arr. Had *R. Barlicorn* any share?

R. Bradinham, Yes.

Cl. of Arr. Had *Darby Molins* any share?

R. Bradinham, Yes.

Mr. Soll Gen. What was done afterwards?

R. Bradinham, After they had done these things they burnt the Ketch.

Mr. Knapp. What did they do then?

R. Bradinham, The *Moors* were driven ashore by the Ship's Crew.

Will. Kid. How did you know they were *Moors*?

R. Bradinham, By information of the Ship's Crew.

Will. Kid. He was not within five Leagues of the Place.

Mr. Knapp. What did you meet with afterwards?

R. Bradinham, A *Portuguese* Ship. Some time in *January*, 1698, we met with a *Portuguese* Ship on the Coast of *Malabar*, and he took her; and he took out of her some Opium, some *East-India* Goods, some Powder, and sixty or seventy Bags of Rice.

Mr. Soll.

Mr. Soll. Gen. My Lord, this is the other Ship for which they are indicted. What was the value of these Goods?

R. Bradinbam, There were some *East-India* Goods, Opium, Powder and Rice.

Will. Kid, Did you see them brought aboard?

R. Bradinbam, I am answering the Bench.

Mr. Soll. Gen. Were there any other Goods?

R. Bradinbam, Yes, there was Bees wax, and thirty Jarrs of Butter.

Mr. Soll. Gen. What was the value of these Goods?

R. Bradinbam, About four or five hundred Pounds.

Will. Kid, It is a fine trade indeed, that he must be instructed what to say.

R. Bradinbam, After he had plunder'd this Ship, he was pursued by some *Dutch* Ships; several Ships gave him chace, and he was forced to leave this Ship.

Mr. Soll. Gen. What did they do with the Goods?

R. Bradinbam, He sold the Opium on the Coast, and the rest he kept for Provision.

Mr. Soll. Gen. What became of the Money?

R. Bradinbam, Captain Kid shared it.

Mr. Soll. Gen. Who had their Shares? Give an account of that.

R. Bradinbam, The Prisoners at the Bar.

Clerk of Arr. Had Captain Kid any shares?

R. Bradinbam, Yes.

Clerk of Arr. Had Robert Lamley any share?

R. Bradinbam, He had half a share.

Clerk of Arr. Had Will. Jenkins any share?

R. Bradinbam, He had half a share.

Clerk of Arr. Had Gabriel Loff any share?

R. Bradinbam, He had half a share.

Gabriel Loff, How do you know that? Did you see me bring it out?

R. Bradinbam, I did not see you take it, but you brought it out, and acknowledged it.

Will. Kid, Before you swore, I paid them first, and now you say they paid me first.

R. Bradinbam, They had all a share as before.

Mr. Knapp, Now proceed in your Voyage, What did you do after this?

R. Bradinbam, After this we went a cruising on that Coast, and we met with the *Queda* Merchant, and took her: And afterwards, about fifty Leagues from the Cape, we met with a *Moorish* Vessel; and Captain Kid sent his Men aboard that Vessel, and they took out of her ten Jarrs of Butter, and a Main-sail; and he took out two of the men (that he carried to *Madagascar*) because he wanted men.

Mr. Knapp, Can you tell of any thing else?

R. Bradinbam, He took about a dozen *Malabar* Boats, and plundered them, and then let them go.

Mr. Knapp, Go on.

R. Bradinbam, Then we came to *Madagascar*.

Mr. Knapp, What hapned there?

R. Bradinbam, There came a Canooe off, some of the Men in this Canooe belonged to the *Moco* Frigate; they came off to Captain Kid, and they told him, they heard he was come to take them, and hang them.

Mr. Knapp, What were those Men?

R. Bradinbam, They were supposed to be Pirates.

Mr. Knapp, Who was the Commander of that Ship?

R. Bradinbam, Captain Culliford

Will. Kid, How came you to know this? He says any thing.

Mr. Knapp, Go on with this Story, and give an account what passed between them.

R. Bradinbam, This Canooe came aboard Captain Kid, and they told him, they heard he was come to take them, and hang them; but he assured them it was no such thing: And he went aboard the Frigate, and swore to be true to them, and that he would aid them in any thing he had; and Captain Culliford came aboard him, and they made Presents to one another.

Mr. Knapp, What Presents did Captain Kid make Culliford?

R. Bradinbam, He gave him some shirting-stuff.

Will. Kid, What! Did I give him shirting-stuff?

R. Bradinbam, Yes; and he gave him two great Guns.

Will. Kid, Did I go aboard him, you Rascal?

Mr. Soll. Gen. Mr. Kid, ask him what questions you will.

Mr. J. Turton, Captain Kid, will you ask this Witness any questions?

Will. Kid, My Lord, what signifies it? Were there not ninety of the men that mutinied? I said, Let us take this Ship; and did they not all consult, and said, Where there is one that will fire against the Pirate, there are ten that will fire against you; and so they went, and took the Goods, and left me: I ask you whether this be not true?

R. Bradinbam, My Lord, he never spoke any thing like it; that he would take Culliford, but he swore to be true to them.

Will. Kid, Did not I propose to my men to take Captain Culliford? Did you never hear any body say so?

R. Bradinbam, No.

Will. Kid,

Will. Kid, Did you not say yesterday that I was come to take them ?

R. Bradinham, I said, they came and told you they heard so, and you assured them you intended no such thing.

Will. Kid, You swore I gave him four Guns yesterday, and now you say but two.

