

THE PROCEEDINGS

AT THE

SESSIONS of Oyer and Terminer and Goal-Delivery, for the Admiralty of *England*, held at Justice-Hall in the *Old-Bailey*, before the Right Worshipful Sir HENRY PENRICE, Knt. the Hon. Mr. Baron FORTESCUE, and others his Majesty's Justices of Oyer and Terminer and Goal-Delivery for the Admiralty aforesaid.

THE Court being sat, Proclamation was made for Silence, and his Majesty's Commission for holding the said Sessions was read; then the Names of the Persons summoned to appear on the Grand Jury being called over, the following Gentlemen were sworn.

Samuel Newey, Foreman.

*Edmond Bick,
Theophilus Perkins,
Thomas Warren,
William Davey,
William Head,
William Staples,
Thomas Walker,
James Collier,
Robert Burchall,*

*Richard Moya,
John Cotterel,
William Norton,
Robert Bishop,
Richard Chambers,
Thomas Palmer,
Richard Fenton,
Edward Holloway,
Jonathan Casseldine.*

Then the Judge gave an excellent and learned Charge to the Grand Jury, after which they retired for a little while, and returning into Court, found a *True Bill* against *Richard Coyle*, *John Richardson*, *Caleb Larson*, and *John Davison*, for Felony and Piracy. As likewise,

A *True Bill* against *Richard Coyle*, *John Richardson*, *Caleb Larson*, and *John Davison*, for Felony and Murder.

Richardson, *Larson*, and *Davison*, not being taken, *Richard Coyle* was arraigned alone on the two Indictments.

The Jury sworn for this Sessions, were as follows:—

*John Wilkins,
Thomas Stevenson,
Edward Sanderson,
John Robey,
William Laws,
Daniel Cotterel,*

*John Broomer,
John Lateward,
John Bradshaw,
Samuel Row,
Thomas Fludger,
Isaac Medway.*

James Thomason was sworn the second Day in the Room of *Thomas Stevenson*.

Clerk of Arraignment. **Richard Coyle**, hold up your Hand. Gentlemen of the Jury, look upon the Prisoner, and hearken to his Cause.

He stands indicted by the Name of *Richard Coyle*, late of *London*, Mariner, for that he, together with *John Richardson*, *Caleb Larson*, and *John Davison*, not having God before their Eyes, but being moved and seduced by the Instigation of the Devil, on the 26th of *August*, in the Ninth Year of his present Majesty's Reign, he, the said *Richard Coyle*, with the aforesaid *Richardson*, *Larson*, and *Davison*, being Mariners in the *St. John Pink*, whereof one *Benjamin Hartley*, a Subject of our Lord the King, was Master, with Force and Arms, on the High Seas, 20 Leagues distant from *Padras* in *Turkey*, and within the Jurisdiction of the Admiralty of *England*, in and upon the said *Benjamin Hartley*, being in the said Ship, and in the Peace of God and our Lord the King,

King, feloniously, wilfully, and of their Malice aforethought, did make an Assault, and that the Defendant *Richardson*, with both his Hands, him, the said *Hartley*, on the Side of the said Ship, towards the Sea, and on the High Seas as aforesaid, did lift and throw; and the said *Hartley* then and there laying hold of the *Lanterns* of the *Sunons*, to preserve himself from falling into the Sea; he, the said *Richardson*, with an Axe which he held in his Right Hand, him, the said *Hartley*, holding by the *Lanterns* as aforesaid, on the Top of the Head did divers Times, feloniously, wilfully, and of his Malice aforethought, strike, by Reason of which striking, the said *Hartley*, fell from his Holding, and fell into the Sea, and in the Waters he was suffocated and drowned, of which Suffocating and Drowning, he then and there died. And the Indictment charges, that they, the said *Richard Coyle*, with the aforesaid *Larson* and *Davison*, at the Time of committing the said Murder, were present, aiding, abetting, assisting, and comforting, the said *Richardson*, him the said *Hartley*, feloniously, wilfully, and of his Malice aforethought, to kill and murder: And so the Indictment charges, that the Defendants, *Richardson*, *Coyle*, *Larson*, and *Davison*, him the said *Hartley*, feloniously, &c. did kill and murder, against the Peace of our Sovereign Lord the King, his Crown and Dignity.

To this Indictment the Prisoner pleaded, Not guilty.

Clerk. *Richard Coyle*, stands a second Time Indicted, for that he, together with *John Richardson*, *Caleb Larson*, and *John Davison*, on the 26th of *August*, in the Ninth Year of his present Majesty's Reign, with Force and Arms, on the High Seas, and within the Jurisdiction of the Admiralty of *England*, twenty Leagues distant from *Padras*; they being then Mariners in the *St. John Pink*, belonging to Subjects of our Lord the King, to the Jurors unknown, and whereof *Benjamin Hartley* was Master, feloniously and piratically did endeavour to make, and did procure and cause to be made a Revolt in the said Ship, the said *Hartley* being then Master, against the Form of the Statute, in that Case made and provided, and against the Peace of our Sovereign Lord the King, &c. And the Indictment farther charges, that the Defendant *Richard Coyle*, together with *John Richardson*, *Caleb Larson*, and *John Davison*, on the 26th of *August*, then being Subjects of our Lord the King, and Mariners in the *St. John Pink*, belonging to Persons unknown to the Jurors, on the high Seas as aforesaid, and within the Jurisdiction afore-

