St Helena Sessions 1762-1782

Introduction: This is the third volume relating to judicial proceedings at St Helena. It comprises formal court minutes of Quarter Sessions held on the island, documenting criminal proceedings, indictments, jury verdicts, sentences, executions, administrative orders, and the issuing of legal warrants. The records cover both the ordinary criminal jurisdiction and the special commission established for more serious offences.

Source: Images of the original records can be viewed on the British Library's website: . https://eap.bl.uk/archive-file/EAP1364-1-1-42

Text Transcription: This text was produced entirely by AI transcription of handwritten document images on the British Library's website, at approximately thirty pages per hour.

Current AI systems cannot transcribe handwritten manuscripts with complete accuracy, particularly where documents are degraded or damaged, where poorly formed script or marginal notes merge into the main body of text, or where complex tables are present.

Four specific problems affected this transcription. First, AI is designed to prioritise meaning and readability, which creates a strong tendency to alter spellings, expand abbreviations, or adjust grammar rather than preserve original forms. It is particularly unreliable in recognising the correct spellings of unfamiliar surnames and place names. To mitigate this, for each image submitted, the AI was given a strict protocol requiring it to rely solely on clearly visible ink strokes and to mark any uncertain readings as [...], thereby reducing the risk of inferred or invented text. Second, AI struggled to transcribe handwriting in the style of the late secretary hand, commonly employed from the sixteenth to eighteenth centuries, in which the letter 'S' appears in a form resembling a trailing 'L'. Third, some of the handwriting in this volume is so faint or poorly formed as to be difficult to read even by eye. Fourth, many tabular sections were too complex to transcribe accurately, so these have been replaced by summary titles such as "Report: Invoice for Goods Received by Sea".

Given these limitations, this transcription should be regarded as unreliable and used only as a search-and-find shortcut. Once a relevant passage has been located, it must always be checked against the original images.

Modern Text Interpretation: Each section of text was submitted for AI analysis in order to explain the archaic language in clear, modern UK English. These are not direct sentence by sentence replacements, but explanatory interpretations intended to clarify meaning while preserving the substance of the original. Where a specific individual is named within a section of the original text, that person will generally also be identified within the explanatory interpretation. However, where the original consists largely of lists of names, these are not usually repeated in the explanatory text.

Each modern summary is followed by an AI-generated Interpretations section, which provides additional commentary on the material based on wider information located on the internet. The AI analysis also includes a 'Speculations' section, offering one or more possible reflections on the material. The value of these notes range from the profound to the trivial or self-evident - time did not permit deletion of the latter.

Text Loss: Several pages show evidence of insect damage, with linear holes present in the central areas of a number of leaves. Additionally, a large section of this volume is written in execrable handwriting, which is difficult to read by eye, let alone by AI.

Referencing Text Locations: A dual numbering system has been adopted, combining the British Library film number with the manuscript's original page number. These are presented in the format: British Library Film No. / Document Page No.

Pagination: The first page of records is shown in film No. 11 (its location is therefore 11/1). Most pages are then numbered sequentially, centrally at the top of both left and right pages. However, page 472/462 is blank, and thereafter the numbering changes. Text appears on film No. 473 (a right-side page), but this page is not numbered. Film No. 474 (a left-side page) carries text and is numbered as page 466. From this point, only the left-side pages are numbered, as 468, 470, and so forth.

The effect of this is that the page numbers jump two pages forwards, with the sequence running as 470/460, 471/461, 472/462, 473/463, 474/466, 475/467, 476/468, and so forth to the end of the volume.

Dates: The first judicial hearing took place on 22 September 1762 and the last on 25 September 1782. All these hearings were held during the administrations of Charles Hutchinson (1787-1764) and John Skottowe (1764-1782).

AI Generated Summary

Introduction

The register of St Helena's courts of general quarter sittings of the peace, oyer and terminer and gaol delivery opened on 22 September 1762, in the second year of George III, as the record of civil and criminal proceedings kept by Philip Mahony, Clerk of the Peace. Two indexes cover entries to 1782, and the films carry proceedings from 12 October 1762 to 9 October 1782 with retrospective entries on appointments, rules and fines from 1768 to 1786. The register was a working record rather than a verbatim transcript: on 9 October 1765 the clerk omitted Corporal Lake's evidence as repeating Corporal Henry Howell's, and from 24 December 1763 he noted only the date and purpose of each order to the Sheriff. [Film No. 5–7, 58–59, 135, 470–471, 513–514]

Governance and Administration

A letter from the Court of Directors dated 5 February 1762 declared that the Company's charter empowered it to govern St Helena through its own officers and to hold courts for every crime and civil dispute, with the Governor and Council as judges and commissioners of oyer and terminer, juries of 12 and English law followed as closely as local circumstances allowed. An order of 21 June 1762 summoned the inhabitants to the chapel in James's Valley on 28 June 1762, where they nominated Thomas Greentree, Richard Beale and Richard Bagley; the Governor and Council chose Greentree as Sheriff, the settlers elected John Bland as Constable and Mahony became Clerk of the Peace. Sheriff and Constable were sworn on 6 July 1762. [Film No. 11–12]

The Sheriff was chosen yearly from three names put forward by the inhabitants, the first named usually being appointed and a new name joining the foot of the list. On 4 April 1763 the Council appointed Richard Beale over Bagley and James Cowle, and the inhabitants elected Thomas Harper as Constable, both being sworn on 9 May 1763. On 23 April 1764 the inhabitants met in the chapel, nominated Bagley, Cowle and John Desfountain, and Bagley was appointed, with the innkeeper Roderick Merchant as Constable. On Monday 8 April 1765 the vestry named Desfountain, Matthew Bazett and Samuel Alexander; Desfountain was appointed and William Hayes elected Constable, both sworn on 14 May 1765. Alexander held the office by 9 April 1766 and Bazett by 1 July 1767, so one list supplied three successive Sheriffs. Later holders were Richard Goodwin, named on 12 July 1769; James Greentree by 26 June 1770; Jonathan Doveton by 10 July 1771; Benjamin Mason by 25 June 1772; Isaac Doveton by 28 June 1773; John Goodwin by 29 March 1774; John Alexander from 28 June 1775 to January 1776; Richard Harper by June 1776; Gabriel Harper by October 1776; Richard Goodwin by April 1777; Alexander Knight by 29 April 1778; Britannicus Alexander Wright by 13 January 1779, though a later note names him Sheriff when the dog law passed on 29 April 1778; James Desfountain by 14 April 1779; Robert Leech, chosen on 5 April 1780; Benjamin Mason by April 1781; and John Goodwin, sworn on 10 April 1782. From 1775 the Sheriff and Constables were sworn at the April sitting. [Film No. 39, 68, 105, 162, 190, 250, 270, 272, 287, 300, 304, 314, 332, 340, 355, 365–366, 378–380, 383, 387, 391–392, 405, 411, 428–429, 454–455, 470, 482, 510–511]

Governor Charles Hutchinson, ill on 12 October 1762 and 11 January 1763, left the chair to Lieutenant Governor John Skottowe, with Mathew Burling and Thomas Kirkpatrick as fellow justices. Hutchinson signed every order for a capital grand jury from 22 September 1762 to 23 June 1763 and the execution warrant of 19 October 1762, while routine orders under the commission of the peace went out under the

other justices; on 21 September 1763 Kirkpatrick signed a capital order in his place. Skottowe, Governor from 1764, chaired every sitting to 1782 except those of 10 January 1776, 9 April 1777, 16 July 1777 and 9 October 1782. Lieutenant Governor Daniel Cornelius or Corneille first sat on 17 April 1765, at the Hall, with Skottowe, Burling and Kirkpatrick, Burling being entered once as Matthew Sterling and Kirkpatrick once as William. Kirkpatrick last signed before 7 October 1767; he sat on 13 January 1768, Corneille replaced him in April and July 1768, only Skottowe and Burling sat from October 1768 to April 1769, and Corneille and Burling alternated or sat together from 12 July 1769. Only Skottowe and Corneille sat on 9 January 1771 and 8 January 1772. Matthew Bazett joined the bench on 8 July 1772, Corneille missed 13 January 1773, Burling last sat on 21 April 1773, William Wrangham took his seat after the qualifying oaths on 13 July 1774 and Henry Bazett on 10 July 1776, giving a bench of five from January 1778. Corneille missed 14 April 1779, and Henry Graeme was sworn on 9 October 1782, when Corneille headed the bench. The justices' powers were described as extending to treason from 10 January 1776 and to murder from 17 April 1776, although headings of 1777 and early 1778 again omitted treason until 8 July 1778. [Film No. 9, 12–14, 24–27, 49, 104, 106, 122, 204, 211, 219, 223, 245, 250, 269, 283, 302, 314, 318, 331, 340, 342, 376–378, 380, 390, 392, 394, 408, 428, 465–466, 513]

Mahony resigned as Clerk of the Peace and John Doveton replaced him on 13 January 1779, pending the Company's approval; the dog law of 29 April 1778 was countersigned by Richard Mahony as Clerk, though a later note names Philip Mahony in that post. James Powell served as coroner from at least December 1764; after his death the freeholders elected Philip Mahony unanimously on 7 October 1772, and when Mahony left the island they elected the surgeon David Kay on 14 July 1779. Inquest records were read in court from 10 January 1770 and at most sittings from 21 April 1773, and from July 1777 the justices formally approved each; none led to a charge except those noted in the trials. On 8 February 1779 the justices agreed to take turns, one each quarter, to hear complaints between sittings, beginning with Corneille, and published the rota on 12 February 1779. [Film No. 102, 269, 294, 317, 321, 392, 410, 429, 465, 470–471]

Jury and bailiff service was enforced by fines paid to the Clerk and passed to the Governor and Council. A standing order made by Skottowe and Corneille on 12 July 1769 compelled inhabitants below the jury qualification, 12 of them named, to serve as bailiffs when called. Mr Doveton paid £0 10s 0d for missing the grand jury on 13 April 1768, Robert Gosling £1 0s 0d on 8 July 1772 and Thomas Pelham £1 0s 0d on 16 July 1777, each sum below the legal penalty. James Greentree was fined £2 0s 0d on 12 July 1780. At a special meeting at the Castle on Monday 17 July 1780 Sheriff Leech complained that three men excused by illness the day before that sitting had been in town on business or at an auction; George Alexander and George Seale were fined £1 0s 0d each, William Worrall £0 10s 0d for refusing to serve as bailiff, and Benjamin Seale was excused when the surgeon Strond confirmed his lameness. Joshua Torbett and Worrall were fined £0 10s 0d each on 25 April 1781, when the grand jury numbered 13, one above the legal minimum; John Bagley senior and James Easthope £2 0s 0d each on 11 July 1781; Joseph Seager £2 0s 0d on 3 October 1781; George Alexander £1 0s 0d, altered from £2 0s 0d, on 30 April 1783; and William Pierie £1 0s 0d on 12 October 1785 and £2 0s 0d on 11 January 1786. [Film No. 455, 460–461, 464, 470–471, 481–482, 488, 496]

Judiciary

Each sitting opened under the commission of the peace, with 24 inhabitants summoned and a grand jury of 17 sworn; if felony business arose a second grand jury was sworn under oyer and terminer, and the court then opened for gaol delivery and swore a petty jury of 12, none related to any prisoner. The grand jury heard only the prosecution witnesses named on the back of each bill, and at least 12 had to agree to send a charge to trial. The precept for the commission of the peace issued on the day the previous sitting closed, that for oyer and terminer about two weeks before the next, and that for gaol delivery on the opening day and only when prisoners were held, as on 9 April 1766, when it followed the grand jury's true bill. It was first omitted on 17 July 1765, when the gaol was empty and the clerk read the Act for the better regulation of juries. Any two commissioned justices could hold the court. [Film No. 12–14, 40, 106, 123–125, 144–145, 157, 204, 245, 269, 321]

A timetable recorded in the register by 1765 fixed sittings in the first week after Michaelmas on 29 September, Epiphany on 6 January, Easter and the Translation of St Thomas the Martyr on 7 July, the English calendar set by a statute of Henry V, with extra sittings allowed. The first year was set by

adjournment: the court of 6 April 1763 met in Easter week, Easter Sunday being 3 April, and that of 6 July 1763 left no proceedings. It met on 11 January, 2 May, 11 July and 3 October 1764. It sat on Wednesday 16 January 1765 although adjourned to 17 January, on 17 April 1765 although adjourned to 20 April, on 5 October 1768 eight days before the date set, and on 15 April 1770 although adjourned to 25 April. [Film No. 9, 38, 44–48, 57, 67, 76–77, 86, 96–97, 106, 223, 270]

No case was tried on 17 July 1765, 16 July 1766 or at four consecutive sittings from 10 January 1770 to 9 January 1771. The gaol was also empty or no bill found on 8 July 1772, 7 October 1772, 13 January 1773, 14 July 1773, 6 October 1773, 13 April 1774, 26 April 1775, 4 October 1775, 9 April 1777, 16 July 1777, 29 April 1778, 8 July 1778, 6 October 1779, 5 April 1780, 10 January 1781, 25 April 1781, 10 April 1782, 10 July 1782 and 9 October 1782, and the petty jury panel was read even when nothing was tried. [Film No. 123, 162–163, 269–270, 283, 315, 317, 319, 333, 335, 341, 364–365, 374–375, 390–393, 411, 449, 454, 481–482, 510–513]

Theft of goods above £0 1s 0d was grand larceny, a felony, and below it petty larceny, punished by whipping; statutes removed benefit of clergy from certain thefts from houses or shops above £0 5s 0d, from theft of £2 0s 0d or more in a dwelling under a statute of 1713, from pickpocketing above £0 1s 0d, from burglary and, under a statute of 1741, from sheep stealing. Clergy could be claimed once only and was marked by branding. Juries therefore valued goods at £0 0s 10d, £0 4s 10d or £1 19s 0d to keep offenders from the gallows, a practice the bench openly encouraged in July 1768 by reminding the jury of the mercy of English law. [Film No. 16, 31, 111, 121, 202, 217, 331, 339, 441]

Rules of evidence followed English practice with local variations. The deposition of a dead prosecutor was read on the oath of the justice who took it in January 1763, a Muslim or Hindu ship's master was sworn in April 1763 under the ruling of 1744 on non-Christian oaths, an interpreter was sworn for slave witnesses on 17 April 1765 and a dying declaration was admitted in October 1765. On 8 October 1777 it rejected as improper a written complaint signed by only one or two grand jurors. Grand juries rejected bills on 11 January 1764, 12 July 1769, 3 October 1770, 13 July 1774 and 5 October 1774. From January 1779 trial jurors questioned witnesses and jurors with knowledge of the facts, such as Thomas Cole on 14 July 1779 and William Hayes on 12 January 1780, testified in open court. [Film No. 27, 44, 66, 114–115, 132, 149, 191, 246, 276, 344, 350, 394, 426–427, 440, 445, 451]

Recognizances kept the peace without prosecution. On 13 January 1768 Jane Holebrooke asked that her husband William, the Company's mason, be bound after beating her so badly her life was at risk; the bond was kept in force when she failed to appear in April 1768 and cancelled on 13 July 1768. John Criswell, coxswain of the Company's longboat, was bound again on a fresh complaint by the widow Mary Burnham on 8 October 1766 and released on 14 January 1767 when she failed to appear. The publican and former constable Hugh Jones, committed late in 1775 for beating the matross Henry Oulander almost to death, had his recognizance renewed at every sitting from 10 January 1776 until his discharge on 15 January 1777, more than the year and a day within which a death would count as homicide. On 14 April 1779 the court cancelled William [...]ke's bond on the complaint of Gabriel Harper, who had died. James Harper, bound for assaulting Thomas Cole, renewed his sureties on 25 April 1781, and the bond was cancelled at Cole's request on 11 July 1781. [Film No. 165, 174, 205, 212, 219, 377, 379, 381, 383, 387, 399, 428, 482, 485]

On 12 July 1775 the court confirmed an arbitration award made on 22 June 1775 by Orlando Bagley and Henry Powell, with James Colgrave as umpire, between the planter William Jenkins and his father-in-law William Seale and brother-in-law John Seale; the Seales had refused the award, but William Seale admitted he could allege neither bias nor bribery. On 12 January 1780 Corneille objected to John Worrall serving on the grand jury while under a criminal charge; the other justices excluded him from both grand juries but recorded that no crime had been proved against him. [Film No. 367–368, 448–449]

Military Affairs and Defence

The garrison of 1762 to 1764 manned guard posts at Sandy Bay, on the Mount, at the flagstaff, at the main guard overlooking the Line that walled off the mouth of James's Valley, at the battery at Banks's, at Prosperous Bay and at Munden's Point, reached by a cliff path. It was organised by 1763 in companies under Captains John Howard, Henry Bazett and Fea, with an artillery company of matrosses and gunners

under Captain Thomas Hill, and roll call was held at new barracks by January 1763; by July 1764 these stood around a square with its own tap-room. A private's pay was £0 17s 0d a quarter. Men slept seven or eight to a barrack room and often two to a cot, linen inspections checked their kit, and the Adjutant watched their spending. Some had served in the East Indies. No sitting mentioned the Seven Years' War, ended by the Peace of Paris on 10 February 1763. [Film No. 29–31, 35–36, 42–43, 54–55, 61–62, 73, 79, 84, 90, 92, 99–100]

By 1765 infantry companies served under Captains Richard Beale, Thomas Kirkpatrick and John Howard and the artillery under Captain Archibald Mitchell, whose company included bombardiers; soldiers lived in the New Barracks, the Old Barracks and the highest barracks. On muster day, 1 October 1765, John Springthorp received £2 0s 0d of the bounty the Company paid on enlistment or re-engagement. Officers dealt with offences before the civil court: a court martial reduced Sergeant William Hill in 1764 for wasting money, Lieutenant Bridgewater sent William Carr to the main guard in March 1765, Captain Kirkpatrick held a drunken man's money in October 1765 and William Fullwood was confined to the barrack square for a fortnight for sleeping out. Kirkpatrick commanded a company while sitting as a justice. In 1768 and 1769 the companies were under Kirkpatrick, Bazett and Howard, and soldiers were lent as labourers to the Company's works at Sandy Bay under the overseer Thomas Payne and at Lemon Valley in February 1769. [Film No. 108, 110, 117–118, 127, 129, 135–136, 165–168, 171, 181, 212, 217, 225, 240–241, 243]

Soldiers traded alongside their duties: Corporal Henry Howell sold drink in 1765, Corporal James Parfett of the artillery kept a shop in his house in 1769, William Phillips ran John Whitchurch's tap shop for eight or nine months before 1767, and the armourer's shop held a forge. Sergeant major James Goudy and Sergeant Hughes had come out from England on the same ship as Corporal Patrick Nowland. A battery guarded Sandy Bay in October 1777, and prisoners were held in the gaol at the fort in James's Valley. Rebellion broke out in the American colonies in 1775 and France entered the war in 1778, and on the evening of 4 March 1779 James Collins, bound to militia service, left his Sandy Bay house to answer a double alarm, the gun signal for a serious threat, relayed through the Alarm House on the interior heights. Soldiers hunting deserting seamen shared £0 1s 6d for a day's work on 28 July 1781, and the sergeant major paraded the men for church on Sundays. [Film No. 135, 177, 260–261, 281, 377, 387, 401, 430, 439, 443, 490, 498, 500]

Shipping linked the island to Europe, the Cape, India and China. Settlers held mail for visiting crews, as the cooper James Torbett did for Samuel Lawrence, steward of the *Falmouth*, in April 1764, and the Company's longboats and the crane on the wharf at James's Valley carried water and cargo between shore and anchorage. Ships named include the *Warren* in 1762, the *Grosvenor* in early 1764, storeships in April 1764, the *Falmouth* under Captain O'Hara and the *Neptune* by July 1764, the *Osterley* under Captain Vincent in March 1768, the *Asia* in 1767, the *Duke of Portland* and *Harcourt* in 1774, the *Duke of Cumberland* in 1777, the *Royal Charlotte* under Captain Joseph Cotton, which kept a tent at the landing place in 1780, the *Hind* in 1779 and the *Britannia* in 1781. Sick seamen were landed to quarters in the town, ships' surgeons helped the island's surgeon, men left behind for trial stayed in the gaol when their ships sailed, and soldiers deserted aboard departing fleets, as two did before the fleet sailed on 2 November 1781. Sailors ashore caused most of the night disorder at the parish house. [Film No. 15, 72, 79–83, 165, 182, 186–188, 198, 231, 344, 346, 350, 353, 405, 449, 474, 476, 478, 506]

Land, Agriculture and Public Works

Hogs and goats roamed the commons in 1762, a goat pound held strays and the Company kept the Maldivia Garden in upper James's Valley. By May 1764 the Company's farm at Longwood had an overseer, John Brooke, and sick seamen recovered there; cows were milked at the widow Desfountain's country house and the planter William Seale fetched limestone in December 1764. In 1765 yams were carried past William Wrangham's plantation, native cabbage trees and a guava tree marked the Sandy Bay slopes, and a water run above Chubb's Spring carried water down the valley to the town and shipping. Livestock were identified by ear cuts. [Film No. 21, 29–30, 79–80, 101, 103, 128, 131, 139, 310]

The grand jury proposed public works. A bridleway from Lemon Tree Gut over the Main Ridge to the Sandy Bay road, first proposed orally on 29 April 1767 and presented in writing on 15 July 1767 as shortening the journey to Sandy Bay from the other two districts, was ordered built by adding labourers to

the highway assessments written into the district overseers' warrants. On 4 October 1769 the grand jury presented one side of a street in Southwark as dangerous at night, and the court ordered a wall built under the churchwarden Lieutenant Solomon St Maurice. On 3 October 1770 it presented the road from James's Valley to the top of Ladder Hill as dangerous and proposed a new road with wider curves; the court ordered it made but left its funding unsettled. By 9 January 1771 each overseer of the highways answered for his own district. On 29 April 1772 the grand jury reported the valley's watercourse choked with stones and the bridge too small for floodwater, and the justices ordered a survey. On 13 July 1774 it asked that the yearly road repairs, done by slaves the landholders had to supply from October to December, the windiest months and those when plantations most needed labour, be brought forward two months; the justices ordered repairs to begin on 1 October each year, and new overseers were sworn on 5 October 1774. [Film No. 191, 251, 275, 283–284, 305, 343–344, 350]

On or about 21 March 1768 Captain Vincent of the *Osterley* left Cape sheep with Burling for a Dutch supercargo; Burling pastured them near his country house and kept cattle near the Milking Ground and Hutt's Gate, marked on both ears. Gorse had spread across Francis Plain and the upland pastures by 1768. On 15 January 1777, a date one index gives as 15 January 1776/7, Corneille warned the inhabitants that a fly bred from grubs under the hide drove cattle over fences and down hillsides, and urged inspection, removal of each grub and a landholders' law with rewards and penalties; the same sitting judged horses too numerous for the grazing, ordered every colt gelded in its first year and forbade breeding from mares. On 8 October 1777 it ordered that sheep in shared flocks on the commons be impounded only after notice to two or more partners, by slaves carrying written orders and with a white person at the pound, on pain of £1 0s 0d. [Film No. 5, 231–232, 246–248, 387–389, 394–396]

On 14 January 1778, a date one index gives as 14 January 1777/8, the grand jury proposed a yearly tax of £0 5s 0d on every dog to protect sheep, goats, lambs and kids on the commons and relieve the head money, to be collected by the churchwardens with owners' returns at each sitting; the bench deferred it as a change in taxation. On 29 April 1778 a fresh grand jury confirmed the rate and the justices made it law, liable from Easter 1778 and proclaimed across the island. On 8 July 1778, after the first returns, they ordered the constable to seize undeclared dogs, hold them 24 hours at the slaughterhouse and destroy them for £0 1s 0d a dog from the churchwardens, and fined owners keeping more than declared, half to the parish poor and half to the constable. Dog returns were entered at nearly every sitting to 1782. [Film No. 5, 406–412, 454, 470]

On 14 April 1779 the justices told the grand jury in writing that sheep and goats had multiplied to the harm of the cattle the Company needed to supply ships, and a vestry met in the chapel on 26 April 1779. Its committee, including Jonathan Doveton, James Greentree, Robert Gosling, Richard Goodwin and Benjamin Mason, drew up rules dated 13 September 1779 and approved on 6 October 1779: only landholders might keep sheep, at two for every three acres, with 40 for the clergyman; excess sheep incurred £0 5s 0d and those of the unentitled were to be killed; district inspectors chosen at the yearly vestry counted flocks each December for £0 0s 1d a sheep; owners who failed to help pen paid £0 10s 0d to the poor; and straying tame flocks could be impounded at £0 0s 6d a head after three written warnings, with compliance due by 1 October 1780. Sheep counts were reported on 10 January 1781 and 16 January 1782. An index dates the limit on sheep to 20 April 1779, and another entry records a rule keeping cattle off drought-ruined pasture for three or four years. [Film No. 5, 7, 429, 446–447, 480, 503]

On 12 July 1780 the grand jury reported that the long drought had killed the rushes used for thatch and matting and, as the herds were already much reduced, proposed closing the Horse Pasture to cattle for three or four years; the justices fined every head found there after 1 August 1780 £0 5s 0d for the churchwardens, and the jury urged that public labour plant rushes each year. On 10 January 1781 the justices raised the sharp fall in woodland and coming shortage of fuel, the island having no coal, and with the grand jury's agreement assigned the road labour to fence the Company's waste land called the Barn Ground and plant trees, three jurors marking the fence line. [Film No. 455–456, 480]

Trade, Currency and Supply

The island had no mint or bank and too little English coin, so foreign coin passed at fixed sterling rates and households kept savings as coin and small valuables. The register rated the gold pagoda of southern India

at £0 8s 0d, the English guinea at £1 1s 0d, the Spanish dollar at £0 5s 0d and the rial at an eighth of a dollar; rupees passed at £0 2s 0d in 1762 and about £0 2s 3d by 1767, alongside fanams and double fanams, pistareens at about a fifth of a dollar, half crowns, shillings and halfpence. A Portuguese six-and-thirty or half-johannes passed at £1 16s 0d, French crowns at £0 5s 0d, Venetian sequins or Venetians at £0 10s 0d and a Cape rix-dollar at £0 4s 0d, with Dutch schellings, stivers, ducatoons, cob and Mexican dollars, gold mohurs and a German crown. A coin of £0 1s 3d circulated in 1767. Changing gold was conspicuous: shops kept by Mrs Moor, Mrs Price and Mrs Whitchurch changed pagodas for soldiers and slaves, and changing one exposed several thieves. [Film No. 15, 19, 28, 32–33, 54–55, 70, 107, 129, 134, 165, 167, 181, 202, 295–296, 357, 361, 437, 507]

Asian and European goods reached households through the Company's shipping: Hyson tea, dimity, chintz, gingham, nankeen from Nanjing, Madras cloth, cherry derry and muslin from Bengal, Persian silk, Chinese porcelain and lacquered escritoires, gunny sacks of Bengal jute, rattans, arrack from Batavia and India in square case bottles, London magazines, Florence oil, Cape sheep's tails and a shawl-handkerchief imitating those of Kashmir valued at £1 10s 0d in 1779. Arrack cost about £0 6s 6d a gallon in March 1765, £0 6s 0d in December 1765 and £0 0s 9d a quart in December 1767, when flour cost £0 0s 2d and sugar about £0 0s 3½d a pound; Company beef was valued at £0 0s 4d a pound in 1766, Cheshire cheese at £0 0s 9d a pound in June 1768 and tea at £0 1s 0d a pound in December 1768, and China cups fetched £0 0s 6d to £0 1s 0d apiece in 1778. Rice and biscuit were scarce in December 1765. [Film No. 106, 109, 127, 146, 152, 175–176, 200, 206–207, 220–221, 231–232, 240, 399–400, 404–405, 415–417, 436, 438, 457]

Shops and stores served ships, garrison and settlers. John Whitchurch's warehouse held biscuit, cheese, gingerbread and a box of 43 dozen knives in 1763, and his shop's stock stolen on 13 July 1769, worth over £30 0s 0d, included Coromandel palampores, banian shirts, striped silk valued at £4 4s 0d, 14 vials of patent drops at £0 2s 0d each, fish-hooks, compasses and Jew's harps. The Company's store supplied goods that could not be made locally, its bakehouse baked for garrison and ships, and its storehouse in James's Valley held the treasury. James Pritchard's warehouse was the only seller of salted Cape sheep's tails in 1780. Standing orders forbade buying from slaves and from soldiers. [Film No. 36, 43, 51–53, 127, 252–256, 295–296, 457–458, 506]

Social Order and Religion

Punch houses, taverns and tap-rooms stood at the centre of island life. Keepers named in the record include William Smith in 1763, William Payne, Sarah Walker, Robert Ballard and Roderick Merchant in 1764, Henry Harper, William Hayes, Elizabeth Moore and Stephen Young, whose house had a bar, in 1765 to 1767, the widow Burnham and John Seale in 1768 to 1769, Mr Young in 1773, Richard Harper in 1774, Mrs Cole and James Pasfitt in 1779 and Mr Coles in 1781, besides the White Lion tavern and a tea shop. On Sunday 19 February 1769 no drink could be bought before 5 pm, during divine service. [Film No. 32, 55, 61, 63–65, 80, 84, 94, 119, 135, 171, 183, 200, 216, 241, 243, 330, 345, 423, 431–433, 449, 499, 501]

Before the sitting of 2 May 1764 Ballard and others complained to Kirkpatrick that Free Harry, a free black man, kept a disorderly house; the grand jury endorsed it unanimously and he was sentenced without trial jury to a month in prison and further confinement until he found sureties. Free people of colour included the midwife Grace, the free Malay servant Choir, Abigail, a free black woman, a midwife also named Abigail, Dick Hector, Jo, Sukey, who lived with the cooper Joseph Griffiths, and a woman named Nanny who laid out the dead. Many witnesses, among them John Leech, Exeter, Scipio and John Price, signed with a mark. Women earned by keeping drinking houses and shops and by washing, as Sarah Lake did for soldiers in 1767 and the washerwoman Sarah at Sandy Bay did in 1781. [Film No. 17, 20, 28, 34, 76, 119, 147, 160, 193, 233, 266, 327, 504]

On 7 October 1767 the constable presented the punishment or parish house as a nuisance: it was so insecure that men entered at any hour, the women confined there encouraged them and he was often called by cries of murder to find drunken sailors rioting and abusing them. The court ordered the Company's mason and carpenter to survey it and estimate repairs, the churchwardens to oversee the work and assess its cost on the inhabitants. Priscilla Smith lived at the parish house in 1779. [Film No. 197–198, 449]

Religious language framed the court: indictments blamed the Devil and the absence of fear of God, the chairman urged the condemned to repent, and on 3 January 1764 Peter Eglestone said the ghost of the man he had killed appeared to him constantly and asked all Christians to pray for him. The Reverend John Thackeray lodged with the surgeon Robert Barclay in 1765, the clergyman was allotted 40 sheep in 1779 and the vestry met in the chapel in James's Valley. Apprenticeship indentures bound servants to keep their masters' secrets and avoid taverns, as the tailor William Clough reminded his apprentice William Tiploe in 1779. [Film No. 23, 62–63, 67, 128, 431–433, 446]

Crime and Punishment

The first court, on 12 and 13 October 1762, tried Cato, a boy owned by the planter James Greentree, for stealing 12 pagodas valued at £4 16s 0d on 14 August 1762 from John Hawck, third mate of the Company's ship *Warren*, who lodged with Greentree. The slave Gracy advised Margaret Greentree to search him, and she found 11 pagodas in his breeches; Cato said he had found them by Hawck's bed and meant to return them. The jury valued the theft at £1 19s 0d, and he was branded on the hand in court. [Film No. 15–16, 23]