Mr. Soll. Gen. It was *Palmer* that said four.

R. Bradinham, I said but two, and no more.

Clerk of Arr. Captain *Kid*, have you any thing more to ask him ?

Will. Kid, It signifies nothing to ask him any thing.

Clerk of Arr. *Robert Lamley*, will you ask this Witness any thing ?

R. Lamley, I only ask him whether I was not an Apprentice ?

Mr. J. Turton, Answer that question.

R. Bradinham, My Lord, he was a Servant.

Mr. J. Turton, To whom ?

R. Bradinham, To *Mr. Owens*.

Mr. J. Turton, was his Master aboard then ?

R. Bradinham, Yes, my Lord.

Clerk of Arr. *William Jenkins*, will you ask the Witness any thing ?

William Jenkins, I desire him to say whether I was a Servant, or not.

R. Bradinham, Yes, my Lord, he was Servant to the Mate.

Mr. J. Turton, Was his Master aboard then ?

R. Bradinham, He was aboard then.

Clerk of Arr. *Gabriel Loff*, will you ask him any questions ?

Gabriel Loff, No, Sir.

Clerk of Arr. *Hugh Parrot*, will you ask him any thing ?

Hugh Parrot, No.

Clerk of Arr. *R. Barlicorn*, will you ask this Witness any thing ?

R. Barlicorn, I have nothing to ask him, but to desire him to speak the truth, whether I was not the Captain's Servant.

R. Bradinham, He was, my Lord.

Clerk of Arr. *Darby Molins*, will you ask him any thing ?

Darby Molins, I have nothing to say but what I said before. I submit my self to the King's gracious Proclamation.

Will. Kid, He has perjured himself in many things.

Mr. J. Turton, In what ? give an instance.

Will. Kid, In a great many Instances: About the Guns, that is one thing; and then he says the Ship went from *Plimouth* the beginning of *May*, and before he said it was in *April*, that is another thing; and, my Lord, the Mariners came and took Anchors and Cables and what they would, and he says I gave them to them, and this is false; and now he says contrary to what he did before, for then he said we went out in *April*, and now the beginning of *May*.

Mr. J. Turton, He did not confine himself to a day, he said about the beginning of *May*.

Mr. Soll. Gen. Call *Joseph Palmer*, (who appeared.) *Mr. Palmer*, pray give my Lord, and the Jury, an account of Captain *Kid* and his Crew, where they went, and what they did.

Jos. Palmer, We went from *Plimouth* to *New York*, in the year 1696, and in the way took a *French Ship*, and carried her to *New York*, and sold her: And there he put up Articles to invite Men aboard his Ship, and what they took was to be divided into so many shares, whereof Captain *Kid* was to have forty, the rest to be divided among the Men; and in *September* following we went from thence, and we had then about 160 Men: From thence we went to *Maderas*, from thence to *Bonavis*, then to *St. Fauger*, then to *Joanna*, then to *Mahala*, then to *Joanna* again, and then to *Meta* in the Red Sea, where he watered and wooded his Ship, and then to *Babs-Key*, a small Island in the Red Sea: And when he came there, he ordered his men to look out on the *Highbands* for the *Moco Fleet*, and expected the Fleet to come that way; and he sent some men in his Boat, with Orders either to take a Prisoner, or to bring word what Ships were there: He sent his Boat twice and they made no Discovery, but the third time they went they came within sight of the Ships, and brought word that there were 14 or 15 sail lying there, with *Dutch*, and *English*, and *Moorish Colours*, and a great Ship with red Colours ready to sail: And then Captain *Kid* ordered his men to look out on the other side the *Highbands*, for fear the Ships should pass him; and at last the Ships came down.

Will. Kid, There is no great occasion for this.

Jos. Palmer, There were *Moors* and *Turks* belonging to these Ships: And about the 15th of *August* the Fleet came down; and Captain *Kid* fell in with them; his Quarter-master and some of his men were saying, Let us go aboard them to night; No, says he, we will take our choice of them in the morning; and in the morning he went among them, and fired at them, but took none of them; he found they were too strong for him, and went away. And after this going to *Carrawar*, he took a Ship called the *Mayden*; it was between *Carrawar* and this Place, they reckoned they were not far from the Island of *St. John*: He took this Ship, and took out of her some Pepper, a Bail of Coffee, and some more Bails of Coffee came on board, but he retained only one Bail and the Pepper, and said he would not cumber his Ship with such stuff; and *Parker* and a *Portuguese* he took out, one for a Pilate, the other for a Linguister: And two of the men he ordered to be hoisted up, and whipt with a naked Cutlafs.

Will. Kid, I ask him this one thing, Did the *Moco Fleet* fire first at me, or I at them ?

Jos. Palmer,

Jos. Palmer, No, they fired first.

Will. Kid, And just now the other said I fired first; Is not he perjured?

Mr. F. Turton, Mr *Bradinbam*, did he fire first, or no?

R. Bradinbam, He fired at them. I only said you fired at them, I did not say first or last.

Jos. Palmer, After this he went to *Carrawar*, to an *English* Factory, and wooded and watered his Ship; and one *Harvey* came and demanded these two men; and Captain *Kid* denied that he had any such men on board, and kept them in the Hold.

Mr. Soll Gen. That is an *English* Factory.