said, 20 Leagues distant from *Padras* in *Turkey*, and in the said Ship whereof the said *Hartley* was Master, did betray the Trust reposed in them as Mariners, and with Force and Arms did turn Pirates, and the said Ship, with Tackle and Furniture, value 200 *l.* and four Cloth Coats, and two Cloot Waddons, one Velvet Waistcoat, two Silk Waistcoats, three white Waistcoats, five pair of Cloth Breeches, three pair of Silk Breeches, a Silk Bunion, two Cotton Bunion, a pair of striped Linnen Breeches, two Coats, six Silk Handkerchiefs, twelve Linnen Stocks, thirty Linnen Shirts, three Woollen Coats, a pair of Linnen Sheets, two Linnen Table cloths, six Napkins, seven Pair of Silk Stockings, six Pair of Thread Stockings, four Pair of Worsted Stockings, two Hats, one Hat lac'd with Silver, a Velvet Bonnet, two Razors, one Silver hilted Sword, a Silver Watch, three large Silver Spoons, a Silver Tobacco-box, a Gold Ring, six Silver Tea-spoons, a Pair of Silver Tea-tongs, a small Kettle, a Stew-pan, two wooden Pails, six Pistols, four Cutlasses, and five-hundred Bushels of Wheat Corn, value 80 *l.* the Goods of *Benjamin Hartley*. And 1000 Bushels of Wheat Corn, value 160 *l.* the Goods of certain Subjects of our Lord the King, to the Jurors unknown, and being in the said Ship, and under the Care and Custody of the said *Hartley*, as Master, then and there on the high Seas, and within the Jurisdiction aforesaid, about the Distance of twenty Leagues from *Padras*, from the Care and Custody of the said *Hartley*, they did against his Will, feloniously and piratically, steal, take, and run away with: The said *Richard Coyle*, *John Richardson*, *Caleb Larson*, and *John Davison*, being then Mariners in, and on Board the said, against the Peace of our Sovereign Lord the King, his Crown and Dignity. On this Indictment the Prisoner hath been Arraign'd, and for his Trial hath put himself on God and his Country; whose Country you are: Your Charge is to enquire whether he be guilty or not guilty. If you find him Guilty, you are to enquire what Goods, Chattels, Lands and Tenements, he had at the Time of committing this Felony: If you find him not guilty, you are to enquire whether he fled for it; if you find he fled for it, you are to enquire of his Goods and Chattels as if you had found him Guilty; if you find he did not fly, say so, and no more, but hear ye Evidence.

First Indictment.

Counsel. My Lords, and you Gentlemen of the Jury; this is an Indictment against the Prisoner, *R. Coyle*, for Murder; the Indictment charges, th
Rick-

Richard Coyle, with John Richardson, Caleb Larson, and John Davison, not having God before their Eyes, &c on the 26th of August, in the Ninth Year of his Majesty's Reig., being Mariners in the St. John Pink, on Benjamin Hartley, the Master, did make an Assault, on the High Seas, and within the Jurisdiction of the Admiralty of England, and the Indictment sets forth, that John Richardson, did strike the said Hartley several Times on the Top of the Head with an Axe, which he held in his right Hand, by means of which striking, he fell into the Sea and was drowned, and that Richard Coyle, Caleb Larson, and John Davison, were present, aiding, abetting, assisting, and comforting the said Richardson, in the said Murder: We shall call our Witnesses and prove the Charge; then we doubt not but you'll find the Prisoner guilty.

Counsel. My Lords, and you Gentlemen of the Jury; the Prisoner at the Bar stands indicted on two Indictments; the First is, for the Murder of his Captain; the other is for Piracy. We shall proceed on the Murder first, and not meddle with the Piracy, till you have the Evidence on that Head, laid before you. The Case will come out thus,—— This Ship, the St. John Pink, belonged to Yarmouth, and one Benjamin Hartley was Master. In January 1733, this Ship went from Yarmouth to Leghorn, laden with Herrings; when she arrived at Leghorn, she was employed to trade from Port to Port in the Mediterranean. On the 25th of August 1735 the Master of this Ship, departed from Padras in Turkey, laden with Corn, and bound for Leghorn. The Ships Company was the Prisoner Coyle, Larson, a Dutchman, Richardson the Carpenter, and Davison the Cook; four Mariners besides the Master. There was also three Apprentices to the Master, then on Board, Philip Wallis, William Durrant, and William Metcalf. The Day after the Ship sailed from Padras, about two in the Morning, the Apprentices Wallis and Durrant, were asleep, or laid down in a Place call'd the Cable-Tree, a Place, I presume, where the Cables are deposited; they hearing a Shriek, and a great Noise went up on Deck, and there they saw the Master, in the Fore-shoulds of the Ship, endeavouring to avoid the Danger that threaten'd him, and begging his Life. I would aggravate a Case of this Nature, but will leave the Captain's Expressions to come before you from the Witnesses. They had at this Time a Blunder-buss among them, and they endeavoured to shoot him with it, but (I think) it missed firing. After this, the Prisoner at the Bar, as we apprehend, took hold of the Captain to throw him over-board

into the Sea, but he holding by the Laniards (a Part of the Ship which will be explained to you) the Prisoner took up a Hen-coop Trough, and struck him with it, in order to beat him off, into the Sea, but his Blows had not the wish'd for Effect. The Captain held fast, and did not fall into the Sea, so another of the Confederates, which we have not yet got, the Carpenter Richardson, he struck him on the Head with an Axe, and his Blows were so effectual, that the Captain fell off, into the Sea and was drowned. The Fact is attended with such aggravated Circumstances of Cruelty, that I must leave the rest, to come from the Witnesses themselves. After they had committed this Murder, they ran away with the Ship, but as this more properly belongs to the Piracy, for which the Prisoner is likewise indicted, I shall only mention the Manner in which they were taken.

