

IMPORTED

Variety of European Goods; Sail Duck, Anchor, Twine, Ship Chandlery, the most reasonable Rates, for Cash, or Tobacco.

Stephen West

is hereby given, That the Plantation of William Durdan, County, taken up as a Stray, is hereby given, That the near Buttock, but cannot be dock'd, and about 5 Years have her again, on proving his Charges.

is hereby given to the County Tax has this Year they are requested to pay off Tenth of June (the time affix'd) that the Subscriber may be Officers and Clergy in the respective Demands. Constant Office is given every Wednesday settle with all such Gentlemen as call on

Their humble Servant, an Hammond, Sheriff of Anne Arundel County.

IMPORTED

EX. Capt. JOHN WHITE, from and to be sold by the Subscriber ANNAPOLIS, where Mr. Stephen Store, and at LONDON-TOWN, Variety of European Goods; also Cerge of Archors, Sail Duck, and Ship Crown Glas 8 by 10, Wiffen and off, &c. at very reasonable Rates, Retail.

James Dick

by Public Vendue,

12th of June next, at the House of Wallace, in Annapolis, following Tracts of Land, Ground, belonging to the Estate deceased, viz.

containing 300 Acres, lying in County, near the great Falls of Patuxent River.

containing 153 Acres, lying in County, near Huntington.

containing 100 Acres, lying in County, on the South Side of the Patuxent River.

containing 100 Acres, lying in County, on the West Side of the great Patuxent River, and on the North Side of the Beaver Dam Run.

Ground lying in that Part of Annapolis, being N. Q. and which there is a Wooden House, Chimneys.

Current Money, by

James Mout,

James Dick,

James Nicholson,

Executors.

Subscriber being removed

in Charles-street;

Week after for Con-

THE MARYLAND GAZETTE

[Numb. 473]

Containing the freshest Advices foreign and domestic.

THURSDAY, May 30, 1754.

From the UNIVERSAL MAGAZINE, for March, 1754.

An Account of the Trial of JOHN LANCEY and JOHN LLOYD, for destroying the Ship Nightingale, in order to defraud the Insurers.

AT the Sessions of the High Court of Admiralty, held at Justice Hall in the Old Bailey, on the twenty-fifth of February, John Lancey, and John Lloyd, were indicted for unlawfully burning and destroying the Ship Nightingale, Thomas Benson, Esq; Owner, on the high Seas, within the Jurisdiction of the Admiralty of England, with Intention to defraud Robert Liddal, Samuel Touchet, George Rock, and Vincent Biscoe, and Thomas Pow, otherwise Pow, as an Accessary before the Fact, for counselling, advising, &c. to commit the same, August the 4th, 1752.

This Indictment was supported by several Witnesses; but it will be sufficient to give that of Richard Sennett, which is as follows:

Richard Sennett. I was a Sailor on Board the Ship Nightingale; Esquire Benson invited me to enter myself as a Seaman on Board her, which I did, about 19 or 20 Months since: He told me to carry but very few Cloaths with me, and said the Voyage was to be a very short one, not above three Weeks or a Month; and said he would not tell me then, but I should know my Business farther, when I came to the Island. I assisted in loading the Vessel; there were 17 or 18 Bales of Goods; there were some Bales on Board on the Account of Capt. Lee.

Q. What Conversation had you with Benson on this Account?

Sennett. Before the Ship sailed, I was with him at a Place called Boathead. He told me there was a Hoghead of dry Goods, which were to be put out of Sight of the Officers, who were to come there; which we put in the Rope Walk, till after the Officers had been there; then it was put on Board the Ship Nightingale, and laid on some Salt, where also were laid the Bale Goods. We had fifteen Convicts on Board. About the latter End of July, we arrived at the Island of Lundy, on a Thursday; the Wind was at the Westward, and we were two Days turning to it. We staid there till the Sunday Morning. During the Time of our stay there, there came a Boat on Board from Lundy, with Mr. Barber, Magra, and several People belonging to the Island. The Prisoner Pow was in the Cabin, and Lancey. They called me there to them. Barber was coming out, when I was going in. Pow gave me a Note. Shacstone was there also. I believe Lancey was gone out, when Pow gave me the Note and said, Here is a Bill for you, if the Ship should be lost in her Passage outward-bound to Maryland.