Jos. Palmer, Yes. Several of Captain *Kid*'s men left him there, and several more would have left him if they could have conveniently gone ashore: And the same evening he put to Sea, he met a *Portuguese* Ship, and fought her.

Will. Kid, Who fired there first?

Jos. Palmer, The *Portuguese* fired first.

Will. Kid, You do not tell that Story right.

Jos. Palmer, After he left this *Portuguese* Ship he went to the Island of *Malabar*, and robbed the Natives, and set their Houses on fire, and took one of the Natives, and bound him to a Tree, and shot him to death.

Mr. Soll Gen. Did you see the Houses on fire?

Jos. Palmer, Yes: And afterwards we went to *Calicut*, and met with a *Moorish* Ship in *November*, *Schipper Mitchel* was Commander; and there were taken out of her two Horses, and Cotton, and Quilts; and this Ship he carried to *Madagascar*: Some time in *December* following we came to the Coast of *Malabar*.

Mr. Knapp, Can you tell what Year it was?

Jos. Palmer, It was in *December*, 1697.

Mr. Knapp, Where was this?

Jos. Palmer, About twelve Leagues from *Calicut*.

Mr. Knapp, What sort of Ship was it?

Jos. Palmer, A *Moorish* Ketch.

Mr. Knapp, What Burden was she?

Jos. Palmer, About fifty Tun.

Mr. Knapp, What did you do there?

Jos. Palmer, Captain *Kid* was lying at Anchor, and this Ketch came between him and the shore, and he sent the Boat and they brought the Ketch to the Ship, and took out of her thirty Bails of Sugar-Candy, Tobacco, Sugar and Myrrh.

Mr. Knapp, What did they do with these Goods?

Jos. Palmer, When they had taken them out, they were shared between the Men in messes, seven Men to a mess, for their own spending.

Mr. Knapp, Had the Prisoners at the Bar any share?

Jos. Palmer, All the men had.

Mr. Knapp, What share had Captain *Kid*?

Jos. Palmer, I cannot tell whether he had his forty shares of that, or no.

Mr. Knapp, What did they do with the Ship?

Jos. Palmer, They burnt her.

Mr. Soll Gen. Pray now go on: What did they do next?

Jos. Palmer, Some time in *January* they met with a *Portuguese* Ship.

Mr. Soll Gen. Where?

Jos. Palmer, Off of *Anjingo*, an *English* Factory: It was a pretty way off shore.

Mr. Soll Gen. What Ship was it?

Jos. Palmer, A *Portuguese* Ship.

Will. Kid, You said it was just by *Calicut* yesterday.

Mr. Soll Gen. Whereabouts was it?

Jos. Palmer, On the Coast of *Malabar*; it might be about ten or twelve Leagues from *Calicut*.

Mr. Soll Gen. What Goods were in the Ship when she was taken?

Jos. Palmer, There were two Chests of *Indian* Goods, two Chests of *Opium*, some *Rice*, *Butter*, Wax, and *Iron*.

Mr. Soll Gen. What was the value of those Goods?

Jos. Palmer, Truly I cannot tell the value of them.

Mr. Soll Gen. What did they do with those Goods?

Jos. Palmer, The Wax and *Iron* he put aboard the *November*, and some aboard his own Ship.

Mr. Soll Gen. Did he sell any of these Goods?

Jos. Palmer, No, but he sold the *Opium* on the Coast.

Mr. Soll Gen. Did he keep the Ship?

Jos. Palmer, No, but seven or eight days, and then he quitted her; there were some *Dutchmen* coming, and he sunk that Ship: The Produce of the Ship was shared.

Mr. Soll Gen. Had the Prisoners at the Bar any share?

Jos. Palmer, Yes.

Clerk of Arr. Had *William Kid* any share?

Jos. Palmer, Yes.

Clerk of Arr. Had *Robert Lamley* any share?

Jos. Palmer, Yes.

Clerk of Arr. Had *William Jenkins* any share ?

Jos. Palmer, Yes.

Clerk of Arr. Had *Gabriel Loff* any share ?

Jos. Palmer, Yes.

Clerk of Arr. Had *Hugh Parrot* any share ?

Jos. Palmer, Yes.

Clerk of Arr. Had *R. Barlicorn* any share ?

Jos. Palmer, Yes.

Clerk of Arr. Had *Darby Molins* any share ?

Jos. Palmer, Yes; these Goods were shared, and we bought Provision with them.

Will. Kid, You say this Ship was taken off of *Anjingo*, and that it was twelve Leagues from *Calicut*, and this *Anjingo* is fifty Leagues from *Calicut*.

Jos. Palmer, It is all upon one Coast.

Mr. Soll. Gen. Give an account of your coming to *Madagascar*, and what followed.

Jos. Palmer, They found a Ship called the *Resolution*, Captain *Culliford* was Commander; and several of the Men came off to Captain *Kid*, that were formerly acquainted with him; and they said, We hear you are come to hang us; says he, It is no such thing: And afterwards they went aboard each other, and Captain *Kid* made Protestations to be true to them. There were four Guns in the Ship, and he presented these Guns to *Culliford*.

Will. Kid. Did I present him with any Guns? Because I would not turn Pirate, you Rogues, you would make me one.

Mr. B. Hatsel, What did Captain *Kid* say to *Culliford*, when they were drinking together?

Jos. Palmer, They made a Tub of Bomboo, as they call it (it is made of Water, and Limes, and Sugar) and there they drank to one another; and says Captain *Kid*, before I would do you any dammage, I had rather my Soul should broil in Hell-fire.