The Prisoner at the Bar, after the Captain was murdered, took upon him the Command of the Ship, and wanting fresh Provision, about fifteen Days afterwards they came to Forinians, an Island belonging to the Crown of Spain, and here, tho' they wanted Provision, yet, being sensible of their Guilt, they were afraid to go on Shore, but sent Messengers ashore to and fro in the Night, and one Night while the rest were asleep, the Apprentices, who were not so materially concerned, took an Opportunity of getting ashore, and gave Information to the Magistrates, of the Fact which had been committed: The Crew remaining on board, finding the Boys were gone on Shore, thought it best for them to run away, so they all quitted the Ship, and shifted from Place to Place, till at last the Prisoner was taken at Tunis, and was brought hither. The Matter for your Consideration will lye in a narrow Compass, so I shall take up no more of your Time, but shall only call our Witnesses.

Philip Wallis was call'd and sworn.

Counsel. Do you know the St. John Pink?

Wallis. Yes, I belonged to her 5 Years.

Counsel. Was you on board this Vessel in Jan. 1733?

Wallis. Yes, I was the Captain's Servant.

Counsel. Was there any other Person in the same Condition with yourself? Was there any other Servants?

Wallis. There was one William Durrant came a Twelvemonth afterwards, and after that, William Metcalf; they were on board in August 1735.

Counsel.

Ma
his.
C
boa
I
some
the
the
he
C
dras
W
the
173
of 1
two,
noth
Dec
down
he g
went
the I
what
Co
W
Capt
Ship
and c
Cou
W
he m
this,
Carpe
gainst
imme
Capta
Capta
and c
him.
-Cou
Hand
Wa
and r
Capta
for God
none of
man a
and the
he pu
but Ri
G—
with h
-Coun
was on

Counsel. Where was the Ship then?

Wallis. The Ship was at *Padras* when the Murder was committed, and *Padras* is in the *Morea*.

Counsel. How many Persons were then on board?

Wallis. There was the Captain and the Prisoner at the Bar, he was Mate, and *Richardson* the Carpenter, and a *Spaniard*, and *John Davison* the Cook, and one *Caleb Larson*, a Foremast-Man, he was a *Dutchman*.

Counsel. What Time did you sail from *Padras*?

Wallis. On Monday in the Forenoon (twas the 26th of August to the best of my Knowledge, 1735.) The Morning of that Day we came out of the Harbour, and that Night between one and two, they began to murder the Captain; I heard nothing of it till the Captain came up upon Deck, and then I saw the *Dutchman Larson*, jump down and hand up two Blunderbusses, on of them he gave to the Prisoner, and he (the Prisoner) went towards the Captain, who was then upon the Fore-Shrouds, crying out,——dear Mr. Coyle, what are you against me?

Counsel. And what did the Prisoner say?

Wallis. He said, yes, he was, and told the Captain it was a Thing consulted among all the Ship's Company, and that over-board he must go, and over-board he should go.

Counsel. Repeat that again.

Wallis. He told the Captain, that over-board he must go, and over-board he should go. After this, the Captain called out to *Richardson* the Carpenter,——my dear Carpenter, are you against me too? No Sir, says he, I am not, and immediately he and the *Dutchman* followed the Captain up the Shrouds into the Fore-top; the Captain ran up the Shrouds into the Fore-top, and the *Dutchman* and the Carpenter followed him.

Counsel. Had they any Weapons in their Hands?

Wallis. The Carpenter had a Broad Axe, and the *Dutchman* had a Blunderbuss. The Captain cry'd out to them, *For Christ's Sake,——for God Almighty's Sake spare my Life! I will hurt none of you, if you'll spare my Life!* The *Dutchman* asked him, whether he would forgive him? and the Capt. said, yes, if you'll spare my Life, and he put out his Hand to shake Hands with him, but *Richardson*, who followed the *Dutchman*, said, G——d d——n you, if you offer to shake Hands with him, I'll chop your Hands off.

Counsel. This was all said while the Captain was on the Fore-top, was it not?

Wallis. Yes, and he begg'd there that they would save his Life; he begg'd for God Almighty's Sake that they would spare his Life, and he promised not to hurt any of them, but would forgive them if they'd but spare his Life.

Counsel. Where was the Prisoner at this Time?

Wallis. He was below with a Blunderbuss, and said nothing at all just then: But *Richardson* told the *Dutchman*, if he offer'd to shake Hands with the Captain, he would cleave (cleave) him down the Head. Then the Captain begg'd again, that they would remember his Wife and Family, and the Prisoner call'd out and said, G——d d——n you why don't you fetch him down? Why do you stand talking to him? As we have begun, we must go through with it. After this, the Captain finding they were resolv'd to kill him, he begg'd for 4 Hours Liberty, by himself, but *Richardson* bid him come down, and swore if he did not come down, he would cleave him down. At last he came down by one of the Back Stays,——he slipp'd down by it; and as he was sliding down by it, Coyle the Prisoner snapp'd a Blunderbuss at him, but it miss'd Fire; then the Captain jumped down, and got it out of his Hands, and intended to throw it over-board, but it struck against the Fore-sheer, and one of my Fellow-Servants kick'd it overboard with his Foot: The Captain had not Power to heave the Blunderbuss clear of the Ropes, so it fell down, and my Fellow-Servant kick'd it into the Sea.

Counsel. What follow'd upon this?

