

A. The boat was on board the *Chefapeake* about three quarters of an hour, when the signal was made for her from the *Leopard*: she returned in about ten minutes after, with a letter, which Captain Humphreys took into the cabin, and read; then ordered the guns to be primed, fired one gun athwart her bows, and then hailed as before, to which a similar reply was made: Capt. Humphreys then ordered the fire to commence, beginning with the foremost gun on the lower deck, and gave her about three broadsides.

Q. Were the crew of the *Chefapeake* mustered previous to the finding of Ratford in the coal hole?

A. No; not until afterwards.

Q. What other deserters were taken out of the American frigate?

A. Three belonging to the *Melampus*.

Q. Were there many Englishmen mustered on board her?

A. About twelve, men and boys.

Q. Were any of those Englishmen demanded, or any other men demanded, or taken out, except *known* deserters?

A. No.

The prisoner having no questions to ask, the evidence withdrew.

Mr. Frederick Phillips, midshipman of the Bellona, sworn.

Q. Were you doing duty on board the *Leopard* at the time of the controversy between her and the American frigate *Chefapeake*?

A. Yes.

Q. Relate to the Court what you know respecting the charges against the prisoner?

A. When I went on board the *Chefapeake*, I saw the prisoner standing, or leaning, against one of the carronades on the quarter-deck. I know he was taken out of the *Chefapeake* to the *Leopard*.

The prisoner having no questions to ask, the evidence withdrew.

Mr. James Simpson Wells, Clerk of the Halifax, called in and sworn.

He produced the complete book of the *Halifax*; swore to its correctness, and, by direction of the Court, pointed out to the Judge Advocate, the five men, stated by the charge to have deserted, which he did, as follows:

Richard Hubert, sail-maker, born in Liverpool, England, aged 22.

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