Mr. Soll. Gen. Was you there then?

Jos. Palmer, This was on the Quarter-Deck of the *Moco* Frigate.

Mr. Soll. Gen. What were those Men in that Ship? What did you apprehend them to be?

Jos. Palmer, They were Pirates.

Mr. Soll. Gen. Did Captain *Kid* or his Men offer to take them?

Jos. Palmer, He did never propose any such thing.

Mr. Soll. Gen. Now you may ask him what questions you will.

Will. Kid, There went twenty of them aboard, and left me.

Jos. Palmer, Captain *Kid* and *Culliford* were as great Friends as could be.

Mr. Soll. Gen. Ask him what questions you please.

Will. Kid, It signifies nothing to ask any questions, a couple of Rogues will swear any thing.

Mr. Soll. Gen. Will you ask him any questions?

Will. Kid, No.

Clerk of Arr. *Lamley*, will you ask him any questions?

Robert Lamley, No.

Clerk of Arr. *William Jenkins*, will you ask him any questions?

William Jenkins, No; I have no more to say, but what I said before.

Clerk of Arr. *Gabriel Loff*, have you any thing to ask him?

Gabriel Loff, No.

Clerk of Arr. *Hugh Parrot*, will you ask the Witness any questions?

Hugh Parrot, No.

Clerk of Arr. *Richard Barlicorn*, will you ask him any thing?

Richard Barlicorn, No.

Clerk of Arr. *Darby Molins*, will you ask him any thing?

Darby Molins, No; but only I say I came home upon his Majesty's Proclamation; I came voluntarily, expecting to have the benefit of it with the Evidence.

Mr. J. Turton, That does not fall under the Jury's Consideration.

Clerk of Arr. You, the Prisoners at the Bar, will you say any thing for your selves upon these two Indictments?

Will. Kid, I will not trouble the Court any more, for it is a folly.

Clerk of Arr. *Robert Lamley*, What have you to say for your self?

Robert Lamley, Nothing, but that I was a Servant.

Clerk of Arr. *William Jenkins*, what have you to say?

William Jenkins, I was a Servant, my Lord.

Clerk of Arr. *Gabriel Loff*, have you any thing to say?

Gabriel Loff, My Lord, I ask him whether I ever acted any thing in taking these Ships, but only under my Captain's Command.

Jos. Palmer, He acted as other men did.

Clerk of Arr. *Hugh Parrot*, have you any thing to say?

Hugh Parrot, I can say no more than I have said.

Clerk of Arr. *Richard Barlicorn*, have you any thing to say?

Richard Barlicorn, My Lord, I am a Servant.

Clerk of Arr. *Darby Molins*, what have you to say?

Darby Molins, Did not Captain *Kid* often say his Commission would bear him out in what he did?

Jos. Palmer, Yes, I have heard him often say that.

Mr. *F. Turton*, Put how came you to go aboard *Culliford*?

Darby Molins, For want, my Lord.

Mr. *F. Turton*. Gentlemen of the Jury, Here are several Persons, *viz. William Kid, Robert Lamley, William Jenkins, Gabriel Loff, Hugh Parrot, Richard Barlicorn, and Darby Molins*; they all stand indicted for Piracy: Indeed there are three more indicted with them, *viz. Nicholas Churchilf, James Howe, and Abel Owens*; but they have confessed themselves guilty, and you are now eased of any inquiry concerning them, and are only to consider of the other seven, who are indicted upon two several Indictments: One is, for the piratical and felonious taking away a *Moorish Ketch*, to the value of fifty Pounds, and the Goods therein to the value of one hundred Pounds; this was in *December, 1697*. And the other is, for piratically seizing and taking away Goods to the value of seventy Pounds from the *Portugal Ship*, twelve Leagues from *Calicut* in the *East Indies*. Now to these two Indictments these Prisoners at the Bar have pleaded, Not Guilty; and whether they are so or no, you are to determine, upon the Evidence given you. There have been two Witnesses produced for the King, *Robert Bradinham* and *Joseph Palmer*; I will not trouble you with the repetition of their distinct Evidence, because they agree in all things, and if I mention what one has said, it is in effect what the other said also.