Wallis. Then the Captain got from them to the Fore-mast, and Coyle and the other two got hold of him and flung him over the Gang-way, but he catch'd hold of the Lanniards of the Main Shrouds, and cry'd out to us, Boys, Boys, can't you do something for me! We said we could not; one of my Fellow-Servants got hold of me and said, Let us save the Captain's Life; but they said they would knock us down if we offer'd to stir. Then the Carpenter got hold of an Axe, and knock'd his Brains out. The Prisoner took up the Chicken Trough to strike him with, but I cannot say I saw him strike; tho' he was close by when *Richardson* knock'd the Captain into the Sea with his broad Axe.

Counsel. What did the Prisoner say at this Time?

Wallis. I don't remember, in particular, what he said. After this, they came to us, and asked us what we cry'd for; and they told us, if we would be content, and go with them, they would not hurt a Hair of our Heads. Then *Richardson* the Carpenter went after the *Spaniard*, who was all this while at the Helm of the Ship, and he

said to him, — d——n you, why did not you come and assist us—— The *Spaniard's* Name is *John Davison*; he told them he was minding the *Prisoner*——he was looking after that.

Counsel. What did *Richardson* say to that?

Wallis. He said, — D——n you, and the Ship, you might have let the Ship have gone to Hell, and have come and assisted us.

Counsel. Was the Ship under Sail at that Time?

Wallis. Yes; and went after the Rate of two or three Miles an Hour, with a small Breeze of Wind.

Counsel. When they had kill'd the Captain, what follow'd?

Wallis. After that they went down into the Captain's Cabbin, and broke open his Scrutons.

Counsel. Who did?

Wallis. *Richardson* broke it open, and what Things they found they put by themselves together: There was no Money on Board: Then they loaded all the Arms in the Ship.

Counsel. What did they do that for?

Wallis. *Coyle* and the *Dutchman* would have them down to load them, because, they said, they could not tell who they had to trust to.

Counsel. After the Death of the Captain, where did you sail to?

Wallis. The first Land we made, afterwards, was the Island of *Malta*; but before they went to Land, they made Articles, and *Richard Coyle* the *Prisoner* was made Captain; *Richardson* went for Mate, and *Larson* the *Dutchman* for Boatswain. Then they came to us, and wanted us to sign the Articles, but we were not willing; so, upon our refusing, they would not go to Land, but *Coyle* cry'd out, if they won't,——then bear away Boys, we'll remember them another Time; we'll give them nothing but Bread and Water, and serve them worse than the Captain was serv'd. This he said to me and my Fellow-Servants.

Counsel. Where did you go when you left the Coast of *Malta*?

Wallis. We put into *Foviniato*. We wanted Water, they said; but we had Water enough on Board: Indeed they wanted fresh Provision and Liquors. At *Foviniato* they could get nothing but Water; so when they came off the Island in the Boat, they let it lie a-stern of the Ship, and the next Night I and my Fellow-Servants, and a Greek, Four of us in all, got into the Boat, and went a-shore. This was about Midnight, when they were all fast asleep. They miss'd us about an Hour an half after we were gone, and they haul'd out the Long-Boat, and went off in her

from the Ship. The next Morning the Governor sent us aboard again, with 13 Soldiers, but the *Prisoner* and his Companions had left her, and were gone.

Counsel. What became of the Vessel?

Wallis. She was sent to *Trepary*, where there was an *English* Consul, and there we perform'd Quarentine.

Counsel. Where about is *Foviniato*?

Wallis. *Foviniato* is near *Trepary*, and that is not far from the Island of *Sicily*. When our Quarentine was out, I was sent to *Leghorn*, and from thence to *Lisbon*, and so to *England*. I never saw the *Prisoner* after he left the Ship, 'till I saw him at *Lisbon* on board the *Princess Louisa*, in which Ship he was to be brought home.

Counsel. Who do you say was made Master?

Wallis. The *Prisoner* was made Captain; *Richardson* the Carpenter went for Mate, and *Larson* the *Dutchman* was Boatswain.

2. When the Captain call'd upon you for Help, what did the *Prisoner* say to you?

Wallis. I don't remember what he said to us.

2. When the *Prisoner* took up the Chicken-Trough, what did he do with it?

Wallis. He was going to knock the Captain on the Head with it.

Counsel. You say when the Captain was coming down the Shrouds, the *Prisoner* snapp'd a Blunderbuss at him; was it loaded or not?

Wallis. Yes, it was loaded; there were three of them loaded, and lay under his Cabbin.

Counsel. Did you see the *Prisoner* attempt to throw the Captain over-board?

Wallis. He lent a Hand, but I did not see him strike him.

Counsel. Are you sure the Blunderbuss was loaded?

Wallis. Yes, I saw them loaded two or three Days before.

2. When the Captain was struck from the Laniards into the Sea, did he sink presently?

Wallis. Yes, he sunk down directly.

Prisoner. I would ask that Witness, whether the Captain and I had an angry Word together all the Voyage? And whether I was not a particular Favourite of the Captain's.

Wallis. The *Prisoner* had some Words with the Captain a few Days before we came out of the Harbour, at *Padras*.

Prisoner. At *Ancone* the Captain paid us all our Wages, and he was so kind to me, that he asked me if I wanted Money; and I told him, I should not have Occasion for any till I came to

Leghorn.

Loghorn. I acknowledge I snapp'd the Blunderbuss, but not with a Design to kill him.

Counsel. Who loaded the Blunderbuss?

Wallis. The Prisoner loaded every one of them himself.

