

to many; but the writer's only apology is that he is certain there are many persons in the section of the country where this episode had its scene who will be interested in having the story uncurtailed. It might bear considerable pruning, but lest an attempt at a condensed transcription prove but a curious tale marred in the telling, we will take the history of the case *verbatim* as it was published at the time of the trial, May 10, 1836. The following from the Gazette for March 15th, might be taken as preface :—

“The Supreme Court was opened at Georgetown on Tuesday last, by His Honor the Chief Justice. The Grand Jury, of which Hugh John McDonald, Esq., was chosen foreman, having been sworn in, His Lordship congratulated them on there being only one case on the Calendar, and that not of a serious nature. It was at one time intended that three individuals charged with causing the loss of a vessel at Bear River, near East Point, should have been tried at this court, but as a commission for establishing a Court of Vice-Admiralty in this Island had arrived since these persons were apprehended, it was intended that they should be tried before that court, the offence having been committed on the high seas.”

Now we come to the long-looked-for record. It is headed : “Piracy.”

“A special Court of Admiralty, by virtue of a commission recently received from England, to inquire of, and try offenses committed on the high seas, John Burns and Peter Whitty, late seamen on board the brig Acteon, of Sunderland, and Lauchlin MacPhee, of Lot 44, in this Island, labourer, were, on Wednesday last, arraigned at the bar, for piratically destroying the said brig on the 30th of October last.”

There are five other persons, all of the name of MacPhee, included in the indictment, who are not in custody; but for whose apprehension warrants were some time ago issued.

The indictment consisted of four counts, two of which were framed with a view of comprehending the offence under the English statutes; the other two were under the Colonial statute of 10 Geo. 4, c. 11. The count chiefly relied upon was the last, which was as follows :—

“That the said John Burns, Peter Whitty, Lauchlan MacPhee, Angus MacPhee, John MacPhee, Donald MacPhee, Allan MacPhee and James MacPhee, on the said thirtieth day of October, in the year aforesaid, being persons of a wicked and malicious disposition, and