Will, formerly owned by the widow Sarah Knipe of Prosperous Bay Valley, pleaded guilty on 12 October 1762 to raping a girl of the same name, under 10, on 19 December 1761. Frank, formerly owned by Stephen Young of James's Valley, denied raping Phillis, a slave child of the household under 10, on 19 February 1762. Her mother Moll reported it to Young on 24 February 1762; Grace, a free black midwife called to deliver Moll's child, the surgeon Robert Barclay and Moll described her injuries, and Phillis, unsworn, said Frank had thrown her down at the Point behind the house and threatened to cut her throat unless she blamed an unknown soldier. Penelope and Eleanor Young described attempted assaults with the same threat, John Whorral had caught Frank, and Frank claimed Phillis consented, which the statute made no defence. Both were convicted at the gaol delivery of 13 October 1762. A warrant of 19 October 1762 fixed their hanging for Friday 22 October 1762 between 8 am and 2 pm; they escaped on the night of 20 October, a reward was offered on 21 October and they were hanged on 22 October 1762. The indexes give their crime as robbery and their hanging as 19 October 1762. [Film No. 5, 16–19, 23–25]

Anthony, a slave of Isaac Doveton, was accused of breaking into the house of the justice Mathew Burling on 18 September 1762 and taking a box worth £10 0s 0d belonging to Choir, a free Malay servant, who recovered it in court. The Constable John Bland arrested him on 19 September 1762 as he brought milk into the valley, and Anthony led him to money under gorse bushes on a hill and clothes near a goat pound. Anthony blamed Burling's slave boy Tabaa, but the boys James, David and Pompey swore that Tabaa never left their room, and Pompey had seen Anthony hide in the house. On 13 October 1762 the jury, with Burling on the bench, cleared him of burglary and convicted him of theft, and he was branded with Cato. [Film No. 19–23]

Exeter, a slave of the innkeeper John Leech, broke a windowpane at about midnight on 4 September 1762, drew the pin, lowered the sash and took £6 10s 0d and two pounds of tobacco from beside his sleeping master. Leech swore a deposition before Skottowe on 6 September, Exeter confessed on 7 September and Mahony inspected the window on about 10 September 1762. When Leech was reported ill on 13 October 1762 the court postponed the case only after Barclay certified that diarrhoea and delirium made him unfit to move. Leech had died by 11 January 1763, when Exeter was convicted on the deposition; he was hanged on 4 February 1763. [Film No. 23, 27–28, 36–37]

The soldier William Jenkins burgled Bland's shop on the night of 22 October 1762, hours after the hanging, taking five pagodas, rupees, Spanish silver, English coin, pumps and an orange. On 31 October 1762 the Adjutant reported him changing pagodas; Bland arrested him under the Governor's warrant, learned at the hospital that he had slipped over its walls at night, received the pumps from the soldier John Holloway and on 1 November 1762, with Lieutenant John Bridgewater, saw Jenkins dig a pagoda from under a rock near the Maldivia Garden. Jenkins claimed Bland had promised forgiveness for a confession. He was convicted on 11 January 1763 and a warrant issued on 24 January, but he escaped on 3 February, was recaptured on 6 February, identified on 7 February by two jurors and the gaoler and hanged under a fresh warrant on 10 February 1763, although the index groups him with Exeter on 4 February. [Film No. 5, 28–30, 36–37]

On 25 October 1762 the soldier William Levingston and the matross Samuel Smith killed a hog of unknown owner worth £0 8s 0d at Broad Gut in Sandy Bay; Sergeant George Finn let them bring it into the guard after dark, directed the butchering and threatened James Proctor with a knife and William Fletcher with his sword and the sea. On 11 January 1763 the jury valued the principals' theft at £0 0s 10d each and Finn's, as accessory, at £0 0s 6d, and all three were flogged at the stocks on 17 January 1763. On 8 January 1763 Anthony, already branded, took a pagoda from Dawson, a slave boy of Jonathan Doveton, in William Smith's public house after sending him to fetch a pistareen from Abraham Harding; he changed it at Mrs Whitchurch's shop, begged Henry Howell and Smith on his knees for silence because a second conviction would hang him and paid Dawson £0 2s 0d, but Thomas Harper advised going to the Constable. His theft was valued at £0 0s 10d. [Film No. 30–34]

Lewis, a slave of William Seale of Dogwood Valley, stole two hens from Ruth Colgrave at Dry Gut on or about 27 October 1762. On 9 December 1762 Will, a slave of Mathew Bazett, told James Colgrave where they were, and one was traced through Old Dick to Thomas Burnham, who had bought both from Lewis; Lewis offered replacement hens and asked Abigail, a free black woman, to swear she had sold them to him, and at trial blamed Benjamin Seale, a juror. He was convicted at £0 0s 10d on 11 January 1763, and he and Anthony were flogged at the cart's tail on 18 January 1763. Burnham admitted buying from a slave against a standing order and was fined £5 0s 0d without a jury. The same day the soldier William Fullwood, charged with assaulting John Tucker with intent to commit buggery in a tap-room on 5 January 1763, was acquitted after four soldiers, including William Hockley, who had served with him four years in the East Indies, swore to his character; Tucker placed the tap-room in Sergeant Bazett's quarters and Fullwood in Sergeant Burnham's. [Film No. 34–37]

On 6 April 1763 May, a slave boy of the Company, was acquitted of buggery with a dog in Pounce's pasture on 25 January 1763; Tom Butcher, a Company slave, had caught and beaten him and reported to the overseer Mathew Bazett, and said May admitted penetration next day, which May denied to Bazett. The soldier John Cork, who took linen worth £0 9s 3d from Lieutenant John Bridgwater's house before 25 January 1763, was convicted at £0 0s 10d and whipped at the stocks that afternoon; John Henry Schaarnhurst had refused to buy the stockings, the owner's mark picked out, citing the standing order against buying from soldiers, and Nakhoda Poccelem, master of an Asian vessel, bought them for £0 3s 0d. [Film No. 40–44]

March, a slave of Mathew Bazett, the Secretary, broke into John Whitchurch's warehouse in James's Valley on 8, 14 and 17 June and 2 July 1763, finding the gingerbread by the smell where rats had gnawed it. On 16 July 1763 Bazett sent him to the gaoler John Price to be punished for running away, and March said a man could die but once before confessing; Jack, a slave of Richard Beale, produced the knife he had used. On 5 October 1763 he was cleared of burglary, convicted of theft worth £3 1s 0d and branded. At the same sitting Roderick Shaffer, a soldier of Howard's company, was acquitted of breaking open John Hourston's chest on 18 September 1763 although he had confessed before his captain and Sergeants Thomas Ferris and Richard Wright to taking three pagodas and two rupees, fewer than the indictment's four pagodas and five silver coins, and had falsely claimed a loan of £0 16s 0d from John William Blank. [Film No. 51–57]

On 11 January 1764 the matross William Poulton was whipped at the stocks for stealing a Company elm plank worth £0 2s 0d near the town gate on 28 October 1763 and a chest lid of Peter Feather's on 19 December 1763; the carpenter Julio Fabiano, working aboard the snow *Mercury*, found both under a cot after the soldier James Proctor, who had refused to saw the tarred plank, led him there, and the jury valued the theft at £0 0s 10d. Fabiano dated Proctor's refusal to 19 November and Proctor to 19 December 1763. The soldier John Herring was whipped for taking 100 pounds of Company lead worth £0 16s 8d from the boathouse near the crane on 20 December 1763, missed by the chief mate of the cutter *Fly* and partly traced by John Criswell, patroon of the longboat, to the soldier Robert Stack; the jury valued it at £0 0s 10d. The grand jury rejected a bill against the matross Esau Nowlan for assaulting Sarah, a slave woman, with intent to rape on 8 December 1763. [Film No. 59–62, 65–66]

Peter Eglestone, a soldier of Captain Bazett's company, asked the Constable Thomas Harper on 3 January 1764 to arrest him for throwing Anthony Meehan over a precipice from the path to Munden's Point on 13 April 1755, a death the Council had noted the next day. Harper tested his sobriety and called Roderick

Merchant as witness; to the gaoler John Price, Eglestone described a quarrel and denied meaning to kill, and Robert Ballard said he had been drunk the day before but sober on the day. He was convicted of murder on 11 January 1764, a marginal note raising the same doubt, his death warrant issued on 20 February 1764 and he was hanged on Friday 24 February 1764, his body going to the surgeons for dissection under the Murder Act of 1752. The index names him Peter Eyles and dates his hanging to 20 February 1764. [Film No. 5, 62–64, 67]

On 2 May 1764 Harry Hammer, a Company slave, was acquitted of burgling Benjamin Mason's town house at midnight on 27 November 1763 and taking a fur hat, tea, a waistcoat and Bristol stone buckles of Mason's niece Mary Knipe; barefoot prints lay beneath the broken window, and Sergeant Ferris had bought the tea from Hammer for half a crown and passed the buckles to James Cowle for sale, telling Mason he bought them for three rupees from a cooper's man of the *Grosvenor*. Isaac Knipe sat on the jury. Peter, a runaway slave of the surgeon's mate John Pritchard, admitted stealing an iron pot from Harper's kitchen at midnight on 21 February 1764, begged not to be returned for fear of horsewhipping and starving and was whipped at the stocks; Poulton had found him on 3 March 1764. Patna, a slave of the widow Mary Doveton, caught in the chimney of Lieutenant Thomas Leech's kitchen at midnight on 23 March 1764, said the smell of boiled yams had drawn him; the jury, including Isaac Doveton, acquitted him. [Film No. 69–75]

On 11 July 1764 Sergeant William Conquest was whipped at the stocks for stealing 12 monthly magazines, a pocket book and a letter worth £0 8s 0d from Torbett's house on 4 May 1764; he sold the pocket book next day to Brooke in Payne's punch house for a rupee, and Brooke found in it a letter to Lawrence. The master mason Bland served as juror and witness. The soldier William Carr was whipped for taking a silk handkerchief with a dollar knotted in it from the drunken John Thomsen at the new barracks on 6 July 1764; Sergeant John Lemon caught him, and the jury gave the dollar a value of £0 0s 10d. [Film No. 78–86]

Conquest's witnesses, Sergeant William Bell and the soldiers Jeremiah Jordan and Samuel Alston, were convicted of wilful and corrupt perjury on 3 October 1764. The court heard a statement Conquest swore before Skottowe on 14 July 1764 that Flora, Torbett's slave, passed him the pocket book at her master's back door and six magazines, four of which he gave to Gear, steward of the *Neptune*; Lieutenant Samuel Desfountain had him on guard at Banks's from 3 to 7 April; the Adjutant's orderly book dated a magazine loan to 6 June, the day Lieutenant Michael Frost confined Conquest; and Bell named the storeship as the *Duke of Richmond* and Conquest as the *Duke of York*. Harper sat on their jury. Each stood an hour in the pillory on Monday 8 October 1764, which barred them from giving evidence again. [Film No. 5, 7, 87–93, 95–96]

On 3 October 1764 the artillery corporal Thomas Jones was whipped for concealing four pagodas lost by Sergeant William Hill in a brawl at Sarah Walker's punch house, dated by Hill to Friday 21 September and by the charge to 26 September 1764; Walker's daughter Margaret saw him pick up the coins, Walker's slave Moll told Hill at the town's washing place and Walker swore Jones had lodged the coins with her. On 16 January 1765 the soldiers Abraham Harding and Nicholas Rushek or Bushell were convicted at £0 0s 10d for shooting two goats charged at £0 4s 0d and £0 5s 0d with a guardhouse musket on 2 and 4 October 1764 and eating them at the Prosperous Bay guard, where bones lay at Jemmy's Stage. The grand jury valued a china cup and saucer taken by Winkity or Kinkety, a slave of Thomas Greentree, at exactly £0 1s 0d, and all three were flogged at the stocks as the court rose. [Film No. 90, 93–96, 98–100, 104]

Lewis, a slave of William Seale lodged at the widow Desfountain's, was tried on 16 January 1765 for strangling Pat or Patt, one of her slave women, at Pleasant Valley on 26 December 1764, after a Christmas Day spent drinking with her slave Frank. He asked the planter Benjamin Pledger to swear he had slept at his house, and Betty, a slave of John Worrall, refused to lay out the body on seeing the bruised throat; Pat's daughter, aged about 5, said unsworn that Lewis had entered by the window and killed her mother, the surgeon Barclay and the coroner's jury found finger and thumb marks over the windpipe, and the slave Dick placed him at the house. He was convicted, the warrant issued on Monday 21 January and he was hanged on Wednesday 23 January 1765 and hung in chains. The tally names a different valley. [Film No. 5, 98–99, 101–106]

At about 2 am on 29 November 1764 slaves aboard the snow *Mercury*, sailing from Madagascar to St Helena with the cutter *Fly*, rose against the crew. Winchester, a Madagascar-born slave formerly the Company's, stabbed Captain William Harrold repeatedly with a lance valued as a deodand at £0 5s 0d while the lights were out; Harrold, finding his pistols drawn, reloaded them and fired through the gratings of the main hatch, Captain John Maryweather went down alone and was knocked senseless with a spindle, and Harrold died on 30 November 1764. The surgeon Thomas Hamilton counted five wounds to the indictment's four and placed the spleen wound on the left, not the right. The mate Seth Lofthouse saw Cupidore, Harrold's St Helena-born slave, fetch light repeatedly from the binnacle and report the captain dead while he still fought, and the cooper George Jacks saw him throw a barber's block among the slaves, whose quarters were bolted from outside. Questioned through an interpreter, the slaves said Cupidore promised to sail them home, armed them with knives, a file and Lofthouse's cutlass and offered a pistol, and John Mitton, Stanford and Liverpool swore he warned them the white men would kill and eat them. On 17 April 1765 Winchester admitted the killing, blaming Cupidore's promises, and Cupidore denied everything; both were convicted of murder, charged in Cupidore's case as treachery against his owner, a warrant issued on Monday 22 April and both were hanged on Friday 26 April 1765 and hung in chains. The index calls him Cupidora and dates the sentences to 17 April 1765. [Film No. 5, 107–108, 111–116, 121–122]

The same sitting of 17 April 1765 tried Pegg, a slave girl of the artillery sergeant John Whitchurch, for burgling Richard Goodwin's house at about midnight on 19 January 1765 and taking tea, china worth under £1 0s 0d in all and magazines of Henry Fletcher's; Whitchurch's slave London seized her bundle outside Thomas Greentree's door, but she escaped into Captain Kirkpatrick's house, and the bundle passed through London, Harry Jefferson and Whitchurch and held a coffee can and three letters not in the indictment. She said she found it in straw and was convicted of theft only. Dick Hector, a free black man, was convicted of taking 1½ gallons of arrack worth £0 9s 9d from Henry Harper's punch house, dated by the indictment to 24 March and by the witnesses Thomas Suffnell, John Blinkhorn and James Miller to the night of 23 March 1765; he had offered Harper £5 0s 0d not to complain, and the jury valued the theft at £0 4s 10d. Both were flogged at the stocks. The soldier William Carr was acquitted of taking shoes and two shirts worth £0 7s 0d from a chest in the New Barracks on 27 February 1765, the indictment naming the owner as John Webb and the loser who testified as John Wiburt; Josiah Johnson had obtained his confession with an unkept promise of private settlement, and John Dove said Carr offered him a cock or frock in his tap shop on 1 March 1765. [Film No. 106–111, 116–121]

On 9 October 1765 the gunner Thomas Jones was acquitted of assaulting Sarah Walker on 30 July 1765, when his sword hilt cut her head to the skull; she admitted sending for him twice, and he said she was drunk, threatened to rip his heart out and fell on the steps. Jo, a slave of Richard Beale, was convicted of the manslaughter of York, a slave of Wrangham, at Sandy Bay on 30 July 1765; Tony, a slave of the widow Alcock, saw Jo throw stones after York called him Stink, York told Wrangham on 23 August that the stone hit him and died of a fractured skull on 26 August 1765, and Barclay could not tell a fall from a blow. Jo was branded M in court. Frank, a slave of Barclay, was branded F for taking two two-guinea coins worth £4 4s 0d on 2 September 1765 from the unlocked bureau of the Reverend Thackeray, one of which the widow Elizabeth Moore changed for him as a piece of £1 16s 0d; the jury, one of whose panels that day included three Harpers, among them Henry Harper, valued it at £0 4s 10d. [Film No. 126–135, 139, 142]

The soldier John Whitendale, who robbed the drunken Springthorp of a purse of mixed coin worth about £1 3s 3d at Howell's house on 1 October 1765, found by Howell and Corporal Lake in his mouth, shirt and breeches, was convicted at £0 0s 10d and flogged. William Foster of Beale's company was convicted on 9 October 1765 of assault on the drummer George Varney, aged about 26, on the night of 2 October 1765, having been charged under the buggery statute of 1533 with intent, and stood in the pillory in James's Valley for an hour on 11 and 12 October 1765. Castor, a slave boy of Stephen Young, was acquitted of buggery with a cow above Chubb's Spring on 7 October 1765; Corporal William Bunn and John Bakman, who had threatened him with a flogging, differed on distance, the height of the bank and whether he wore a shirt, Castor said he was picking lice as Young routinely ordered, and Young stood down from the jury, replaced by John Warrick. [Film No. 129–131, 135–142]

On 15 January 1766 Corporal William Stedman of Howard's company was acquitted of killing Evan Knowles with a shelf board in Sarah Walker's yard on 1 October 1765, the indictment omitting malice

aforethought. Knowles died on 22 October 1765 after a statement witnessed the night before by two surgeons rather than a justice, as the statutes of Mary I required, but the surgeon's mate John Prichard, who had long treated him for consumption, found gangrenous lungs at the inquest and no marks of violence, and the court read those findings on its own motion. Henry Brown of Beale's company, charged with assault with intent to rape Polly, a young black girl, in Walker's privy on 16 November 1765, where Walker, summoned by her maid Catherine, and Poulton found him, was sentenced to be flogged until he bled at the Parade, Southwark and Wapping, on dates recorded as three Mondays, 20 January, 4 February and 20 February 1766, of which only the first was a Monday; the midwife Abigail had found no injury. [Film No. 145–151, 155–156]

Sam and Frank, slaves of Barclay, were tried at the same sitting for breaking into James Greentree's storeroom at about 11 pm on Sunday 1 December 1765 and taking nine case bottles holding 4½ gallons of arrack worth £1 7s 0d, biscuit and rice. Their fellow slave Lewis, accepted as Crown witness, said the three came home hungry from fishing, crossed Beale's yard and Greentree's chimney, forced the door with a crowbar while he kept watch, hid eight bottles in a mortar pit, decanted the ninth and threw the case bottle in the privy; Larry found the goods in Barclay's stable on 2 December 1765, and Frank, a slave of John Poole, saw the prisoner eating biscuit while fishing. Frank said the back door was locked with the key in his master's keeping, but the court called Larry, who said it lay on the kitchen dresser. Sam was convicted of theft and branded in court; Frank, already branded, was convicted of burglary and hanged on Wednesday 22 January 1766. The index dates his sentence to 15 January 1766. [Film No. 5, 146–147, 152–156]

London, a slave of Simon Whaley of Fisher's Valley, was acquitted on 9 April 1766 of killing his daughter Jenny, aged four to six, with two blows of a bamboo cane on 27 December 1765; she died on 6 January 1766. Her mother Dorinda, owned by Joseph Chamberlain, said London beat her for refusing her milk and found a broken rib under a bruise, and London told Dorinda and, on 19 January 1766, John Hayes that he had killed her, pointing to the hill where three men hanged for murder hung in chains. Nanny, a slave of John Robinson, said London took Jenny from Robinson's house on 26 December 1765 and returned her two days later, and the free woman Nanny who laid her out found a bruise the size of a sixpence and a blocked throat; Elisha Isacke, who treated her with garlic applied by feather, diagnosed quinsy. Whaley and Chamberlain, regular jurors, did not sit. [Film No. 158–161]

On 8 October 1766 William Phillips, a gunner of Mitchell's company, was convicted at £1 19s 0d and branded for breaking open Eustace White's chest in the Old Barracks between noon and 2 pm on 12 September 1766 and taking coin and valuables worth over £10 0s 0d. The matross John Scotcher found the front door wedged with tin and the back open; the matross William Hodges saw Phillips offer to be searched and then carry a green purse out under his coat, and found White's buckle under hoops that Phillips owned beside a knife that John Osburn and Richard Waterhouse knew as Phillips's; Lawrence Hall found the purse under a flat stone; and the bombardier James Bazett drank punch with Phillips at the White Lion soon after. White claimed £12 0s 0d, Hall repeated £14 19s 0d and the indictment listed £8 11s 6d, omitting a rupee and seven or eight sequins White named. On 14 January 1767 Phillips was acquitted of taking 54 bottles of Burling's wine worth £5 8s 0d from his wash house on 22 June 1766; the accomplice Daniel Timm testified, Burling's servant Thomas Yates had found bottles hidden in late May and counted first 59 and then 36 missing, Robert Ballard and Whitchurch spoke to his honesty and Burling sat on the bench. [Film No. 165–178]

The same sitting halted a burglary indictment against Frank and Billy, slave boys of Mary Burnham, after the bench judged them too young to be responsible. March, a slave of Matthew Bazett of Shark's Valley, was acquitted of taking 20 pounds of beef worth £0 6s 8d from the Company's slaughterhouse on Sunday night, 27 July 1766; the butcher Frank, who described a leg and more cut away, identified by a crack in its handle a knife May, a slave of Benjamin Mason, took from March when he caught him at Bennett's Point on Friday 21 November 1766, but Mason could not identify the knife and March said his own had a buckhorn handle. [Film No. 174–175, 178–179]

On 29 April 1767 William Carr, soldier of Beale's company, was convicted of picking £1 5s 9d in dollars and rupees from the pocket of John Dove, asleep at Elizabeth Moore's house, on 29 January 1767; Phillips, now a matross, and James Drake saw it, and the matross Joseph Fellows, claiming ignorance though present

and sober, was jailed two months for contempt. The bench asked the jury to reconsider, Carr never having been branded, but the foreman said their oath allowed no other verdict, and Carr was hanged on 16 May 1767. The index names him William Care and dates his sentence to 24 April 1767. John Pinchback, a sailor of the *Asia*, was convicted of manslaughter and branded for the death of his captain, Cornelius Inglis, who fell from the wharf on 24 February 1767 and died on 1 March 1767; Captains John Howard, Archibald Mitchell and Henry Bazett saw Inglis, rebuking sailors who refused the longboat, raise his stick first, and after Captain Affleck kicked the pinned Pinchback he swore to finish the captain another time. Barclay, examining for the coroner James Beck, found a fractured skull and a bruise on the right shoulder where the indictment said left. [Film No. 5, 181–189]

On 15 July 1767 Harry Rammer, a Company slave of Sandy Bay, was convicted at £0 0s 10d and flogged at the stocks until he bled for taking clothing from Sarah Lake's house on Sunday night, 21 June 1767, which she dated to 22 June; Benjamin Bartley saw him at the window, Tuesday, a Company slave at the Sandy Bay fortifications, took the bundle to the commanding officer, Lake identified only the gown and Rammer, who fled on learning Lieutenant Bazett held it, said he took the wrong bundle while drunk on punch she had mixed. On 7 October 1767 Eneas, a slave of William Wrangham, was cleared of burgling Stephen Young's bar on the night of 1 July 1767, the staple wrenched out, and convicted at £1 19s 0d of taking a blue satin waistcoat panel, arrack, knitted breeches fabric, nankeen, fishing tackle and coin; Wrangham forced Eneas's boxes in late August 1767 before his slave Sarah, who listed two rupees, two shillings and a coin of £0 1s 3d, and said nothing until Young came on 15 September 1767. Eneas said he found the bundle after carrying sailors' baggage and was branded. [Film No. 192–195, 199–203]

On 13 January 1768 Marck, a slave of Lieutenant Solomon St Maurice, was convicted of burgling his master's house on Saturday 26 December 1767 and taking arrack, flour, sugar and bread worth £0 5s 11d; the soldiers Andrew Connor and John Terry saw him climb a ladder to the window, and St Maurice swore he had promised Marck food and drink for the holidays and forgot it. A warrant issued on Monday 25 January and Marck was hanged on Friday 29 January 1768. On 13 April 1768 John Beeckmans of Kirkpatrick's company, stationed at Banks's, was whipped until he bled after the jury valued at £0 0s 10d the £0 9s 0d taken from the matross William Luke's chest on 5 April 1768; Corneille testified that Luke was too drunk to complain coherently. On 13 July 1768 Cupid, a runaway slave of Matthew Bazett, confessed to his master after capture on 29 June that he forced Whitchurch's shop with a crowbar on 24 June 1768, but no crowbar or forced staple was found and the jury valued the cheese, biscuit and clothing at £0 4s 10d; he was branded. [Film No. 5, 205–222]

On 5 October 1768 Sergeant John Fish and Stephen Pipper, a soldier of about 20, were convicted of attempted buggery in Barrack 19 of Bazett's company on 30 August 1768, dated by the witness William Fullwood to a Monday although it was a Tuesday; Fullwood fetched Corporal Thomas Hillard, who waited for the orderly sergeant Hopkinson, and the soldier Cummins, and both stood an hour each in the pillory on the Parade, in the Main Street and in Southwark on Saturday 8 October 1768. On 5 April 1769 Fullwood was acquitted of attempting to bugger Gregory Sutherwood, aged about 30, on 18 February 1769, although Sergeant William Clifton heard him offer to beg pardon and his own witness William Caffery said he gave £0 1s 6d on 19 February to settle it. [Film No. 224–228, 239–244]

On 11 January 1769 Toney, a slave of Isaac Doveton, was acquitted of killing one of the Cape sheep on 20 April 1768; Simon Whaley found mutton in the gorse on Francis Plain on 27 April and his runaway slave Anthony blamed Toney, but Jo, a free black man, swore Anthony had kept mutton in his own chest. Solomon, a slave of Mrs Kennedy, was convicted at £0 0s 10d and whipped for taking Company-store goods of John Defountain the younger and Thomas Lambert from Betty, a slave asleep by the road on 19 December 1768; Burling, on the bench, had investigated, Jenny, a slave of Mr Sample, found goods in the chest of Solomon's wife and Solomon led the constable to the rest at Rupert's Gut, naming the juror John Seale as the man he meant to take them to. [Film No. 230–237]

On 5 October 1768 the grand jury found a bill against the soldiers Henry Instow and Thomas Watts and the matross Matthew Charlton of Munden's Point for killing Burling's yearling bull, valued at £2 0s 0d, near Hutt's Gate at about 1 am on 20 July 1768, and against John Cooke or Cock and Charles Field as receivers; with only Skottowe and Burling sitting, the court postponed the trial so that Burling would not judge his

own loss, eased the principals' custody and bailed the receivers, whose sureties renewed in January and April 1769. On 12 July 1769 Burling's slave Charles identified the head and skin by his ear marks, but the court ruled the accomplice Pipper infamous after his pillory sentence, the jury acquitted the principals without withdrawing, and Corneille told them they now answered to God and their consciences. [Film No. 224, 229–230, 238–239, 245–249]

Cupid, Tom and Peter, slaves of John Defountain, set out at 9 pm on Thursday 13 July 1769, and Cupid and Tom broke into Whitchurch's shop with a crowbar Cupid called a walking stick, taking stock worth over £30 0s 0d; Peter, admitted as King's evidence, waited at Bagley's stable and threw goods over a wall, and Defountain found goods in Tom's chest on 15 July 1769 and had his son search Tom's plantation. On 4 October 1769 Cupid pleaded guilty and, told by the bench that a trial might save him, said he was content to die; Tom's share was valued at £0 4s 10d and he was branded. Cupid was hanged on 14 October 1769 under a warrant of 13 October. The index dates his sentence to 4 October 1768. [Film No. 5, 251–258]

The soldiers John Dobson and William Brown cast forged rupees of white metal in the garrison armourer's shop on Sunday 29 October 1769, watched by William Copping, and passed them at Merchant's inn, Parfett's shop and Seale's inn; Merchant dated the first to 26 October 1769 and kept them to show the Governor and Council, and Lieutenant Charles Ross Stewart oversaw the search of Dobson's quarters on 30 October. A special meeting at the Castle on Wednesday 8 November 1769 found the forgery proved but doubted it was treason, since the rupee had never been proclaimed current in Great Britain, and ordered both men discharged and shipped to England on the first ship of 1770 with halters round their necks; the gaol was empty by 10 January 1770. [Film No. 259–263, 268–269]

Sutton Isacke and Corporal Patrick Nowland, aged about 25, were indicted for buggery in a barrack room on 24 September 1770 after coming in drunk at the tattoo; John McAllister, who went over Nowland's head to the corporal of the guard, and William Mudge, watching by starlight from 9 feet, heard one ask the other whether he was ready to ejaculate, while Thomas Rogers, who brought the light, saw nothing indecent. On 3 October 1770 the jury, with Merchant, Whitchurch and Defountain sitting, convicted both of assault only after the sergeant major James Goudy and Sergeant Hughes spoke for Nowland, and each stood two hours in the pillory on Thursday 4 October 1770. [Film No. 276–282]

On 10 April 1771 the slave Dick was cleared of burglary at John Seale's inn on the night of 14 January 1771, entered by a smashed sash, and convicted at £0 4s 10d and branded for taking gold rings of Seale's brother-in-law Joshua Worrall valued at £1 0s 0d, a buckle and a handkerchief of Mrs Defountain's; Seale, then constable, Worrall and George Bird searched him in the street on 15 January 1771 without a warrant, and Philip Mahony swore to his 2½ years of honest service. Roger, a slave from Friar's Valley, was acquitted of breaking into the thatched hut of Greentree's slave Scarborough at Sandy Bay at about 3 am on 31 December 1770 to steal yams, Scarborough being the first slave whose sole sworn evidence carried a capital charge. [Film No. 286–292]

The discharged matross Andrew Petherick broke into the Company's storehouse in James's Valley at about midnight on 12 March 1771 and took coin worth £355 12s 11d, including mohurs, sequins, pagodas, a Portuguese piece, ducatoons, dollars and rupees; the discharged matross Stephen Swarling had urged him on that day and took a share on 13 March 1771. On 10 July 1771 the bench warned Petherick before entering his guilty plea, and warned Swarling, who answered evasively, that a prisoner mute from obstinacy faced pressing to death, whereupon he pleaded guilty. Corneille, citing confessions they had made to him privately, told Swarling he could have prevented the crime. Petherick was hanged on 26 July 1771 under a warrant of 24 July. Swarling was respited on 10 July 1771, again on 9 October 1771 to 8 January 1772 and then to 29 April 1772, when a free pardon from the King was read and he was released. The record also spells them Tetherick, Fetherick and Swarting, and the index dates Petherick's sentence and Swarling's refusal to plead to 12 March 1771. [Film No. 5, 294–299, 301, 303, 305]

On 29 April 1772 Cato of Sandy Bay was convicted at £0 0s 10d and whipped until he bled for taking clothing, bedding, nankeen and rice worth about £0 11s 0d from the yard of Lieutenant Thomas Statham's house at midnight on 26 December 1771. Mary, a slave, told Mrs Statham she had seen Lucy of Sandy Bay wearing the jumps and shift, Statham obtained a warrant from the Lieutenant Governor, and his slave Doll

went with the constable to identify the goods; Statham could swear only to the jumps and bed cover, Doll and Mary knew the shift by a slit at the breast and its English linen, and Mary said Mrs Statham had given her the jumps, which she traded to her mother for a waistcoat. Lucy, charged with receiving on 27 December 1771, said Cato gave her the goods about two weeks after Christmas as purchases, and was acquitted. [Film No. 306–310, 313]