Counsel. Call *Richard Durrant*. Who was sworn.

Durrant. I was on board this *Pink* in the Year 35 at *Padras*.

Counsel. Who was on board at that Time?

Durrant. The Prisoner, who was the Captain's Mate, *John Richardson* the Carpenter, and *Larson* the Boatswain, and *Davison* the Cook, and us three Servants, *Wallis*, *Jetcasse*, and myself.

Counsel. When did you sail from *Padras*?

Durrant. On a Monday Morning, about Ten o'Clock in the Forenoon.

Counsel. What happen'd after you came from *Padras*?

Durrant. About Two o'Clock in the Morning, the Captain went to sleep; *Wallis* and I lay down in the Cable-Teer. We were waked with a Noise, and I asked *Wallis* what was the Matter? He said he heard a shrieking upon Deck; so we ran up to go upon Deck, but I saw *Coyle* with something in his Hand, and was afraid to venture farther. I saw them running after the Captain, and he was endeavouring to avoid them: upon this, we went upon Deck, and I saw the Captain upon the Fore-top, begging and praying for his Life. There were the Carpenter *Richardson*, and *Larson* the Boatswain going up the Shrouds after him, and the Prisoner stood at the Bottom with a Blunderbuss in his Hand. The Captain was some Minutes on the Fore-top, and he called out to shake Hands with them; but the Carpenter said, by G—d if you offer to shake Hands with him, I'll cleave you down with the Axe.

Counsel. What Words did the Captain use?

Durrant. He begg'd of them for God Almighty's Sake to remember his Wife and Family. As he came down, the Prisoner, who stood upon Deck with a Blunderbuss, snapp'd it at him, but it did not go off.

Counsel. What happen'd afterwards?

Durrant. The Captain haul'd the Blunderbuss out of the Prisoner's Hand, and threw it, as if he intended to throw it over-board, but it struck against the Tackle and fell into the Ship, and my Fellow-Servant kick'd it over-board with his Foot. After this, the Captain got to the middle of the Ship, and the Prisoner and all the rest

took hold of him, and they hove (leaved) him over the rough Tree, but the Captain caught hold of the Laniards, and held fast; then the Prisoner took up the chicken Trough and struck him, as he hung, several Blows with it over the Head.

Counsel. Are you sure you saw the Prisoner struck him with the chicken Trough?

Durrant. Yes, I did; and they found that would not do, so the Carpenter with his Axe struck him several Times upon the Head, and then he let go his hold, and dropp'd over Board and was drown'd immediately. We expected they would kill us too.

Counsel. What did they say to you?

Durrant. They bid us not cry, they would not hurt us, and this, and that—and to'her. Then they went down into his Cabin, and looked over his Cloaths, and got all his Papers together, and burnt every one of them. The next Day, they shar'd his Cloaths, and every one had his Part. The Prisoner had his Part, *Richardson* and *Davison* had theirs, and *Larson* stood upon the Ladder and cry'd—Who shall have this?—Who shall have this?—After this we made the Island of *Malta*, and they had a Mind to go in there for Provision, but were afraid.

Counsel. What happen'd next?

Durrant. The next Thing they did, was, they went down into the Cabin and drew a Paper, and they brought it to us to Sign; we refused, and *Richardson* told us, if we would not Sign it, we should go the same Way with the Captain: No, says the Prisoner, they shall not go the same Way, we'll Starve them to Death. After this, they talked of putting in at *Malta*, but they were afraid, so we made the Island of *Mauritius*, for they had Drank all the Wine out, and they wanted to put in somewhere for more, and this was a Place, where they need not perform any Quarentine, so we brought up to an Anchor that Night, and in the Morning, the Prisoner dress'd himself in the Captain's Cloths, and was row'd ashore in the Yawl, by two Hands. We were kept aboard all that Day, and at Night, *Larson* and *Davison* were upon Guard upon Deck, one of them with two Pistols, and the other with a drawn Sword, to prevent our getting ashore. After this we came to *Fociniano*, and one Night finding them asleep, we haul'd the Yawl to, and my Fellow-Servants got in; I heaved the Oars over board, and then got in myself; we row'd ashore directly and acquainted the Governor; we desired they would go off directly and take them, but they said they had no Orders: That Night we lay on Shore, and next Morning when we went on Board, the Prisoner and

the rest of them, were gone off in the Long-boat.

Council. Was the Blunderbus that the Prisoner snapp'd at the Captain, loaded, or not?

Durrant. It was loaded; they were all loaded 3 or 4 Days before; I can't say certainly who loaded them, but I know they were all charged.

2. When the Carpenter gave him the Blows on the Head with the Axe, which beat him into the Sea, was he drowned?

Durrant. I never saw any Thing of him more; he sunk down directly. This was at *Fovimiano*.

3. Did you perform Quarentine there?

Durrant. No, at the Island of *Trepary*.

4. Who had the Command of the Ship, after the Captain's Death?

Durrant. The Prisoner.

Prisoner. I would ask him, whether I had any Animosity against the Captain?

Durrant. About two Days before we came from *Padras*, the Captain and he had some Words about a Townsman of his, who was at *Padras*. The Captain had told your Townsman, you was a drunken Fellow; he told you again, and you came aboard and rail'd at the Captain for it.

Council. Call *William Metcalf*. Who appeared and was sworn.

Metcalf. I was on board this *Pink* in *August*, 1735.

Council. Where was the Ship then?

Metcalf. At *Padras*.

Council. When did you Sail from thence?

Metcalf. On *Monday* the 26th of *August*, between 10 and 11 o'Clock.

