

Old Bailey Proceedings Online (www.oldbaileyonline.org, version 7.2, 17 February 2016), November 1841, trial of LEVI THOMAS WILLIAM M'CLIVE (t18411129-297).

LEVI THOMAS, WILLIAM M'CLIVE, Miscellaneous > piracy, 29th November 1841.

297. LEVI THOMAS and WILLIAM M'CLIVE were indicted for feloniously and piratically stealing, on the 13th of May, upon the high seas, within the jurisdiction of the Admiralty of England, 1 boat, value 19*l.*; 3 oars, value 1*l.* 4*s.*; 1 sail, value 2*l.* 10*s.*; 1 cask, value 1*l.* 6*s.*; 20 fathom of rope, value 15*s.*; the goods of John Temperley and others: 1 watch, value 1*l.*, the goods of Samuel Jefferson: 2 shirts, value 10*s.*; 2 woollen shirts, value 12*s.*; 1 jacket, value 1*l.*; and 2 pairs of trowsers, value 2*l.* 12*s.*; the goods of John Buurmester.

MR. BODKIN *conducted the Prosecution.*

SAMUEL JEFFERSON . I was mate on hoard the barque *Jane*, which laid off a port of Mexico, in May lastâ€‘she was an English vessel, and had sailed from Liverpoolâ€‘the prisoners both belonged to the shipâ€‘one of the seamen gave me information in May last, in consequence of which I looked about and missed a boat, and four men of the vessel were goneâ€‘the prisoners are two of themâ€‘I also missed some oars, a top-gal-lant studding sail, a cask, my own watch, and some clothes belonging to two seamenâ€‘I had been on deck myself till eleven o'clock the night before, and left the prisoner Thomas on deck in charge of the watchâ€‘the other prisoner was belowâ€‘the master of the vessel had been on shore some daysâ€‘the captain made a communication to the English consul of what had occurredâ€‘I am sure the prisoners are two of the men.

Thomas. Q. You gave the watch in my charge when you went below? *A.* Yes, I was in the habit of doing itâ€‘it was a small silver watch.

COURT. *Q.* Who had charge of the vessel in your absence? *A.* He had during the two hours of his watchâ€‘I have seen it safe sinceâ€‘(*produced*) â€‘this is it.

M'Clive. We did not steal any clothing from the vessel, it is a mistake. *Witness.* Two of the men complained of losing their clothes.

JOHN BUURMESTER . I was a seaman on board the barque *Jane*â€‘I remember when she laid off the portâ€‘I was on deck about nine o'clockâ€‘Thomas came up to me and said, "You are a dead man"â€‘in consequence of that I went belowâ€‘I went up on deck again about three o'clock in the morningâ€‘four men were then gone from the vesselâ€‘the prisoners are two of themâ€‘the boat and sails, cask and other things were gone from the vessel, which were on board when I went belowâ€‘the boat was on board, lying aft, when Thomas said, "You are a dead man"â€‘I missed a jacket, waistcoat, two pairs of trowsers, and four shirts, of my own.

Thomas. Q. Did you see me take anything belonging to the ship? *A.* Noâ€‘it was not Jackson that told me if I did not go down I should be a dead man.

M'Clive. Q. You did not see me take any of your clothes? *A.* Noâ€‘Jackson was one of the four men that went.

JOHN TEMPERLEY . I was master of the barque *Jane*, and am part owner of her with othersâ€‘the value of my property taken from the vessel is about 40*l.*â€‘the boat was worth nineteen guineasâ€‘I have not recovered any part of itâ€‘I was on shore at the timeâ€‘the vessel was sixteen miles

from shore, on the high seasâ€”in consequence of a communication from the Admiralty, I went to Cork, and found the two prisoners in custodyâ€”I saw this watch thereâ€”it was given to Roe by the Cork constable.

JOHN ROE . I am an officer. The watch was handed to me by the Cork officer at Guildhallâ€”I was not at Corkâ€”the officer is not here.

Thomas's Defence. I was taken from the ship into the boat in consequence of being in liquor; the apprentice had given me liquor, and I did not know where I was till next day; I laid in the bottom of the boat all night, till next day, when I told Jackson I wished to be put on board my ship again; he said it was impossible; I was landed on the Spanish main, and when I got back, the ship was gone; I delivered myself up to the Spanish Consul, and said I had the mate's watch, and delivered it up. I knew nothing of its being taken from the ship till next day.

JOHN TEMPERLEY *re-examined.* I first heard of them about the 18th of Mayâ€”the boat was taken between the 11th and 16thâ€”I heard nothing of them till they got to Cork, but they were arrested by the Consulâ€”Jackson was also arrested, and broke out of prison.

Q. Was there any allowance on board to make him intoxicated? *A.* The only complaint in the ship was for the want of that allowanceâ€”I do not know how the prisoners were taken.

SAMUEL JEFFERSON *re-examined.* Thomas was perfectly sober at eleven o'clock at night, and there was no means of his getting any thing after-wardsâ€”Jackson was not so powerful a man as Thomasâ€”he had been sick with ague.

Thomas. I had one bottle of brandy, and one of rum given me by Williams and a boy on board besides, they had some gin in a bowl three parts full.

THOMASâ€” GUILTY . Aged 22.

M'CLIVEâ€” GUILTY . Aged 21.

Confined Twelve Months.