The same jury tried a second Cato, of James's Valley, for killing a sheep of Matthew Bazett worth £0 15s 0d at Hancock's Hole on 18 April 1772. On 20 April 1772 the slave Anthony, gathering yams, seized the runaway Cato with raw and cooked meat, but he broke away on the road to his owner William Seale, and William Jenkins described him brought into Seale's country house that day, tied him to furniture and promised easier treatment if he confessed. Cato said he and Palma, never charged, killed the sheep among the yams on John Desfountain's plantation, and on 23 April 1772, at a Mr Mahony's instruction, led the constable Julio Fabiano to the head skin under a stone near the water. On 24 April 1772 Bazett found that a cat had eaten the right ear at the constable's house and relied on a paper tracing and the left ear; Bazett described a slit right ear, Desfountain a slit ear with an upper point cut away and the other cropped. Cato was convicted and hanged on 13 May 1772. The index gives 18 April 1772 as his sentence date. [Film No. 5, 307, 310–313]

On 21 April 1773 Caesar, a slave of Captain Henry Bazett, was convicted of assault, the lesser count, for attacking Sarah Parfett, aged under 5, daughter of the artillery sergeant James Parfett and Martha Parfett, with intent to rape on 14 April 1773. Her parents found her injured on the Thursday night and she named him the next night, saying he took her into Lucy's room at Mrs Yates's house; she was away from home from 1 pm to 5 pm that Wednesday. Heard unsworn, she rejected Pompey when he was put in the dock in Caesar's place and named Caesar when he was returned. The surgeon Thomas Stroud, called on 17 April 1773, judged some penetration probable but could not say whether a man, fingers or an object caused it. Judy, a black woman of Caesar's household, said he was digging a grave for Mr Dyfell most of that day and that Lucy's lock could not be turned unheard, and Frances Watts had not seen the child there. He stood two hours in the pillory on 22 and 29 April 1773. [Film No. 321–326, 331]

The same sitting tried Careless, a slave of the cooper Joseph Griffiths, and Pompey, a slave of Margaret Greentree, for taking Griffiths's Chinese escritoire holding 25 pagodas valued at £10 0s 0d, gold sleeve buttons and gauging tools on the night of 16 April 1773 from a house showing no forced entry, the key left inside and Careless sleeping in the passage. On 17 April 1773 Pompey had the slave Tom change a pagoda at Mr Parfett's for £0 0s 1d of tobacco and gave him a ruler and corkscrew, which a barber, named Sutton by Griffiths and Wilson by Tom, saw at Mr Wright's on 19 April; the slave Pedro found the broken box behind Mr Ballard's, and Pompey led the constable James Pritchard, at the Clerk's request, to 14 pagodas and the buttons in a vault at his mistress's house. Pompey said Careless passed him the box near Mr Young's punch house at 11 pm; Careless was acquitted, and Pompey was convicted at £1 19s 0d and branded. [Film No. 322, 327–331]

On 12 January 1774 Billy, a runaway slave boy of John Whaley, confessed to taking a coat, shirts, waistcoat, hat, stock and buckle charged at about £1 4s 0d from Griffiths's kitchen at midnight on 13 October 1773 by burning a hole through a chest he could not unlock; Griffiths's boy Benjamin listed the losses and Billy was caught in the coat with its cape turned in and cuffs cut away. The jury valued the theft at £0 4s 10d and he was branded. On 13 July 1774 Christopher Nugent, a sailor of the *Duke of Portland*, was found to have killed John Read in self-defence in the yard of Richard Harper's punch house between 4 pm and 5 pm on 23 April 1774, the indictment omitting malice; the matrosses John Thomson and Richard Morgan saw Read strike first, Goody, Stroud and two ships' surgeons bled him without success and Read's second fought Nugent after he fell. [Film No. 337–339, 344–348]

John Jenkins, a sailor left behind by the *Harcourt*, was acquitted in October 1774 of attempted burglary and assault at William Hayes's house at midnight on 6 July 1774; Hayes, a regular juror, chased an intruder from his window to Mr Bazett's shop and was punched, slashed and stabbed, and found the shutter forced, a pane broken and the sash pin drawn, two nails stopping the sash. He identified Jenkins by height, clothes and a mark between the eyes seen when Jenkins came before the Governor next day, and Jenkins said he was in the sick quarters and had fallen on the way to the privy. [Film No. 350–354]

Dick, a runaway slave of John Alexander from High Peak, was convicted of burglary on 11 January 1775 and hanged on Saturday 28 January 1775 under a warrant of 23 January for breaking into the widow Mary Beale's storeroom at about midnight on 21 November 1774 and taking the savings of her slave Will: nearly £9 0s 0d in Venetians, pagodas, dollars and other coin, a gold ring and silver buttons, charged as Beale's property and valued at £8 16s 7d when recovered. Dick came hungry to the Company's slave quarters, where his aunt's husband Frank, a butcher, bound him and handed him to Jonas, on whom he drew a knife; Alexander kept him locked in his house from 22 November until taking him before a magistrate on 25 November 1774. Jonas dated the capture to Thursday 22 December 1774, which the sequence corrects to November, the goods were displayed at the main guard for owners to claim, and Dick said he found them near Mr Young's punch house. The index dates Dick's sentence to 11 June 1774 and names the victim Neale. [Film No. 5, 356–363]

On 12 July 1775 York, a slave of John Desfountain, and Woodberry, a slave boy of John Worrall, were acquitted of killing a ewe of Matthew Bazett worth £0 18s 0d at Hutt's Gate on 28 April 1775; Woodberry, runaway from 20 April to 20 May 1775, was told by his master on 23 May that it would go better if he spoke, said York killed it while he held it and led Worrall to the head and skin between Prosperous Bay Plain and Dry Gut, where Bazett, absent from the bench that day, recognised his mark on 25 May. On 9 October 1776 Billy, a runaway slave of Richard Mason of Fisher's Valley, was convicted without the jury withdrawing and whipped until he bled for taking clothing, salt meat and yams from John Whaley's kitchen at midnight on 22 July 1776, leaving his own shirt behind; he wore breeches and a jacket from the chest of Whaley's slave Careless, charged as Whaley's, and said he found them near the Half Way House. [Film No. 369–373, 383–386]

On 14 January 1778 Sportsman, a slave of Mr Stewart, was acquitted of burgling Lieutenant Robert Gosling's house at about midnight on 8 October 1777, entered by ladder to an open staircase window, with an upstairs door, bureau, writing desk and kitchen door forced, and of taking a Madras waistcoat, a shirt with unpicked initials, candles, £1 10s 0d and, from Gosling's slave Jack's chest, cherry derry, long cloth and £0 3s 0d charged as Gosling's; Jack discovered the break-in early on 9 October after collecting his master's key from Captain Thomas Bazett's house. Lieutenant David Kay saw the waistcoat in Sportsman's box on 10 November 1777 while looking for his own nankeen breeches and muslin stock, taken on 29 September 1777 and known by a string of blue Persian silk, and Sportsman was also acquitted of that theft, saying he had the goods from a sailor, a soldier and the purser's servant of the *Duke of Cumberland*. [Film No. 398–399, 402–406]

On 14 January 1778 March, a runaway of Lemon Valley, and Billy of Fisher's Valley were convicted of stealing a sheep worth £0 15s 0d near Lot in Sandy Bay on the night of 13 October 1777 and sentenced to death. The slave Jack, who swore to press the case, said Billy lured him from his master's house at Green Hill on Sunday 12 October, whistled through a leaf to March, who killed a driven sheep, and that they took plantains from the Company's plantation and grilled the meat over St Helena ebony; the slave George confirmed Billy's visit and the constable found blood and a fresh skin. The index records both hanged and gives the sentence date as 14 March 1777/8. [Film No. 5, 398, 400–402, 407]

The Company slave Billy Daniel was acquitted on 7 October 1778 of burgling Robert Roberts Budd's house at about midnight on 22 August 1778 but convicted of taking linen, clothing, meat and a tea chest charged at over £3 0s 0d, valued at £0 4s 10d, and was burnt in the hand and returned to the Company's service. Sergeant John Johnson and Clough had caught him behind Mr Jones's house at midnight on 8 September 1778 with vegetables from the Plantation House garden; told by Johnson he had better speak, he confessed to the gaoler Thomas Yates that he and Jack London had robbed Budd and brewed tea there, and repeated it before Skottowe on 9 September, but Jack London's chest in Plantation House Square held none of the goods. On 13 January 1779 the matrosses Israel Limble and Andrew Stark, aged about 22, were acquitted of buggery at Hayes's punch house on 6 January 1779; Richard Smith and John Hawks saw Stark on a table with Limble behind him, the court asked when the blood on Limble's waistband, explained as John Lane's nosebleed, was first noticed, and Sergeant John Kelly called Smith drunk. The bench called its own witness, John Jones. [Film No. 414–420, 422–427]

On 14 April 1779 the tailor William Clough and the yeoman Thomas Harper were convicted at £0 0s 10d of killing two kids near Parsley Rock on 5 December 1778 with stones and Harper's crutch, and whipped at the cart's tail until they bled; Clough's apprentice Tiploe told Sergeant Clary, who reported it after Clough beat the boy and pulled him out of Mrs Cole's punch house, and the constable refused a private settlement. On 14 July 1779 Peg, a runaway slave who said she came down starving, was convicted at £0 4s 10d and burnt in the hand for taking chintz curtains, fans and a shawl-handkerchief of the lodger James Harper, named Harker in the indictment, from John Whaley's house on the night of 28 March 1779; she gave the handkerchief to Corporal Thomas Marson at Munden's Point and chintz to the soldier James Smith on 31 March 1779. [Film No. 430–436, 438–441]

James Collins, who rented a Sandy Bay house from Charles Ross Stewart, lost 16 pagodas valued at £6 8s 0d, 14 rupees valued at £1 11s 6d and buckles when it was broken into on the night of 4 March 1779. The acting justice Matthew Bazett traced the buckles through the slave Donas to Chatham, a slave of Sandy Bay, who said Collins sold them to him on Easter Eve, 3 April 1779, for two rupees, or £0 4s 6d; Cole and Thomas Ferris swore Collins had reported them stolen weeks before. Dick, a slave of James's Valley, who shouted that his cruel master gave him nothing to eat, broke through the thatch of the same house on 26 May 1779 and took food, tobacco, a clasp knife marked with Collins's initials and £0 5s 6d; Greentree's slave Sam seized him at Broad Bottom. Both were convicted at £0 4s 10d on 14 July 1779 and burnt in the hand. [Film No. 437, 442–445]

On 12 January 1780 the seaman John Hill, alias John Davis or Black Jack, was acquitted of assault with intent to rape Priscilla Smith, aged 27, at the parish house on 21 December 1779, although the constable James Pasfitt found blood on her face and William Mumford and William Parsons saw Hill beat her; Pasfitt had often found them together in the mornings and Andrew Hendly swore she called Hill her husband, a claim Hill first rested on John Close, since drowned. Hill had said from gaol he would sooner send her aqua fortis than punch. [Film No. 449–453]

Patna, a runaway slave of Fisher's Valley, broke through the roof of James Pritchard's warehouse beside John Sampell's house at about midnight on 3 May 1780 and took tobacco valued at £1 4s 0d and Cape sheep's tails; Stephen Young found loose stones on the roof at 6 am that Wednesday, and Young's slave Pompey found Patna hiding near the Briars with part of a tail, but he escaped. On 12 June 1780, being led to a flogging ordered by the Governor and Council for running away, he told the gaoler Thomas Yates that he and Harlequin, another of Young's slaves, did it, and led Pritchard and the constable Thomas Cole to tobacco and three hatchets above Maldivia Gardens. Sampell sat on his jury, which convicted him of burglary on 12 July 1780; Harlequin was never charged. Patna was hanged on 26 July 1780 under a warrant of 23 July; the index calls him Patra and gives page numbers 447 and 449. [Film No. 5, 456–459]

On 4 October 1780 Alexander Thoms, a seaman of the *Royal Charlotte*, was acquitted of murdering John Ellis near the landing steps on 1 August 1780. The former midshipman William Smith Colly saw Thoms fell Ellis beside a wall and strike at him with a cask stave, George Hitchcock saw punches and a kick but no stave, and William Avril said Thoms, sent by the chief mate to bring Ellis and another absentee aboard, carried the stave for protection. Strond and David Kay found a crack through the parietal bone with a triangle of bone loose and judged that one fall could not cause both wounds; Ellis died at about midnight on 6 August 1780, a Sunday the record calls Saturday. Thomas Arnold described Ellis falling into the sea while boarding and from a collapsed hammock onto a gun, and the inquest statements of Captain Cotton, who had made Thoms patroon of the longboat since he joined at Madeira, and the seamen John Quick and Richard Flag were read. On 10 January 1781 Lieutenant Francis Seale pleaded guilty to assaulting Benjamin Mason on 4 December 1780 and was fined £0 6s 8d. [Film No. 473–480]

John Worrall, a planter of Sharks Valley, was convicted on 11 July 1781 of assaulting his slave Woodberry on 24 November 1779 by setting greased wicks alight between his fingers, and fined £20 0s 0d. The Governor and Council sent the surgeon David Kay on 29 November 1779; he found both hands open to the bone, saw fragments of bone come away and found that after 13 or 14 weeks the fingers could no longer bend or straighten properly, and he repeated Woodberry's account that Worrall had first driven a hook through his ear and tied it to a beam. The Crown read Worrall's confession, made before Matthew Bazett on 9 July 1781, that he burned the wicks while drunk to punish Woodberry for running away and

theft; in court Worrall denied knowing the cause and said he had sent to Kay for dressings, admitting he never said what for. The index describes the offence as harbouring Woodberry's slaves. [Film No. 5, 485–488]

At the same sitting of 11 July 1781 the sergeant major James Youd was acquitted of murdering his slave Nanny, beaten with a staff valued at £0 0s 2d on Wednesday 28 February 1781, who died on Monday 5 March 1781. Harriet St Maurice, a neighbour, heard a beating and shouted that the household were brutes and monsters; the soldier Jeffery Bond, living opposite, heard Youd flog her up to six times a night for months, once saw her clothes soaked with blood and pus, heard Youd and his wife beat and kick her for an hour and a half and said Youd timed her errands by his watch; and Sarah Cash, through a single wall, counted 12 beatings on 28 February 1781. The surgeon Strood found gangrenous lash wounds, marks down to her thighs and a head filled with pus but no fracture, and attributed death to putrid fever; the hospital assistant William Warner, sent for on Saturday 3 March 1781, said Nanny told him privately that Youd pushed her downstairs and later, in Youd's presence, that she fell, and that Youd asked what a surgeon would cost; and Youd's servant Peter Higgens saw him beat her three or four times a day. The soldier William Hamilton, too drunk to testify, was jailed for a fortnight. Youd said his punishments were moderate and she fell asleep on the stairs; the seaman James Smith and the gaoler Thomas Yates said Bond had vowed to see him hanged, Margaret Goudy saw only a few strokes of a rattan, Corporal James Smith and the soldiers William Ashfield and James Kemp saw no cruelty, and Kay said Nanny told him she fell. The index names the victim Nancy and a page transcription names the accused James Good. [Film No. 5, 461–462, 482, 488–495]

On 3 October 1781 the private Joshua Palmer was convicted of manslaughter and branded in court for killing William McCormick with one blow of the fist between 7 pm and 8 pm on 28 July 1781. Both had hunted deserting seamen that day under Sergeant Joseph Dowler, and McCormick, drinking at Mr Coles's punch house, pursued Palmer through the evening for payment for clothes Palmer wore while he was in hospital, taunted him as a lance corporal, blamed him for the small reward, barred his way at a stream with a bamboo cane and challenged him to fight with William Hardison as second. The soldiers James Johnson, William Medget, Richard Wiggins, Hardison and James Campbell all described McCormick as the aggressor, and Palmer said McCormick was coming at him with the cane when he struck. [Film No. 496–502]

On 16 January 1782 the private Frederick Shoulds was cleared of burgling the house William Smith, a soldier, rented from Captain St Maurice, on the night of 12 October 1781, but convicted of taking silver buckles, one engraved 1779, clasps, cuff buttons and old silver, and branded. Henry Bazett, as magistrate, had him searched on Saturday 20 October 1781 by George Jurman and then testified and sat on the bench. Shoulds said he bought the goods for £3 0s 0d from a seaman of the *Britannia* before the soldiers Thomas Roe and David Hughes, but the adjutant Charles Ross Stewart showed both had deserted on 22 and 24 October. He was then convicted of taking a gold ring and £7 14s 0d from the chest of the matross Lewis Hendrick on 15 October 1781, the window pin forced; Hendrick had Hendrick Wilkinson offer Shoulds a watch, for which he paid ten dollars valued at £2 10s 0d, his captain confirmed he had drawn no pay, and the ring, known by a dent, was found on him with a German crown, five and a half rupees and three halfpence. Shoulds said he earned the money selling tobacco and sugar while under a general court martial sentence. He was hanged on 30 January 1782 under a warrant of 28 January. The index names him Frederick Shields. [Film No. 5, 503–507, 509]

Simmo, a slave from Harden's, was convicted and branded on 16 January 1782 for taking linen left to bleach by Sarah, a washerwoman near Wrangham's house in Sandy Bay, between 26 and 30 July 1781 and on Sunday 23 December 1781, belonging to Elizabeth Broff, Captain William Fraser or Frazer and a slave named James. Pat, a slave of Lieutenant Francis Seale, had bought Broff's pockets, known by her initials, from Simmo for half a rupee before the fleet sailed on 30 July 1781, found tablecloths where he slept and returned the goods, and George, a fellow slave, had been offered tablecloth on 24 December to make drawers. Simmo said he found the goods on the common and under a bamboo below Mr Wright's house. [Film No. 504, 508–509]

Slavery and Coerced Labour

Slaves earned and held money and goods: Frank bought arrack from his mistress in 1762, slave boys carried Indian coin, slaves lent coin to one another and to free people, fished, carried produce and sailors' baggage and kept chests and boxes of cloth and coin that owners forced open at will. Capital defendants were described as formerly owned. The Company owned slaves such as Stanford, Liverpool and Tom Butcher, assigned others such as Larry to its officials, set overseers over them, housed some at the Sandy Bay fortifications in a room for black workers and others in Plantation House Square at the Governor's country seat. London and Dorinda, with different owners, lived apart, and on 19 January 1766 London asked John Hayes whether Dorinda would keep him as her husband and learned it was now Jack, a slave of Mr Semple. On 16 October 1777 Peter, a slave of George Hale, captured three runaways alone. [Film No. 19–20, 32–33, 41, 108, 115, 152, 159–160, 192, 194, 201–202, 401, 415, 417–418]

On 2 November 1769 Scipio, an elderly slave of the planter John Bagley, complained to Governor Skottowe, as Company regulations allowed, that his master beat him, worked him when sick and underfed him. On Monday 6 November 1769 the Council reprimanded Bagley and forbade him to strike Scipio, but within hours Bagley beat him with a shoe and stick in William Hayes's punch house, where Hayes refused him rope and took his weapons, and between 2 pm and 3 pm with a bamboo cane at John Price's, where Price stopped him. Corneille took sworn statements on 7 November 1769, Bagley spent 48 hours in gaol, a special meeting on 8 November released him on his remorse, and on 15 April 1770 he was discharged from a bond for good behaviour when no complaint was made. On 14 July 1773 the coroner reported an inquest of 4 June 1773 into Duke, a slave of William Young, who had hanged himself. [Film No. 264–267, 271, 333]

Slaves gave sworn evidence against other slaves throughout. At a special meeting on 23 April 1781 the justices postponed Youd's trial because a male and a female slave were bound over to testify, having already asked the Court of Directors whether black people might testify against white people. On Monday 9 July 1781 they considered the opinion of the Company's standing counsel. Henry Bazett, speaking first as junior justice, and Corneille read it as admitting slave evidence except against the slave's own master. Wrangham argued that a charter of Charles II gave the Company full law-making power, that the island's custom, tacitly approved by the Company, excluded such evidence, and that counsel himself warned that giving slaves the full benefit of English law would destroy the bond of master and slave; no slave lacking a recognised religion should testify against white people. Matthew Bazett agreed, and Skottowe held that such evidence should never be admitted, so by three votes to two slave evidence against white people was barred in every case. The index dates the ruling to 21 July 1781, on page 452 or 453. [Film No. 5, 7, 461–463]

Personalities

Several people recur across the period. Julio Fabiano, carpenter aboard the *Mercury* in 1763, may be the carpenter Julio Faciane of the 1764 index and was constable in April 1772, when his house was given as John Fabian's; a John Fabian sat on juries in 1780 and 1781. The William Carr tried in 1764, 1765 and 1767 was perhaps one man. Woodberry, the runaway acquitted with York in 1775, was the slave whose hands Worrall burned in 1779. Robert Leech, on the bailiffs' list of 1769, was Sheriff in 1780. Charles Ross Stewart was a lieutenant in 1769, Collins's landlord in 1779 and adjutant in 1781. Henry Bazett, captain in 1763, was a major by 1781, and Mathew Bazett Junior sat as a juror in 1762 and 1763. The index names old Muness as hangman, and Phillips was seen with a man called Hangman in 1766. An index also records William Pope's apprenticeship to the tailor William Clough. [Film No. 5, 7, 17, 60, 169–170, 175, 190, 310, 312, 369, 457–458, 464, 474, 485–486, 489, 505–506, 510–511]

Conclusion

The indexes list 19 men hanged in 15 entries between 1762 and 1782, and every one appears in the proceedings: 14 slaves and five soldiers or former soldiers. Lewis, Winchester and Cupidore were hung in chains and Eglestone dissected; Swarling alone received a royal pardon, and no free person was convicted of killing a slave. [Film No. 5, 64, 104, 122, 305, 495]

Film No.	Page No.	OCR Transcription	Modern Interpretation and analysis
1		EAP 1364 St Helena Document Name and Date St Helena Sessions 1762 - 1782 Photographer Shelley	

Film No.	Page No.	OCR Transcription	Modern Interpretation and analysis
		Date photographed 15 June 2022 Additional comments	
2		Book cover	
3		Blank page	
4		Blank page	
5		[Hole and tear running down the centre of the lower half of the page, widening at the foot.] page 11 Jany 1764 Peter Eyles has convicted on his own confession of a murder 9 years previously 52 15 July 1767 Road from L[...] Freight over Sandy Bay recommended by Grand Jury p 181 3 Oct 1770 New line of road to Ladder Hill recommended 265 15 Jan 1776 Destructive fly in cattle noticed - Increase of horses thought injurious 378 14 Jan 1777 Dog tax imposed at recommendation of Grand Jury 396 20 April 1779 Sheep - restricting numbers - 436 21 July 1781 Evidence of Slaves against White persons rejected as inadmissible 452 11 July 1781 John Worral Sharks valley fined £20 for b[urn]ing Woodberry's hands 480 11 July 1781 James Good tried for murder of Nancy 480 12 March 1771 Swartling refusing to plead is threatened with the Torment of being pressed to death 287 Capital sentences 12 Oct 1762 Will & Frank executed for rob[be] 6 & 7 11 Jany 1763 Exeter robbery 17 William Jenkins soldier - robbery - escaped prison & retaken 27 16 Jany 176[5] Lewis - murder of Pat at Pleasant Valley 94 17 April 1765 Winchester & Cupidora murder of the Capt on board [...] slave ship 112 15 Jany 1766 Frank robbery 145 24 April 1767 William Care theft 179 13 Jany 1768 March - robbery 200 4 Oct 1768 Cupid - do 248 12 March 1771 Andrew Tetharick robbing stores £355 289 18 April 1772 Cato sheep stealing Hancock Hole 303 11 Jany 1774 Dick - burglary 353 14 March 1777 March & Billy - sheep stealing [...] Lot 397 12 July 1780 Patna - robbery 449 16 Jany 1782 Frederick Shoulds robbery 499 Will for rob[be] p 13 - Frank [...] 7 [...] 17 & 27 Exeter for burglary Executed two 19 10 1762 p 27 & 18 William Jenkins burgl[...] escaped retaken & hung two 4 2 1763 p 52 murder of [...] by Eyles stone on [...] road by his own confession one 20 2 1764 p 94 murder of Pat by Lewis in [Dog]wood Valley one p 112 murder [...] Cupidore & Winchester murder the Capt of the Slaver two p 145 burglary [...] Frank [...] dwelling house one p 179 felony [...] Care from dwelling house one 1767 [...] in house of Solomon & Maurice one 200 Burglary [...] in house of Whitchurch one 248 do one 289 do [...] stores Andrew Tetharick one 303 Sheepstealing Hancocks hole by Cato one 353 Burglary [...] Beales house by Dick one 397 Sheepstealing [...] Lot by March & Billy two 449 Burg[...] [...] by Patna one 499 Theft [...] Frederick Shields - having first been burnt in the hand on a previous conviction of same [...] one	The index recorded the following matters, each against the page on which it was entered. 11 January 1764: Peter Eyles[...] convicted, on his own admission, of a killing carried out nine years before, page 52 15 July 1767: Grand Jury proposed a road from [...] across Sandy Bay, page 181 3 October 1770: new route for the road up to Ladder Hill proposed, page 265 15 January 1776: harmful fly observed among cattle, and the growing number of horses judged damaging, page 378 14 January 1777: tax on dogs introduced on the Grand Jury's advice, page 396 20 April 1779: limits placed on the number of sheep, page 436 21 July 1781: testimony given by slaves against white people ruled unacceptable, page 452 11 July 1781: John Worral of Sharks Valley fined £20 0s 0d for harbouring Woodberry's slaves, page 480 11 July 1781: James Youd tried for killing Nancy, page 480 12 March 1771: Swarling refused to enter a plea and was warned he faced being pressed to death, page 287 Death sentences passed: 12 October 1762: Will and Frank hanged for robbery, pages 6 and 7 11 January 1763: Exeter for robbery, page 17 11 January 1763: William Jenkins, soldier, for robbery, having broken out of prison and been recaptured, page 27 16 January 1765: Lewis for killing Pat at Pleasant Valley, page 94 17 April 1765: Winchester and Cupidora for killing the captain aboard the slave ship [...], page 112 15 January 1766: Frank for robbery, page 145 24 April 1767: William Care for theft, page 179 13 January 1768: March for robbery, page 200 4 October 1768: Cupid for robbery, page 248 12 March 1771: Andrew Fetherick for plundering stores worth £355 0s 0d, page 289 18 April 1772: Cato for stealing sheep at Hancock's Hole, page 303 11 June 1774: Dick for burglary, page 353 14 March 1777: March and Billy for stealing sheep at [...] Lot, page 397 12 July 1780: Patra for robbery, page 449 16 January 1782: Frederick Shields for robbery, page 499 A separate tally counted those actually put to death, with a note on each case: 19 October 1762: 2 hanged, Will and Frank, for robbery, pages 7 and 13 4 February 1763: 2 hanged, Exeter for burglary and William Jenkins for burglary, the latter recaptured after escaping, pages 17, 18 and 27 20 February 1764: 1 hanged, Eyles[...], for a killing on [...] road, convicted on his own admission, page 52 [...]: 1 hanged, Lewis, for a killing in [...] Valley, page 94 [...]: 2 hanged, Cupidora and Winchester, for killing the captain of the slave ship, page 112 [...]: 1 hanged, Frank, for burglary of a dwelling, page 145 1767: 1 hanged, Care, for felony, taking goods from a dwelling, page 179

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			[...]: 1 hanged, for burglary at the house of Solomon and Maurice, page 200 [...]: 1 hanged, for burglary at the house of Whitchurch, page 248 [...]: 1 hanged, Andrew Fetherick, for burglary of Cox's stores, page 289 [...]: 1 hanged, Cato, for stealing sheep at Hancock's Hole, page 303 [...]: 1 hanged, Dick, for burglary of Neale's house, page 353 [...]: 2 hanged, March and Billy, for stealing sheep at [...] Lot, page 397 [...]: 1 hanged, Patra, for burglary at [...], page 447 [...]: 1 hanged, Frederick Shields, for theft, branded on the hand earlier for the same offence, page 499 **Interpretations** Frederick Shields had earlier been branded on the hand for the same kind of crime. Branding marked a first offender who escaped hanging by claiming benefit of clergy, a plea that spared him once but never twice. The brand proved the earlier conviction, so his second offence carried no such escape and he went to the gallows. Swarling's case in March 1771 showed St Helena keeping the old English practice of pressing a silent prisoner under heavy weights until he pleaded or died. A prisoner who never pleaded could not be tried, and his property escaped forfeiture. Parliament abolished the practice in England in 1772, a year after the island threatened to use it. The ruling of 21 July 1781 barring slaves from testifying against white people was a central instrument of control. A white settler could harm a slave, or commit a crime a slave witnessed, with little risk of prosecution on that evidence. Most of those hanged on this page bore single given names, which marked them as slaves and showed the gallows falling heavily on one side of that divide. The fine of £20 0s 0d on John Worral protected owners against the loss of labour when slaves ran away or were sheltered on another man's land. A penalty of that size made concealing runaways a costly risk for any settler. The Grand Jury acted well beyond criminal indictment, proposing roads and a tax on dogs. It served as the settlers' chief voice on public works and local regulation. Its advice on dogs, like the concerns over sheep, horses and flies among cattle, arose from the island's scarce pasture, where livestock competed for grazing and stray dogs attacked flocks. The tally and the main list disagreed in two places. The main list placed the killing of Pat at Pleasant Valley, while the tally named a different valley whose name is not fully recoverable. The main list gave Patra's case at page 449 and the tally at page 447, and the main list is probably the more reliable. The tally also dated the first two hangings to 19 October 1762, a week after the sentences of 12 October 1762, which reflected the gap between sentence and execution.
6		Blank page	
7		Record & Enrollment of The Proceedings in Sessions, as well in civil as Criminal Causes, commencing the twenty second Day of September in the second Year of the Reign of our Sovereign Lord George the third, and in the Year of our Lord 1762 - Philip Mahony Clerk of the Peace - p 50 Julio Fabiano - Carpenter of the [...] cutter 1764 72 Sergt William Bell - [...] convicted of perjury 420 William Pepper apprentice to Wm Clarke Tailor 427 Regulations for preventing the preservation of Sheep & Goats to the prejudice of Black Cattle	This volume held the formal record of proceedings in both civil and criminal cases heard at Sessions. The record began on 22 September 1762, in the second year of the reign of George III. Philip Mahony, Clerk of the Peace, kept the register. [...] 4 [...] 2 10 1 [...] 250 [...] 80 A later hand added a short index of notable entries: Page 50: Julio Faciane, carpenter of the [...], 1764

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		Pasture nearly destroyed by droughts for preservation [...] the Cattle to be preserved [...] for the [...] five years 453 Evidence of Slaves against White persons decided to be inadmissible Old Mines the Hangman 160 **Margin Notes:** [...] 2 10 1 2[...]0 0 3	Page 72: Sergeant William Bell, 1764, found guilty of perjury Page 420: William Pope, apprentice to William Clough, tailor Page 437: rules to stop sheep and goats multiplying at the expense of the cattle, with pasture almost ruined by drought, and cattle kept off poor grazing for three or four years to let it recover Page 453: testimony of slaves against white people ruled unacceptable Page 160: old Muness, the hangman **Interpretations** The Clerk of the Peace was the officer who kept the written record of the island's Sessions court, drafting indictments and entering verdicts and orders. This register served both civil disputes and criminal trials, combining in one court business that England divided among several. A small settlement like St Helena could not sustain separate courts, so one bench and one clerk handled everything from debts to hangings. The rules on sheep and goats protected what the entry called black cattle, meaning ordinary beef and dairy cattle rather than any particular colour. Sheep and goats crop grazing far closer than cattle and so strip pasture bare. With drought already damaging the grass, the order rested the poorest land for several years so that the cattle herds, the island's main source of fresh beef for shipping, could survive. The index here placed the ruling on slave testimony at page 453, while the index on the previous leaf gave page 452. The ruling probably ran across both pages. The listing of the hangman as old Muness showed the office being filled by a known, long-serving individual on the island rather than by someone brought in for each execution. With 15 recorded hanging days between 1762 and 1782, the post demanded a man permanently available.
8		Blank page	
9		The particular Times of the Quarter of the Year for the Sessions to be held shall be as follows, towit. In the first Week after the Feast of St. Michael - In the first Week after Epiphany - In the first Week after the Close of Easter - In the first Week after the Translation of St. Thomas the Martyr, or oftener if Need be. - Daniel Corneille Esqr. Lieut Governor of the Island of St. Helena took his Seat upon the Bench for the first Time at the Sessions held at the Hall of the said Island on Wednesday being the Seventeenth Day of April in the 5th Year of his Majesty's Reign and in the Year of our Lord God 1765 -	The court was to sit four times a year, in the weeks set out below, and more often whenever business demanded it. First week after the feast of St Michael First week after Epiphany First week after the end of Easter First week after the Translation of St Thomas the Martyr Lieutenant Governor Daniel Cornelius took his place on the bench for the first time on Wednesday 17 April 1765, in the fifth year of the reign of George III. The court met that day at the island's Hall. **Interpretations** The four sitting dates reproduced exactly the calendar fixed for quarter sessions in England by a statute of Henry V. The feast of St Michael fell on 29 September, Epiphany on 6 January and the Translation of St Thomas the Martyr on 7 July. That last feast marked the moving of Thomas Becket's remains to a new shrine at Canterbury. Henry VIII suppressed it as a religious observance, yet it survived for centuries as a legal date, and St Helena adopted it unchanged. The island thus timed its courts by a medieval English church calendar with no meaning in the South Atlantic. The rule allowing extra sittings whenever needed gave the island flexibility that the fixed English terms lacked. On a small island visited irregularly by shipping, witnesses, sailors and prisoners could not always wait months for the next quarter. A sitting could be called to deal with offences while those involved were still ashore. The appearance of the Lieutenant Governor on the bench showed that judicial and executive power rested in the same hands. The Company's senior

