

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

Mr. George Tincombe, Master's mate of the Melampus, called in and sworn.

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

A. I was on board the Leopard on the 22d June as a passenger, and was ordered on board the Chesapeake with Lieutenants Falcon and Guise, to search for deserters. After the hands were sent on deck, I was ordered below to search, and found the prisoner in the coal hole; he was taken on the quarter deck, and known by Mr. Preston, Purser of the Leopard, as being discharged from her to the Halifax.

Q. Did the prisoner deny belonging to the Halifax?

A. He said he was an American, and did not belong to the Halifax.

Q. On your going on board the Chesapeake, did you hear any conversation that passed respecting deserters, whether they acknowledged or denied having any?

A. The Captain of her said, he did not know they had any deserters on board.

Q. Did the prisoner stand on the Chesapeake's books by his present name, or by what other?

A. I think by the name of Wilson.

Q. Previous to the action between the Leopard and the American frigate, do you know, if there was any correspondence, by letter, between Captain Humphreys, and the Commander of the Chesapeake, to demand the deserters then on board her?

A. Yes.

Q. Did you hear any thing that passed after the correspondence between Capt. Humphreys and the Chesapeake?

A. I did hear Captain Humphreys say, Commodore Barron, you must be aware of the necessity I am under of complying with the orders of my Commander in Chief. He replied, you may do as you please.

Q. Did you understand that as a refusal to comply with Captain Humphrey's wishes to have the English deserters given up from the Chesapeake to the Leopard?

A. Yes.

Q. How long was it from the time of first sending the boat on board the Chesapeake, until the action commenced?