

8 TRIAL OF EDWARD AND MARGARET JORDAN.

President.—"Prisoners if you have any Witnesses, whom you wish to appear on your behalf, you will now give in their names that they may be summoned to give their attendance."

Margaret Jordan named William Crewe and John Pigot as Witnesses on her behalf.

President.—"Prisoners, the articles upon which you have been arraigned are plain matters of Fact, but that you may not complain of any hardship, the Court will order a copy of the articles, exhibited against you, to be delivered to you, and will allow any Gentleman of the Bar, whom you may think proper to employ for your assistance, to offer any matter of Law to the Court in your behalf upon your Trial,"—The Prisoners named Lawis M. WILKINS and S. R. ROSA, Esquires, for their Counsel. They were then remanded to the custody of the Provost Marshall, and the Court adjourned until Thursday at eleven o'clock.

On Thursday the 16th of November, the Court met pursuant to adjournment when the Commissioners names having been called over and the Court opened, the Prisoners were placed at the Bar, and M^r. HUTCHINSON on the part of the Crown, proceeded to open the Pleadings of the Court,

May it please your Excellency and Honour.

This is a Court of Special Commission, assembled under a Statute, made in the 1st and 2nd years of King William the third, for the suppression of Piracy. The Prisoners at the Bar stand for Trial on an Allegation, filed by his Majesty's Solicitor General, by which they are charged with having committed the crimes of Murder, Piracy, and Robbery on the high sea, near the coast of Nova-Scotia, and within the Jurisdiction of the Court. [Mr. Hutchinson then opened the Allegation, and proceeded with several observations, the substance of which is briefly as follows.] If the crimes, with which the Prisoners are charged, were of frequent occurrence, and came often under the cognizance of the Court, I should think that I had already sufficiently performed my duty by opening the Pleadings; but as Cases of Piracy have seldom occurred of late years, it may not be amiss to explain the nature of that Offence, and to say a few words on the Origin, Constitution and Powers of the Court, by which the Prisoners are now to be tried.

Piracy is said, by my Lord Coke, to be derived from a Greek word signifying robbing; but it is defined by Lawyers to extend to any Robbery or Depredation committed on the High Seas. It is an offence against the Law of Nations, a Pirate being considered, according to the same author, as *Hostis humani generis*, for having renounced all the benefits of society, and reduced himself to a state of nature, by declaring war against all mankind, all mankind must declare war against him, so that every society may lawfully inflict

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