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			officers governed the island, framed its orders and then sat in judgment on those who broke them. His first sitting was recorded as a formal event because his presence gave the court its authority.
10		Blank page	
11	1	[Holes through the centre of the page from insect damage, in the lower half of the Whereas paragraph and the middle of the In Pursuance paragraph.] Island St. Helena 1762. Whereas the Honorable the Court of Directors by their Letter bearing Date the 3d of February last, were pleased to acquaint us they had maturely considered our Representations to them relative to the Administration of Justice here, and had taken all necessary Advice thereon, and were satisfied they had a Right by themselves, their Ministers, and Officers, to govern the Island of St. Helena, and to hold Courts of Justice therein for trying all Kinds of Crimes, Offences, and Misdemeanors: And also for hearing and determining all civil Actions / Vizt between Party and Party / of which their Governor and Council of St. Helena for the Time b[...] are to be Judges, who will likewise be considered as Judges or Co[...]rs of Oyer and Terminer, for the Tryal of Treas[...] Murder, Felony &c. All which Tryals ought to be by Juries com[...] of twelve Men: And that the Convictions, Punishments, and [...] must be according to the known Laws, and Statutes [...] Realm, or as near thereto, as the Nature and Circumstances of the Case will Admit of - In Pursuance of those Instructions we published an Order on Monday the 23d of June requiring the Inhabitants to meet on the 28th [...] at ten in the Forenoon at the Chappel in James's Valley, [...] assembled accordingly, and we desired them to nominate thre[...] the principal Persons, that one of them might be made Sheri[...] the Ensuing Year, They named Messrs Thoms. G[...]ntree Richard Beale Richard [...]agley We appointed the first of these to be Sheriff, They afterwards chose Mr. John Bland Constable -	In a letter dated 5 February 1762, the Court of Directors told the island's Governor and Council that it had weighed their reports on how justice was administered on St Helena. After taking full advice, the Directors concluded that they had the right to govern the island through their own ministers and officers. That right included holding courts to try every kind of crime, offence and misdemeanour. The same courts could also settle civil disputes between private parties. The Governor and Council, whoever held those posts at the time, were to act as the judges. They would also serve as commissioners of oyer and terminer, trying treason, murder, felony and similar crimes. Every such trial was to be heard by a jury of 12 men. Convictions, punishments and [...] had to follow the established laws and statutes of the realm as closely as the nature and circumstances of each case allowed. Acting on these instructions, the Governor and Council issued an order on Monday 21 June 1762. It summoned the inhabitants to gather at ten in the morning on 28 June 1762 at the chapel in James's Valley. The settlers duly assembled and were asked to put forward three leading men, from whom one would be chosen as Sheriff for the coming year. The inhabitants proposed three names: Thomas Greentree Richard Beale Richard Bagley The Governor and Council made Thomas Greentree Sheriff. The inhabitants then elected John Bland as Constable. **Interpretations** The Directors' letter settled a question of legal authority rather than merely issuing instructions. The Company held St Helena under royal charter, and doubts had evidently arisen over whether its officials could lawfully try and hang British subjects there. By asserting that the charter gave the Company full powers of government and justice, the Directors supplied the legal footing on which every later sentence in this register rested. The hangings listed in the index from 19 October 1762 onwards began only months after this letter arrived. A commission of oyer and terminer, meaning in old law French to hear and determine, was the standing English authority under which judges tried the gravest crimes. Granting that role to the Governor and Council placed capital justice in the hands of the island's own rulers. The same men who governed the settlement thus decided who lived and who died. The clause requiring the island's law to follow English statute as closely as circumstances allowed gave the court considerable room to depart from English practice. It explains why St Helena could still threaten a silent prisoner with pressing to death on 12 March 1771, and later rule slave testimony against white people inadmissible on 21 July 1781. Both positions rested on local judgment about what the island's circumstances required. The method of choosing the Sheriff blended popular choice with official control. The settlers nominated three candidates, but the Governor and Council made the final selection. This gave the inhabitants a voice while ensuring that the officer who summoned juries and carried out sentences remained acceptable to the Company.

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12	2	[Holes through the centre of the page from insect damage, running down the middle of the precept from the Castle line to the Given line.] On the 28th June we appointed Philip Mahony Clerk of the Peace. - On the 6th of July the Oaths of their respective Offices were administred to the Sheriff and Constable. September the 22d. we directed the following precepts to the Sheriff, one, to Summon a Grand Jury upon the Commission of the Peace, the Other, to Summon a Grand Jury upon the Oyer and Terminer. - We Charles Hutchinson John Skottowe and Mathew Bazeling Esquires three of his Majesty's Justices of the Peace in and for the Island of Saint Helena assigned to enquire hear and Determine divers Felonies Trespasses and other Misdemeanors perpetrated and committed within the said Island of St. Helena To the Sheriff of the said Island Greeting on the Behalf of our Sovereign Lord the King We command You that you cause to come before us, and others our Brethren Justices of the Peace of our Sovereign Lord the King in and for the said Island at the Castle in James's Valley, in the Island aforesaid on Tuesday being the twelfth Day of October next ensuing at [...] of the Clock in the Forenoon of the same Day the Constables and [...] Constables within the said Island And also twenty four Or[...] [...]tants of the Body of the sd Island to enquire of and present all such Ma[...] Things as on his Majesty's Behalf shall be then and there [...] And that they be then and there attending to do all such Matters and Things as are belonging unto and incumbent upon them by Virtue of their Offices in this Behalf And that you do cause to be proclaimed throughout the sd Island in the proper Places when it shall seem to you to be m[...] expedient the General Quarter Sessions of the Peace to be held within the said Island the said Tuesday being the twelfth Day of October next en[...] that you yourself be there in person together with all your Officers [...] such Things as to you and those Offices shall Appertain and are in[...]bent And that you have then and there the Names of the Constables and [...] aforesaid and there by whom you shall give them Notice and this Precept Given under our Hands and Seals at the Island aforesaid the twenty second Day of September in the Year of our Lord one thousand seven hundred and Sixty two And in the second Year of the Reign of our Sovereign Lord George King of Great Britain &c. Charles Hutchinson John Skottowe Mathew Bazeling	The Governor and Council made Philip Mahony Clerk of the Peace on 28 June 1762. On 6 July 1762 the new Sheriff and Constable took the oaths of their offices. On 22 September 1762 the Council sent the Sheriff two written orders. One required him to summon a grand jury under the commission of the peace. The other required a second grand jury under the commission of oyer and terminer. The first order came from Charles Hutchinson, John Skottowe and Mathew [...]ling, three of the King's justices of the peace for St Helena. They held authority to investigate, hear and decide felonies, trespasses and lesser offences committed on the island. Their order instructed the Sheriff to bring the island's constables and [...] constables before them and their fellow justices. The hearing was fixed for [...] o'clock in the morning on Tuesday 12 October 1762, at the Castle in James's Valley. The Sheriff also had to summon 24 [...] inhabitants of the island. Their task was to investigate and report any matters placed before them on the King's behalf. The constables were to attend and carry out whatever duties their offices required. The Sheriff was further ordered to announce the forthcoming General Quarter Sessions of the Peace across the island, in whatever places he judged most suitable. He had to appear in person with all his officers on the appointed day. He was to bring a list of the constables and jurors, stating who had delivered each summons, and to return the order itself. The justices signed and sealed the order on the island on 22 September 1762, in the second year of the reign of George III. Charles Hutchinson John Skottowe Mathew [...]ling **Interpretations** The two separate orders reflected two tiers of criminal justice. The commission of the peace covered lesser offences such as assault, petty theft and breaches of local rules. The commission of oyer and terminer, granted by the Directors in their letter of 5 February 1762, covered treason, murder and felony, where the penalty could be death. Summoning a grand jury under each commission meant the island could deal with every level of crime at a single sitting. The grand jury of 24 inhabitants did not decide guilt. Its role was to examine the accusations and decide whether each case deserved trial, then formally present the offenders to the court. A separate trial jury of 12 would later hear the evidence. The grand jury also gave the settlers a channel to raise public grievances, which explains its later proposals on roads and its recommendation of a dog tax on 14 January 1777. The court called for 12 October 1762 was the one that sentenced Will and Frank to death for robbery, the first capital cases in the register's index. Their hanging followed on 19 October 1762. The island's new judicial machinery thus produced its first executions within a week of its first sitting.
13	3	[Holes through the centre of the page from insect damage, in the lower part of the first precept and beneath the signatures.]	This was the second of the two orders issued to the Sheriff on 22 September 1762, the one made under the commission of oyer and terminer. Charles Hutchinson, John Skottowe and Mathew [...]ling

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		Island of Saint Helena ss We Charles Hutchinson John Skottowe and Mathew Bazeling Esquires Justices of our Sovereign Lord the King authorized to enquire fully into the Truth by the Oaths of the principal Inhabitants of the Island of Saint Helena and by other Ways Means and Methods by which we shall better know or may be enabled within the said Island by whom the Truth of the Matter may be best known of Whatsoever Treasons Forgeries Murders Felonies Manslaughters Slayings Burglaries Rapes of Women unlawfull Congregations and Assemblies Speaking of Seditious Words unlawfull Confederacies Trespasses Riots Escapes Contempts Negligences Maintenances Oppressions Deceipts and other Misdemeanors Offences and Injuries whatever and also the Accessaries thereunto within the Island aforesaid by Whomsoever or howsoever done perpetrated or committed and by which Means or by Whom or to Whom When where and in what Manner and of other Articles Circumstances and Premisses and of every other or any of them howsoever And being appointed by or under the sd Letters Patent to hear and determine the said Premisses To the Sheriff of the Island Saint Helena Greeting We command you that you cause to come before us and others our Societies Justices of our Sovereign Lord the King at the Castle in James's Valley in the Island aforesaid on Tuesday being the twelfth Day of October next Ensuing at the Hour of Eight in the Forenoon of the same Day twenty four principal Inhabitants of the said Island to enquire present do and execute all and Singular such Matters and Things which on the Behalf of our Sovereign Lord the King shall be enjoyned them And that you yourself be then and there [...] together with your Officers at the Day and place aforesaid to do such [...] such then to them and their Offices shall belong And that you then [...] have the Names of that Jury and this precept Given under our Hands and Seals the twenty second Day of September in the second Year of the Reign of our Sovereign Lord George Anno Domini one thousand seven hundred and sixty two. Charles Hutchinson John Skottowe Mathew Bazeling On the 11th of October [...] following Precept on the Goal Delivery for summoning a Petit Jury was issued out to the Sheriff - Island of Saint Helena ss We Charles Hutchinson John Skottowe and Mathew Bazeling Esquires and others our Brethren Justices of our Sovereign Lord the King assigned to deliver the Goal of the Island of Saint Helena of the Prisoners therein being To the Sheriff of the said Island of St. Helena Greeting We command you on Behalf of our Sovereign Lord the King	acted as the King's justices on St Helena. They held authority to discover the truth about offences on the island, using the sworn evidence of its leading inhabitants and any other means that would reveal who knew the facts best. Their inquiry covered a long range of crimes. It took in treason, forgery, murder, felony, manslaughter and other killings, as well as burglary and rape. It also reached unlawful gatherings, seditious talk, illegal conspiracies, trespass, riot, escape from custody, contempt and neglect of duty. Maintenance, oppression, fraud and every other lesser offence or injury fell within it, together with anyone who helped commit them. The justices were to establish how, by whom, against whom and when each act took place, along with every related circumstance. The letters patent also gave them power to try and decide all these cases. The justices ordered the Sheriff to bring 24 leading inhabitants before them and their fellow justices at the Castle in James's Valley. The hearing was set for eight o'clock in the morning on Tuesday 12 October 1762. The jurors were to investigate, report and carry out whatever the King's business required of them. The Sheriff had to attend in person with his officers on that day to perform their duties. He was also to bring the names of the jurors and return the order. The justices signed and sealed the order on 22 September 1762, in the second year of the reign of George III. Charles Hutchinson John Skottowe Mathew [...]ling On 11 October 1762 the Sheriff received a further order, this time for summoning a trial jury for the gaol delivery. It came from Charles Hutchinson, John Skottowe and Mathew [...]ling together with their fellow justices, who held the King's commission to clear the island's gaol by trying every prisoner held there. The justices addressed their instructions to the Sheriff in the King's name. **Interpretations** The gaol delivery commission was the third strand of the island's criminal authority. Its purpose was to bring every prisoner held in custody to trial, whether acquitted or condemned, so that no one lingered in gaol untried. Oyer and terminer allowed the justices to investigate and try offences brought to them, while gaol delivery obliged them to deal with those already locked up. Together the commissions ensured that both new accusations and existing prisoners came before the court. The trial jury, called the petty jury, differed from the grand jury summoned for the same sitting. The grand jury of 24 decided whether an accusation deserved a trial. The petty jury of 12 then heard the evidence and gave the verdict. Its summons came only on 11 October 1762, the day before the court sat, because the grand jury first had to decide which cases would proceed. Several offences in the list carried meanings now largely forgotten. Maintenance meant funding or backing another person's lawsuit without a legitimate interest in it, an offence aimed at those who stirred up litigation for gain. Oppression meant an official abusing his power over those beneath him. Unlawful confederacies covered secret agreements to harm others or pervert justice. On a small island where settlers knew each other closely, such offences could shape local disputes as much as violent crime. The letters patent named here were the royal charter under which the Company held St Helena. The justices drew their commissions from that document rather than from any direct appointment by the Crown. This was the legal foundation the

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			Directors had affirmed in their letter of 5 February 1762.
14	4	[Holes through the centre of the page from insect damage, running from below the signatures down through the At a General Quarter Sessions paragraph.] That you cause to come before us and others our Brethren at the Castle in James's Valley in the said Island of St. Helena on Tuesday being the twelfth Day of October next ensuing at eight of the Clock in the Forenoon of the same Day all the Prisoners being in the aforesaid Goal together with all Attachments Indictments Muniments [...] Helps and Supports whatsoever concerning the said Prisoners And that you also Summon twenty four principal Inhabitants of the said Island by which Means the Truth of Fact may be the better known and enquired into And that you Summon such Men to whom the Prisoners can have no Affinity And that they do all such Things as on his Majesty's behalf shall be then and there enjoyned them And that you also proclaim throughout your Bailiwick that all those who will prosecute against any of the Prisoners aforesaid be then there present to prosecute against them as shall seem to be just And that you have there the Names of those Jurymen and this precept Given under our Hands and Seals at the Island aforesaid the eleventh Day of October one thousand seven hundred and Sixty two and in the second Year of the Reign of our Sovereign Lord George &c. Charles Hutchinson John Skottowe Mathew Bazeling At a General Quar[...] of the Peace, Session of Oyer and Terminer, and Session of Goal [...]livery held at the Castle in James's Valley on the Island of Saint Helena the Twelfth Day of October last in the second Year of the Reign of our Sovereign Lord the King, and in the Year of our Lord one thousand seven hundred and Sixty two, before John Skottowe, Mathew Bazeling and Thomas Kirkpatrick, three of his Majesty's Justices of the Peace and Commissioners of Oyer and Terminer for the said Island, Charles Hutchinson Esquire Govern[...] the said Island, and one of his Majesty's Justices of the [...] being sick and unable to attend, John Skottowe Esquire Lieutenant Governor [...] as Chairman, He and the two other Justices being duly sworn, the Court was opened, and a Grand Jury consisting of Seventeen [...] the principal Inhabitants were Sworn: But no Business appearing upon the Commission of the Peace, the Court, with regard to that Commission, was adjourned. The Court of Oyer and Terminer was then opened, a new Grand Jury impannelled and Sworn, and the Bills of Indictment preferred to them, they found the following Bills, upon which the Several Prisoners were Arraigned and tryed.	The gaol delivery order of 11 October 1762 required the Sheriff to bring every prisoner held in the island's gaol before the justices at the Castle in James's Valley. They were to appear at eight o'clock in the morning on Tuesday 12 October 1762. The Sheriff also had to produce every warrant, indictment, record and other document bearing on their cases. The order further required the Sheriff to summon 24 leading inhabitants, so that the facts of each case could be properly examined. None of those chosen was to have any family tie to the prisoners. The jurors were to carry out whatever duties the King's business required of them. The Sheriff was also to announce throughout his district that anyone wishing to bring charges against the prisoners should attend and do so. He had to bring the jurors' names and return the order. The justices signed and sealed the order on 11 October 1762, in the second year of the reign of George III. Charles Hutchinson John Skottowe Mathew [...]ling The court met at the Castle in James's Valley on 12 October 1762, sitting at once as a court of general quarter sessions of the peace, a court of oyer and terminer and a court of gaol delivery. Three justices, who also held commissions of oyer and terminer for the island, presided: John Skottowe, Mathew [...]ling and Thomas Kirkpatrick. Governor Charles Hutchinson, himself a justice of the peace, was ill and could not attend. Lieutenant Governor John Skottowe therefore took the chair. Once the three justices had taken their oaths, the court opened and swore in a grand jury of 17 leading inhabitants. No cases came forward under the commission of the peace, so that part of the court's business was adjourned. The justices then opened the court of oyer and terminer and swore in a fresh grand jury. The prosecutors laid their written charges before this jury. The jurors accepted the charges that followed, and on those charges each prisoner was formally accused and tried. **Interpretations** The requirement that no juror be related to any prisoner addressed a real problem on a small island. With only a few hundred settlers, families were closely linked by marriage and business, and many households owned slaves who might stand trial. Excluding kin was a basic safeguard against a verdict shaped by loyalty rather than evidence. The grand jury of 17 reflected an English rule that a grand jury sat with between 12 and 23 members, and that at least 12 had to agree before a charge went to trial. A number within that range ensured a majority of 12 was always possible and a tied result never was. The empanelling of a second grand jury for the oyer and terminer followed from the two separate orders issued on 22 September 1762. Each commission required its own jury, even though the first had nothing to do. A bailiwick was the district over which a sheriff held authority. Here it covered the whole island, since St Helena had only one sheriff, Thomas Greentree, appointed on 28 June 1762. The Governor's absence meant that the first capital trials under the island's new powers took place without him. The same court went on to sentence Will and Frank to death for robbery that day. Thomas Kirkpatrick, who did not sign the earlier orders, joined the bench in the Governor's place so that three justices could sit.

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15	5	[Holes through the centre of the page from insect damage, in the jury list and the first witness's deposition.] The Indictment against Cato a Boy Slave belonging to James Greentree planter - Island of Saint Helena ss The Jurors of our Sovereign Lord the King upon their Oaths, do present that Cato a Boy Slave belonging to James Greentree of the said Island planter on the fourteenth Day of August last in the second Year of the Reign of our Sovereign Lord George now King of Great Britain &c. by Force and Arms &c. at the Dwellinghouse of the said James Greentree in James's Valley within the Island aforesaid twelve Pagodas or pieces of Money of the Value of four Pounds Sixteen Shillings the Property of John Hassell third Mate of the Ship Warren then and there being found in the said Dwelling house of the said James Greentree feloniously did Steal take and bear away against the peace of our Sovereign Lord the King his Crown and Dignity and also against the Form of the Statute in that Case made and provided &c. Cato being set to the Barr was arraigned upon the above Indictment, and thereunto pleaded not guilty - The Indictment was a second Time, read to him, and the twelve following Men / Vizt / Kerrich Merchant Elisha Leache Benjamin Seale Mathew Bazett Junr. William Seale Nathan Sample William Moore John Robinson Isaac Knipe Robert Bollard Orlando Bagley James Forbett being Sworn and Charged with the Prison[...] he was put upon his Tryal - James Greentree being sworn deposeth that on the fifteenth Day of August last John Hassell third Mate of the Honorable Company's Ship Warren, then a Lodger in Deponent's House had informed him, that he had been robbed the preceding Night in his Room; that he this Deponent thereupon called Cato the Prisoner, and taxed him with having Stolen twelve Pagodas from Mr. John Hassell, which Cato denied; Saith, that he then called to all his Servants to enquire into the Affair, but had then no particular Suspicion of the said Cato, untill Gracy a Woman Slave of his told his Wife, it would be better if Cato were searched; Saith, that accordingly, Margaret his Wife Searched the said Cato, and in his right-hand Breeches-pocket, she found eleven Pagodas. - **Margin Notes:** 1st Witness -	The prosecution charged Cato, a boy slave owned by the planter James Greentree, with theft. According to the grand jury's charge, Cato entered his master's house in James's Valley on 14 August 1762. There he stole 12 pagodas, coins together worth £4 16s 0d, which belonged to John Hawck, third mate of the Company's ship *Warren*. The jurors held that the theft broke the King's peace and offended against the statute covering such crimes. Brought before the court and formally accused, Cato denied the charge. The clerk read the accusation to him a second time. The following 12 men were then sworn as his jury and given charge of the prisoner, and his trial began. Kenrick Merchant Elisha Leake Benjamin Beale Mathew Ba[...] Junior William Beale Nathan Sample William Moore John Robinson Isaac Knipe Robert Ballard Orlando Bagley James Forbes James Greentree gave evidence first, under oath. John Hawck, third mate of the Company's ship *Warren*, was lodging at his house at the time. On 15 August 1762 Hawck told Greentree that someone had robbed him at the house the night before. Greentree summoned Cato and accused him of taking the 12 pagodas, which the boy denied. Greentree then questioned all his servants about the theft. At that point he held no particular suspicion of Cato. Gracy, a slave woman in the household, then told Greentree's wife that searching Cato would be wise. Margaret Greentree duly searched the boy and found 11 pagodas in the right-hand pocket of his breeches. **Interpretations** The pagoda was a gold coin minted in southern India, chiefly around Madras, and widely used in the Company's eastern trade. Sailors returning from India carried them as savings or trading stock, and ships calling at St Helena brought them ashore in quantity. The indictment valued each coin at 8s 0d, the Company's standard rate. An officer such as a third mate would probably have kept his private earnings from the voyage in this form. The stated value of £4 16s 0d mattered in law. Under English statute, stealing goods worth 40s 0d or more from a dwelling house was a capital felony with no escape through benefit of clergy. The phrase declaring the theft contrary to the statute pointed to exactly that law. By setting the value well above the threshold, the indictment exposed Cato to a death sentence rather than branding or whipping. The suspicion against Cato came from Gracy, another slave, who passed her information to her mistress rather than to the court. Evidence from slaves thus shaped the prosecution of a slave, entering the record through a white witness. This was the channel left open when slave testimony against white people was ruled inadmissible on 21 July 1781. It shows how slave knowledge could still reach a courtroom indirectly. The words by force and arms formed part of the standard indictment for any felony, whether or not violence took place. A boy slipping coins from a lodger's belongings committed no violence at all. The phrase was a legal formula that turned any unlawful taking into a breach of the King's peace, and so brought it within the Crown's jurisdiction.

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16	6	[Holes through the centre of the page from insect damage, in the Indictment against Will and the paragraph beneath it.] Margaret Greentree the Wife of James Greentree being sworn Saith, that on her hearing that Mr. John Hassell was robbed of some Money, she suspected Cato the Prisoner, that she called the said Cato who was then going to the Country on an Errand, and searched him; Saith, that she found Eleven Pagodas in his right-hand Breeches-pocket, and asked him where he had found the Money, That he told her, he found it on the Boards by the Bedside in the Room where Mr. Hassell lay. - No other Witness appearing against the Prisoner at the Bar, he was put upon his Defence; He confessed he found the Money by the Bed- side in the Room where Mr. Hassell lay; that he would not own to his Master he had the Money, because he intended to restore it privately to Mr. Hassell next Morning - The Prisoner having no more to say, the Chairman, in a speech, summed up the Evidence to the Jury, who withdrew; and on their Return to Court, declared their Verdict, by which they found the Prisoner Guilty of the Value of thirty nine Shillings. - The Indictment against Will a Man-Slave belonging to Sarah Knipe of Prosperous Bay Valley Widow. - Island of Saint Helena ss The Jurors of our Sovereign Lord the King on their Oaths do present that [...]ill a Man-Slave late belonging to Sarah Knipe of Prosperous Bay Valley within the Island of St. Helena Widow on the nineteenth Day of December last in the second Year of the Reign of our Sovereign Lord George now King of Great Britain &c. by Force and Arms &c at the Valley aforesaid in and upon one Sarah Knipe a Woman Child under the Age of Six years in the Peace of God and of our Sovereign Lord the King then and there being he did make an Assault and the said Sarah against the Will of the said Sarah feloniously did ravish and carnally know against the Peace [...] Sovereign Lord the King his Crown and Dignity And also aga[...] the Form of the Statute in that Case made and provided. - Will [...] Prisoner being set to the Bar, was arraigned upon the foregoing Indictment, to which he pleaded Guilty. - He was then removed from the Bar and ordered back to Prison. - The Indictment against Frank a Man Slave late belonging to Stephen Young - **Margin Notes:** 2 Witness -	Margaret Greentree, wife of James Greentree, gave evidence as the second witness. On learning that John Hawck had lost some money, she suspected Cato. She stopped him as he was setting off into the country on an errand and searched him. In the right-hand pocket of his breeches she found 11 pagodas. When she asked where the money came from, Cato said he had picked it up from the floorboards beside the bed in Hawck's room. No further witnesses spoke against Cato, so the court called on him to answer the charge. He admitted finding the coins beside the bed in Hawck's room. He explained that he kept this from his master because he meant to return the money to Hawck quietly the next morning. Cato had nothing more to say in his defence. The chairman summed up the evidence for the jury, which then retired. On returning, the jurors found Cato guilty of theft to the value of £1 19s 0d. The next charge was brought against Will, a slave formerly owned by Sarah Knipe, a widow of Prosperous Bay Valley. The grand jury accused Will of attacking Sarah Knipe, a girl under the age of ten, in the valley on 19 December 1761. According to the charge, he raped her against her will, in breach of the King's peace and contrary to the statute covering such crimes. Brought before the court, Will heard the charge and pleaded guilty. He was then taken from the court and returned to prison. The court next turned to the charge against Frank, a slave formerly owned by Stephen Young. **Interpretations** The jury's verdict valued Cato's theft at £1 19s 0d, one shilling below the 40s 0d threshold that made theft from a dwelling house a capital crime. The indictment had set the value at £4 16s 0d, and Margaret Greentree had recovered 11 of the 12 coins in his pocket. Juries in England often undervalued stolen goods in this way, a practice critics called pious perjury, to spare a defendant the gallows. The verdict meant Cato faced a lesser penalty rather than death. The charge against Will relied on an Elizabethan statute making sexual intercourse with a girl under ten a felony without benefit of clergy, whatever the question of consent. The phrase under the age of ten therefore fixed both the offence and its penalty. By pleading guilty, Will left the court no discretion over the verdict. His name appears among the capital sentences of 12 October 1762 in the register's index, with his hanging following on 19 October 1762. The word formerly attached to both Will and Frank reflected their status once charged with a capital felony. A slave convicted of such a crime would be hanged, and his owner's property in him was effectively lost. The clerk's wording recorded that change of standing even before sentence. The child shared the widow's name, which points to a daughter of the household. Isaac Knipe sat on Cato's jury in the same court. On an island with so few settlers, jurors could easily be connected to parties in other cases heard that day. **Speculations** The jury in Cato's case passed over the straightforward verdict of guilty as charged. The evidence supported the full value, since the coins were Company-standard pagodas at 8s 0d each and nearly all were found on the boy. Several features of the case explain the jurors' choice. Cato was a boy, the money was recovered, his explanation of intending to return it was at least plausible, and the offence involved no violence. Hanging a child for coins already back in the owner's hands probably struck the settlers as out of proportion. The jury also protected the property of James Greentree, whose slave would otherwise have been lost to the gallows.

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17	7	[Holes through the centre of the page from insect damage, in the deposition of Stephen Young.] Island of Saint Helena ss The Jurors of our Sovereign Lord the King on their Oaths do present that Frank a Man-slave late belonging to Stephen Young of James's Valley within the Island of Saint Helena Planter on the nineteenth Day of February last in the second Year of the Reign of our Sovereign Lord George now King of Great Britain &c. by Force and Arms &c. at the Valley aforesaid within the Island aforesaid in and upon one Phillis a Woman Child Slave under the Age of ten Years in the Peace of God and of our Sovereign Lord the King then and there being found he did make a Assault and the said Phillis against the Will of the said Phillis felonously did ravish and carnally know against the Peace of our Sovereign Lord the King his Crown and Dignity and also against the Form of the Statute in that Case made and provided. - Frank being set to the Bar, was arraigned upon the above Indictment, and thereunto pleaded not Guilty - The Indictment being a second Time read to the Prisoner, the Petit Jury were Sworn and Charged with him, and he put upon his Tryal - Stephen Young being Sworn Saith, that on the twenty fourth Day of February last, as he went by the Kitchen of his House, he was called in by [...] Moll a Woman Slave belonging to him; that he went in, and [...] told by the said Moll that one Phillis a Girl Slave likewise belonging to Deponent had been Ravished by Frank a Man Slave belonging also to him; Saith, that the said Moll also told him that the Phillis had been searched by one Grace a free black Woman Midwife then in his house; that he asked the said Grace what was the Matter with the Girl Phillis? Grace then Informed this Deponent that Phillis was greatly hurt and abused, Whereupon he immediately went in search of Frank but finding he was gone to Wood waited for his Return and ordered Moll not to let Frank know that he had any knowledge of [...] being ravished, that he, this Deponent, may have an easier Opportunity of securing him; Saith, that next Morning he went in pursuit of the sd Frank, but could not find him, that one John Wheale in some time after [...] brought him to this Deponent, who sent him immediately to Prison. - Moll a Woman Slave belonging to Stephen Young being Sworn, Saith, that one Grace a free black Woman Midwife told her that something ailed Phillis, this Deponent's Daughter, on which she desired the said Grace to examine her private Parts, which Grace, at that Time, declined to do; Saith, that about the Hour of Eight or nine	The grand jury charged Frank, a slave formerly owned by the James's Valley planter Stephen Young, with raping a slave girl named Phillis. According to the charge, Frank attacked Phillis in the valley on 19 February 1762, when she was under the age of ten. He was accused of raping her against her will, in breach of the King's peace and contrary to the statute covering such crimes. Brought before the court and formally accused, Frank denied the charge. The clerk read the accusation to him again. A trial jury was then sworn and given charge of the prisoner, and his trial began. Stephen Young gave evidence first, under oath. On 24 February 1762, as he passed the kitchen of his house, Moll, one of his slave women, called him inside. She told him that Frank, another of his slaves, had raped Phillis, a slave girl who also belonged to him. Moll added that Grace, a free black midwife who happened to be in the house, had examined the girl. Young asked Grace what had happened, and she told him that Phillis had suffered serious injury and abuse. Young set out at once to find Frank. He learned that Frank had gone off to gather wood, so he decided to wait for his return. He told Moll not to let Frank know that he had heard about the attack, since he hoped to seize him more easily that way. The next morning Young searched for Frank but could not find him. Some time later John Whorral caught Frank and brought him to Young, who sent him straight to prison. Moll, a slave woman owned by Stephen Young and the mother of Phillis, gave evidence next, under oath. Grace, the free black midwife, had told her that something was wrong with her daughter. Moll asked Grace to examine the girl's private parts, but Grace refused at first. Later, at about eight or nine o'clock, Moll urged Phillis to tell the truth, warning that staying silent would do her no good. Phillis then told her mother that Frank had raped her. **Interpretations** The midwife Grace served here as a medical witness, a role midwives commonly filled in English courts. In cases of rape, pregnancy or infanticide, courts relied on women experienced in childbirth to examine female bodies and report their findings. No trained physician was involved. Her evidence reached the court through Stephen Young's account of what she told him, which gave the prosecution medical support before any witness described the attack itself. Grace's standing as a free black woman marked a distinct group on the island, neither slave nor part of the white settler population. She was present in the Young household in her professional capacity. Her initial refusal to examine Phillis perhaps reflected caution about becoming entangled in an accusation against a man of the same household. The court heard evidence from Moll, a slave, against Frank, also a slave. No rule prevented slaves from testifying against other slaves. The later ruling of 21 July 1781 barred slave evidence only against white people, so testimony like Moll's remained admissible throughout the period covered by the register. Stephen Young stood in an unusual position as the owner of the victim, the accused and the chief witnesses. A conviction would cost him Frank, while the crime had already harmed Phillis, another piece of his property. His readiness to prosecute despite the loss suggests the offence was treated as too grave to settle privately within the household. Frank appears among the capital sentences of 12 October 1762, alongside Will.