Gentlemen, It appears that Captain *Kid*, with seventy Persons aboard his Ship called the *Adventure Galley*, went from *England* in the year 1695, having a Commission of Mart and Reprisal, to take the Vessels, Ships and Goods of the *French King*, or any of his Subjects, he being then at War with the King of *England*; and another Commission for seizing Pirates. He has not indeed produced these Commissions to you now, tho' he did on another Tryal. But he went out on a very honest design, and in pursuance of it he took a *French Ship* in his Passage to *New York*, and brought her thither, and had her legally condemned. But while he was there, it appears that he had other thoughts possess'd him, and wicked intentions to turn Pirate, and not to take them; and that he might be well mann'd he makes Proclamation amongst the Mariners there, that such of them as would come aboard his Ship, and assist him in his Enterprizes, should have their shares of what Prizes or Booties could be taken; and he propos'd that he would have forty shares himself, and the rest should be equally distributed amongst the Mariners according to agreement, the whole being divided into 160 shares as I remember; by this means his number was increased from 70 to 150. They set sail from *New York*, and (after many other Places mentioned by the Witnesses) they came to a place called *Babs-Key*, which it seems is in the Red Sea; and there they stayed a considerable time, I think about three weeks, and this was in expectation to meet with the *Moco Fleet*, which he intended to make a Prize; and during his stay at *Babs-Key* he sent his Boat three several times to get intelligence of this Fleet; the two first times there was no account of any thing, but the third time there was notice brought that they were ready to sail, and that they had *English, Dutch, and Moorish Colours*. And when he had this intelligence, to prevent their escaping him he sends Men ashore, to go on the *Highlands* to observe when they did actually sail; and when he had notice that they were under sail, he likewise sailed, and went through the Fleet, and made some shots at some of the Ships; but it appearing that they had a Convoy, and that they were too strong for him, he quitted the Prize there, of which he had so great expectation. But afterwards he went on, and took his course towards *Carravar*, and there he takes a *Moorish Ship*; and *Parker* an *Englishman* the Commander of her, and a *Portuguese* also were taken out of her. From thence they went to *Malabar*, and there he sent some Men ashore, and there they burnt some Houses; and after that took a *Moorish Ship* for which they have been tried. Afterwards, in *December 1697*, (now I come to the first Indictment) upon that very Coast, some Leagues from *Calicut*, they took a *Moorish Ketch*, and this Ketch and the Goods aboard it, which were some quantities of Sugar-Candy, Sugar, and Tobacco: It seems these Goods were shared between them aboard the Ship; the Witness is not confident what share the Captain then had, but what the Captain had not, was divided amongst them. The Witnesses say they burnt this Ketch, because she was not useful to them, and the Men that were on board were put ashore. Now this is the matter of the first Indictment, the piratically seizing and plundering, this Ketch, and taking the Goods out of her, and dividing them amongst the Prisoners; both the Witnesses prove there was a distribution of them.

Then they come to the next Month, and that is *January*; and this is the matter of the second Indictment, for piratically taking several Goods, to the value of seventy Pounds, from the Mariners of the Ship called the *Portugal Ship*: And these Witnesses prove the taking of this Ship on the Coast of *Calicut*; and there were aboard this Ship several sorts of Goods, Opium, Rice, Bees-wax, Butter, and other sorts of Goods, which they judge might be worth four or five hundred Pounds. Now after this, there were some *Dutch Ships* that gave chase to the Captain, and he was forced to leave the Ship; but he took some of the Goods into his own Ship, and the rest were sold, and the Money divided among the Men: The Captain called them one by one into his Cabbin, and so they had their several shares according to the Proposals at *New York*. It is not possible for them to say they saw every man's share paid, but they say that they were all call'd by name to receive their shares, and they went into the Cabbin for that purpose, and they believe they had all their shares according to Agreement, because none complained that they had it not.

Gentlemen, There is but one thing more that I will mention to you. When they came to *Madagascar*, there was one *Culliford* who was a Pirate; and he sent some of his Crew aboard, to know whether Captain *Kid* was not come with a design to seize them, and hang them; and he declared he had no such Design: And he and *Culliford* were extremely kind to one another, and made Visits and Presents to each other: And Captain *Kid* gave two Guns to *Culliford*, as one of the Witnesses says; but the other Witness says there were four Guns that he gave to *Culliford*, who was engaged in the same design of Piracy, and *Culliford* presented other things to *Kid*.

But

But now, Gentlemen, the business you are to inquire into is, the piratical taking of these Ships: And the Witnesses have positively and directly proved not only the taking the Ships but the seizing the Goods, and selling them, and sharing the Money. And if these Witnesses say true, as nothing appears to the contrary, by the Prisoners cross-examining them, or otherwise; they are not at all contradicted, or their credibility made questionable: And they are such as are most likely to know what was done, being with them in the whole Voyage, and engaged with them in these Enterprises. And if you can give entire credit to the Witnesses, you will probably find these Persons guilty of the Piracy they are charged with; which I leave to your Consideration.

Now indeed there are three of them that are Servants, and perhaps you may think their Case is different from the rest; *Robert Lamley*, who was a Servant to *Owens* the Cook; *William Jenkins*, who was Servant to the Mate; and *R. Barlicorn*, who was Servant to Captain *Kid*. And tho' the Witnesses do prove that they had their several shares of the Goods and Money; yet, notwithstanding that, they being Servants, their Masters might be entitled to their shares. So that if you believe they were Servants, and commanded to serve and assist their Masters in what they did, I must leave it to you whether you will think fit to distinguish their Case from the rest. I do not find that the others say any thing material in their own defence, they have called no Witnesses at all. The Captain lays the blame on the Men, and the Men seem to lay the blame on him. He went out on a good design, to take Pirates, had he pursued it; but instead of that, it appears that he turned Pirate himself, and took the Ships and Goods of Friends instead of Enemies, which was a notorious Breach of Trust, as well as a manifest Violation of Law. The Evidence seems strong against them, which I leave you to consider of.

Then the Jury withdrew, and after a short space brought in their Verdict.

Clerk of Arr. Gentlemen, answer to your Names. *Jo. Watson.*

Jo. Watson, Here, &c.

Clerk of Arr. Are you all agreed of your Verdict?

Omnes, Yes.

Clerk of Arr. Who shall speak for you?

Omnes, Foreman.

Clerk of Arr. Will. Kid, hold up thy hand, (which he did.) Look upon the Prisoner. How say you? Is *Will. Kid* Guilty of the Piracy and Robbery wherof he stands indicted in the first Indictment, or not Guilty?

Foreman, Guilty.

