

**TRUE PIRATE STORIES.**

**HOW THREE OF THE CHESAPEAKE CAPTORS WERE CAUGHT.**

Proceedings in the Only Case Which Arose Here Under the Ashburton Treaty—The Men Held by Magistrate Gilbert and set Free by Judge Ritchie.

General Sir Hastings Doyle, commander of the forces, was administrator of the government in Nova Scotia at the time of the Chesapeake affair, and was much annoyed at the scene which resulted in the escape of Wade from policeman Hutt. He in particular expressed his displeasure in respect to the interference of Dr. Almon on that occasion, and the latter was fully aware of the general's feelings on the subject. On the day that Wade was rescued, it happened that Dr. Almon was engaged to dine with His Grace Archbishop Connolly the evening of the following day and General Doyle was also one of the invited guests. In view of what had happened the doctor felt it his duty to write a note to the archbishop excusing himself from fulfilling his acceptance, and stating his belief that the general would be better pleased with his absence than with his company. The wise prelate, however, felt that the occasion would be better for restoring cordiality than for widening the distance between his friends, so he called personally on Dr. Almon, early the next morning, and insisted that he should be present. Such an appeal could not be ignored, the doctor complied with the request, and the dinner was as pleasant an affair as if the Chesapeake had never been captured.

John C. Braine was keeping an eye to his own safety after the recapture of the Chesapeake, and he had need to do so, so far as Halifax was concerned. The acting U. S. consul had made information against him, and a warrant had been issued for his arrest. On one occasion what seemed to be definite information was received that he would arrive by train at a certain hour. Those who were interested in his capture, apprehensive of a rescue, took ample precaution to have force enough at hand. The posse of police was not considered sufficient, and application was made to General Doyle for a detachment of the military. He responded by sending one hundred soldiers to the railway station. A large crowd of citizens gathered to see what might happen, and there was a vast amount of excitement as the train came in sight. The astonished passengers were closely scrutinized, but John C. Braine was not among them.

As before stated, Braine reached St. John on the 21st of December, but after remaining several days prudently made his way to parts unknown, as proceedings were about to be taken for the arrest of him and any of his party who might be found in the province.

James Quincy Howard was the U. S. consul at St. John, and on the 22nd of December he wrote to Hon. S. L. Tilley, provincial secretary, and to Hon. Arthur Hamilton Gordon, the last lieutenant-governor appointed by the Imperial authorities, transmitting the depositions of the captain and mate of the Chesapeake. In these letters he requested that the governor would use his authority under the act of parliament for giving effect to the Ashburton Treaty, "in order that certain persons believed to be guilty of the crime of piracy," might be brought before the proper officers of justice so that the evidence of their guilt or innocence might be heard and considered. He therefore requested that the governor would by warrant signify that a requisition had been made for the apprehension of Braine, Brooks, Collins, John Parker Locke, Clifford, Seely, Robinson, Gilbert and Robert Cox, Parr and McKinney, "accused of the crime of piracy." Mr. Howard stated in his letter that, as an officer of the government of the United States, he was authorized by the executive to make the requisition. I have followed the phraseology of the letter, because one of the points afterwards raised was that no proper requisition had been made.

The names of George Wade, Isaac Treadwell, Robert Moore, Harris and others who were not known to the consul were not included on the list.

The treaty made between Great Britain and the United States in 1842, known as the Ashburton Treaty, provided for delivering up by the respective governments of persons "charged with" certain crimes, including piracy and murder, committed within the jurisdiction of the nation making the requisition. It stipulated, however, that this should only be done upon evidence which, according to the laws of the place where the person so charged was found, would justify his commitment if the crime had been there committed. An act of parliament to give effect to the treaty, and which was the real authority for proceeding, provided that "in case requisition shall at any time be made by the authority of the said United States," certain officials, including the administrator of the government of any colony, might issue his warrant for the apprehension of the person so charged.