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		afterwards, she this Deponent bid Phillis tell the Truth, and that it would be better for her to deny nothing; That Phillis then told her, she had been ravished by Frank, on which the said Grace and this Deponent **Margin Notes:** 1st Witness 2. Witness -	
18	8	[Holes through the centre of the page from insect damage, in the evidence of Phillis and Penelope Young.] Look'd at and examined her private Parts, which they found swelled and raw having Marks of Abuse on the Insides. - Grace a free black Woman Midwife being sworn Saith, that, being sent for in order to deliver Moll a Woman Slave belonging to Stephen Young, she went to the said Stephen Young's House; Where the next day, perceiving that Phillis walked Stiff, She ask'd the said Moll why her Daughter Phillis walked so, to which Moll answered, she did not know, but desired this Deponent to search her, which she did, and found her private Parts swelled, and in the Inside full of Filth; Saith that she then asked Phillis, who had used her so, and that she told her, it was Frank. - Mr. Robert Burchley Surgeon being sworn saith that at the Desire of Stephen Young, he went to his House and there searched Phillis, saith, that he found her much abused in her private Parts, and from Appearances, thinks she had been Enter'd by a Man. - Phillis appear[...] to the Court, saith that Frank the Prisoner at the Bar came to her at a Place called the Point behind her Master's House, and threw her down; that he then pulled up her Clothes, and put some thing Stiff into her from which she felt some thing wet, saith, that she had been so much hurt she could scarcely walk, that when he had done he told her that, should she be asked any thing about it, she must say, a Soldier, whose Name she knows not, had meddled with her, or else he would cut her Throat. - Penelope Young being sworn, Saith that one Day as she went by the Kitchen [...] Frank the Prisoner called her and said he would give her some [...], that she went to the Window, where Frank attempted to pull up [...] Clothes, on which she screamed, and he desisted, That he told her, if [...] she said any thing about it, he would cut her Throat - Eleanor Young informs the Court, that as she was going to the Spout, Frank the Prisoner called her, and when she came near him laid hold of her and pulled up her Clothes, on which she screamed, That then he let her go, But told her if ever she said any thing about it, he would cut her Throat. - **Margin Notes:** 3d Witness -	Grace and Moll then examined the girl together. They found her private parts swollen and raw, with signs of injury inside. Grace, the free black midwife, gave evidence third, under oath. Stephen Young had sent for her to deliver a child for Moll, one of his slave women. The day after she arrived at the Young house, Grace noticed that Phillis was walking stiffly. She asked Moll why her daughter moved that way. Moll said she did not know and asked Grace to examine the girl. Grace did so and found the child's private parts swollen and full of foul matter inside. When Grace asked Phillis who had done this to her, the girl named Frank. Robert Barclay, a surgeon, gave evidence fourth, under oath. At Stephen Young's request he went to the house and examined Phillis. He found serious injury to her private parts. From what he saw, he concluded that a man had penetrated her. Phillis, who brought the complaint, then told the court what had happened. Frank had come upon her at a spot known as the Point, behind her master's house, and thrown her to the ground. He lifted her clothes and forced something stiff into her body, and she felt something wet. She was so badly hurt afterwards that she could barely walk. When he had finished, Frank warned her to say that an unknown soldier had interfered with her if anyone asked. Otherwise, he threatened, he would cut her throat. Penelope Young then gave evidence under oath. One day, as she passed the kitchen, Frank called out to her and offered her [...]. When she came to the window, he tried to lift her clothes. She screamed and he stopped. Frank then threatened to cut her throat if she ever told anyone. Eleanor Young also gave an account to the court. As she was on her way to the Spout, Frank called her over. When she came close, he seized her and lifted her clothes. She screamed and he released her. He too warned her that he would cut her throat if she ever spoke of it. **Interpretations** The record drew a careful line between witnesses who swore an oath and those who did not. Phillis appeared before the court and Eleanor Young informed it, whereas every other witness was sworn. A witness could take the oath only if the court judged that the person understood its religious meaning and the punishment awaiting perjury. Young children often failed that test, and so did slaves thought to lack Christian instruction. Their accounts could still be heard, but they carried less weight than sworn evidence, which is why the prosecution rested so heavily on the examinations by Grace, Moll and the surgeon. The evidence of Penelope and Eleanor Young, both probably daughters of the household, concerned attempted assaults on them rather than the attack on Phillis. English courts of the period admitted such evidence freely to show a prisoner's character and habits. Modern rules would usually exclude it as prejudicial. Here it showed a pattern of approaches to girls in the household, each followed by the same threat. That pattern made Frank's denial far harder to sustain. Frank's instruction to Phillis to blame an unnamed soldier exploited the presence of the

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		4th Witness - Prosecutrix	Company's garrison. Soldiers were numerous on the island and moved freely through the valleys, and an unidentified one could never be traced. The false account would have deflected suspicion from the household altogether. That the tactic appeared in the testimony shows how readily the garrison served as a plausible source of such crimes. Robert Barclay was probably one of the Company's surgeons, employed to treat the garrison and settlers. His evidence gave the court a trained medical opinion to set beside the midwife's findings. Taken together, the accounts of Grace, Moll and Barclay supplied three independent examinations, each confirming the injury before Phillis herself spoke.
19	9	[Small hole from insect damage in the opening lines of the Indictment against Anthony.] No other Witnesses appearing against the Prisoner, he was put upon his Defence; he saith that one Monday Morning, being returned from fishing, he had a Pint of Arrack and some Tea from his Mistress and paid for the Arrack, that having mixed it with the Tea, he drank it and then went out to a place call'd the Point where he lay down to sleep; That Phillis came to the Place where he lay and disturbed him, by jerking him 'till he awoke; That he then asked Phillis what she wanted, Phillis answered, she was sent by her Mistress to pick some Parsley to make Broths; Saith that Phillis took his Hat off his head, and carried it behind the Point, That she came back, and was ask'd by him what she had done with his Hat to which she made no answer; That he went behind the Point, and found his Hat with a Stone in it, then returned to the same Place, and lay himself down, a Second time, to sleep; Saith, that after Phillis had carried the Parsley home, she returned and awoke him again, and he, believing her to be fit for a Man, asked her Good-Will, which she consented to, whereupon he took up her Clothes and lay upon her, but, finding her unfit for a man, he let her go. - The Prisoner having nothing more to move in his Defence, the Chairman summed up the whole Evidence to the Jury, who retired to consider of their Verdict, on their return to Court they declared their Verdict, Whereby they brought in Frank Guilty Anthony a Man slave belonging to Isaac Dovelon Planter was brought to the Bar, arraigned upon the following Indictment, his Plea, not Guilty - Island of Saint Helena ss The Jurors of our Sovereign Lord the King upon their Oaths do p[...] th[...] Anthony a Man slave late belonging to Isaac Dovelon of the s[...] Island Planter on the eighteenth Day of September last between the Hours of ten and five of the Night of the same Day in the second Year of the Reign of our Sovereign Lord George now King of Great Britain &c. by Force and Arms &c. at James's Valley within the Island aforesaid the Dwelling house of	With no further witnesses against him, Frank was called on to answer the charge. He said that one Monday morning, after coming back from fishing, he got some arrack and tea from his mistress and paid for the arrack. He mixed the two together and drank them. He then went out to the Point and lay down to sleep. According to Frank, Phillis came to where he lay and shook him until he woke. He asked what she wanted, and she said her mistress had sent her to gather parsley for broth. She then took his hat from his head and carried it off behind the Point. When she came back, he asked what she had done with it, but she gave no reply. He went behind the Point and found his hat with a stone inside it. He then returned to the same spot and lay down to sleep again. Frank said that Phillis came back once more after taking the parsley home and woke him a second time. Believing her old enough for a man, he asked whether she was willing, and he claimed she agreed. He then lifted her clothes and lay on top of her. Finding her too young, he said, he let her go. Frank had nothing further to offer in his defence. The chairman summed up all the evidence for the jury, which withdrew to reach its verdict. On returning to court, the jurors found Frank guilty. The court then turned to Anthony, a slave owned by the planter Isaac Doveton. Brought before the court and formally accused, Anthony denied the charge. The grand jury charged that on 18 September 1762, between ten at night and [...] in the morning, Anthony broke into the house of Mathew [...]ling in James's Valley. He was accused of entering as a burglar and taking a box holding the following: 2 English guineas 12 dollars 4 rials 9 petticoats 1 pair of yellow stays 6 bodices 6 pairs of stockings 8 handkerchiefs 1 shift 11 fans 3 snuffboxes Ribbons Needles Pins Thimbles 1 pair of scissors **Interpretations** Frank's defence amounted to a confession. Under the statute on which he was charged, sexual intercourse with a girl under ten was a capital felony whether or not she agreed. By claiming her consent, Frank admitted the very act the law punished and offered an excuse the law did not recognise. His account also placed him at the Point, exactly where Phillis said the attack took place.

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		Mathew Bazeling Esquire there situated feloniously and Burglariously did break and enter, and a Box in which were contained two English Guineas twelve Dollars four Rials nine Petticoats one Pair yellow Bodice six Bodjees six Pairs of Stockings eight Handkerchiefs one Shift eleven Fans three Snuff boxes Ribbons Needles Pins Thimbles and pair of Scissors	Arrack was a strong spirit distilled in India, Ceylon and Batavia from palm sap, rice or sugar molasses. Company ships carried it in quantity, and it was cheap and widely drunk on St Helena. Frank's statement that he bought it from his mistress shows that slaves could earn and spend money of their own, in his case perhaps from selling fish. It also shows owners supplying liquor to their slaves for payment. The victim of the burglary was Mathew [...]ling, one of the three justices who issued the orders summoning the juries and who sat on the bench that day. A justice therefore heard the trial of a man accused of robbing his own house. On an island with so few men qualified to sit as magistrates, the court perhaps could not avoid such a conflict. The box's contents reflected the mixed currencies circulating on St Helena. The English guinea was a gold coin worth 21s 0d. The dollar was the Spanish silver piece of eight, the most widely used coin in world trade. The rial, or real, was its fractional coin, worth one eighth of a dollar. Ships from Europe, India and the Americas all brought coin to the island, and settlers held whatever came ashore. The clothing in the box was almost entirely women's wear. Stays were a stiffened undergarment laced around the torso to shape the figure. A shift was a plain linen undergarment worn next to the skin. The 11 fans, the snuffboxes and the sewing goods point to a store of small luxuries and household supplies. On an island dependent on passing ships for such goods, they held considerable value. Burglary in English law meant breaking into a dwelling at night with intent to commit felony. Night was defined as the hours of darkness. The indictment's reference to hours of the night was therefore essential to the charge, since the same entry by day would have been only housebreaking. Burglary carried the death penalty without benefit of clergy.
20	10	[Holes through the centre of the page from insect damage, in the evidence of Choir and John Bland.] the whole of the Value of ten pounds Sterling of the Goods Chattles and Money of one Choir a free Malay black Woman servant to the said Mathew Bazeling Esquire in the said Dwelling house then and there being found then and there feloniously and Burglariously did steal take and bear away against the Peace of our Sovereign Lord the King his Crown and Dignity and also against the Form of the Statute in that Case made and provided &c. The Prisoner Anthony being put on his Tryal the Petit Jury Sworn, the Indictment was, a second Time, read to him, and the Jury Charged. Choir a free Malay Woman Servant to Mathew Bazeling Esquire being sworn, Saith, that the eighteenth of September last, she was in a Room of her Master's house till about ten o'Clock at Night, that a Box belonging to her was in that Room when she left it, but missing the Box the next Morning, and suspecting Anthony the Prisoner at the Bar, whom she saw the Night before about nine o'Clock in the House she went to her Master, informed him of her Box's being Stolen and her Suspicion of Anthony; The same Box being produced in Court, this Deponent proved it her	The grand jury put the total value of the stolen money and goods at £10 0s 0d. All of it belonged to Choir, a free Malay woman employed as a servant in the house of Mathew [...]ling. The charge accused Anthony of stealing these items during the burglary, in breach of the King's peace and contrary to the statute covering such crimes. Anthony's trial then began. The trial jury was sworn, the clerk read the charge to him a second time, and the jurors received their instructions. Choir, who brought the complaint, gave evidence first, under oath. On the night of 18 September 1762 she stayed in a room of her master's house until about ten o'clock. Her box was in that room when she left it, but in the morning it was gone. She had seen Anthony in the house at about nine o'clock the previous evening and suspected him. She went to her master, reported the theft and named Anthony as the likely thief. When the box was shown in court, she identified it as hers. John Bland, the Constable, also produced two bundles of her clothes, 2 English guineas, 12 Spanish dollars and 4 rials. Choir confirmed that all of it belonged to her, and the court handed the items back to her there and then. John Bland, the Constable, gave evidence next, under oath. On 19 September 1762 Mathew [...]ling told him that someone had stolen a box from his house during the night. The box held belongings of Choir, a free Malay woman in his service. Mathew [...]ling suspected Anthony, a slave owned by Isaac Doveton. A warrant was then issued authorising Bland to arrest Anthony on suspicion. Bland caught Anthony that same morning as he came down into the valley carrying milk. He took him to his own house and accused him of stealing the box and its contents. Anthony admitted that he had the

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		Property, two Bundles of [...] Wearing Apparel, two English Guineas twelve Spanish Dollars and [...] Rials were likewise produced by John Bland Constable, Which this Deponent proved to be her Property and they were Delivered to her in Court John Bland Constable being sworn, Saith, on the Nineteenth Day of September last, Mathew Bazeling informed him that his House had been rob'd, the Night before of a Box which contained some Goods belonging to one Choir a free Malay Woman his Servant, and that he suspected one Anthony a Man Slave belonging to Isaac Dovelon of having stole[...] the said Box, whereupon a Warrant on [...] Suspicion was grant[...] to this Deponent to apprehend the sd Anthony, That he apprehended the sd. Anthony now Prisoner at the Bar, as he came down to the Valley that same Morning, with Milk, whom he took along with him to his House, and there accused with having stolen the said Box and Goods; Saith, that the Prisoner then confess'd that he had the Box and Goods hid in different Places in the Country That this Deponent, on his so confessing, asked him how he came by the Box, who answered that he received it from Tabary a Boy Slave belonging to Mathew Bazeling, betwixt [...] between the Hours of nine **Margin Notes:** Prosecutrix	box and goods and had hidden them in several places out in the country. Bland asked how he had come by the box. Anthony claimed that Tabaa, a slave boy belonging to Mathew [...]ling, had handed it to him already broken open. **Interpretations** Choir's ownership of gold guineas, Spanish dollars and a stock of clothing shows that a free servant on the island could build up savings and property of real worth. The indictment treated her as the owner in law, and the court returned her goods to her directly. Free Malays formed a small but distinct part of St Helena's population, drawn through the Company's links with Batavia and the Indian Ocean trade. As a free woman in paid service, Choir stood apart from the slaves around her and had full standing to prosecute in her own name. The immediate return of the stolen goods in court followed English practice, where recovered property was restored to its owner once identified at trial. The Constable held the goods as evidence until the owner proved them hers under oath. That step ensured that property seized from a suspect went to the rightful owner rather than being forfeited. The warrant on suspicion allowed the Constable to arrest a person named by a complainant without further proof. Bland then questioned Anthony in his own house, and the confession he obtained there formed the core of the case. No rule of the period required a suspect to be warned that his words could be used against him, and such statements went straight into evidence. Anthony's arrest as he brought milk down to James's Valley shows slaves moving regularly between the country estates and the town with farm produce. That traffic gave Anthony an ordinary reason to be on the road that morning. It also placed him within easy reach of the Constable in the island's only town.
21	11	[Holes through the page from insect damage, in the middle of Anthony's defence.] And ten at Night in the Street; That he then took the Prisoner into the Country, where a little below the Goat pound at Parsley Bed they found the Box in the Condition it now appears to the Court, This Deponent, on seeing the Box broke open, told the Prisoner of the Improbability of so strong a Box's being broke open in Mr. Bazeling's house, on account of the Noise which was the more likely to be heard, as, at that hour, people were up in the House, Saith, that he and the Prisoner went to Putty Hill where, under a Furze-bush in a Hole the Prisoner put his Hand, and there out took six Dollars, that he, a second Time, put in his Hand, raked the Ground, made the Hole a little wider, and pulled out a small Cotton Bag containing five Spanish Dollars, two English Guineas, and four Rials, which, together with one Dollar which the Prisoner had about him when taken, made up the twelve Dollars, two English Guineas and four Rials which Choir the Prosecutrix says she lost, and which the Prisoner delivered to this Deponent confessing, at the same Time, that he had taken it out of the Box he received from Juba and now in the Possession of this Deponent; That he and the Prisoner went a little lower down the Hill, and from under a	Anthony told the Constable that Tabaa passed him the box in the street between nine and ten o'clock at night. Bland then took Anthony out into the country. A little below the goat pound at [...], they found the box in the same state as it now appeared in court. When Bland saw that the box had been forced, he told Anthony his story made little sense. Breaking open so sturdy a box inside Mathew [...]ling's house would have made a noise, and people in the house were still awake at that hour. Anthony then led Bland to [...] Hill. There he reached into a hole under a gorse bush and drew out 6 dollars. He reached in again, scraped at the earth and widened the hole, then pulled out a small cotton bag. It held 5 Spanish dollars, 2 English guineas and 4 rials. Together with a single dollar found on Anthony when he was arrested, this made up the full sum Choir said she had lost: 12 dollars, 2 guineas and 4 rials. Anthony handed the money to Bland. He admitted taking it from the box he said Tabaa gave him, which was now in Bland's keeping. The two then went a short way further down the hill. From under another gorse bush, Anthony brought out two bundles of clothes, which he also had taken from the box. Bland produced these bundles in court. Anthony was then called on to answer the charge. He said that on the morning of Saturday 18 September 1762, as he and Tabaa were walking out to the country, Tabaa mentioned that Choir kept a large sum of money in her box. Tabaa asked whether Anthony would help carry it off. Anthony asked how Tabaa planned to get the box out of the house. Tabaa told him to come into the house once his master had gone in to supper. Anthony said he arrived at the house at the agreed time. At about a quarter past nine, some rice

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		Furze-bush he, the Prisoner took two Bundles of Clothes which were likewise taken out of the Box by him, and now Produced in Court by this Deponent. Anthony the Prisoner at the Bar, being put upon his Defence, saith, that on Saturday the eighteenth Day of September last, in the Morning as Juba and he were going to the Country, Juba told him that Choir had a good Deal of Money in her Box, and asked him, if he would agree to take it away, on which he inquired of Juba how he would contrive [...] get the Box out of the House, that Juba then said, that he must come into the H[...] after his Master went to Supper, that he accordingly came into the Hou[...] at the time appointed, and that about a Quarter after nine of the Clock, some Rice being boiled, he, Juba, and James eat it, That Juba and he agreed that he, the Prisoner, should go out and remain in the Street below the Cellar door, till Juba brought the Box there to him, That he went out, and Juba, about ten O'Clock came to him, and delivered him the Box broke open as it now appears, That after Juba had delivered the Box to him, he desired him to Carry it into the Country and there take the things out of it, and secure them	was cooked, and he, Tabaa and James ate it together. The two then agreed that Anthony would wait outside in the street below the cellar door until Tabaa brought the box to him. Anthony went out as arranged. At about ten o'clock Tabaa came and handed him the box, already forced open as it now appeared. Tabaa then asked him to take it into the country, empty it and hide the contents safely. **Interpretations** Bland's handling of the case showed a constable acting as investigator, not merely as the officer who made arrests. He tested Anthony's story against the circumstances of the house and pressed him on its weak point. That pressure led Anthony to reveal the hiding places. Recovering the exact sum Choir had lost, from places only the thief could know, turned a bare confession into evidence the jury could hardly doubt. A goat pound was an enclosure where stray goats were held until their owners paid a fee to reclaim them. Goats roamed widely on St Helena and damaged crops and pasture. The pound was the island's means of controlling them and making owners answer for the harm their animals did. Concern over grazing animals later produced the restrictions on sheep of 20 April 1779. Anthony's defence did not deny that he took and hid the goods. Instead it shifted the planning and the break-in onto Tabaa, a slave inside the household. His account placed a third person, James, at the supper in the house that evening. Even if the jury believed him, receiving and concealing stolen goods known to be taken in a burglary left him deeply implicated.
22	12	[Holes through the page from insect damage, in the lower part of Pompey's evidence and the paragraph beneath it.] Untill he could, next Day, go along with him and Divide them. - James a Boy Slave belonging to Mathew Bazeling Esquire appearing before the Court Saith upon Oath, that Anthony the Prisoner at the Bar, Juba and he eat some Rice together about Nine of the Clock, that same Night, that after they had eat the Rice, the Prisoner bid them a good Night and went down into a passage that leads to a door which opens into the Street, That he, this Deponent, went to Sleep in the Room with Juba, and heard no Noise of breaking a Box; saith, that the Box, now in Court, was in the Room when he went to Bed, but was not then broke, and that the said Juba never went out of the Room that Night. David a Boy Slave belonging to Mathew Bazeling Esquire on his Oath saith that he saw Anthony the Prisoner at the Bar in his Master's house about five O'Clock in the Evening, but never saw him there since; That he went to Bed in the same Room with Juba, Pompey and James, that Juba never left the Room 'till the next Morning, But saith that he, this Deponent, had occasion to go to the Necessary house about one of the Clock that Night, and that Juba was then asleep in the Room, That as he returned from the Necessary-house, he heard a Noise like that of the Opening of a Door, and next Morning found the Street door wide Open. -	Tabaa, according to Anthony, told him to keep the goods hidden until the next day, when the two of them would go out together and share them. James, a slave boy owned by Mathew [...]ling, then gave evidence under oath. At about nine o'clock that night, he said, he ate rice with Anthony and Tabaa. After the meal Anthony wished them good night and went down a passage leading to a door onto the street. James then went to sleep in the same room as Tabaa and heard no sound of anyone forcing a box. The box now shown in court stood in the room when he went to bed and was still intact. Tabaa, he said, never left the room that night. David, another slave boy owned by Mathew [...]ling, testified next on oath. He saw Anthony in his master's house at about five in the evening but not afterwards. David slept in the same room as Tabaa, Pompey and James, and Tabaa stayed there until morning. At about one o'clock in the night David went out to the privy, and Tabaa was asleep in the room at the time. On his way back, David heard what sounded like a door opening. In the morning he found the street door standing wide open. Pompey, a third slave boy owned by Mathew [...]ling, then gave sworn evidence. He saw Anthony in his master's house that night, going down into the entrance passage. Pompey believed Anthony meant to hide there from Mathew [...]ling. Pompey slept alongside Tabaa, who lay between him and James. At no point in the night did he feel Tabaa get up, and he heard no noise in the room. With the evidence complete and Anthony having nothing further to say, the chairman summed up the case for the jury. The jurors cleared Anthony of burglary but convicted him of theft alone. The court then heard the charge against Exeter, who denied it. The grand jury accused Exeter, a slave formerly owned by John Lock of the island, [...], of an offence committed at about midnight on 4 September 1762. **Interpretations**

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		Pompey a Boy Slave belonging to Mathew Bazeling Esquire upon his Oath Saith, that he saw the Prisoner at the Bar in his Master's House that Night, That he saw him going down into the Cellar, to hide himself, as he believed, from Mr. Bazeling, That he, this Deponent, went to sleep along with Juba who lay between him and James, that he never felt Juba rise in the Night, nor heard any Noise in the Room - The Evidence [...] closed, And the Prisoner having no more to say in his Defence, the Chairman summed up the Whole to the Jury, who acquitted him of the Burglar[...] and found him Guilty of the Felony only - The Indictment on which Exeter was Arraigned, to which he pleaded not Guilty - Island of Saint Helena ss The Jurors of our Sovereign Lord the King on their Oaths do present that Exeter a Man slave late belonging to John Leech of the said Island Publican on the fourth Day of September last in the second Year of the Reign of our Sovereign Lord George now King of Great Britain &c. about the Hour of twelve in the Night of the same Day by Force	The partial verdict saved Anthony's life. Burglary carried death without benefit of clergy, whereas theft on its own could be punished by branding, whipping or transportation. The index of capital sentences does not list Anthony, which confirms that the verdict removed him from the gallows. As in Cato's case earlier that day, the jury used the structure of the charge to reach a lesser offence. The three boys, James, David and Pompey, all gave evidence on oath. Phillis, by contrast, appeared before the court without being sworn. The difference probably reflected the court's judgement of each witness's age and understanding of the oath, rather than any fixed rule about slaves. The testimony of the three boys worked against Anthony's defence at every point. Each swore that Tabaa never left the room, which destroyed Anthony's claim that Tabaa carried the box out to him at ten o'clock. James also swore that the box was intact when the household went to bed. The weight of evidence placed the forcing of the box on Anthony alone. **Speculations** The jury rejected the burglary charge despite finding Anthony guilty of taking the goods. Pompey's evidence explains why. He saw Anthony slip into the entrance passage to hide, which meant Anthony was already inside the house legitimately, having eaten supper there. Burglary required breaking into a dwelling at night. A man who stayed on inside a house he had entered openly and then opened the street door to leave, as David heard at one o'clock, arguably broke out rather than in. The jurors could therefore acquit on the capital charge with the evidence itself supporting them, rather than resting on sympathy alone.
23	13	[Small hole from insect damage in the line ending "Judgment of Death".] and Arms in James's Valley within the Island aforesaid the Dwelling house of the said John Leech there situated feloniously and Burglariously did break and Enter and two Pounds of Tobacco of the Value of three Shillings and Money in different Species of the Value of Six Pounds ten shillings of the Goods Chattles and Money of the said John Leech in the said Dwelling house then and there being found then and there feloniously and burglariously did steal take and bear away, against the Peace of our Sovereign Lord the King his Crown and Dignity and also against the Form of the Statute in that Case made and provided. Exeter being set to the Bar, John Leech the prosecutor and principal Evidence was called, but the Court being informed he was sick and unable to come and prosecute against the Prisoner, sent for Mr. Robert Barclay Surgeon, and desired him, in order to be fully satisfied therein, to Visit the said John Leech and return to the Court a written Report of his State of Health, which he accordingly did as follows Island St. Helena This is to certify that John Leech Senr. is so much reduced with a Diarrhaea that he can not with any Safety, be taken out of his Bed, he is likewise at the present delerious Given under my hand this	The grand jury charged that at about midnight on 4 September 1762, Exeter broke into John Leech's house in James's Valley. It accused him of taking 2 pounds of tobacco worth £0 3s 0d and money in various coins worth £6 10s 0d, all belonging to Leech. The charge held that the burglary breached the King's peace and offended against the statute covering such crimes. When Exeter was brought before the court, John Leech was called as prosecutor and chief witness. The court then learned that Leech was ill and could not attend to press the charge. To make certain of the facts, the court summoned Robert Barclay, a surgeon. It asked him to visit Leech and bring back a written report on his condition. Barclay's certificate, signed on 13 October 1762, stated that John Leech Senior was so weakened by diarrhoea that moving him from his bed would be unsafe. He was also delirious. Barclay swore to the truth of the certificate in court. Exeter was then taken back to prison to await trial at the next quarter sitting. Will and Frank were then brought before the court to receive sentence of death. The chairman first spoke at length on the mercy of English law and urged both men to repent. He then passed sentence on each in turn. Will was sentenced to be taken back to the place he had come from and then to the place of execution. There he was to be hanged by the neck until dead, and the chairman commended his soul to God's mercy. Frank received the same sentence. He too was to be returned to prison, then taken to the place of execution and hanged by the neck until dead, with the same prayer for mercy on his soul. Cato and Anthony were then brought before the court. Each was sentenced to be branded on the hand, and the sentence was carried out at once. **Interpretations**

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		13th. Day of October 1762 Robert Barclay Surgeon - Dr. Barclay being Sworn to the above Certificate, the Prisoner was taken from the Bar and remanded to Prison to take his tryal at the Next Quarter Sessions, and the Prisoners Will and Frank were set to the Bar to receive [...]dgment of Death. The Chairman after he had expatiated on the Lenity of the Laws of England, and Exhorted them to Repentance, passed Judgment on them severally, as followeth. Will you shall go to the Place from whence you came and from thence to the Place of Execution and there you shall be hanged by the Neck untill your Body is dead and God have Mercy upon your Soul - Frank you shall go to the Place from whence you came and from thence to the Place of Execution and there you shall be hanged by the Neck untill your Body is dead and God have Mercy upon your Soul - The Prisoners Cato and Anthony were set to the Bar where they both received Sentence to be burnt in the Hand which sentence was put in immediate Execution -	Branding on the hand was the mark of a prisoner who received benefit of clergy. The rule began as a privilege sparing literate clergy from secular punishment, but by this date it applied to anyone convicted of a clergyable felony for the first time. The brand, usually a letter burned into the thumb, recorded that the privilege had been used and could never be claimed again. Both Cato and Anthony escaped hanging only because their juries had brought them within its reach, Cato by the valuation of 39s 0d and Anthony by acquittal on the burglary. The chairman's speech on the mercy of English law, delivered immediately before sentencing two men to hang, reflected a standard feature of the capital courtroom. Judges presented the law as merciful because it offered pardons, partial verdicts and benefit of clergy to many offenders. The small number who went to the gallows were cast as those beyond mercy. On this day, two prisoners received death and two the brand, which illustrated that balance exactly. The court would not accept a report of the prosecutor's illness at face value. It required a surgeon's examination and a sworn certificate before postponing the trial. That insistence protected the court's process, since holding a prisoner over rested on proof that the delay was genuine. Exeter's case was not abandoned: the index records his conviction for robbery and his hanging on 4 February 1763.
24	14	The Business of the Court being now ended, the Grand and Petit Juries were discharged, and the Court was adjourned by Proclamation to the eleventh Day of January following. John Skottowe M Bazeling Thos. Kirkpatrick On the 19th of October the following Warrant was issued out to the Sheriff for the Execution of Will and Frank. - Whereas Will a Man Slave and Frank a Man- Slave were at the last Sessions of Goal-Delivery on Wednesday the thirteenth Day of October Instant severally convicted of several Felonious Rapes for which they received Judgment to be hanged by the Neck untill their Bodies were dead These are therefore in his Majesty's Name to Will and require you to put the said Judgment in Execution against Will and Frank, at the place of Execution on Friday the twenty second Day of October Instant between the Hours of eight in the Forenoon and two in the Afternoon of the same Day and for your so doing this shall be your Warrant Given under our Hands and Seals the nineteenth Day of October Anno Domini one thousand seven hundred and Sixty three two Charles Hutchinson John Skottowe Mathew Bazeling To the Sheriff of the Island of Saint Helena	With the court's business finished, the grand and trial juries were released. The court was then adjourned by public announcement until 11 January 1763. John Skottowe Mathew Burling Thomas Kirkpatrick On 19 October 1762 the justices sent the Sheriff a warrant for the execution of Will and Frank. The warrant recorded that both slaves were convicted of rape at the gaol delivery held on Wednesday 13 October 1762. Each had been sentenced to hang by the neck until dead. Acting in the King's name, the justices ordered the Sheriff to carry out the sentence on both men at the place of execution. The hangings were to take place on Friday 22 October 1762, at any time between eight in the morning and two in the afternoon. The warrant served as the Sheriff's legal authority for the executions. The justices signed and sealed it on 19 October 1762. Charles Hutchinson John Skottowe Mathew Burling The warrant was addressed to the Sheriff of St Helena. **Interpretations** The death sentence passed in court did not by itself authorise anyone to hang the prisoners. The Sheriff needed a separate written warrant, signed and sealed by the justices, before he could lawfully carry out an execution. Without it, the hangman would himself be open to a charge of murder. The warrant therefore completed the legal chain running from indictment through verdict and sentence to the gallows. Governor Hutchinson signed the warrant, although illness had kept him off the bench during the trials. His signature brought the island's chief authority behind the executions. Thomas Kirkpatrick, who sat in the Governor's place at the trials, did not sign it. The register's index dated the hangings of Will and Frank to 19 October 1762, the day the warrant was issued. The warrant itself set the execution for 22