Clerk of Arr. Is *Robert Lamley* Guilty, or not Guilty?

Foreman, Not Guilty.

Clerk of Arr. Is *Will. Jenkins* Guilty, or not Guilty?

Foreman, Not Guilty.

Clerk of Arr. Is *Gabriel Loff* Guilty, or not Guilty?

Foreman, Guilty.

Clerk of Arr. Is *Hugh Parrot* Guilty, or not Guilty?

Foreman, Guilty.

Clerk of Arr. Is *R. Barlicorn* Guilty, or not Guilty?

Foreman, Not Guilty.

Clerk of Arr. Is *Darby Molins* Guilty, or not Guilty?

Foreman, Guilty.

The same Verdict was given as to all the Prisoners upon the other Indictment.

Robert Culliford, Nich. Churchil, Darby Molins, and John Eldrige, were arraigned for taking the Ship called the *Great Mahomet*, and seizing the Goods to a considerable value, to which they pleaded Not Guilty.

Rob. Culliford, Churchil, Howe, and Molins, were again indicted for another Ship taken piratically by them, to which they pleaded Not Guilty.

Rob. Culliford and *Rob. Hickman* were again arraigned for piratically seizing another Ship called the *Satisfaction*, to which they pleaded Not Guilty.

Rob. Culliford and *Rob. Hickman* were again indicted for Piracy committed on a *Moorish* Ship, to which they pleaded Not Guilty.

Then the Court proceeding to the Tryals of the Persons forementioned, *Rob. Culliford* retracted his Plea, and pleaded Guilty, and argued his coming in upon his Majesty's Proclamation; and his Case being particular, was argued by his Council, for the Benefit of his Majesty's Pardon. And *Churchil, Howe, Molins,* and *Hickman,* likewise pleading Guilty; *John Eldridge* was tried by himself, and found Guilty.

After the Tryals were over, Judgment against *Culliford* was respited, and he set aside; the other Prisoners were called to the Bar in order to receive their Sentence as follows:

Clerk of Arr. Will. Kid, Hold up thy Hand, (which he did) What canst thou say for thy self? Thou hast been indicted for several Piracies and Robberies, and Murder, and hereupon hast been convicted; What hast thou to say for thy self, why thou shouldst not die according to Law?

Will. Kid, I have nothing to say, but that I have been sworn against by perjured and wicked People.

Clerk of Arr. Nich. Churchil, hold up thy hand, What hast thou to say, &c?

N. Churchil, I came in upon his Majesty's Proclamation.

Clerk of Arr. James Howe, What hast thou to say, &c?

J. Howe, I came in upon the King's gracious Proclamation, and hope I shall receive the Benefit thereof.

Clerk of Arr. Gabriel Loff, What hast thou to say, &c?

Clerk of Arr. Hugh Parrot, What hast thou to say, &c?

H. Parrot, I came and surrendered my self to my Lord *Bellamont*.

Clerk of Arr. Gabriel Owens, What hast thou to say?

Gabriel Owens, I came in by his Majesty's Proclamation, and desire the benefit of it.

Clerk of Arr. Darby Molins, What hast thou to say?

Darby Molins, I came home upon the King's gracious Proclamation.

Clerk of Arr. John Eldridge, What hast thou to say, &c.

J. Eldrige, I have but little to say, I am accused but for one thing, and that is all, and I have been falsely accused; I cast my self on your Lordships and the Honourable Bench.

Clerk of Arr. Robert Hickman, What hast thou to say, &c?