Council. Who were on Board at that Time?

Metcalf. *Richard Coyle*, Mate; *John Richardson*, Carpenter, one *Larson* a Mariner, and *Davison* the Cook, and a *Greek* and 3 Apprentices; the Master, *Benjamin Hartley*, was on Board too.

Council. What do you know more of this Affair?

Metcalf. The next Morning, between one and two, they Murder'd the Captain.

Council. And where was you?

Metcalf. I was in the Fore-castle; this was between one and two, on *Tuesday* Morning. I heard the Captain cry out, and saw him afterwards running upon Deck, and then up the Shrouds, and the Prisoner followed him, with a Blunderbus in his Hands. The Capt. ran up, upon the fore Shrouds, and into the Topmast, and *Larson* and *Richardson* follow'd him to the Topmast.

Council. What did the Captain say to them?

Metcalf. He begg'd for God's sake,——for Christ's sake, they would spare his Life; and the Prisoner said,——Captain *Hartley*, you must go over-board.

Council. What was done next?

Metcalf. He begg'd of *Larson*, and said, Dear *Caleb*, shake Hands with me, and he reach'd out his Hand to him; but *Richardson* the Carpenter lifted up his Axe, and said, if you do, I'll clive your Brains out. Then the Captain came down to Leeward, and *Coyle* snapp'd the Blunderbus at him.

Council. Did you see him snapp the Blunderbus at him?

Metcalf. Yes; I stood just by him, and saw it; when the Captain found the Blunderbus did not go off, he run to him, and snatch'd it out of his Hands, and threw it from him, and I kick'd it into the Sea.

Council. Was the Blunderbus loaded?

Metcalf. Yes, they were charged on Account of the *Turkish* Pyrates on that Coast. After this, they took hold of the Captain.

Council. Who took hold of him?

Metcalf. *Larson* and *Richardson*; and they heav'd him over the Gang Way, but he caught hold of the Lanniards, and *Coyle* took up a Hen-coop Trough, and struck him 2 or 3 Blows on the Head and Shoulders; the Carpenter struck him too over the Head, with his broad Axe, and the last Words he spoke, were,——*I am a dead Man*, and so he dropt down immediately into the Sea; I looked over board, and saw him sink directly.

We begg'd the Prisoner to give us the Boat and let us go away, but he would not, and said, What are you afraid of, we won't hurt you; go along with us, if you go away, what shall we do with the Ship?

Council. Was the Ship under Sail?

Metcalf. Yes, 'twas going before the Wind, and we were making the Island of *Malta*; and when we lay of the Island, the Prisoner came to me, and asked me my Name; he said he could not spell it right: Then he went down and Articles were drawn, and he told me I must Sign them.

Council. What were the Articles?

Metcalf. I can't certainly tell what was in the Articles; but *Coyle* was filed Captain; *Richardson* was to be Mate; *Larson* was to be Boatwain, and *Davison* was to stand as before. *Coyle* took the Guidance of the Ship upon himself, as Master.

Council. What did they do at *Malta*?

Metcalf. They intended to go in; so they made us set our Hands to the Paper; but after we had Sign'd it, they were afraid to venture ashore there.

Council. Who were afraid?

Metcalf. *Coyle* and *Larson* were afraid to go in; and *Richardson* fell a D—ing and Cursing them, because they would not go in.

Council.

Council. So you signed the Paper.

Metcalf. The Carpenter told us, if we would not sign it, he would send us the same Way with the Captain. No, says the Prisoner, we'll keep the Ship out at Sea, as long as there's a bit of Beef, or a Drop of Water on Board, and we'll starve them; then we sign'd the Paper, and as soon as we had done it, the Prisoner and the Carpenter laugh'd, and said, now we are sure of you. Then we were coming down the *Streights*, and after we came between the Island of *Mauritimo* and Cape *Bonne*, we stood away to the North ward, and bore away for the Island of *Fovinianno*. They talk'd of going to *Trepany*, but *Coyle* said, 'twas better to go to *Fovinianno*, because there they were not so strict in their Quarentine. When we came to *Fovinianno*, we let out two Anchors, and the Governor in the Morning sent a Man on Board. The Prisoner dress'd himself in the Captain's Cloaths, and he pass'd for Captain, and we went on shore to sell some Corn, and purchase fresh Provisions; but they would take no Corn, and we had no Money, so they could get nothing but Water there. We were kept on Board all the Time, that the Prisoner was on shore; when he return'd to the Ship, he took the Captain's Watch and his silver Spoons, to see if the Governor would take them for Provision, and this Time *Davison* and *Richardson* and I, went with the Prisoner on shore, and we took some Casks with us and return'd with Water.

Council. And what happen'd next?

Metcalf. In the Night, when they were asleep, I went down and called my Fellow-Servants, and the Greek, and we got into the Yaul: *Durrant* said behind to slip the Oars over-board, for we were afraid to throw them into the Boat, for fear they should hear us; so we lay by, a little while, till the Oars drove to us, and then we row'd to shore. The Soldiers upon shore, charged us to keep off; but we begg'd for God's sake we might come on shore, and we told them our Captain was Murder'd: Upon this, they suffer'd us to land, and put us all into a Cave for that Night. When the Governor examin'd us, we desir'd 4 Hands to go on Board the Ship, lest they should cut the Cable, or sink the Ship; but after he had examin'd us, he went to his own House, and set 20 or 30 Soldiers over us in the Cave, and they told us they could see the People in the Ship, hauling the Boat a long side of her. We begg'd them to fire a Musket upon them, but they said, they could not Fire without Orders from the Governor; but when they got into the Boat, they Fired 20 or 30

Muskets upon them, but they got away; I saw them go off in the Boat, and never saw any of them since, 'till I saw the Prisoner here.

