

10 TRIAL OF EDWARD AND MARGARET JORDAN.

Robberies, committed upon the Seas, or in any place where the Admirals have jurisdiction, may be tried and determined, at sea, or upon the Land, in any of His Majesty's Islands or Plantations, &c. by Commissioners to be appointed by the King's Commission, under the Great Seal of England, or the Seal of the Admiralty, directed to any of the Admirals, &c. and such persons and officers by name, for the time being, as his Majesty shall think fit, who shall have power, jointly or severally, by warrant under the hand and seal of any of them, to commit any person, against whom information of any such offences shall be given upon oath, and to call a Court of Admiralty, which shall consist of seven persons at least, and shall proceed, in the trial of the said offenders, according to such directions as are set forth at large in the statute.

This Statute was found to be beneficial, that it was made perpetual by a subsequent Act. The Statute of 28 Hen. 8, was also extended to the Colonies by 4 Geo. 1. c. 11 par. 7. so that, if there had been any Commission for this Province under the 28th of Henry, the Prisoners might have been tried under that Statute, or the 11th and 12th of William 3.

It is under the latter Statute, that the Court is now assembled to try the Prisoners, for the Crimes of *Murder* and *Piracy*.—Lord Coke defines *Murder* to be "the unlawful killing any reasonable Creature in being, and under the King's Peace, by a Person of sound memory and discretion, with malice aforethought, either express or implied." *Piracy* is defined, by Sergeant Hawkins, to be any act of Robbery and Depredation on the High Seas, which, if committed on the Land, would have amounted to Felony.

It is unnecessary for me to take up the time of the Court, in considering how far the charges against the Prisoner Edward Jordan come up to the explanation I have given of Piracy and Murder, as the evidence, which will be produced, will be sufficient to bring him within every part of the definition of those offences; but, with respect to the Prisoner Margaret Jordan, it must be allowed, that there are many shades between her guilt, and that of her husband, and therefore it may be necessary to observe, that although a Feme Covert is so much favoured, in respect of that power and authority, which her Husband has over her, that she shall not suffer any punishment for committing a bare Theft, in company with, or by coercion of her Husband, yet if she commit a Theft, of her own voluntary Act, or by the bare command of her Husband, or be guilty of Treason, Murder, or Robbery, in company with, or by coercion of her husband, she is punishable as much as if she were sole. In this case the Allegation charges the Prisoner *Edward Jordan* with the crime of Murder, and *Margaret Jordan*, as aiding and assisting him to commit it; she therefore stands charged as a Principal, and may be convicted and punished as such, as much as if the crime had been laid to have been jointly committed by them.

But even if she should be considered in the light of an Accessary, that will not avail her, because the Statute of William directs that Accessaries to Piracies shall be tried, in the same manner, as their Principals, and, by the 10th Section of the 8th Geo. 1. Accessaries are made Principals, and rendered liable to the same punishment.

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