

IMPORTED,
By CARROLL, and WHITE,
ON, and to be Sold by the Sub-
scribers in UPPER MARLBOROUGH

Variety of European
GOODS; Sail Duck, An-
Cordage, Twine, Ship Chandl-
the most reasonable Rates, for
Cash, or Tobacco.

Stephen West.

able to LAW,
is hereby given, That
the Plantation of William Durd-
County, taken up as a Stray, a
branded on the near Shoulder
of the near Buttock, but cannot
is dock'd, and about 5 Years

have her again, on proving his
ing Charges.
is hereby given to the
of Anne Arundel County, That
the County Tax has this Year
they are requested to pay off
Tenth of June (the time affix'd
ce, that the Subscriber may be
Officers and Clergy in the li-
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,
BY Capt. JOHN WHITE, from
and to be sold by the subscriber
ANNAPOLIS, where Mr. Stephen
Sters, and at LONDON-TOWN,

Variety of European
GOODS; also Cereage of
Archors. Sail Duck, and Ship
Crown Glass 8 by 10, Wesson and
uff, &c. at very reasonable Rates,
Retail.

James Dick.

by Public Vendue,
12th of June next, at the House
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 Pa-
both Sides of a Branch called

containing 153 Acres, lying in
County, near Huntington.
containing 100 Acres, lying
County, on the South Side of the
Sussex River.

containing 100 Acres, lying in
on the West Side of the great
River, and on the North Side
of the Beaver Dam Run.
Ground lying in that Part of An-
New Town, being N. Q. and
which there is a Wooden House,
chimneys.

Current Money, by
es Mout,
es Dick,
es Nicholson,

Subscriber being removed
Marlborough, all Persons who have
inst him, contracted during his
poli's, are desired to send in their
Dick's Store there, that they may
paid: And those who are any
to him, are requested to settle and
pective Accounts to Mr. James
grant proper Discharges for such
Stephen West.

in Charles-street;
EMENTS of a moderate
er Week after for Con-

THE
MARTLAND 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 Nightin-
gale, 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 Fe-
bruary, John Lancey, and John Lloyd,
were indicted for unlawfully burning
and destroying the Ship Nightingale, Thomas Ben-
son, Esq; Owner, on the high Seas; within the Ju-
risdiction of the Admiralty of England, with Inten-
tion to defraud Robert Liddal, Samuel Touchet,
George Rock, and Vincent Biscoe; and Thomas Pow,
otherwise Poe, as an Accessary before the Fact, for
counselling, advising, &c. to commit the same,
August the 4th, 1752.

This Indictment was supported by several Wit-
nesses; but it will be sufficient to give that of Ri-
chard Sennett, which is as follows:

Richard Sennett. I was a Sailor on Board the
Ship Nightingale; Esquire Benson invited me to en-
ter myself as a Seaman on Board her, which I did,
about 19 or 20 Months since: He told me to car-
ry 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 far-
ther, when I came to the Island. I assisted in load-
ing 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 pur-
chased 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 fif-
teen 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 Lan-
cey, with Marsbal, Magra, and several People be-
longing 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. Shastone 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
Notes to Captain Marsbal, that he might deliver
them to our Wives, in Case we should come to a
Danger.

Q. Were the Goods loaded before, or after the
Notes were 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
Maunds of Pepper and Brals. There were a great
many Casks in the Hold; what were in them I
know not. There were Tarpaulins hung up be-
fore 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 18 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
stayed with us; but 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 Shastone 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
dript in Tar. Shastone 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
he 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 Piece 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 a-
bout 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 to-
wards 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 be-
fore.

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 Eng-
land, 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 End of my Insurance." He applied him-
self to me to make Protest of the Loss of the Ship.
About three Weeks or a Month after, the Priso-
ners were taken into Custody, upon James Ba-
rber'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

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 Wri-
ting 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 E-
vidence with shewing the Policies.

Q. To Edward Maund. 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?

Maund. 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 Lan-
cey, of Appledore, to Maryland, 400 l.

Sign'd, Tho. Benson.

Q. Did you hear her insured?

Maund. I had, pursuant to this Order.
The Insurance read, being in the common
Form.

[The Purport of which is, the four Persons a-
bove mentioned insured 400 l. upon the Ship
Nightingale.]

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

Maund. 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 Po-
licies. 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 Eng-
land? 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-Raint, in the County
of Devon, and was neither Owner, Master, Cap-
tain, 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