No question as to the sufficiency of the requisition was raised by Governor Gordon or his advisers, and the warrant was issued on the 24th of December, 1863, directed to all justices of the peace and officers of justice in New Brunswick. Three of the Chesapeake men were speed-

ily arrested. McKinney? (the name should have been spelled McKenna), and Collins were found at Loch Lomond, on the 26th, and Seely was taken in Carleton on the 31st of December, under a warrant issued by Humphrey T. Gilbert, police magistrate of St. John. Mr. Gilbert, after receiving the governor's warrant, had taken the complaint of Captain Willett, and issued his own warrant, a somewhat peculiar proceeding.

The three prisoners were brought before Mr. Gilbert for examination on the 4th of January. A. R. Wetmore, Q. C., and W. H. Tuck appeared on behalf of the United States government, while Hon. John H. Gray, Q. C., and C. W. Weldon were present on behalf of the prisoners.

There was intense interest in the affair taken by all classes of citizens. The old police court room, on Chipman's Hill, was crowded to excess each day during the proceedings, and the result of the examination was eagerly looked for not only in the provinces but throughout the United States. The case was important in both a legal and an international sense, for it was the first to arise in this jurisdiction under the Ashburton Treaty.

The evidence of Capt. Willett, of Daniel Henderson, the second mate, and of James Johnston, chief engineer, detailed the capture of the steamer and the subsequent events on board, while Charles Waters, of Carleton, testified as to the meetings held in St. John and the plot to take the steamer. When the evidence for the prosecution was ended, the depositions were read over and the prisoners asked what they had to say. Each of them signed a statement of the same tenor as the following, which was made by Collins:

I am not guilty of any of the charges alleged, and in any and every act done by me, in any way connected with the taking and capture of the Chesapeake, I say that the act was done under the authority and in the service of the Confederate States of America. Jefferson Davis, president, as I then believed and now believe. And I utterly deny that I am guilty of either piracy, murder and robbery on the high seas, or of any crime or offence whatever, and I positively assert that I never contemplated piracy, murder or robbery, or any other crime or offence, and do not believe I committed any.

Two Carleton men, John Ring and James Trecartin, were among the witnesses for the defence. They had been present at some of the meetings held in St. John, and swore that "Captain Parker" produced as his authority a document with seals and what purported to be the signature of Jefferson Davis.

There were also some notable men from the south who gave evidence for the defence. First, there was the famous Dr. Luke P. Blackburn, who was afterwards charged with a plot to spread disease among the Northern soldiers by means of infected clothing, and who was banished to the Dry Tortugas by the United States government. He proved the signature of President Davis and the seal of the Confederate states to the commission of the privateer Retribution. Then there was a Capt. Thomas Herbert Davis who had been in every battle of the war but two, had been taken prisoner at Gettysburg and sent to Johnson's Island, from which place he escaped on New Year's night. After his escape he travelled 135 miles, all but fifteen of which he walked, until he got to a safe part of the country. He testified as to the right of Parker to commission Braine to take the Chesapeake, as being according to the rules of the service. Another witness to the same effect was E. Tom Osborne, of Morgan's guerillas, who was also an escaped prisoner of war. The celebrated Marshall Kane, of Baltimore, was also one of the party, but did not give evidence. Captain Eben Locke, of Shelburne, testified to have seen his brother in command of the Retribution, passing under the name of Captain Parker.

The various adjournments had taken from the 4th of January to the 15th of February. On the 24th of the latter month Mr. Gilbert delivered judgment, committing the prisoners to jail to remain until handed over to the United States authorities, in accordance with the requisition. He held that Parker had no authority to commission persons in New Brunswick to take the Chesapeake. The magistrate held that he himself had jurisdiction in cases of piracy on board of American vessels on the high seas, as well as for piracy committed against the municipal laws of the United States. He considered the taking of the Chesapeake an act of piracy, justifiable by the Federal judiciary, and rightfully a case of extradition.

The three prisoners were committed to jail, but their counsel at once applied to Judge Ritchie, who issued an order in the nature of a habeas corpus, at the return of which all the arguments used at the examination and many more were earnestly pressed by the lawyers on both sides. On the 10th of March Judge Ritchie gave judgment in favor of the applicants. He resolved the arguments into four points.

First, that there was no legal charge of an offence committed in the jurisdiction of the United States, or any proper requisition by the authority of the United States, and therefore no authority for the governor's warrant.