Q. What were the Contents of it?

Sennett. They were: I promise to pay to Richard Sennett the Sum of 45 l. in Case the Vessel is lost in her Passage to Maryland. He said, You never saw so much Money together before; and the Voyage would not be long. He said he would deliver the Note to Captain Barber, that he might deliver them to our Wives, in Case we should come to any Danger.

Q. Were the Goods loaded before, or after the Note was given?

Sennett. They were loaded the Day after. The Boat went with them two or three times, with 17 or 18 Bales of Goods, and five or six Masses of Powder and Brass. There were a great many Casks in the Hold, what were in them I know not. There were Tarpaulins hung up before the Convicts, on the Hatchway, that they should not see the Goods taken out of the Vessel. On the Sunday Morning we sailed from Lundy. The next Day about 12 Leagues from Shore, we met a Brig from Philadelphia; our Captain hailed her, and asked where she came from; and sent two Boards of Wine and a Cabbage on Board her. She staid with us, that was about 5 Leagues; or up

wards, a-head of us, when Orders were given to destroy our Vessel. When the Hole was boring in the Side of the Vessel, Captain Lancey ordered me to go to a Cask, where were some Combustibles, and cut it up; and take out what was to burn the Ship. Somebody had bored a Hole in her Side, for there was Water coming, when I went down to do as ordered. I went and cut the Hoghead, and Francis Shacstone cut it open. This was the same Hoghead that Esquire Benson desired me to put out of the Way of the Officers. There were in it Tar Barrels, Staves, and Wads of Oakum dipped in Tar. Shacstone and I laid them abroad on the Salt. Captain Lancey had said, when he gave me the Order to take them out of the Cask, that she would sooner be destroyed by Fire, than any other Way.

Q. Did he mention the Word Combustible?

Sennett. He did. He also said it was as good a Time to destroy her, as any Time. This he said to me and others. Then there were Orders given by Lancey to some of the People to cut a Hole in the Bulk Head, near the Bread-Room.

Q. Did you hear him give this Order?

Sennett. I did. The Bulk-Head was even with the Place were the Salt lay. I went to cut a Hole; and cut my Leg with the Hatchet, the first Knock I gave against it. I came up, and told the Captain what a Misfortune I had had. It was done afterwards; but I do not know by whom.

Q. How long after this was it that the Ship was on Fire?

Sennett. She was on Fire about half an Hour after. Then the Captain went fore and aft the Deck, and asked the Transports, if they had set Fire to the Ship? They answered they had not. Then he ordered to have them cleared directly; and the Mate was very industrious in clearing them. Then we went all Hands into the Boat.

Q. Did you see Lloyd employed in any Thing about destroying the Ship?

Sennett. No, I did not.

Q. What Boat was it you all got into?

Sennett. It was the Boat Mr. Benson ordered for the Ship. She was full large for such a Ship. The Philadelphia Man saw our Boat coming towards them, and saw the Smoke arising; and we had fired a Gun, by Order of the Captain. The Vessel came towards us.

Q. Did Lancey give any Orders, upon the breaking out of the Fire, to extinguish it?

Sennett. No; when the Combustibles were light, we all said, it was the best Way to fire a Gun, which Gun was loaded about two Hours before.

Q. Who loaded her?

Sennett. I did.

Q. By whose Order?

Sennett. By Captain Lancey's Order, before the Combustibles were light. He said it was for the Ship to hear us, that was a-head of us. We were taken on Board the Philadelphia Ship, except some who tarried in the Boat alongside her; two or three Days after which, we were landed in England, by the Assistance of a Fishing Boat.