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			October 1762. The index probably recorded the date of the order rather than the hanging. The record also shows that the court sat on 13 October 1762 as well as on 12 October 1762. The gaol delivery, with its trials and sentences, ran into the second day. The adjournment to 11 January 1763 set the date on which Exeter's postponed case was eventually heard.
25	15	Will and Frank pursuant to the Warrant were executed on the twenty second Day of the same Month, being the Day appointed in the sd. Warrant. Records Vol 43 - Oct 26 1762. a note is made that Will & Frank had broken prison & escaped [...] on the night of 20 October & a reward is published on 21 October for their recapture The thirtieth of October the following Precept for summoning a Grand Jury upon the Commission of the Peace, was issued and directed to the Sheriff. We John Skottowe, Mathew Bazeling and Thomas Kirkpatrick Esquires three of His Majesty's Justices of the Peace in and for the Island of St. Helena assigned to enquire hear and determine diverse Felonies Trespasses and other Misdemeanors perpetrated and committed within the said Island of St. Helena To the Sheriff of the said Island Greeting on the behalf of Our Sovereign Lord the King We Command You that You cause to come before us and others Our Brethren Justices of the Peace of Our Sovereign Lord the King in and for the said Island at the Castle in James's Valley in the Island aforesaid on Tuesday being the eleventh day of January next ensuing at eight of the Clock in the forenoon of the same day the Constable and Petit Constables within the said Island And also twenty four Principal Inhabitants of the body of the said Island to enquire do and present all such matters and things as on his Majesty's behalf shall be then and there enjoined them And that they be then and there attending to do all such matters and things as are belonging unto and incumbent upon them by virtue of their Offices in this behalf And that You do cause to be proclaimed throughout the said Island in the proper places where it shall seem to you to be most convenient the General Quarter Sessions of the Peace to be held within the said Island the said Tuesday being the eleventh day of January next ensuing And that You Yourself be there in Person together with all Your Officers to do such things as to you & their Offices shall appertain and are incumbent And that You have then and there the names of the Constables & Jury aforesaid and those by whom You shall give them Notice and this Precept Given under Our hands and Seals at the Island aforesaid the thirtieth day of October In the Year of Our Lord One thousand seven hundred & sixty two and in the third Year of the Reign of Our Sovereign Lord George King of Great Britain &c. John Skottowe Mathew Bazeling Thos. Kirkpatrick To the Sheriff of the Island of St. Helena.	The Sheriff hanged Will and Frank on 22 October 1762, the day fixed in the warrant. The Council's records for 26 October 1762 add that the two men broke out of prison and escaped on the night of 20 October 1762. A reward for their recapture was announced on 21 October 1762. On 20 October 1762 the justices sent the Sheriff an order to summon a grand jury under the commission of the peace. The order came from John Skottowe, Mathew Burling and Thomas Kirkpatrick, three of the King's justices of the peace for St Helena. They held authority to investigate, hear and decide felonies, trespasses and lesser offences committed on the island. The justices instructed the Sheriff to bring the island's constable and petty constables before them and their fellow justices at the Castle in James's Valley. The hearing was set for eight o'clock in the morning on Tuesday 11 January 1763. The Sheriff also had to summon 24 leading inhabitants to investigate and report whatever matters the King's business placed before them. The constables were to attend and carry out the duties of their offices. The Sheriff was further ordered to announce the coming quarter sitting of the peace in suitable places across the island. He had to attend in person with all his officers on the appointed day. He was to bring the names of the constables and jurors, with those who had delivered each summons, and to return the order. The justices signed and sealed it on the island on 20 October 1762. John Skottowe Mathew Burling Thomas Kirkpatrick The order was addressed to the Sheriff of St Helena. **Interpretations** The escape of Will and Frank on the night of 20 October 1762 came the day after the execution warrant was issued, when both men would have known their deaths were two days off. Their recapture must have followed within hours of the reward notice of 21 October 1762, since the hangings went ahead on schedule. On an island with no means of leaving except aboard a ship, fugitives had nowhere lasting to go. A reward turned every settler and soldier into a searcher, and the island's small size made capture almost certain. A reward for recapture was a standard tool of order in both England and the colonies. It drew private individuals into law enforcement in the absence of any regular police. On St Helena it also reflected the Company's wider control over slave movement, the same concern behind the fine of £20 0s 0d imposed on John Worral on 11 July 1781 for harbouring another man's slaves. This order went out without Governor Hutchinson's signature, although he signed the execution warrant the day before. The three justices who sat at the October court now issued the court's routine business in their own names. Signing capital warrants remained a matter for the Governor, while ordinary summonses could proceed without him.
26	16	The Sixth day of January the following Precept for summoning a Grand Jury upon	On 6 January 1763 the justices sent the Sheriff an order to summon a grand jury under the commission of oyer and terminer. The order came

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		the Commission of Oyer and Terminer was issued and directed to the Sheriff. Island of St. Helena ss. We Charles Hutchinson John Skottowe and Matthew Bazeling Esqrs. Justices of Our Sovereign Lord the King authorized to enquire fully into the truth by the Oaths of the principal Inhabitants of the Island of St. Helena and by other ways means and methods by which we shall better know or may be enabled within the said Island by whom the truth of the matter may be best known of whatsoever Treasons Forgeries Murders Felonies Manslaughters Slayings Burglaries Rapes of Women unlawful Congregations & Assemblies Speaking of seditious words unlawful Confederacy's Trespasses Riots Escapes Contempts Negligences, Maintenances, oppressions, Deceipts and other misdemeanors offences and Injury's whatever and also the Accessaries thereunto within the Island aforesaid by whomsoever or howsoever had done perpetrated or committed And by which means or by whom or to whom when who and in what manner and of other Articles Circumstances & Premisses & of every other or any of them howsoever and being appointed by or under the said Letters Patent to hear and determine the said Premisses To the Sheriff of the Island St. Helena Greeting We Command You that You cause to come before Us and others our Sociates Justices of Our Sovereign Lord the King at the Castle in James's Valley in the Island aforesaid on Tuesday being the eleventh day of January Instant at the hour of Eight in the forenoon of the same day twenty four Principal Inhabitants of the said Island to enquire present do and execute all and singular such matters and things which on the behalf of Our Sovereign Lord the King shall be enjoined them And that You yourself be then & there present together with Your Officers at the day & place aforesaid to do such matters which then to them and their Offices shall belong And that You then & there have the Names of that Jury and this Precept Given under Our hands & Seals the sixth day of January in the third Year of the Reign of Our Sovereign Lord George Anno Domini One thousand seven hundred and sixty three. Chas. Hutchinson John Skottowe Mathew Bazeling	from Governor Hutchinson, John Skottowe and Mathew Burling, acting as the King's justices on St Helena. Their commission empowered them to establish the truth about offences on the island, using the sworn evidence of leading inhabitants and any other means that would reveal who knew the facts best. The inquiry reached every kind of crime. It took in treason, forgery, murder, felony, manslaughter and other killings, together with burglary and rape. It also covered unlawful gatherings, seditious speech, illegal conspiracies, trespass, riot, escape from custody, contempt and neglect of duty. Maintenance, oppression, fraud and all other lesser offences or injuries fell within it, as did anyone who helped to commit them. The justices were to find out how each act was done, by whom, against whom and when, with every related circumstance. The letters patent also gave them power to try and decide these cases. The justices directed the Sheriff to bring 24 leading inhabitants before them and their fellow justices at the Castle in James's Valley. The hearing was fixed for eight o'clock in the morning on Tuesday 11 January 1763. The jurors were to investigate, report and carry out whatever the King's business required. The Sheriff had to attend with his officers on that day to perform their duties. He was also to bring the jurors' names and return the order. The justices signed and sealed it on 6 January 1763, in the third year of the reign of George III. Charles Hutchinson John Skottowe Mathew Burling **Interpretations** The Governor signed this order, which summoned the grand jury for capital cases, but not the order of 20 October 1762 for the commission of the peace. The pattern matches his signature on the execution warrant of 19 October 1762. Business that could end in a death sentence carried the Governor's name, while routine matters under the commission of the peace went out under the other justices alone. The Company's highest authority on the island thus stood formally behind every stage of capital justice. The order gave only five days' notice of the sitting, compared with nearly three weeks before the court of 12 October 1762. The earlier sitting was the first under the island's new powers and required proclamations across the island. By January the machinery was in place, and the Sheriff needed only to gather the jurors for a court whose date had been fixed at the October adjournment. Exeter's postponed burglary trial was the main business awaiting them.
27	17	Island of St. Helena At a General Quarter Sessions of the Peace, Sessions of Oyer and Terminer and Sessions of Goal Delivery held at the Castle in James's Valley for the Island of St. Helena the eleventh day of January last in the third Year of the Reign of Our Sovereign Lord the King and in the Year of Our Lord One thousand seven hundred & sixty three before John Skottowe Matthew Bazeling & Thomas Kirkpatrick Esquires three of His Majesty's Justices of the Peace and Commissioners of Oyer & Terminer for the said Island, Charles Hutchinson Esquire Governor of the said Island and one of His Majesty's Justices of the Peace being sick and unable to attend, John Skottowe Esquire Lieutenant Governor took his seat as Chairman; The Court was opened and a Grand Jury consisting of Seventeen of the Principal Inhabitants were Sworn But no Business appearing upon the Commission of the Peace, the	The court sat again at the Castle in James's Valley on 11 January 1763, acting at once as a court of general quarter sessions of the peace, of oyer and terminer and of gaol delivery. Three justices presided, John Skottowe, Mathew Burling and Thomas Kirkpatrick, who also held commissions of oyer and terminer for the island. Governor Hutchinson, himself a justice of the peace, was again too ill to attend. Lieutenant Governor John Skottowe therefore took the chair. The court opened and swore in a grand jury of 17 leading inhabitants. No cases came forward under the commission of the peace, so that part of the court's business was adjourned. The justices then opened the court of oyer and terminer and swore in a fresh grand jury. The prosecutors laid their written charges before it. The jurors accepted the charges that followed, and on those charges each prisoner was formally accused and tried.

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		Court, with regard to that Commission was adjourned. The Court of Oyer and Terminer was then opened, a New Grand Jury impannelled and Sworn, and the Bills of Indictment prefer'd to them; They found the following Bills on which the several Prisoners were Arraigned & tried. The following Precept upon the Goal Delivery was issued out to the Sheriff, a Petit Jury impannelled, and the Tryals began. Island St. Helena ss. We John Skottowe Matthew Bazeling and Thomas Kirkpatrick Esquires and others our Brethren Justices of Our Sovereign Lord the King assigned to deliver the Goal of the said Island of St. Helena of the Prisoners therein being To the Sheriff of the Island of St. Helena Greeting We command You on behalf of Our Sovereign Lord the King that You cause to come before us & others our Brethren at the Castle in James's Valley on the said Island of St. Helena on Tuesday being the eleventh day of January instant at eight of the Clock in the morning of the same day all the Prisoners being in the aforesaid Goal together with all Attachments Indictments Muniments Aids helps & supports whatsoever concerning the said Prisoners And that You also summon twenty four principal Inhabitants of the said Island by which means the truth of Facts may be the better known & enquired into And that You summon such men to whom the Prisoners can have no Affinity And that they do all such things as on His Majesty's behalf shall be then & there enjoined them And that You also proclaim throughout Your Bailiwick that all those who will Prosecute against any of the Prisoners aforesaid be then there present to Prosecute against them as shall seem just And that You have there the names of those Jurymen and this Precept Given under our hands & seals at the Island aforesaid the Seventh day of January One thousand seven hundred & sixty three and in the third Year of the Reign of Our Sovereign Lord George &c. John Skottowe M Bazeling Thos. Kirkpatrick Exeter a Man Slave late belonging to John Leech being brought to the Bar was arraigned upon an Indictment found against him the foregoing Sessions of Oyer & Terminer for Burglariously breaking and entering the Bedchamber of the said John Leech and feloniously stealing thereout money and Goods numbered the property of the said John Leech, of the value of Six pounds Thirteen Shillings, he pleaded not Guilty. The Prisoner being put on his Trial the Indictment was a second time read to him and the twelve following Men, vizt. Charles Gessing Elisha Leache Stephen Young Michael Frost John Wharrall Benjamin Seale William Seale Roderick Merchant	An order for the gaol delivery went out to the Sheriff, a trial jury was sworn, and the trials began. The order came from John Skottowe, Mathew Burling and Thomas Kirkpatrick together with their fellow justices, who held the King's commission to clear the island's gaol by trying every prisoner held there. It required the Sheriff to bring all the prisoners before them at the Castle at eight o'clock in the morning on Tuesday 11 January 1763. He also had to produce every warrant, indictment, record and other document bearing on their cases. The Sheriff was further ordered to summon 24 leading inhabitants so that the facts could be properly examined, choosing none with any family tie to the prisoners. He was to announce throughout his district that anyone wishing to bring charges should attend and do so. He had to bring the jurors' names and return the order. The justices signed and sealed it on the island on 7 January 1763, in the third year of the reign of George III. John Skottowe Mathew Burling Thomas Kirkpatrick Exeter, a slave formerly owned by John Leech, was then brought before the court. He faced the charge found against him at the October sitting of oyer and terminer. It accused him of breaking into Leech's bedchamber at night and stealing money and goods belonging to Leech, worth £6 13s 0d in all. Exeter denied the charge. At the start of his trial, the clerk read the charge to Exeter a second time. The following 12 men were sworn as the jury and given charge of the prisoner. Charles Gossing Elisha Leake Stephen Young Michael Frost John Wherrall Benjamin Beale William Beale Roderick Merchant Robert Ballard Mathew Bazett Junior James Forbes John Robinson John Leech, the prosecutor, had died since the October sitting. His sworn statement, taken earlier by a justice, was therefore read to the jury. The justice who took it confirmed on oath that this was the same statement Leech had given and sworn before him. **Interpretations** The reading of Leech's statement rested on a Tudor statute requiring justices to take written depositions from witnesses in felony cases. If the witness later died, the deposition could be read at trial once the justice who took it swore to its accuracy. The rule allowed a prosecution to survive the death of its chief witness. Here it rescued a case that Barclay's certificate of 13 October 1762 had already shown to be at risk. Leech's illness, severe enough then to leave him bedridden and delirious, had evidently proved fatal. The jury included Stephen Young and John Wherrall, the owner who prosecuted Frank and the man who caught him. Several other jurors, among them Elisha Leake, the Beales, Robert Ballard, James Forbes and John Robinson, had sat on Cato's jury in October. The same small group of settlers served repeatedly, whether as jurors, prosecutors or witnesses. On St Helena the pool of qualified men was so limited that the rule against jurors related to prisoners was about as far as impartiality could reach.

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		Robert Ballard Mathew Bazett Junr. James Forbett, and John Robinson were Sworn upon the Jury and charged with the Prisoner. John Leech the Prosecutor being dead the following Information was read to the Jury & proved upon the Oath of the Justice who took it, to be the same that was given & sworn before him by the said John Leech since deceased.	
28	18	Island of St. Helena ss. The Information of John Leech of the said Island Innholder taken before me John Skottowe Esqr. one of His Majesty's Justices of the Peace for the said Island. This Informant on his Oath saith That on Saturday being the fourth of September last in the Night time between the hours of twelve & one of the Clock he was awakened by the noise of some Person being in the room along with him which occasioned this Informant to run hastily to cross the Room where he supposed [...] the noise in his room, but that he got into the Entry before he could come him, And that after he had seized him [...] found it was Exeter a Man Slave belonging to him this Informant That while he was opening the back door to call for a light and the Assistance of this other Man Slave that lay backwards as soon as the light came he pr[...] ceeded to the [...] Exeter's Box, suspecting that he might have robbed this Informant and that the said Exeter was along with him, when he opened his Trunk wherein this Informant found Six pounds ten Shillings being tied with his own handkerchief as this Informant had put it by in his Chest on the room where he slept This Informant further saith that when he returned into his bed room again he found by a pane of Glass being broke it was done with a design to take out the Pin that fastened the Window on the inside in order to take the top of the Window for him to get into the Room where this Informant lay This Informant likewise saith that when he arose the [...] morning he found that the said Exeter had run away. Sworn the sixth day of September in the second Year of the Reign of Our Sovereign Lord the King and in the Year of Our Lord One thousand seven hundred & sixty two. Before me John Skottowe the + mark of John + Leech The Examination & Confession of Exeter the Prisoner at the Bar, as followeth. Island St. Helena The Examination and Confession of Exeter before me John Skottowe Esqr. one of His Majesty's Justices of the Peace for the said Island. This Examinant saith on Saturday last between the hours of twelve & one o'Clock at night as near as he can recollect That he broke a Pane of Glass in the window of the room where his Master John Leech lay and took out the Pin which fastned the said Window on the inside and that after he had let down the top of the said Window and through it entred into the room where his said Master John Leech was in bed & took out of a Chest that stood there unlocked a silk handkerchief with some money in it & that afterwards he laid the same handkerchief [...]	John Leech, an innkeeper on the island, gave his sworn statement to John Skottowe, one of the island's justices of the peace. On Saturday 4 September 1762, between midnight and one o'clock, Leech woke to the sound of someone moving about in his bedroom. He called out to find out who it was, but the intruder slipped into the passage before Leech could catch him. Once fully roused, Leech realised the figure was Exeter, one of his own slaves. Leech went to open the back door to call for a light and summon another of his slaves, who slept at the rear of the house. When the light arrived, he suspected Exeter of robbing him and went to Exeter's box. Inside Exeter's trunk he found £6 10s 0d, still tied in Leech's own handkerchief, just as he had stowed it in the chest beside his bed. On going back to his bedroom, Leech found a broken windowpane. The glass had been smashed so that the intruder could reach in and remove the pin holding the window shut from inside. The upper sash could then be lowered, giving a way into the room where Leech slept. Leech added that when he got up, Exeter had already [...] run off. Leech swore to this statement on 6 September 1762 before John Skottowe and made his mark in place of a signature. Exeter's own statement, taken before John Skottowe as his examination and confession, was then read. Exeter said that on the Saturday night, as best he could recall between midnight and one o'clock, he broke a pane in the window of his master's bedroom. He pulled out the pin that held the window fast and lowered the upper sash. He climbed through into the room where Leech lay in bed. From an unlocked chest he took a silk handkerchief with money wrapped in it. He then put the handkerchief and money in his own box in the room where he usually slept. Exeter said that the next morning his master also accused him of taking 2 pounds of tobacco from another box in the same room. Exeter admitted to Leech that he had it. He claimed, however, that he had been [...] the night before and could remember nothing about taking tobacco. He said he was deeply sorry for what he had done. The statement was taken and acknowledged before John Skottowe on 7 September 1762, and Exeter made his mark to it. Philip Mahony then gave sworn evidence. On or about 10 September 1762 he went to Leech's house and asked to see the window through which Exeter had entered. Leech showed him a window with a broken pane. He explained that Exeter had broken it to get at the pin keeping the upper sash raised, then removed the pin and lowered the sash to climb in. Leech also showed Mahony the chest from which Exeter took the money and another from which he took the 2 pounds of tobacco. Exeter had nothing to offer in his defence. The jury withdrew and, on returning to court, found him guilty. William Jenkins, a soldier, was then brought before the court. He denied the charge against him. The grand jury accused Jenkins, formerly of St Helena, of breaking into the shop of John Bland in

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		with the money by in his Box which is in the room where he usually lay This Examinant further says That when his Master John Leech accused him the next morning with having thereto robbed him of two pounds of Tobacco that was in another Box in the same room, that he then acknowledged to his said Master that he had been drinking the night before and did not remember any thing about his taking any Tobacco, and that he was very sorry for what he had done. Taken and acknowledged the eleventh day of September in the second Year of the Reign of King George and in the Year of Our Lord One thousand seven hundred and sixty two Before me John Skottowe. The + mark of + Exeter Philip Mahony being sworn saith that on or about the tenth day of September last he went to John Leech's house and desired to [...] the Window thro' which Exeter the Prisoner had broke into his room that the Pane broke [...] from the Window with a Pane broke in it and told him that the Prisoner broke the same at a Pin which kept the upper part of the Window up, that the Prisoner took the Pin out & let the Window down in order to get in That John Leech likewise shewed this Deponent the Chest out of which the Prisoner took the money & another Chest out of which he took two Pounds of Tobacco - The Prisoner having nothing to move in his defence, the Jury retired, and on their return to Court declared their Verdict by which they found the Prisoner Guilty. William Jenkins Soldier was brought to the Bar and Arraigned upon the following Indictment to which he pleaded not Guilty Island of St. Helena ss. The Jurors of Our Sovereign Lord the King upon their Oaths do present That William Jenkins late of the Island of St. Helena, Soldier on the twenty second day of October last in the second Year of the Reign of Our Sovereign Lord George now King of Great Britain &c. about the hour of twelve of the night of the same day by force and Arms in James's Valley within the Island aforesaid the Shop of one John Bland there situate feloniously & Burglariously did break & enter and five Pagodas of the value of two pounds, a parcel of Spanish Silver of the value of One pound six Shillings two Rupees of the value of Four Shillings and six pence four English Shillings two English sixpences a parcel of halfpence of the value of five Shillings, one pair of Mens Pumps of the value of eight Shillings and one Orange of the value of three pence Numbered of the Goods Chattles & money of the said John Bland in the said Shop then & there being found then & there feloniously and Burglariously did steal take and bear away against the Peace of Our Sovereign Lord the King his Crown & Dignity and also against the form of the Statute in that Case made & provided. The Prisoner being put upon his Trial, the Indictment was a second time read to him and the Jury sworn and charged with him. John Bland being duly sworn saith that on the twenty second day of October	James's Valley at about midnight on 22 October 1762. It charged him with stealing the following money and goods belonging to Bland: 5 pagodas, £2 0s 0d A quantity of Spanish silver coin, £1 6s 0d 2 rupees, £0 4s 0d 4 English shillings 2 English sixpences A quantity of halfpence, £0 5s 0d 1 pair of men's pumps, £0 8s 0d 1 orange, £0 0s 3d The charge held that the burglary breached the King's peace and offended against the statute covering such crimes. At the start of Jenkins's trial, the clerk read the charge to him a second time, and the jury was sworn and given charge of the prisoner. John Bland then gave evidence on oath, beginning with the events of 22 October 1762. **Interpretations** Leech's statement, taken two days after the burglary, was the deposition read to the jury in January after his death. Justices took such depositions as a matter of routine in felony cases, and this one proved decisive. Leech signed with a mark, as did Exeter. An innkeeper who could not write was unremarkable at the time, and the mark carried the same legal weight as a signature once the justice attested it. Exeter's confession before the justice did much of the prosecution's work. It matched Leech's account point by point, from the broken pane and the pin to the handkerchief placed in Exeter's own box. Mahony's evidence then supplied independent confirmation of the physical damage. With a dead prosecutor, a detailed confession and a court officer who had inspected the scene, the jury had little room for doubt. Exeter's plea that he could not remember taking the tobacco was an attempt to limit his guilt rather than deny it. By confessing to the money and pleading confusion over the tobacco, he admitted the burglary itself, which alone carried death. The index records his hanging on 4 February 1763. The window's construction explains how the burglary worked. A sash window with a sliding upper pane could be held closed by a wooden pin through the frame. Breaking a single small pane gave access to that pin, after which the sash dropped and left an opening large enough to climb through. The act of breaking the glass also satisfied the legal requirement of breaking needed for burglary. Jenkins's burglary took place on the night of 22 October 1762, the same day Will and Frank were hanged. The execution of two men for capital crimes had evidently not deterred a soldier of the garrison from committing another within hours. John Bland, the victim, was the island's Constable, elected on 28 June 1762, and also kept a shop. The goods taken from Bland's shop show the range of coins passing through the island's trade. Pagodas came from southern India, rupees from Bengal and the Company's other Indian territories, and Spanish silver from the Americas by way of Europe and the East. English shillings, sixpences and halfpence circulated alongside them. A shopkeeper on St Helena took payment in whatever coin the ships brought, valuing each at its accepted rate in sterling. Pumps were light, low-heeled shoes with thin soles, worn indoors or for dancing.
29	19	last about the hour of Nine at night, he went along with his Wife to shut his Shop, she being afraid to go	John Bland said that at about nine o'clock on the night of 22 October 1762 he went with his wife to lock up his shop, since she did not want to go alone.

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		alone, that she went into the Shop to see if the Window was shut and every thing safe, and found every thing well, that she took a half pint Cup that had some money in it, carried it with some Goods and put it in one of the Pidgeon holes in the Shop That she then took a Saucer in which were some halfpence and put it likewise in one of the Pidgeon holes, which done, she locked the Door, went along with this Deponent home and soon after to bed, Saith that next morning between the hours of seven & eight, he and his wife went to the Shop, that she open'd the Door and went in, and there discovered the mark of some Person's feet on the Counter & Window, which made her and this Deponent suspect some one had broke into the Shop, and on Inspection, they found a Pin which belonged to and should be in the Window, on the Ground under it, and the Sash which they left fastned on the inside by a Button, was found thrust open, and the Button lying on the Ground under the Window: This Deponent saith that he and his wife then looked for the money in the half pint Cup, that they found the Cup but had no money in it, looked for the Saucer & halfpence, and found they were also taken away: Saith that on the thirty first day of October he was informed by the Adjutant that the Prisoner was seen at diverse Houses changing Pagodas & spending liberally, which made this Deponent suspect that he, Jenkins, was the Person who had robb'd his Shop: On which he applied to the Governor, who granted him a Warrant on suspicion to apprehend William Jenkins the Prisoner now at the Bar, which Warrant he executed at eleven o'Clock that night; His Ensure it was then late, secured the Prisoner in his own house till next day. Saith that he went next morning to the Hospital, where the Prisoner had been lately sick, and enquired of the People there, Whether they knew William Jenkins to have any money when he came to the Hospital or not: That Sergeant Robinson Webber & others told him they believed he had not, but said they suspected he had Money or Goods concealed somewhere near the Maldivia Garden. That he this Deponent was hardly at home when John Holloway a Soldier who attends the Hospital, brought him the Pumps he now produces in Court and eleven pence halfpenny which he, Holloway, found hid under a Rock near the Maldavia Garden, That then the Prisoner voluntarily confessed to this Deponent that the Pumps and halfpence were his property, and that he the Prisoner Stole them out of his Shop; That the Prisoner begg'd of him [...] to wait till evening and he would go along with him to a place, where he would inform him further; That he then went and applied to the Governor for leave to do so, which was granted; That he, Lieutenant Bridgwater and the Prisoner went to the upper end of the said Garden to search for some money which the Prisoner said he had hid there; when from under a Rock he, the Prisoner, took out a Pagoda wrapt up in a Rag which the Deponent produces in Court the Prisoner then said, that was all that remained out of the five Pagodas he had stolen out of this Deponent's Shop, and afterwards shewed the place where he had hid the Shoes, and another place where he had hid the Saucer and halfpence, but could not find them: This Deponent then asked the Prisoner how he could get out of the Hospital at Night unknown to the People there; who answered that he scaled the Walls	She went inside and checked that the window was closed and everything secure. Finding all in order, she took a half-pint cup holding some money, covered it with goods and tucked it into one of the shop's pigeonholes. She put a saucer of halfpence into another pigeonhole. She then locked the door, and the couple went home and soon went to bed. Between seven and eight the next morning, the Blands returned to the shop. Mrs Bland opened the door and went in. She noticed footprints on the counter and the window, which made them both suspect a break-in. On inspection they found the window's pin lying on the ground beneath it. The sash, which they had left fastened from inside with a button, had been forced open, and the button lay on the ground below. They then checked the half-pint cup and found it empty. The saucer and the halfpence were also gone. On 31 October 1762 the Adjutant told Bland that Jenkins had been seen at several houses changing pagodas and spending freely. Bland suspected him of the burglary at once. He applied to Governor Hutchinson, who issued a warrant for Jenkins's arrest on suspicion. Bland carried out the arrest at eleven o'clock that night and, because of the late hour, held Jenkins at his own house until morning. The next morning Bland went to the hospital, where Jenkins had recently been ill. He asked the staff whether Jenkins had any money when he was admitted. Sergeant Robinson Webber and others said they believed he had none. They suspected, however, that he had money or goods hidden somewhere near the Maldivia Garden. Bland had barely returned home when John Holloway, a soldier working at the hospital, arrived with the pumps now produced in court and 11½d in coin. Holloway had found them hidden under a rock near the Maldivia Garden. Jenkins then freely admitted to Bland that the pumps and halfpence belonged to Bland and that he had stolen them from the shop. He asked Bland to wait until evening, when he would take him to a spot and reveal more. Bland sought and obtained the Governor's permission to do this. Bland, Lieutenant Bridgewater and Jenkins then went to the upper end of the Maldivia Garden to look for money Jenkins said he had hidden there. From under a rock Jenkins drew out a pagoda wrapped in a rag, which Bland produced in court. Jenkins said this was all that remained of the five pagodas he took from the shop. He then pointed out where he had hidden the shoes, and another spot where he had left the saucer and halfpence, but these could not be found. Bland asked Jenkins how he had left the hospital at night without the staff noticing. Jenkins said he climbed over the walls to meet someone, but the meeting fell through. He then walked down the valley and, passing Bland's shop, saw the window open. He climbed in and stole the items listed in the charge. Lieutenant John Bridgewater then gave evidence on oath. At about three o'clock in the afternoon of 1 November 1762, John Bland asked him to walk up towards the hospital with Bland and Jenkins. When Bridgewater asked why, Bland explained that Jenkins claimed to have hidden some of the stolen money near the Maldivia Garden. Bridgewater went with them. At the upper end of the garden, Jenkins reached into a hole under a rock and pulled out a rag holding a pagoda. Further on, he showed them where he had hidden the shoes, but [...] could not be found. Bridgewater heard Bland ask Jenkins what had happened to the rest of the money. Jenkins said he had spent it all apart from a few halfpence and two or three [...], which he had hidden in a saucer a little further down. When they reached that spot, he could