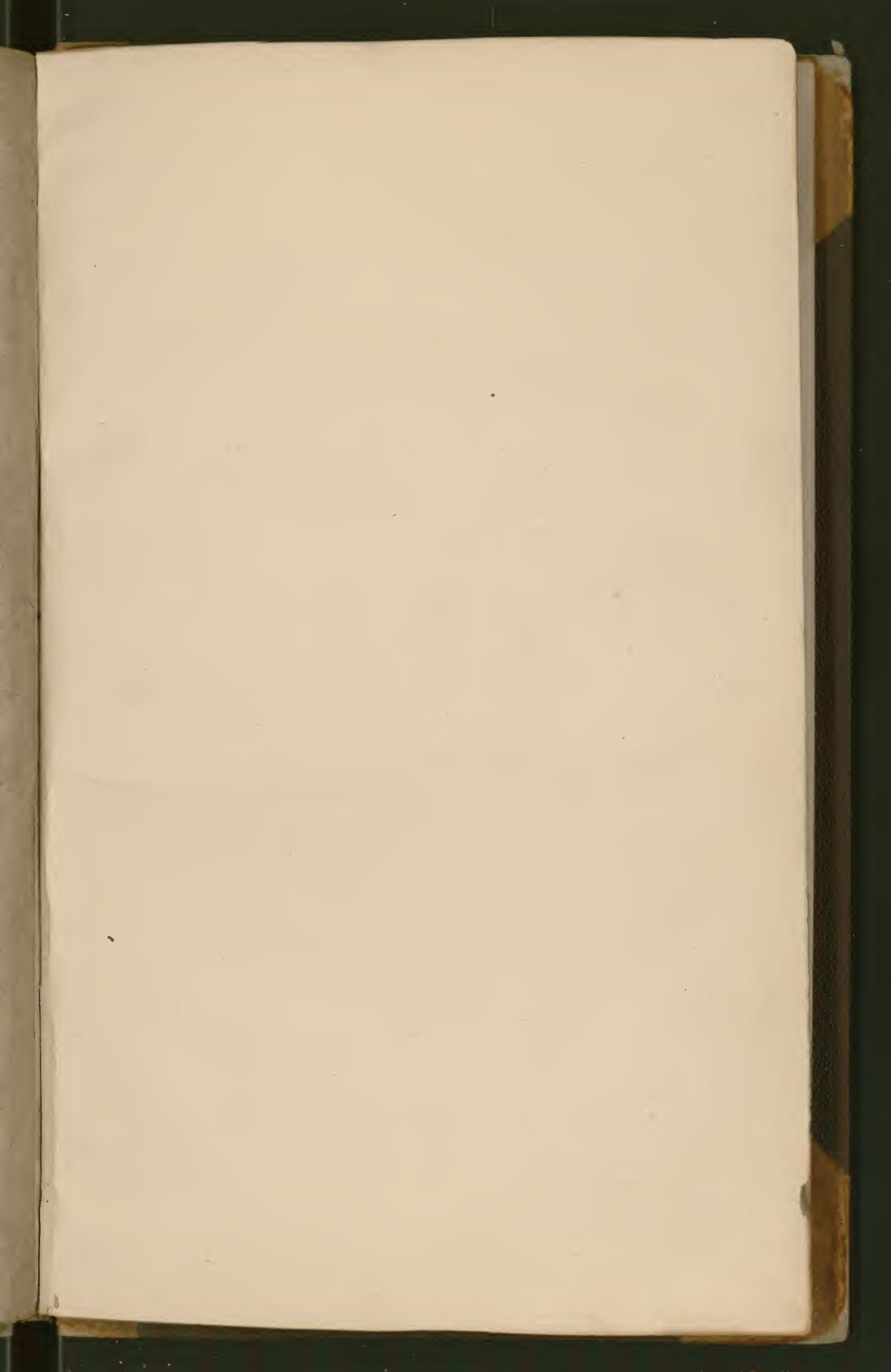
Robert Hickman, I came in according to the King's Proclamation, I came in within the time limited.

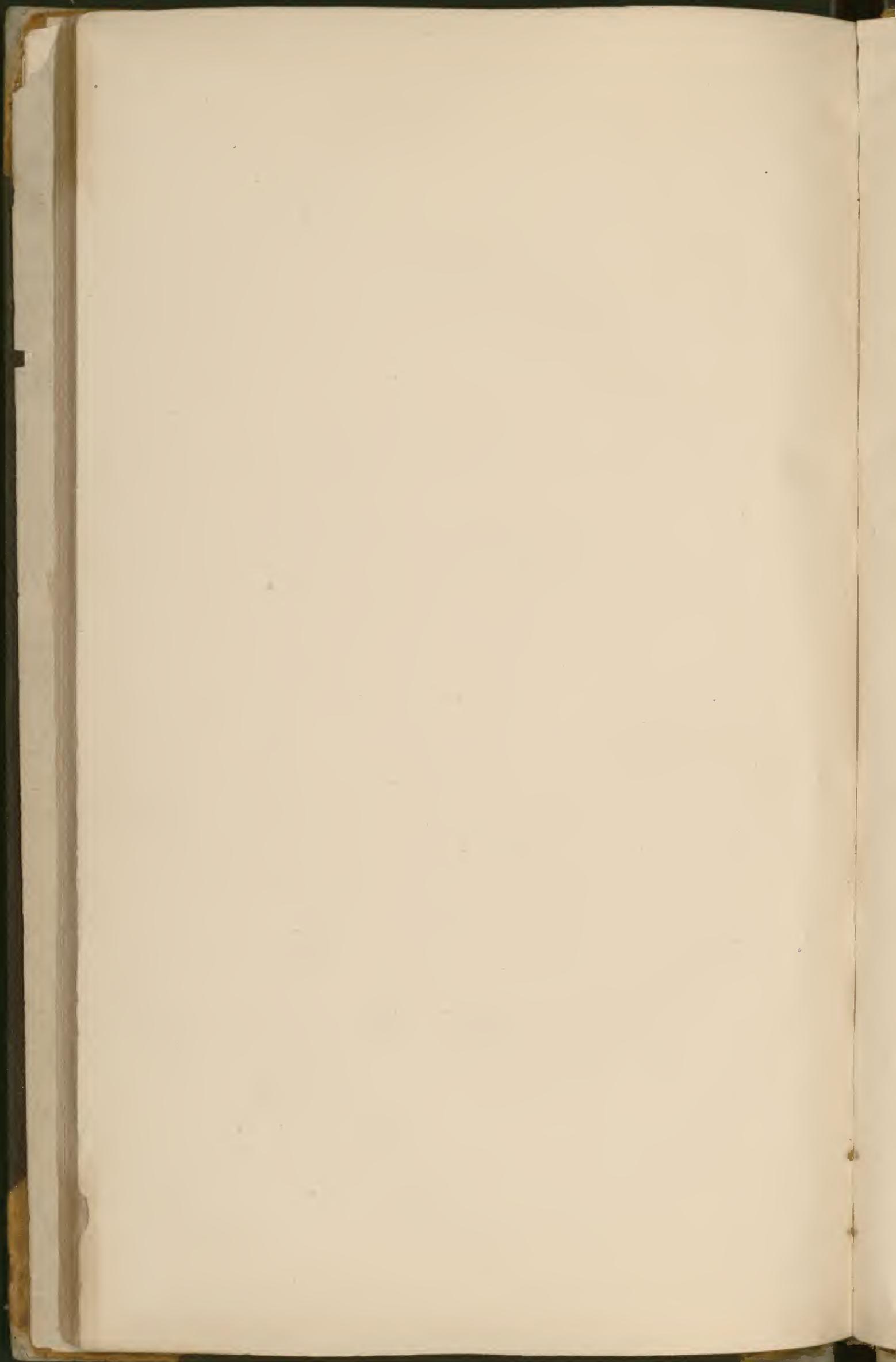
Then Proclamation for Silence was made, while Sentence was pronouncing.