Q. When the Boat went away, who was it that Fired upon them?

Metcalf. The Spanish Soldiers that were upon Shore.

Q. How many of you went ashore in the Boat?

Metcalf. I and my two Fellow-Servants, and the Greek.

Prisoner. I would ask this Witness, whether I ever abused the Captain? Whether I ever had any Words with him, and whether I was not his Favourite?

Metcalf. No, I don't know that he abused the Captain all the Time of the Voyage; the only Time the Captain and he had Words, was at *Padras*; but (I think) they were Friends together after that.

Council. How long after these Words did the Captain live?

Metcalf. He was kill'd 2 or 3 Days afterward.

The Prisoner's Defence.

I have no one to appear for me, nor any Friend, therefore I hope you will hear me patiently. We sail'd from *Leghorn*, March 23^d. When we arriv'd at *Messina*, we took in Goods and went to a Bay near *Syracusa*: After that, when we came to Sail, the Captain had some Words with *Larson*, the Boatswain, about making fast the stopper of the Anchor; the Boatswain got hold of the Captain, and I turn'd my self about, and took him (the Boatswain) by the Collar, and said,——*Caleb*, What are you about to do Mischief? *Wallis*, one of the Boys said, D——n him, leave him over-board; but I released the Captain out of the Boatswain's Hands, and he went upon the Quarter-Deck. I said to *Caleb*, go after the Captain, and fall upon your Knees and beg his Pardon: Accordingly he did so, and the Captain forgave him: So we proceeded on our Voyage from thence to the *Mores*, and we landed some Passengers at *Solonica*; we were loaded with Tobacco, and were to go from thence to *Ancora*. I was offer'd a Ship, but the Captain perswaded me to stay with him; no better Agreement could be between two People, than between him and me; nor did I ever Eat or Drink worse than he himself. When we had made this Voyage, the Captain designed to come Home to *Falmouth* for *Pilchards*, upon which 2 Greeks we had a Board desired to be Discharged, he paid them their Wages, and ask'd me if I wanted Money; I told him, it would

more agreeable to me, on account of my Wife and Family, to take my Money at *Leghorn*. So the Captain paid the *Greeks* off and discharged them, and this *Richardson*, *Larson*, and the *Spaniard* came on board in their stead. We then sail'd for *Padras*, with Money on Board, which the Captain had receiv'd for Freight, and Money receiv'd at *Leghorn*. We took in a Cargo at *Leghorn*, and in the Time of loading there, this was express'd by these three young Gentlemen;—there was a fine Sloop come from *Venice* of 160 Tons, which the Carpenter and these Witnesses, and the *Spaniard*, and the *Greek* had agreed to cut away in the Night; I heard a great deal of their Villany;—but the Sloop sailing, they were disappointed in their Design. Then, we being loaded sail'd about 8 o'Clock in the Morning, the 11th of *August*. They took all my Papers, and suffer'd me to save nothing, but what I brought upon my Back out of the Ship. In the Night I went to watch from 8 to 12; they came to call me, so I went upon the Deck, and there I found the Carpenter, the Boatswain, and the *Spaniard*, I can't say where the Boys were, I believe they might be in the Steerage, but the Carpenter says to me,—*Coyle*, if you don't take this broad Axe in your Hand and stand at the Cabin Door, and if the Captain offers to come up, if you don't knock him on the Head I will cut you in Pieces. I said, pray don't do so; if you make a Word on't says he, I'll throw you over-board: So I thought best to take the Axe into my Hand, but when they were gone I threw it down again, and knew nothing of it till the Captain came running up upon Deck, and they follow'd him. I ran round and got upon the Quarter-Deck, then I saw the Captain on the Fore-top, and the Carpenter and the Boatswain on the Fore-yard. The Carpenter was an ill Man, I did not like him,—he had not been aboard a Month,—therefore I had no Commerce with him. But I seeing the Captain on the Fore-top, I jumped into the Steerage, and took up a Blunderbuss; but I never loaded it, and I believe there had not been a Pistol nor a Blunderbuss loaded for some Time, for we had not a Pound of Powder on Board. I went for the Blunderbuss to shoot the Carpenter, and being very much surpriz'd, I snapp'd it, (but did not know whether 'twas loaded or not,) with a Design to shoot the Carpenter on the Starboard Side of the Quarter Deck. *Metcalf* and *Durrant* brought the Captain round, and I thought they were going to heave him over board. They know I have declared these Things before, and that

makes them such strong Evidences against me now. I came round with my Blunderbuss, to strike in among them, I don't know I struck, but it was taken out of my Hands and thrown over board. The Carpenter took the Captain, he struggled, but there was never a Blow struck, nor a Drop of Blood spilt. The Carpenter made a Reach at me with his Axe, and said G——d D——n you, you shall go first, which made me withdraw on the Quarter Deck; then he fetch'd the Captain a Blow, but it did not stun him, so he call'd out to me, *Coyle*, *Coyle*, for God's sake help me; Lord have Mercy on you, says I, the Men are all against you, and so they tore him over board. Then *Wallis* went down into the Cabin, and brought up 2 Case Bottles, a Bottle of Brandy, and a Bottle of Rack, and they propos'd to make Punch Royal, that is, with Wine in it. Next Morning I said to *Wallis* what a Piece of Work is this! D——n him, says he, 'twere no Matter if one half of the People at *Farmouth* was serv'd in the same Manner. Before the Consul of *Tunis*, he acknowledged himself guilty, and accused every one of them but me.