Q. When did you see Benson after this?

Sennett. I believe I saw him two Days after we got on Shore. He smiled, and said, So, Dick, the Work is done too quick; I had but just made an Bid of my Insurance. He applied himself to me to make Protest of the Loss of the Ship. About three Weeks or a Month after, the Prisoners were taken into Custody, upon James Barber's Information. Benson desired us all to swear to the Protest. I went over to Barnstable; and when I returned, the Captain and Mate, and my Brother Sennett, were taken into Custody. Benson said, If I did not swear to the Protest, it would cost the Captain his Life.

Q. Was Lloyd one of the People that were in the Ship, and saved by the Boat?

Sennett. He was. I believe he was concerned in launching the Boat. I was in Company with him, and saw him go on Board the Boat.

Pow, in the Island of Lundy, before the Ship set out. When he proposed to me a Note for Money, I proposed to have ten Pounds more; which was granted, and added to the aforesaid Note and Writing on the Back; but did not say at what Time it should be paid. That Note was carried on Shore on the Island.

Council for the Crown. We have many more Witnesses to the Fact; but will only close our Evidence with shewing the Policies.

Q. To Edward Maud. Look at this Policy of Insurance.

He takes it in his Hand. This is an Insurance for 400 l.

Robert Lancey ——— 100 l.
Samuel Touchet ——— 100 l.
George Rock ——— 100 l.
And Vincent Biscoe ——— 100 l.

This was made out by Order of Mr. Benson. He gave me Order, by Letter, to do it.

Q. Do you know his Hand-Writing?

Maud. I know it very well, and know this to be his Writing.

The Letter read in Court to this Purport: Be pleased to insure for me, on the Catharine and Nightingale, upon the Nightingale, John Lancey, of Appledore, to Maryland, 400 l.

Sign'd, Tho. Benson.

Q. Did you see the Policy insured?

Maud. I had; and saw it to be his Order.

The Insurance read, being in the common Form.

[The Purport of which is, the four Persons above mentioned insured 400 l. upon the ship Nightingale.]

Q. How much is insured on the Cargo of this Ship?

Maud. There was 800 l. at first; and 900 l. by a subsequent Order.

Council for the Crown. We will not trouble your Lordship, and the Jury, with any other Policies. We have them to produce, to prove the Ship and Cargo were insured to the Amount of two thousand one hundred Pounds; but, this being sufficient to shew the Intention of a Defraud, we will rest it here.

The principal Objections that arose from Matter of Law, urged by the Council for the Prisoners, were in Favour of the Prisoner Pow; and were,

First, Whether the Crime he was charged with is within the Jurisdiction of the Admiralty of England? That of a Person, as an Accessary, upon Land, to the burning of a Ship, and if that is committed afterwards on the high Seas, it was submitted to the Court, whether he was not liable to be indicted at the Assize for the County where the Offence was committed; and that the Island of Lundy was in the County of Devon.

The second was, That in the Statute upon which the Indictment was founded, the 11th of George I, cap. 21, the Words there as to his Crime, "It is, amongst other Things enacted, That if any Owners of, or Captain, Master, or Mariner, or any other Officer, belonging to any Ship, should, after the 24th of June, which shall be in the Year of our Lord, 1718, wilfully cast away, burn, or otherwise destroy, the Ship of which he is Owner, or unto which he belongs, or in any Manner or Way direct, or procure the same to be done, to one, or of any Merchant, or Merchants, that shall load Goods thereon, he shall suffer Death." That this Clause does not run in general Words, but confined to Persons either concerned as Owners or Mariners; and that Pow being a Taylor by Trade, and lived at Appledore-Ruin, in the County of Devon, and was neither Owner, Master, Captain, or Mariner, it was submitted to the Court, whether he could be found guilty of the Crime he was charged with.

Lancey's Defence. On the 28th of July, 1752, I was in the Island of Lundy, and lay there till the first of August, and took on Board Provisions; but took nothing out of the Ship. As soon as the Wind