Second, that if there was, Mr. Gilbert had no authority to examine into the matter. Third, that if Mr. Gilbert had jurisdiction, there was no evidence of piracy.

Fourth, that Mr. Gilbert wrongfully took a fresh complaint and examined on the charges in it, and not on the charges in the governor's warrant, and that the warrant

did not justify their detention.

His honor held that the requisition was not good, that the depositions taken before Mr. Gilbert and forwarded to the governor were extra judicial, and that the depositions meant by the statute were those on which the original warrant was issued in the country where the crime was committed. Further that the crime was not committed within the jurisdiction of the United States, and that the prisoners had not afterwards been in that country and escaped from it. But assuming the offence to be piracy and the requisition sufficient, the matter was one for the court of vice-admiralty and not for a public magistrate or justice of the peace.

He did not consider, however, that the magistrate had exceeded his discretion in deciding piracy established by the evidence. He held that the magistrate should have taken no fresh complaint, but proceeded with the governor's warrant as his sole authority, and that the warrant of commitment was at variance with the statute and bad.

He therefore held that the warrant did not justify the detention of the prisoners, and ordered them to be set at liberty. This was done, and they lost no time in getting away from the city.

Some of them returned to St. John later. David Collins, the finest looking man of the lot, afterwards went to Maine, where he was arrested on a charge of attempting to break a bank, and I think he died in prison. Seely, as has been shown, met his death in a street brawl. Robert Cox died in Carleton a few years ago, and it is understood that Gilbert Cox is also dead. George Wade is dead, the previous statement that he was still living being an error. Isaac Treadwell and Robert Moore, two men not named in the warrant, are now living at Loch Lomond.

Parr went to Yarmouth, N. S., and settled down as proprietor of a drug store. A few years ago he went to Boston, was arrested on the old Chesapeake affair, and got clear only after a good deal of trouble in the courts. He is now living in Boston. I think that most of the others of the Chesapeake captors are dead.

Of those who were prominent in the legal fight, Judge Tuck and Mr. Weldon are the only survivors. ROSLYNDE.

Betrayed by a Bird.

A trifle sometimes leads to the detection of a fault or crime. A theatrical musician owned an ebony flute with silver keys. He valued it highly, but as one of the upper notes was defective, he seldom used it. A young man lodged with the musician and between the two a close friendship existed. One night the ebony flute disappeared, having, no doubt, been stolen. Suspicion fell on several persons, but nothing could be proved against any of them. Not long afterward, the lodger went to live in a town a few miles off, but as the friendship between the two men still existed, they occasionally visited each other. Nearly a year afterward the musician paid his friend a visit, and was pleased to find him in possession of a beautiful bullfinch, which could distinctly whistle three tunes. The performance was perfect, with this exception, that whenever he came to a high note, he invariably skipped it, and went on to the next. A little reflection convinced the musician that the note in which the bullfinch was imperfect was the deficient one on his lost flute. So convinced was he that he questioned his ex-lodger on the subject. He at once tremblingly confessed his guilt, and that all the bird had been taught him on the stolen instrument.

A United States Bull Fight.

A graphic description is given by the New York paper of an odd bull fight at Beaver Dam. Two farmers, living in that neighborhood, quarrelled over the merits of two animals in their possession. One owned a Jersey bull, the other a Durham bull. For some time past they had indulged in bantering each other as to who had the better animal. They finally arranged to pit the bulls against each other in a ring on the main street of the town. The contest came on without any interference from the authorities, and after an hour and a half's fighting the Jersey bull came off victorious, having killed his opponent.

The Shamrock.

In Ireland only one shamrock is known. It is an indigenous species of clover, which trails along the ground among the grass in meadows. The trefoil leaves are not more than one-fourth the size of the smallest clover usually seen in America and are pure green in color, without any of the brown

shading of white and pink clovers. The growing stem is hard and fibrous and difficult to dialogue from the earth. On St. Patrick's day the true shamrock has to be searched out among the grass, for though comparatively plentiful at that season, it grows close to the ground. Later it bears a tiny "white crown" blossom. The information that "shamrakh" is Arabic for trefoil may be of service to those interested in the origin of the Irish race.

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