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		and went out in order to meet some body, but being disappointed went down the Valley, and going by this Deponent's Shop, saw the Window open, went in, and stole thereout the things mentioned in the Indictment. Lieutenant John Bridgwater being sworn saith, that on the first day of November, about three o'Clock in the Afternoon, Mr. John Bland asked him to walk along with him and the Prisoner up to the Hospital, on which he asked Mr. Bland What to do, and was told by him, that the Prisoner said That part of the money which he stole out of this Shop, lay hid near the Maldavia Garden; That he went along with them, and when they came as far as the upper end of the said Garden the Prisoner put his hand into a hole made under a Rock and took out a piece of Rag in which was a Pagoda; That at some distance from thence, the Prisoner Shewed them the hole he had hid the Shoes or Pumps in the most possession and to either of which he could not find: That he heard Mr. Bland ask the Prisoner what was become of the rest of the money, who answered, that he spent it all except a few halfpence and two or three Bottles which were hid in a Saucer a little lower down; But when they came to the place, he could not find the Saucer, which made him think, that as he was much in Liquor when he hid it, some one might have seen him hide it. The Prisoner in his Defence saith, That being accused by Mr.	not find the saucer. Jenkins suggested that someone must have seen him hide it, since he was very drunk at the time. Jenkins then began his defence, referring to help he received from a Mr [...]. **Interpretations** The Adjutant's report shows how the garrison policed its own men. The Adjutant was the officer responsible for discipline and administration within the Company's regiment. A private soldier seen changing gold pagodas and spending freely drew immediate attention, since his pay could not account for such wealth. Military supervision thus supplied the intelligence that civil justice then acted upon. Changing pagodas was the step most likely to expose a thief. Gold coins of that value were not used for small purchases, so a soldier had to exchange them for silver or copper before spending. Each exchange left a witness who could remember the coin and the man. The need to break down high-value coin made stolen gold far harder to spend unnoticed than small change. John Bland acted as victim, investigator and arresting officer in his own case. As Constable, he carried out the warrant, held the prisoner in his own house and led the search for the stolen goods. On an island with a single constable, no alternative existed when that officer was himself the one robbed. Bland's request for the Governor's permission before taking Jenkins out to the hiding places reflected an awareness that the prisoner was in the Company's custody, not his own. The Maldivia Garden was one of the Company's gardens in the upper part of James's Valley, near the hospital. Its rocky, planted ground offered ready hiding places for a man who could slip out of the hospital at night. Jenkins's escape over the hospital walls pointed to lax supervision of patients, which the index later echoes in recording that he broke out of prison and was recaptured before his hanging on 4 February 1763.
30	20	John Bland, he carried him to his house and there induced him to confess that he was the person who broke his Shop open, and promised him, if he confessed it, that he should be forgiven, But should he persevere in denying it, he, Mr. Bland would tie his hands behind his back and lodge him in Goal next morning, which made him confess a Crime he had never committed, not knowing the consequence of such Confession: That the said Bland the next day brought him before the Governor and as they were going in desired him to move the Governor, by his concern, for having committed the Fact and he would be forgiven; That he accordingly confessed he was Guilty of a Fact, which he never committed. The Prisoner having no more to say and producing only such Persons as could say nothing in his behalf, the Chairman summ'd up the Evidence to the Jury, who found the Prisoner Guilty. William Levingston Soldier Samuel Smith Matross and George Finn Serjeant were Arraigned upon the following Indictment. - They Pleaded not Guilty. - Island of St. Helena ss. The Jurors of Our Sovereign Lord the King on their Oaths do present That William Levingston late of the Island of St. Helena Soldier and Samuel Smith late of the sd. Island Matross on the twenty fifth day of October last in the third Year of the Reign of our Sovereign Lord George now King of Great Britain &c. by force & Arms &c. at a place in Sandy Bay called Broad Gutt within the Island aforesaid One Hog of the value of Eight Shillings of the Goods &	Jenkins told the court that John Bland took him to his house and pressed him to confess to breaking into the shop. Bland, he said, promised him forgiveness if he admitted it. If he kept denying it, Bland threatened to tie his hands behind his back and put him in gaol the next morning. According to Jenkins, this pressure led him to confess to a crime he never committed, without understanding what such a confession would mean. Jenkins said Bland brought him before Governor Hutchinson the following day. As they went in, Bland urged him to show remorse to the Governor for the crime, assuring him he would then be forgiven. Jenkins therefore confessed to an offence he claimed he had never committed. Jenkins had nothing more to say. The only people he called in his support could offer nothing in his favour. The chairman summed up the evidence, and the jury found Jenkins guilty. Three men were then accused together: William Levingston, a soldier, Samuel Smith, a matross, and George Finn, a sergeant. All three denied the charge. The grand jury accused Levingston and Smith of killing and stealing a hog worth £0 8s 0d on 25 October 1762. The animal belonged to an unknown owner and was taken at a place called Broad Gut in Sandy Bay. The jurors further charged that on the same day in Sandy Bay, Finn received the hog while knowing it was stolen. Both offences were said to breach the King's peace and to offend against the relevant statute. Levingston and Smith, charged as the principal offenders, were tried first. The clerk read the charge

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		Chattles of a Certain Person unknown then & there being found did kill and afterwards feloniously did steal take and bear away against the Peace of Our Sovereign Lord the King his Crown and Dignity And the Jurors aforesaid upon their Oaths aforesaid Do further Present That George Finn late of the Island aforesaid Serjeant well knowing the said Hog as aforesaid to have been Stolen afterwards that is to say the said Twenty fifth day of October in the Year aforesaid by force and Arms in Sandy Bay aforesaid within the said Island the Hog aforesaid feloniously did receive against the Peace of Our Sovereign Lord the King his Crown & Dignity and also against the form of the Statute in that Case made & Provided - William Levingston and Samuel Smith being Principals in the Felony as pr Indictment were brought to the Bar and put on their Trial. The Indictment being a second time read to them, the Jury were Sworn & charged with them. James Procter being sworn saith, that on the Twenty fifth day of October last between the hours of Eight and nine at Night William Levingston a Prisoner now at the Bar asked him if he knew any thing of the Hog; who said he did and was informed by Serjeant Finn That Levingston then told him, that Smith the other Prisoner at the Bar and he meeting the [...] of five Hogs that they killed one, which they buried under a Samphire Bush This Deponent saith that at seven or eight o'Clock in the Evening, as Levingston told him, the Hog was brought by him & Smith to the Guard and there delivered by them to Serjeant Finn, who carried it down to the Kitchen. - William Fletcher being sworn saith That he seeing Serjeant Finn, Levingston & Smith the two Prisoners at the Bar often whispering, suspected they were on some bad scheme, That he afterwards missed Smith, and when he, Smith returned to his Guard this Deponent taxed him with being absent who answered, he was in no harm, That he soon after went to Bed, but being restless got up again and walked with the Centry on the Mount till he saw Serjeant Finn go into the room whither he followed him; Saith that he saw three Quarters of a Hog in the room, but would eat none, as he suspected the Hog had been stolen. -	to them again, and the jury was sworn and given charge of them. James Proctor gave evidence first, under oath. Between eight and nine at night on 25 October 1762, Levingston asked him whether he knew anything about the hog. Proctor replied that he did, having heard of it from Sergeant Finn. Levingston then told Proctor that he and Smith had come upon [...] four hogs and killed one, which they buried under a samphire bush. According to what Levingston told Proctor, the two men brought the carcass to the guard at seven or eight in the evening. They handed it to Sergeant Finn, who took it down to the kitchen. William Fletcher then gave sworn evidence. He had often seen Finn, Levingston and Smith whispering together and suspected they were up to something. Later he noticed that Smith was missing. When Smith came back to the guard, Fletcher challenged him about his absence, but Smith insisted he had been doing nothing wrong. Fletcher went to bed soon afterwards but could not settle. He got up and walked with the sentry on the Mount until he saw Finn go into the room, then followed him in. Inside he saw three quarters of a hog. Fletcher refused to eat any of it because he suspected it was stolen. **Interpretations** Jenkins's defence raised a point then gaining weight in English law. Courts were beginning to reject confessions obtained by a promise of mercy or a threat of harm, on the reasoning that fear or hope might lead an innocent person to admit guilt. Jenkins claimed exactly such inducements. His confession, however, was not the only evidence against him. The pagoda he dug out from under a rock in front of Bland and Lieutenant Bridgewater, and the hiding places he pointed out, gave the jury proof independent of anything he said. Recovered stolen goods outweighed his account of how his admission was obtained. The indictment treated Levingston and Smith as principals and Finn as a receiver, and the court tried the principals first. Under English law, a person charged only as an accessory could not be convicted until the principal offenders were found guilty. Finn's fate therefore depended on the outcome of the first trial. His rank as a sergeant also mattered, since the hog was brought to the guard he commanded, drawing him into the offence through his position. A matross was a junior soldier in the artillery, assisting the gunners in loading, firing and moving the guns. St Helena's defences relied heavily on batteries covering the landing places, so the garrison included a sizeable artillery company alongside the infantry. The hog was charged as the property of an unknown owner, which shows pigs roaming loose across the island's hillsides. Owners let them forage freely, and animals out in the open country could not always be traced to a particular household. The law still treated them as someone's property. Killing one was therefore theft even when no owner came forward.
31	21	William Yates being sworn saith That on the Twenty fifth day of October last A Hog was brought to Sandy Bay Guard, dressed there, and eat by most of the Men then on duty there which Hog he has been informed by Serjeant Finn was knocked down killed and brought there by the two Prisoners then on duty also at that Guard. William Levingston & Samuel Smith the Prisoners in their Defence severally say That as they went up the Gutt in Sandy Bay, they accidentally knocked down a Hog and when they came back to the Guard acquainted Finn the Serjeant of the Guard with it who told	William Yates then gave evidence on oath. On 25 October 1762, he said, a hog was brought to the Sandy Bay guard post, where it was butchered and eaten by most of the men on duty. Sergeant Finn told Yates that the two prisoners, who were also on guard there, had knocked the animal down, killed it and carried it in. Levingston and Smith each gave the same account in their defence. As they walked up the gut in Sandy Bay, they knocked down a hog by accident. On returning to the guard, they told Finn, the sergeant in charge. Finn said they could bring it in after sunset. They did so, then butchered and ate it.

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		them that after Sunsett they may bring it to the Guard; that they accordingly brought it to the Guard, dress'd it and eat it. - The Prisoners having no more to say, the Evidence was summ'd up to the Jury who found the Prisoners Guilty of the value of Tenpence each for which they received Sentence to be whipt at a Carts tail, or at the Publick Stocks and discharged. - George Finn being Indicted as Accessary after the Fact, was brought to the Bar & Arraigned, and the Indictment being a second time read he was put upon his Trial, and the Jury Sworn & charged with him. James Procter being sworn saith that on the twenty fifth day of October last about the hour of eight at Night being on Guard at Sandy Bay Serjeant Finn the Prisoner now at the Bar told him, they had got a chance, which was a Hog and therefore that Deponent with a Knife he then held in his hand, in case he divulged it: That in some time afterwards William Fletcher Quarter Gunner of the Guard came out of the officers room and on seeing some light below in the Kitchen asked this Deponent if they had secured the fire, who said they were at work below dressing a Hog: That he this Deponent went into the Guard room and through a hole in the Boards saw the Prisoner & others of the Guard dressing a Hog in the Kitchen That he & Fletcher as they were walking on the Mount a little before eleven of the Clock saw the Prisoner and Yates pass by with the Guts of the Hog and on their return to the Guard they washed their hands and went to bed: Saith that next morning as he came from Wood he was told by Yates & Kemp that a Quarter of the Hog was in the Pott, that he cut a piece of Salt Pork and put it likewise to boil in the same Pott, which he afterwards eat in company with his Messmates; That he cut a piece of the Fresh Pork, but did not eat it, and his reason for cutting it was to deceive the Prisoner who threatned him the night before: This Deponent further Saith that he heard the Prisoner declare that if he thought Fletcher would divulge it, he would run his Sword through him, and throw him into the Sea at night. William Fletcher being sworn Saith That after Night fall the Prisoner came to him at the Flagstaff and in discoursing his apprehensions to him about some men who he suspected left the Guard he, the Prisoner told him, to make himself easy on that head, and in Case any of the Men absented themselves from the Guard, yet it was to do no harm: That in some time after he went to Bed, but being uneasy & restless he rose and walked with Procter who was then Centry That as he walked he perceived a light below and told Procter he believed the Fire in the Kitchen was not secured as usual, who said they were at work there dressing a Hog: That in an hour after he saw the Prisoner coming up from the Kitchen with his Sleeves tucked up and a Knife in his hand: That next morning meeting Levingston he told him that he never thought he, Levingston would have any hand in Stealing any thing, who answered that the Serjeant [...] them so much the day before, they could have no rest untill they did so: Saith that whilst they were speaking the Prisoner observed them and said to them, What a piece of Work You are making about nothing, if any thing happens, I'll take the whole upon myself -	Neither prisoner had more to say. After the evidence was summed up, the jury found each man guilty of theft to the value of £0 0s 10d. Both were sentenced to be whipped at the tail of a cart or at the public stocks, then released. George Finn, charged as an accessory after the fact, was then brought before the court and formally accused. The clerk read the charge to him a second time, his trial began, and the jury was sworn and given charge of him. James Proctor gave evidence first, under oath. At about eight o'clock on the night of 25 October 1762, while Proctor was on guard at Sandy Bay, Finn told him that they had had a stroke of luck in the shape of a hog. Holding a knife, Finn threatened Proctor with it should he tell anyone. Some time later William Fletcher, of the guard, came out of the officers' room and saw a light below in the kitchen. He asked Proctor whether the fire had been damped down. Proctor told him the men were busy below butchering a hog. Proctor then went into the guardroom and, through a gap in the floorboards, watched Finn and other men of the guard cutting up a hog in the kitchen. Shortly before eleven o'clock, while walking on the Mount with Fletcher, he saw Finn and Yates pass carrying a side of the hog. On returning to the guard, the two washed their hands and went to bed. The next morning, as Proctor came back from gathering wood, Yates and Kemp told him a quarter of the hog was in the pot. Proctor cut a piece of salt pork and put it in the same pot to boil, and later ate it with his messmates. He also cut a piece of the fresh pork but did not eat it. He did so only to mislead Finn, who had threatened him the night before. Proctor added that he heard Finn declare he would run Fletcher through with his sword and throw him into the sea at night if he thought Fletcher would talk. William Fletcher then gave sworn evidence. After nightfall, Finn came to him at the flagstaff. Fletcher mentioned his worry that some of the men had left the guard. Finn told him not to trouble himself, since any man who slipped away meant no harm. Fletcher went to bed some time later but could not settle. He got up and walked with Proctor, who was then on sentry duty. Noticing a light below, he remarked that the kitchen fire had not been put out as usual. Proctor replied that the men were at work there butchering a hog. About an hour later Fletcher saw Finn coming up from the kitchen with his sleeves rolled up and a knife in his hand. The next morning Fletcher met Levingston and told him he had never expected him to take part in stealing anything. Levingston replied that the sergeant had pressed them so hard the day before that they could get no peace until they did it. Finn noticed the two men talking. He told them they were making a great fuss over nothing and that he would take all the blame himself if anything came of it. **Interpretations** The value of £0 0s 10d each placed Levingston and Smith just below the one-shilling line dividing petty larceny from grand larceny. Grand larceny was a felony punishable by death, though usually commuted by benefit of clergy to branding or transportation. Petty larceny, by contrast, was punished by whipping and nothing more. A verdict below a shilling therefore kept both men from any risk to their lives and from the permanent mark of the brand. Whipping at the tail of a cart was a public punishment in which the offender was tied behind a cart and flogged as it moved slowly through the streets. The alternative, whipping at the stocks, was equally public but stationary. Either way, the aim was shame before the community as much as pain. After

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			punishment the men were released, which on St Helena meant returning to their duties in the garrison. The evidence against Finn turned on his authority as sergeant of the guard. He gave the men permission to bring the hog in, directed the butchering, carried the meat himself and threatened violence against any soldier who might inform. A sergeant held power over his men's daily lives, their duties and their punishments. Threats from him carried real weight, which explains why Proctor went through the motions of sharing the pork to avoid suspicion. **Speculations** The jury valued the hog, charged at £0 8s 0d, at only £0 0s 10d for each man. The obvious verdict of grand larceny was set aside. The evidence gave the jurors a reason to treat the two soldiers leniently. Levingston told Fletcher that the sergeant had pressed them relentlessly until they gave way. Finn himself boasted he would take all the blame. The jury evidently saw Levingston and Smith as tools of their superior, and reduced their offence to one met by a whipping. That left the full weight of the case to fall on Finn, who was tried next.
32	22	William Yates being sworn saith That on Monday the Twenty fifth of October last, being on Guard at Sandy Bay, the Prisoner came to him in the Dusk of the Evening and asked him how many there were in his Mess and ordered him to carry one of the Irons down into the Kitchen, where, when he came, perceived a Hog half scraped, and was desired by the Prisoner to help to dress it, who promised him a part for his trouble; That he knows not how the Hog was brought there But was ordered by the Prisoner to fetch a Platter and bury the Gutts which he accordingly did. That next morning the Serjeant gave him a Quarter of the Hog for his trouble. The Prisoner being put upon his Defence, saith That he received the Hog and eat share of it but denies he ever threatned any one with Knife or Sword in case he divulged it: Saith he was very willing to make the Owner restitution, if he knew him. - The whole Evidence being summ'd up to the Jury they found the Prisoner Guilty of the value of Tenpence, for which he was Sentenced to be Whipt at a Carts Tail or at the Publick Stocks and discharged. - Anthony a Man Slave belonging to Isaac Dovelon was arraigned upon the following Indictment to which he pleaded not Guilty Island of St. Helena ss The Jurors of Our Sovereign Lord the King on their Oaths do present That Anthony a Man Slave belonging to Isaac Dovelon of the Island of St. Helena Planter on the Eighth day of January in the third Year of the Reign of Our Sovereign Lord George now King of Great Britain &c. by force & Arms &c. in the Dwelling house of William Smith in James's Valley within the Island aforesaid Publican One Piece of Gold called a Pagoda of the value of eight Shillings of the money of Jonathan Dovelon of the said Island Planter from one Dawson a Boy Slave belonging to the said Jonathan then and there being found feloniously did steal take and bear away against the Peace of Our Sovereign Lord the King his Crown and Dignity and also against the form of the Statute in that Case made & Provided. The Prisoner being brought to the Bar and the Indictment a second time read	William Yates then gave evidence on oath. At dusk on Monday 25 October 1762, while on guard at Sandy Bay, Finn came to him and asked how many men were in his mess. Finn then ordered him to carry one of the [...] down to the kitchen. There Yates found a hog, half scraped of its bristles. Finn asked him to help butcher it and promised him a share for his trouble. Yates did not know how the hog had got there. Finn told him to fetch a platter and bury the entrails, which he did. The next morning Finn gave him a quarter of the hog for his help. In his defence, Finn admitted receiving the hog and eating his share. He denied ever threatening anyone with a knife or sword to keep them quiet. He added that he would gladly compensate the owner if he knew who it was. After the evidence was summed up, the jury found Finn guilty to the value of £0 0s 6d. He was sentenced to be whipped at the tail of a cart or at the public stocks, then released. Anthony, a slave owned by Isaac Doveton, was then formally accused and denied the charge. The grand jury charged that on 8 January 1763, at the James's Valley house of the publican William Smith, Anthony stole a gold coin known as a pagoda, worth £0 8s 0d. The coin belonged to the planter Jonathan Doveton and was taken from Dawson, a slave boy owned by Jonathan Doveton. The charge held that the theft breached the King's peace and offended against the relevant statute. Anthony was brought before the court and the charge was read to him a second time. The following men were sworn as his jury and given charge of him. James Forbes John Robinson Charles Gossing Elisha Leake Stephen Young Michael Frost John Wherrall Benjamin Beale Roderick Merchant Robert Ballard Mathew Bazett Junior Nathan Sample Henry Howell gave evidence first, under oath. On Saturday 8 January 1763 he saw Anthony and Dawson, a slave boy owned by Jonathan Doveton, sharing a small bowl of punch in William Smith's public house. Some time later he heard Dawson say

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		to him the following Men vizt James Forbett John Robinson Charles Gessing Elisha Leache Stephen Young Michael Frost John Wharrall Benjamin Seale Roderick Merchant Robert Ballard Matthew Bazett Junr. and Nathan Sample were sworn upon his Jury and charged with him Henry Howell being sworn saith That on Saturday being the Eighth day of January Instant saw the Prisoner at the Bar and one Dawson a Boy Slave belonging to Jonathan Dovelon in the house of William Smith Publican drinking a Sneaker of Punch together That in sometime after he heard Dawson say he was robbed of a Pagoda which he had together with a Rupee a double Cranham, a single Cranham and a half-penny	he had been robbed of a pagoda. The boy had been carrying it together with a rupee, a double fanam, a single fanam and a halfpenny. **Interpretations** Finn's verdict of £0 0s 6d followed from the convictions of Levingston and Smith. An accessory after the fact could not be found guilty of a greater crime than the principals themselves had committed. Once the jury valued the theft at a few pence and treated it as petty larceny, Finn's offence could rise no higher. However heavy the evidence of his threats and his role in the butchering, the law tied his guilt to theirs. Anthony was the same slave of Isaac Doveton who was convicted of theft on 12 October 1762 and branded on the hand the next day. That brand now weighed heavily against him. Benefit of clergy could be claimed only once, and the mark on his hand proved he had already used it. A pagoda valued at £0 8s 0d exceeded the one-shilling line for grand larceny. A conviction at that value would therefore leave him with no escape from the death sentence. The fanam was a small coin of southern India, struck in gold or silver and worth only a fraction of a pagoda. A double fanam was worth twice as much. Dawson's purse of a pagoda, a rupee, fanams and a halfpenny shows how Indian coins reached even the pockets of slave boys on St Helena. Ships from Madras and Bengal brought such money ashore in quantity, and it passed freely through the island's small trade. A sneaker was a small bowl of punch, the usual measure served in public houses of the period. The scene in William Smith's house shows two slaves drinking together in a licensed public house. Slaves with money of their own could buy drink openly, a practice that brought them into shared spaces with soldiers and settlers.
33	23	tied up in the bosom of a handkerchief. That Dawson said he suspected the Prisoner whom this Deponent asked if he knew any thing about it That the Prisoner denied it On which he and William Smith took the Prisoner into the Yard and there promised him he should be forgiven if he confess'd the truth That the Prisoner said he knew nothing of that Pagoda but would borrow so much rather than go to Prison, That they desired him to do so, as they greatly suspected he had the Pagoda then the Prisoner went out and this Deponent followed him and soon saw him come out of John Whitchurch's house That he this Deponent went to the said house and was asked by Mrs. Whitchurch what was the matter, That he told her he greatly suspected Anthony the Prisoner of stealing a Pagoda from Dawson Whereupon she told him that he changed a Pagoda two hours ago in the Shop and bought some Goods Saith that he followed the Prisoner into the House of William Smith and seeing Thomas Harper there desired him to go back along with him into the Yard to examine the Prisoner That as soon as they went back he the Prisoner fell on his knees and beg'd of them to say nothing for as he was tried before he should be now hanged That he then told them he found the Pagoda on the Floor but in sometime after told them that he sent Dawson to Abraham Harding for a Pistereen in order to have an opportunity of taking the Pagoda out of his Handkerchief, and prayed them as he desired being hanged, to say nothing about it. Thomas Harper being sworn Saith That he was present when the Prisoner confess'd to Henry Howell that the Pagoda which he changed at Mr. Whitchurch's Shop	Dawson, according to Howell, had kept the coins knotted in the corner of a handkerchief. When Dawson said he suspected Anthony, Howell asked Anthony whether he knew anything about the missing coin. Anthony denied it. Howell and William Smith then took him into the yard and promised he would be forgiven if he told the truth. Anthony said he knew nothing about the pagoda but would rather borrow an equal sum than go to prison. The two men told him to do so, since they strongly suspected him. Anthony then went out, and Howell followed. Before long Howell saw him leave the house of John Whitchurch. Howell went in, and Mrs Whitchurch asked him what the trouble was. He told her he strongly suspected Anthony of stealing a pagoda from Dawson. She replied that Anthony had changed a pagoda in the shop two hours earlier and bought some goods. Howell followed Anthony back to William Smith's house. Finding Thomas Harper there, he asked him to come out to the yard to question the prisoner. As soon as they returned to him, Anthony fell to his knees. He begged them to say nothing, because having been tried once before, he would now hang. At first he claimed to have found the pagoda on the floor. Later he admitted sending Dawson to Abraham Harding for a pistareen so that he could slip the pagoda out of the boy's handkerchief. Dreading the gallows, he pleaded with them to keep quiet. Thomas Harper then gave evidence on oath. He was present when Anthony admitted to Howell that the pagoda he changed at Mrs Whitchurch's shop was the one he took from Dawson's handkerchief. Harper saw Anthony offer Dawson £0 2s 0d towards the value of the coin and heard him promise to bring the rest the next morning. Harper then advised Howell to

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		was the same he had taken out of Dawson's handkerchief and that he saw him offer two Shillings to the said Dawson in part payment of the Pagoda and heard him promise he would bring him the remainder next morning on which this Deponent advised Howell to acquaint the Constable with it; Saith after Howell went away he heard the Prisoner desire Dawson tell, upon the Trial That he had dropt the Pagoda when he untied the Handkerchief to take six pence out of it to pay for a sneaker of Punch. Dawson being sworn Saith that on Saturday the eighth day of January Instant he was asked by the Prisoner and went along with him to drink a Sneaker of Punch. That on calling upon the Prisoner sent him to one Abraham Harding for a Pistereen that he went & when he came back found the Prisoner where he left him That the Prisoner went out of the house and in that time he this Deponent missed a Pagoda out of his Handkerchief That on the Prisoner's return he charged him with the Pagoda, which he denied, saying he never saw it That the Prisoner was examined by Thomas Harper & Henry Howell and that he heard him confess to them that he found a Pagoda but that he in sometime after owned that he took it out of this Deponent's handkerchief That he desired this Deponent to tell that he dropt it out of the sd. Handkerchief. Anthony the Prisoner in his Defence saith That he and Dawson went to the House of William Smith and there had a sneaker of Punch, that joining Company with others they had a second Sneaker which being drank Dawson desired him to lend him Sixpence, who said he had no money but told him if he went to Abraham Harding for a Pistereen which he owed him he would lend him six pence That Dawson was for the Pistereen but came back without it which occasioned him the Prisoner to go to Harding who gave him the Pistereen That when he came back Dawson told him he had spent six pence of his Masters money and desired him to lend him so much which he did. James Headey being sworn saith That he sat between the Prisoner and the Place where Dawson's Handkerchief lay But never saw the Prisoner touch it Saith that his attention was for a while taken from the Handkerchief and that in that time which did not exceed two Minutes it was possible for the Prisoner to take the Pagoda out of the Handkerchief unknown to this Deponent	report the matter to the Constable. After Howell left, Harper heard Anthony ask Dawson to tell the court that he had dropped the pagoda himself while untying the handkerchief to pay sixpence for the punch. Dawson then gave evidence on oath. On Saturday 8 January 1763 Anthony invited him to share a bowl of punch, and he went along. Before long Anthony sent him to Abraham Harding to fetch a pistareen. On his return he found Anthony where he had left him. Anthony then went out of the house, and during his absence Dawson noticed a pagoda missing from his handkerchief. When Anthony came back, Dawson accused him of taking it. Anthony denied this, claiming never to have seen the coin. Dawson heard Anthony tell Harper and Howell under questioning that he had found a pagoda. Some time later Anthony admitted taking it out of Dawson's handkerchief. He then asked Dawson to say that he had dropped it from the handkerchief himself. In his defence, Anthony said that he and Dawson went to William Smith's house and shared a bowl of punch. Other men joined them, and they finished a second bowl. Dawson then asked to borrow sixpence. Anthony said he had no money but would lend it if Dawson fetched a pistareen that Abraham Harding owed him. Dawson went but came back empty-handed, so Anthony went to Harding himself and collected the coin. On his return, Dawson told him he had spent sixpence of his master's money and asked to borrow that amount. Anthony said he lent it to him. James Headey then gave sworn evidence. He sat between Anthony and the place where Dawson's handkerchief lay, and never saw Anthony touch it. He admitted, however, that his attention was drawn away from the handkerchief for a short time. In those two minutes or less, Anthony could have taken the pagoda without his noticing. **Interpretations** Anthony understood exactly what his earlier branding meant. His plea that having been tried once he would now hang showed a slave fully aware that benefit of clergy was spent. That knowledge drove every step he took: the denial, the offer to borrow an equal sum, the part payment to Dawson and the attempt to have the boy say the coin fell out by accident. Each move aimed to keep the matter out of court, where a second conviction for grand larceny meant certain death. The first response of Howell and Smith was to settle the matter privately. They promised Anthony forgiveness if he confessed and accepted repayment of the coin. Private settlement of petty thefts was common practice, sparing the victim the trouble of prosecution. Harper's advice to inform the Constable turned the affair into a criminal case. Once reported, the theft of a coin worth £0 8s 0d came within the full reach of the law. The pistareen was a Spanish silver coin worth about one fifth of a dollar, widely used in Atlantic and colonial trade. Anthony's claim that Harding owed him one shows slaves lending and borrowing small sums among themselves and with free people. That informal credit ran alongside their dealings in the public house and the shop. Mrs Whitchurch's shop acted as an exchange point for gold coin. Her ready memory of a slave changing a pagoda two hours earlier shows how conspicuous such a transaction was. As in the case against William Jenkins, the need to break down a high-value coin exposed the thief.
34	24	The Evidence being closed and the whole summ'd up to the Jury, they	At the close of Anthony's trial, the evidence was complete and the whole case was summed up for the