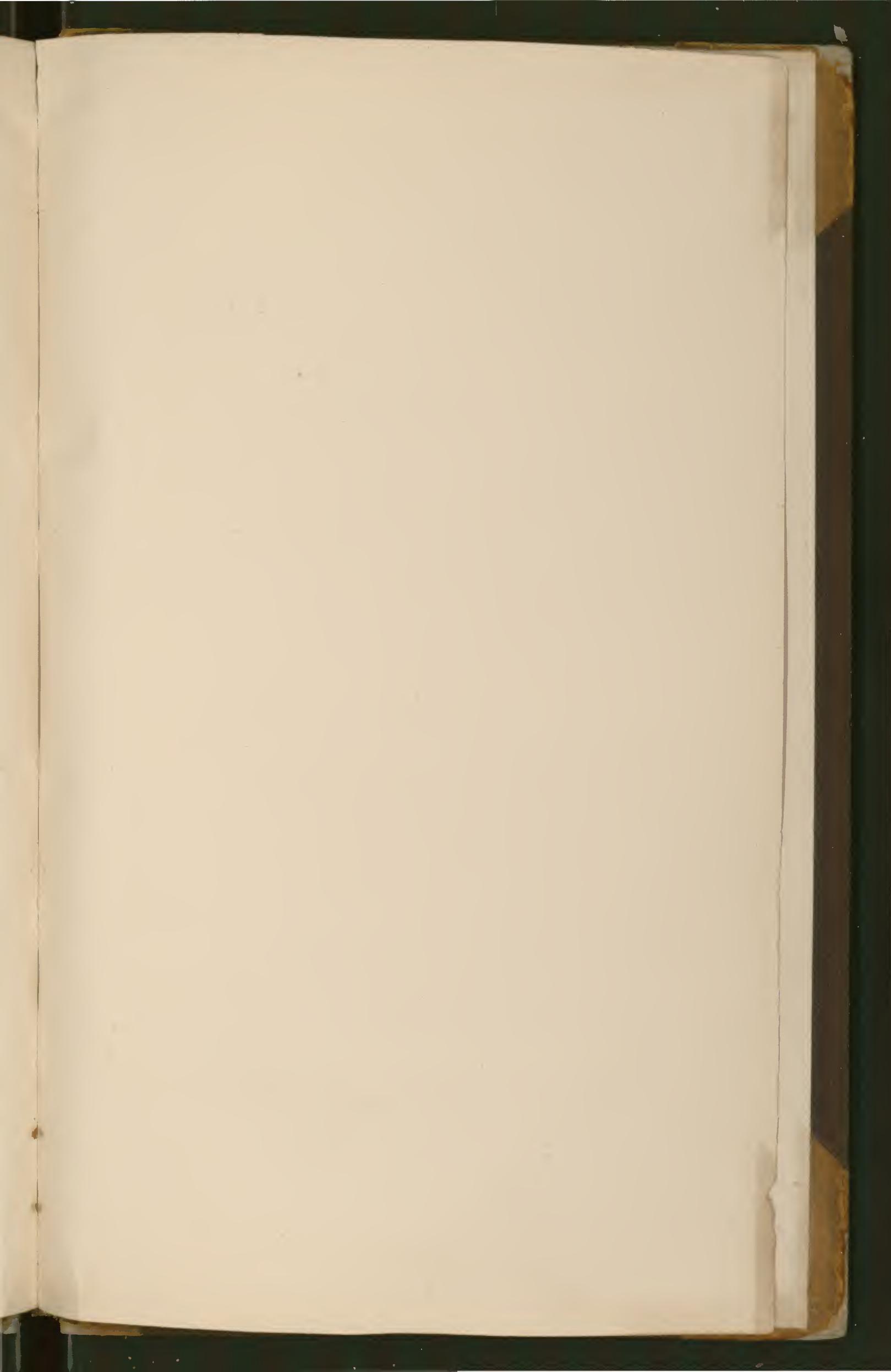
Dr. Oxenden, You the Prisoners at the Bar, *Will. Kid, N. Churchil, J. Howe, Gabriel Loff, Hugh Parrot, Abel Owens, Darby Molins, Rob. Hickman,* and *J. Eldrige*; you have been severally indicted for several Piracies and Robberies, and you *Will. Kid* of Murder. You have been tryed by the Law of the Land, and convicted; and nothing now remains, but that Sentence be passed according to the Law. And the Sentence of the Law is this,

You shall be taken from the Place where you are, and be carried to the Place from whence you came, and from thence to the Place of Execution, and there be severally hanged by your Necks until you be dead. And the Lord have Mercy on your Souls.

Will. Kid, My Lord, It is a very hard Sentence. For my part, I am the innocentest Person of them all, only I have been sworn against by perjured Persons.







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