Q. If you apprehended the Blunderbuss was not charged, how came you to take it up, and snap it?

Coyle. I never examin'd it,—I was in a Surprise.

Q. Did you go ashore at *Fotiniato*?

Coyle. Yes, by the Carpenters Orders. I never had a Rag of the Captain's Cloaths; the Carpenter took his Cabin for his own Habitation. If I had had a Mind to have been a Villain, how came I to preserve the Ship and Cargo; they knew no more of it than you do. When the Water was stor'd in the Forecabin, I perswaded them to go into *Malta*, but neither *Metcalf*, *Durrant*, nor *Wallis* would go; if they were innocent, why should they refuse to go into safe Harbour?

Q. When the Captain was kill'd, who navigated the Ship?

Coyle. I did, under the Command of the Carpenter.

Q. The Witnesses say, you and *Richardson* and the rest, went away in the Long Boat, what became of you?

Coyle. We went to *Tunis* in *Barbary*. In Case these three Witnesses had assisted the Captain, the Thing could not have been done.

Q. Have you any Witnesses?

Coyle. No, none but the Boatswain and the Consul of *Tunis*.

Q. Pray why did you leave the Ship?

Coyle. After they went from *Feviniaro*, they differ'd in their Opinions, and were afraid of one another, so the Boys took the Boat unknown to the other Men and went away; when the Boatswain found the Boys and the Boat was gone, he call'd the Carpenter, who lay in the Captain's Cabbin, and told him the Yawl was gone: I was pleased with it, thinking they would now go away and leave me on Board; so the Carpenter turn'd out, and call'd the *Spaniard Davison*, and they consulted together, and haul'd up the Long Boat, and put Masts and Sails into her, and took what Things of mine were on Board, and then the Carpenter came to me with two or three Cutlasses, and haul'd me on Deck, and said G——d D——n you, get into the Boat; I heard what they were about, and was in Hopes they would have left me in the Ship, so I said, for God's sake don't kill me, and while I was dressing, one of them gave me two or three Blows with the flat side of his Cutlass, and told me, if I would not go he would cut me in Pieces; then he ordered me into the Boat, and put me to an Oar, and one of them steer'd; we row'd a Mile, and got to Windward of the Island, then they ask'd me, what Place they might go too where there was no *English* Consul; I told them they must go to *Tunis* or *Tripoly*: They said they would not go either to *Tunis* or *Tripoly*; so after some few Days, we proceeded to a Place just off *Tunis*, and there we stopp'd to shelter our selves, for the Wind blew hard, and we were loaded: Then we proceeded to *Byzarta*, and landed 15 Leagues to the Westward of *Tunis*, and the Carpenter before we put in made me swear, that I would be one of his Company, and said I should not stir from him; he said he would run his Knife thro' me if I spoke any Thing of this Affair. When he came ashore, he was dress'd in the Captain's Cloaths, and appear'd very grand. He told the People he was born in *New-York*, and pass'd an Examination before the Governor, but what he said there I don't know; but a Paper was brought us, and we all sign'd it. After a while we had all Orders to come to *Tunis*, so we came to *Tunis*, and there I was confin'd with the Carpenter, who was Captain for two Days; at last I discover'd the Thing, and the Carpenter made his Escape, but was retaken; the Boatswain turned *Turk*, and the other turn'd *Jew*; I was kept in Prison there three Months.

Q. Where was you taken into Custody?

Coyle. I surrendered to the Vice-Consul of *Tunis*.

Q. What Ship was you put on board there?

Coyle. I was put on board one Captain *Darrel*.

Q. Was you at Large in that Ship?

Coyle. I had small Irons put upon me, but I had my Liberty to walk about the Ship. From *Tunis* I was carried to *Gibraltar*, and I was in Custody there two Months; from *Gibraltar* I was sent to *Lisbon*, and came Home from thence in the *Princess Louisa*.

Q. And had you Irons on all this while?

Coyle. Yes, but I was at Large.

Q. Have you any Witnesses?

Coyle. What Witnesses can I have, since all the Ship's Crew were concerned? As for the 3 Witnesses against me, I have often beat them myself for abusing the Captain. 'Tis hard I should have such frivolous Witnesses against me, when I have been Master of a Ship myself seventeen Years. I have used the Seas in the King's and Merchant's Service this great while, and defy any Person to say, that Black is the White of my Eye. Call *Joseph Lyon*.

Joseph Lyon. The last Time I saw the Prisoner was five or six Years ago. I have known him thirteen or fourteen Years, I never knew any Harm of him, and took him to be an honest Man, nor did I ever hear any one give him a contrary Character. This Affair I know nothing of.

Richard Manwaring. I have little to say in his Behalf; I knew him ten Years ago, and have never seen him since; he was hired and freighted by a Person I had some Concerns with, to carry Goods to *Madeira*, and he performed that Voyage and had then a good Character; as for any thing since, I know nothing of him; he told me himself that he bored Holes in the Ship, on Purpose to have them taken, but how true it is, I cannot tell.

Another Witness. I have known the Prisoner 27 Years, he was born just by me; I never heard any Hurt of him; the last Time I saw him was about 3 or 4 Years ago in *Church-Alley*, in *St. Olave's Parish*.

C. Why he was aboard this *Prize* three Years ago.

Witness. It might be four, for ought I know.

The Jury withdrew, and in a short Time returned, and found the Prisoners guilty.

Death
Edwards