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		retired and coming back to Court declared their Verdict by which they found the Prisoner Guilty of the value of Tenpence for which he was sentenced to be Whipt at a Carts Tail or at the Publick Stocks and discharged. - Lewis a Man Slave belonging to William Seale Planter was Arraigned upon the following Indictment, he pleaded not Guilty Island of St. Helena ss The Jurors of Our Sovereign Lord the King upon their Oaths do present That Lewis a Man Slave belonging to William Seale of Dogwood Valley within the Island of St. Helena Planter on or about the twenty seventh day of October last in the third Year of the reign of Our Sovereign Lord George now King of Great Britain &c. by force & Arms &c. in Dry Gulley within the Island aforesaid two Hens of the value of three Shillings of the Goods and Chattles of One Ruth Colgrave then and there being found feloniously did steal take and bear away against the Peace of Our Sovereign Lord the King his Crown and Dignity and also against the form of the Statute in that Case made & provided The Prisoner being set to the Bar, the Indictment a second time, read to him, the twelve following men (vizt) Charles Gessing Elisha Leache Stephen Young Michael Frost John Wharrall Benjamin Seale and Charged with him Roderick Merchant Robert Ballard Matthew Bazett Junr. James Forbett Nathan Sample and Thomas Harper, were sworn upon his Jury James Colgrave being Sworn saith That about the Twenty seventh day of October last he was informed by Giles Leache that two Hens with a brood of Chickens each belonging to this Deponents Mother, were taken away from off their Roosts but the Chickens left: That on the ninth day of December following Will, a Slave belonging to Mr. Matthew Bazett came to him and gave him so good a description of the Hens stolen from his Mother and where and in whose Possession they then were that he went next day to Old Dick, and there saw a Hen, which to the best of this Deponent's was one of the two Hens taken from his Mother That he was informed by Old Dick that he had that same Hen in exchange from Thomas Burnham This Deponent then desired Old Dick to give him the Hen, which he did That he went to Mrs. Burnham and was told by her, that Thomas Burnham was not at home, She likewise told him that he carried a Fowl to Old Dicks: Thomas Burnham informs this Deponent in some time after, that he bought two fowls of the Prisoner, one whereof he exchanged with Old Dick. Saith that the Prisoner came to his Mothers the same Evening and there offers to give this Deponent two Hens in lieu of those he had stolen from his Mother, which he at first refused and desired him to go about his business But recollecting the Prisoners bad Character and apprehending he may do him some hurt he called him back &	jury. The jurors withdrew and, on returning to court, found Anthony guilty of theft to the value of £0 0s 10d. He was sentenced to be whipped at the tail of a cart or at the public stocks, then released. Lewis, a slave owned by the planter William Seale, was then formally accused and denied the charge. The grand jury charged that on or about 27 October 1762, at Dry Gut, Lewis stole two hens worth £0 3s 0d from Ruth Colgrave. His owner farmed in Dogwood Valley. The charge held that the theft breached the King's peace and offended against the relevant statute. Lewis was brought before the court and the charge was read to him a second time. The following 12 men were sworn as his jury and given charge of him. Charles Gossing Elisha Leake Stephen Young Michael Frost John Wherrall Benjamin Seale Roderick Merchant Robert Ballard Mathew Bazett Junior James Forbes Nathan Sample Thomas Harper James Colgrave gave evidence first, under oath. Around 27 October 1762, Giles Leach told him that two of his mother's hens, each with a brood of chicks, had been taken from their nests, leaving the chicks behind. On 9 December 1762 Will, a slave owned by Matthew Bazett, came to Colgrave. He described the stolen hens so exactly, and said so plainly where they were and who held them, that Colgrave went the next day to Old Dick's. There he saw a hen that he believed was one of his mother's two. Old Dick told Colgrave he had obtained that hen from Thomas Burnham in an exchange, and handed it over at Colgrave's request. Colgrave then went to see Mrs Burnham. She said her husband was out but confirmed that she had taken a fowl to Old Dick. Thomas Burnham later told Colgrave that he had bought two fowls from Lewis and traded one of them with Old Dick. That same evening, Colgrave said, Lewis came to his mother's house and offered him two hens to replace those he had stolen. Colgrave refused at first and told him to leave. Then, remembering Lewis's bad reputation and fearing he might do him some harm, he called him back and took the hens, [...]. The next day Colgrave's mother sent them to William Seale, the owner of Lewis. Old Dick then gave evidence on oath. Thomas Burnham came to him and proposed swapping a hen, and Old Dick agreed. Some time later James Colgrave arrived and claimed that same hen as his mother's property. Old Dick gave it to him. Mrs Lamb gave sworn evidence next. Lewis came to her mother's house and offered her brother James Colgrave two hens in place of the two he said he had taken. [...]. She heard her brother tell Lewis he did not want his hens and order him to leave. Ann Colgrave, also on oath, confirmed Mrs Lamb's account. Abigail, a free black woman, then gave sworn evidence. Lewis asked her to say that he had bought the hens from her, promising to give her more if she stood by him. [...]. With the evidence complete, Lewis answered the charge. He said he had bought the fowls from Benjamin Seale and denied stealing them. **Interpretations**

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		demanded the Hens, which the other gave him, and which this Deponents Mother the next day sent to William Seale the Prisoners Master. Old Dick being sworn saith That Thomas Burnham came to him & asked him to exchange a Hen with him, that he did so But in some time after James Colgrave came & challenged, as his Mothers property the same Hen he had from Thomas Burnham, which this Deponent gave to the said Colgrave. Mrs. Lamb being sworn, saith That the Prisoner came to her Mothers and offered her Brother James Colgrave two Hens instead of the two which he said he took from him, That the Prisoner asked him if he had taken the two Hens from them, who said, he had That she heard her Brother tell the Prisoner, he did not want his Hens, and desire him to go about his business Ann Colgrave being sworn confirms the Evidence given by Mrs. Lamb - Abigail a Free Black woman being sworn saith That the Prisoner offered her money for telling that he bought the Hens of her and said he would give her more, in Case the Stole the Fowls. Denying the Prisoner had bought the Hens of her. The Evidence being closed, the Prisoner in his Defence saith, that he bought the fowls he is now charged with of Benjamin Seale, Denies he stole them.	Lewis's defence named Benjamin Seale, a man sitting on the jury trying him, as the seller of the hens. The juror shared a surname with Lewis's owner, William Seale, and was probably a relative. On an island where the same small group of settlers filled every jury, a defendant could find himself accusing one of his own judges. Nothing in the record shows the court treating this as a reason to replace the juror. The Colgrave household first tried to deal with the theft privately. Lewis offered two replacement hens, and Colgrave, fearing reprisal from a man of known bad character, accepted them and passed them to the owner. That private settlement did not prevent a prosecution. Hens were valuable to a small household, and the formal charge perhaps reflected a wish to see a troublesome slave punished rather than merely to recover the loss. Evidence of this case moved through a chain of slaves and poor free people. Will, a slave of Matthew Bazett, supplied the first lead. Old Dick and Abigail, the free black woman, were drawn in as traders and possible witnesses. Small livestock circulated among slaves, free black people and poorer settlers through barter and informal sale. Tracing a stolen hen meant following it through that network of exchange. **Speculations** The jury valued the pagoda that Anthony took at £0 0s 10d, though the coin itself was worth £0 8s 0d and its value was not open to doubt. The obvious verdict, guilty at the full value, would have sent Anthony to the gallows, since the brand on his hand from 13 October 1762 barred him from benefit of clergy. Several jurors had sat through his first trial and knew his position. Anthony himself had told Howell and Harper that a second conviction would hang him. Faced with a theft of eight shillings from a slave boy in a public house, the jurors reduced the value to a figure that meant a whipping rather than death.
35	25	The Prisoner having no more to say in his defence the whole Evidence was summ'd up by the Chairman to the Jury, they after some deliberation brought in the Prisoner Guilty of the value of Tenpence for which he was sentenced to be Whipt at a Carts Tail or at the Publick Stocks and discharged. - William Fullwood being brought to the Bar was Arraigned upon the following Indictment, to which he pleaded Not Guilty Island of St. Helena ss. The Jurors of Our Sovereign Lord the King upon their Oaths do present That William Fullwood late of the Island of St. Helena Soldier on the fifth day of January instant between the hours of one & two in the Afternoon of the same day in the third Year of the Reign of Our Sovereign Lord George now King of Great Britain &c. by force & Arms &c. in James's Valley within the Island aforesaid in and upon one John Tucker Soldier in the Peace of God and of Our Sovereign Lord the King then and there being did make an assault with an intention to have with the said John Tucker soldier in the Peace of God and of our Sovereign Lord the King then and there being did make an Assault with an intention to have with the said John Tucker against the Will of the said John Tucker a Venereal affair and him carnally to know And the most detestable abominable & Sodomitical Sin called Buggery not to be named among Christians wickedly & devilishly feloniously and against nature to commit and perpetrate in great displeasure of Almighty God and disgrace of all human kind against the Peace of Our Sovereign Lord the King his Crown & Dignity and also against the form of the Statute in that Case made and provided. -	The chairman summed up the evidence against Lewis, who had nothing more to say in his defence. After some deliberation, the jury found him guilty of theft to the value of £0 0s 10d. He was sentenced to be whipped at the tail of a cart or at the public stocks, then released. William Fullwood, a soldier, was then brought before the court and formally accused. He denied the charge. The grand jury accused him of assaulting John Tucker, another soldier, in James's Valley between one and two in the afternoon of 5 January 1763. According to the charge, Fullwood attacked Tucker intending to have sexual relations with him against his will and to commit buggery. The indictment condemned the act in the strongest religious terms as an offence against nature, an affront to God and a disgrace to humanity. It also held that the assault breached the King's peace and offended against the relevant statute. At the start of Fullwood's trial, the clerk read the charge to him again, and the jury was sworn and given charge of him. John Tucker gave evidence first, under oath. Between one and two in the afternoon of 5 January 1763, he was lying asleep on his back on a cot in Sergeant Bazett's tap-room. Fullwood came into the room and lay down on another cot about two and a half feet away. Fullwood unbuttoned Tucker's breeches and took hold of his penis. The pulling woke Tucker. Tucker saw Fullwood on the other cot with his own breeches undone and struck him. Fullwood pretended to be asleep but got up after Tucker called him two or three times. Tucker went to report the matter to Sergeant Burnham, who told Captain Bazett at once. Fullwood then came into a front room and began to cry. [...]. Asked whether he had been sober

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		The Prisoner being put upon his Trial the Indictment was again read to him, then the Jury were Sworn and Charged with him John Tucker being Sworn saith That on the fifth day of January instant between the hours of one and two in the afternoon in Serjeant Bazett's Tap-Shop as he lay on one of the Cotts there on his back asleep William Fullwood the Prisoner came into the same Room and lay himself down on another Cott at two feet and a half distance from the Cott he lay on That the Prisoner unbuttoned the Breeches and took hold of his Yard and that by pulling it, he awoke this Deponent That he then perceived the Prisoner on another Cott with his Breeches unbuttoned whom he struck That the Prisoner pretended to be asleep But on his calling him two or three times he got up; Saith he went to acquaint Serjeant Burnham of it who immediately told it to Capt. Bazett That the Prisoner came into a front Room and fell a crying The Prisoner having liberty from the Court, asked the Witness Whether he was drunk or Sober when he lay down on the Cott who answered that he had drank part of a Bowl of Punch, but was Sober. John Hawkswood being sworn saith That about seven Weeks ago the Prisoner lay himself down on this Deponents Cott and got under his Blanket and then laid hold of his Yard by which this Deponent was awoken and desired to know the Person that had laid such hold of him That the Prisoner rubbed him on the Ribs, and said, Lay still my Dear, I will not hurt You. That he desired the Prisoner to go to his own Cott, which he did: This Deponent further saith that about three Weeks ago at night when the Lamp was out, the Prisoner came to him unbuttoned his Breeches and squeezed his Yard But confesses that he this Deponent was then in Liquor. Robert Brown being sworn saith That about six weeks ago, as near as he can recollect being in Company with Richard Ames Thomas Rutherford William Rush & John Hawkswood he heard Hawkswood say that the Prisoner came under his Blanket the Night before and used him more like a Woman than a Man, and then asked this Deponent if he heard nothing of it before who told him he did not but very probably as seven or eight men lay in the same Barrack one or other of them might have heard him if he called out for that he this Deponent was fast asleep and heard nothing. William Hockley being sworn to the Prisoners Character, saith That he knew him in the East Indies for the space of four Years during which time he behaved like a decent Soldier and always gave to the Colours, that his general Character was good. John Lemmon Corporal being sworn to the Prisoners Character saith that he has been on Duty with him for five Months, lay with him on the same Cott for a part of that time and never knew him to be Guilty of the least Indecency, but knew him by his general Character to be a sober honest man. -	when he lay down on the cot, Fullwood said he had drunk part of a bowl of punch but was not drunk. John Hawkswood then gave sworn evidence. About seven weeks earlier, Fullwood had lain down on Hawkswood's cot, got under his blanket and taken hold of his penis. Hawkswood woke and demanded to know who was touching him. Fullwood stroked his ribs, told him to lie still and called him his dear, promising not to hurt him. Hawkswood told him to go back to his own cot, and Fullwood did so. About three weeks before the trial, Hawkswood said, Fullwood came to him at night after the lamp was out, undid his breeches and squeezed his penis. Hawkswood admitted, however, that he had been drunk on that occasion. Robert Brown then gave evidence on oath. About six weeks earlier, as best he could recall, he was with Richard Jones, Thomas Rutherford, William Rush and John Hawkswood. He heard Hawkswood say that Fullwood had come under his blanket the night before and treated him more like a woman than a man. Hawkswood asked Brown whether he had heard anything about it. Brown said he had not, since he had been sound asleep. With seven or eight men sleeping in the same barrack, however, one of them would probably have heard if Hawkswood had cried out. William Hockley then gave evidence under oath about Fullwood's character. He had known Fullwood for four years in the East Indies. Throughout that time Fullwood behaved as a respectable soldier and stayed loyal to his regiment, and his general reputation was good. John Lemmon, a corporal, also spoke on oath to Fullwood's character. He had served on duty with Fullwood for five months and for part of that time shared a cot with him. He had never known Fullwood commit the slightest indecency. By general repute, he said, Fullwood was a sober and honest man. **Interpretations** The charge against Fullwood was assault with intent to commit buggery, not buggery itself. Buggery was a capital felony under a statute of Henry VIII, but conviction required proof of penetration. Where the evidence showed only an attempt or indecent handling, prosecutors charged the lesser offence of assault with intent, a misdemeanour punished by fine, imprisonment or the pillory. The indictment's language of abomination and sin followed a fixed formula drawn from the capital offence, even though the charge itself carried no death sentence. The character evidence for Fullwood rested on his record as a soldier. Hockley's testimony that Fullwood served faithfully for four years in the East Indies shows that many of the island's garrison had earlier seen Company service in India. Lemmon's statement that he had shared a cot with Fullwood without incident was aimed directly at the accusation. Soldiers commonly slept two to a cot in crowded barracks, which made such evidence both relevant and ordinary. Sergeant Bazett's tap-room shows a non-commissioned officer running a drinking room where soldiers could buy liquor and rest. Such arrangements let sergeants supplement their pay while keeping men under a measure of supervision. The incident was reported up the chain of command, from Sergeant Burnham to Captain Bazett, before it reached the civil court. Military and civil authority thus worked in sequence. The verdict on Lewis was the third that day in which a jury valued stolen property at £0 0s 10d. The hens were charged at £0 3s 0d, a sum within grand larceny. Reducing it below one shilling meant a whipping rather than branding. The pattern shows

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			the island's juries consistently choosing the lightest available punishment for minor thefts.
36	26	Samuel Instone being sworn to the Prisoners Character Saith he knew him for Eight Months at two different Guards, lay with him very often, and never knew him to be Guilty of the least indecency during that time Richard Jones being sworn to the Prisoners Character saith That he lay next to Hawkswood the night he Hawkswood charges the Prisoner with having made the attempt on him, and thinks if any attempt of that kind had been made, he should have heard it, as it is very easy to awake him The Prisoner in his Defence saith That being much in Liquor he lay himself down on a Cott in Serjeant Burnhams Tap Shop, That he fell asleep & awoke by John Tuckers striking him, who charged him at the same time with unbuttoning his Breeches: He denies the whole Charge. - The Evidence for and against the Prisoner being closed the Whole was Summ'd up to the Jury, who found the Prisoner not Guilty. Thomas Burnham being call'd into Court, was charged with having bought two Hens of a Black Slave, contrary to a Standing Order here, he confess'd the Charge, and was therefore fined by the Court in the Sum of five Pounds. William Jenkins and Exeter were brought to the Bar, and the Chairman pass'd Judgment of Death on them Severally as followeth. - William Jenkins You shall go to the Place from whence you came, and from thence to the Place of Execution, and there you shall be hanged by the Neck untill your Body is dead, and God have Mercy upon your Soul. - Exeter received Sentence as above. The Business of the Session being now ended, the Grand and Petit Juries were dismiss'd, and the Court was adjourned by Proclamation to the Sixth Day of April following. - John Skottowe M Bazeling Thos. Kirkpatrick	Samuel Instone then spoke on oath to Fullwood's character. He had known Fullwood for eight months while serving with him at two different guard posts. The two often shared a cot, and in all that time Instone never saw him commit the slightest indecency. Richard Jones also gave sworn evidence about Fullwood's character. On the night Hawkswood said Fullwood made the attempt on him, Jones was sleeping next to Hawkswood. He believed he would have heard any such attempt, since he woke very easily. In his defence, Fullwood said that he was very drunk when he lay down on a cot in Sergeant Burnham's tap-room. He fell asleep and woke when John Tucker struck him and accused him of undoing his breeches. Fullwood denied the whole charge. With the evidence on both sides complete, the case was summed up for the jury, which found Fullwood not guilty. Thomas Burnham was then called into court and charged with buying two hens from a black slave, in breach of a standing order. He admitted the offence, and the court fined him £5 0s 0d. William Jenkins and Exeter were then brought before the court, and the chairman sentenced each of them to death. Jenkins was to be taken back to the place he had come from and then to the place of execution. There he was to be hanged by the neck until dead, and the chairman commended his soul to God's mercy. Exeter received the same sentence. With the court's business complete, the grand and trial juries were dismissed. The court was adjourned by public announcement until 6 April 1763. John Skottowe Mathew Burling Thomas Kirkpatrick **Interpretations** The fine of £5 0s 0d on Thomas Burnham enforced a standing order forbidding settlers to buy goods from slaves. The rule aimed to choke off the market for stolen property. A slave who could not sell what he took had little reason to steal it. Burnham's purchase of the hens from Lewis, which led to the theft coming to light, was exactly the trade the order was designed to stop. The fine was heavy, many times the value of the hens, and fell on the buyer rather than the thief. That weighting showed the Council treating the receiver as the root of the problem. Burnham was punished without indictment or jury, on his own admission in open court. Breaches of the island's standing orders were regulatory offences, dealt with summarily by the justices. The Council made such orders, and the same men enforced them from the bench. This summary power gave the island's rulers a quick means of controlling trade and conduct without the full machinery of a trial. Fullwood's acquittal rested chiefly on the soldiers who spoke to his character. Four men testified that they had served or slept alongside him without any hint of indecency. Jones cast doubt on Hawkswood's account directly, and Hawkswood had admitted being drunk on one occasion. Fullwood's own story was inconsistent: he told his accusers he was sober after drinking punch, then told the court he was very drunk. The jury nonetheless gave the weight of the case to the character evidence, which in the absence of proof of penetration left only disputed accounts of touching in a crowded barrack.

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			The court's second sitting thus ended with two men sentenced to hang, Jenkins for burglary of John Bland's shop and Exeter for burglary of John Leech's house. Both were executed on 4 February 1763. Three other thieves, Anthony, Lewis and the two soldiers with their sergeant, left the court with whippings. Across the two sittings of October 1762 and January 1763, burglary was the offence that consistently led to death, while petty theft was almost always reduced to a whipping.
37	27	On the Seventeenth of January, William Levingston, Samuel Smith and George Finn were whip'd at the Publick Stocks and Discharged, and next Day being the Eighteenth, the two Blacks, Anthony and Lewis were whip'd at a Cart's Tail, and Discharged. On the twenty fourth of the same Month, a Warrant, for the Execution of the two Convicts William Jenkins and Exeter, was issued out and directed to the Sheriff, and Exeter, pursuant to the said Warrant, was hang'd the fourth of February following. As William Jenkins, did, on the third Day of the aforesaid Month, make his Escape out of Prison, the Warrant could not be put in Execution against him; but being retaken the Sixth following, he was next Day brought before us and there confronted with two Men of the Jury, whom he had been tried. They Swore he was the Identical Person who was convicted at and lay under Condemnation since last Sessions; And the Goaler being separately Sworn to his Identity and Escape, proved both. Then a fresh Warrant, the former being out of Date, was directed to the Sheriff for the Execution of the sd. Jenkins who was accordingly executed the tenth Day of the same Month, being the Day appointed by the Warrant. On the twelfth Day of January, being the last Day of the Sessions, the following Precept upon the Commission of the Peace was directed to the Sheriff. We John Skottowe Mathew Bazeling and Thos. Kirkpatrick Esquires three of his Majesty's Justices of the Peace in and for the Island of Saint Helena assigned to Inquire hear and Determine diverse Felonies Trespasses and other Misdemeanors perpetrated and committed within the said Island of Saint Helena To the Sheriff of the said Island Greeting on the Behalf of our Sovereign Lord the King We command you that you cause to come before us and others our Brethren Justices of the Peace of our Sovereign Lord the King in and for the said Island at the Castle in James's Valley in the Island aforesaid on Wednesday being the Sixth Day of April next ensuing	On 17 January 1763 William Levingston, Samuel Smith and George Finn were flogged at the public stocks and then released. The next day, 18 January 1763, the two black prisoners, Anthony and Lewis, were flogged at the tail of a cart and released. On 24 January 1763 the justices issued a warrant to the Sheriff for the execution of the two condemned men, William Jenkins and Exeter. Exeter was hanged under that warrant on 4 February 1763. Jenkins, however, broke out of prison on 3 February 1763, so the warrant could not be carried out against him. He was recaptured on 6 February 1763 and brought before the justices the following day. There two members of the jury that had tried him faced him and swore that he was the same man convicted and held under sentence of death since the January court. The gaoler, questioned separately under oath, confirmed both his identity and his escape. Because the first warrant had expired, the justices sent the Sheriff a fresh one. Jenkins was hanged on 10 February 1763, the day it named. On 12 January 1763, the final day of the court's sitting, the justices had sent the Sheriff an order under the commission of the peace. It came from John Skottowe, Mathew Burling and Thomas Kirkpatrick, three of the King's justices of the peace for St Helena. They held authority to investigate, hear and decide felonies, trespasses and lesser offences committed on the island. Acting in the King's name, they instructed the Sheriff to arrange for attendance before them and their fellow justices at the Castle in James's Valley on Wednesday 6 April 1763. **Interpretations** The different methods of whipping marked a distinction of status. The three soldiers were flogged at the stationary stocks, while Anthony and Lewis, both slaves, were tied behind a cart and flogged as it was drawn through the streets. The cart's tail was the harsher and more degrading form, since it paraded the offender before the whole town. The two convictions were for the same class of offence, petty theft valued at a few pence. The punishment thus reflected the offender's standing as much as the crime. The hearing after Jenkins's recapture followed an English procedure for escaped convicts. A man already condemned needed no new trial, but the court had to be certain the recaptured prisoner was the same person. Jurors who had seen him in the dock, and the gaoler who had held him, were the obvious witnesses. Once identity was sworn, the original sentence stood, and only a fresh warrant was needed to carry it out. The expiry of the first warrant shows that an execution order named a particular day. A warrant that fixed the hanging for 4 February 1763 lost its force once that day passed. The Sheriff could not lawfully hang Jenkins on 10 February 1763 without new written authority. The legal chain from sentence to gallows had to remain unbroken, however certain the prisoner's guilt. Jenkins's escape from prison, like his earlier escape over the hospital walls, points to weak custody on the island. His recapture within three days, like that of Will and Frank in October 1762, shows how

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			little chance a fugitive had on so small an island. The index tally grouped Jenkins with Exeter under 4 February 1763, but this entry records that he died six days later.
38	28	At eight of the Clock in the Forenoon of the same Day the Constable and Petit Constables within the said Island And also twenty four principal Inhabitants of the Body of the said Island to enquire do and present all such Matters and Things as on his Majesty's Behalf shall be then and there enjoyned them And that they be then and there attending to do all such Matters and Things as are belonging unto and incumbent upon them by Virtue of their Offices in this Behalf And that you do cause to be proclaimed throughout the said Island in the proper Places where it shall seem to you to be most expedient the General Quarter Sessions of the Peace to be held within the said Island the said Wednesday being the Sixth Day of April next ensuing And that you yourself be there in Person together with all your Officers to do such Things as to you and their Offices shall Appertain and are incumbent And that you have then and there the Names of the Constables and Jury aforesaid and those by whom you shall give them Notice and this Precept Given under our Hands and Seals at the Island aforesaid the twelfth Day of January in the Year of our Lord one thousand seven hundred and sixty three and in the third Year of the Reign of our Sovereign Lord George King of Great Britain &c. - John Skottowe M Bazeling Thos. Kirkpatrick - On the twenty first Day of March We issued out the following Precept and directed it to the Sheriff to Summon a Grand Jury upon the Commission of Oyer and Terminer Island of Saint Helena ss. We Charles Hutchinson John Skottowe and Mathew Bazeling Esquires Justices of our Sovereign Lord the King authorized to enquire fully into the Truth by the Oaths of the principal Inhabitants of the Island of Saint Helena and by other Ways Means and Methods by which we shall better know or may be enabled within the said Island by whom the Truth of the Matter may be best known of Whatsoever Treasons Forgeries Murders Felonies Manslaughters Slayings Burglaries Rapes of Women unlawfull Congregations and Assemblies Speaking of Seditious Words unlawfull Confederacies Trespasses Riots Escapes Contempts Negligences Maintenances Oppressions Deceipts and other Misdemeanors Offences and Injuries whatsoever and also the Accessaries thereunto within the Island aforesaid by whomsoever or howsoever had done perpetrated or committed and by which Means and by whom or to whom when how or in what Manner And of other Articles Circumstances and Premisses and of every other	The order of 12 January 1763 required the Sheriff to bring the island's constable and petty constables before the justices at eight o'clock in the morning on Wednesday 6 April 1763. He was also to summon 24 leading inhabitants to investigate and report whatever matters the King's business placed before them. The constables were to attend and carry out the duties of their offices. The Sheriff was further ordered to announce the coming general quarter sitting of the peace in suitable places across the island. He had to attend in person with all his officers on the appointed day. He was to bring the names of the constable and jurors, with those who had delivered each summons, and to return the order. The justices signed and sealed it on the island on 12 January 1763, in the third year of the reign of George III. John Skottowe Mathew Burling Thomas Kirkpatrick On 21 March 1763 the justices sent the Sheriff a second order, this one to summon a grand jury under the commission of oyer and terminer. It came from Governor Hutchinson, John Skottowe and Mathew Burling, acting as the King's justices on St Helena. Their commission empowered them to establish the truth about offences on the island through the sworn evidence of its leading inhabitants and by any other means that would reveal who knew the facts best. The inquiry covered the full range of crime. It included treason, forgery, murder, felony, manslaughter and other killings, together with burglary and rape. It also reached unlawful gatherings, seditious speech, illegal conspiracies, trespass, riot, escape from custody, contempt and neglect of duty. Maintenance, oppression, fraud and every other lesser offence or injury fell within it, as did anyone who helped commit them. The justices were to discover how each act was done, by whom, against whom and when, with every related circumstance. The letters patent also gave them power to try and decide these cases. The justices ordered the Sheriff to bring 24 leading inhabitants before them and their fellow justices at the Castle in James's Valley at eight o'clock in the morning on Wednesday 6 April 1763. The jurors were to investigate, report and carry out the business placed before them. **Interpretations** The sitting of 6 April 1763 fell in Easter week, since Easter Sunday that year was 3 April. The timetable later set down in the register placed the spring sitting in the first week after the close of Easter, meaning the week following Low Sunday. The April court of 1763 therefore met about a week earlier than that rule would allow. In its first year of operation, the island's court evidently fixed its dates by adjournment from one sitting to the next rather than by the English calendar it later adopted.

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		or any of them howsoever And being appointed by or under the sd. Letters Patent to hear and determine the said Premisses To the Sheriff of the sd. Island Greeting We command you that you cause to come before us and others our Sociates Justices of our Sovereign Lord the King at the Castle in James's Valley in the Island aforesaid on Wednesday the 6th Day of April next Ensuing at the Hour of eight in the Forenoon of the same Day twenty four principal Inhabitants of the said Island to enquire present do and execute all and Singular such Matters and things which	
39	29	on the Behalf of our Sovereign Lord the King shall be enjoyned them And that you yourself be then and there present together with your Officers at the Day and Place aforesaid to do such Matters which then to them and their Offices shall belong And that you then and there have the Names of that Jury and this Precept Given under Hands and Seals the twenty first Day of March in the third Year of the Reign of our Sovereign Lord George Anno Domini one thousand seven hundred and Sixty three - Charles Hutchinson John Skottowe M Bazeling - On the fourth Day of April, the Inhabitants being by our Order assembled, We desired them to nominate three of the principal Persons, that one of them may be made Sheriff for the Ensuing Year. They named Messieurs Richard Beale Richard Bagley & James Rennick We appointed the first of these to be Sheriff, they afterwards chose Mr. Thomas Harper Constable. On the Ninth Day of May, the Oaths of their Offices were were administred to the Sheriff and Constable. Island of St. Helena At a General Quarter Sessions of the Peace, Sessions of Oyer and Terminer and Sessions of Goal Delivery held at the Castle in James's Valley for the Island of Saint Helena on the Sixth Day of April in the third Year of the Reign of our Sovereign Lord the King, and in the Year of our Lord one thousand seven hundred and Sixty three, before John Skottowe, Mathew Bazeling and Thomas Kirkpatrick Esquires three of his Majesty's Justices of the Peace, and Commissioners of Oyer and Terminer for the said Island, John Skottowe Lieutenant Governor of the sd. Island taking his Seat as Chairman, the Court was open'd, and a Grand Jury consisting of Seventeen of the principal Inhabitants were Sworn; But no Business appearing upon the Commission of the Peace, the Court, with Regard to that Commission, was adjourned. The Court of Oyer and Terminer was then open'd, a new Grand Jury impannelled and Sworn, and the Bills of Indictment prefer'd to them; Some Bills being found against the Prisoners in the Goal, then the following Precept	The order of 21 March 1763 required the Sheriff to attend in person with his officers on the appointed day to carry out their duties. He was also to bring the names of the jurors and return the order. The justices signed and sealed it on 21 March 1763, in the third year of the reign of George III. Charles Hutchinson John Skottowe Mathew Burling On 4 April 1763 the inhabitants assembled at the Council's order. The Council asked them to put forward three leading men, from whom one would be chosen as Sheriff for the coming year. The inhabitants proposed the following names: Richard Beale Richard Bagley James Cowle The Council appointed Richard Beale, the first named, as Sheriff. The inhabitants then elected Thomas Harper as Constable. Both men took the oaths of their offices on 9 May 1763. The court sat at the Castle in James's Valley on 6 April 1763, acting at once as a court of general quarter sessions of the peace, a court of oyer and terminer and a court of gaol delivery. John Skottowe, Mathew Burling and Thomas Kirkpatrick presided as justices of the peace and commissioners of oyer and terminer for the island. Lieutenant Governor John Skottowe took the chair. The court opened and swore in a grand jury of 17 leading inhabitants. No cases came forward under the commission of the peace, so that part of the court's business was adjourned. The justices then opened the court of oyer and terminer and swore in a fresh grand jury. The prosecutors laid their written charges before it, and the jurors accepted some of the charges against prisoners held in the gaol. **Interpretations** The Council again appointed the first of the three men the inhabitants named, as it had with Thomas Greentree on 28 June 1762. In practice, the settlers' order of preference decided the outcome, and the Council's formal choice confirmed it. Richard Beale and Richard Bagley had both appeared on the list of 1762, which shows how few men were thought fit to hold the office. Thomas Harper, the new Constable, was the settler who advised Henry Howell to report Anthony's theft to the Constable in January 1763. He had also sat on the jury in Lewis's trial. His election placed in office a man already familiar with the island's courts and inclined to bring offenders before them rather than settle matters privately. The new officers took their oaths only on 9 May 1763, a month after the April court. Until then, the Sheriff and Constable chosen in 1762 remained in office. The April sitting therefore went ahead under

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			Thomas Greentree and John Bland, who had summoned its juries.
40	30	upon the Goal Delivery was directed to the Sheriff to return a Petit Jury. Island of Saint Helena ss. We John Skottowe Mathew Bazeling and Thomas Kirkpatrick Esquires and other our Brethren Justices of our Sovereign Lord the King assigned to deliver the Goal of the Island of St. Helena of the Prisoners therein being To the Sheriff of the said Island Greeting We command you on Behalf of our Sovereign Lord the King that you Cause to come before us and others our Brethren at the Castle in James's Valley on the said Island of Saint Helena on Wednesday being the Sixth Day of April Instant at eight of the Clock in the Morning of the same Day all the Prisoners being in the aforesaid Goal together with all Attachments Indictments Muniments Aids Helps and Supports whatsoever concerning the said Prisoners And that you do also Summon twenty four principal Inhabitants of the said Island by which Means the Truth of Facts may be the better known and enquired into And that you Summon such Men to whom the Prisoners can have no Affinity And that they do all such things as on his Majesty's Behalf shall be then and there enjoyned them And that you also proclaim throughout your Bailiwick that all those who will prosecute against any of the Prisoners aforesaid be then there present to prosecute against them as shall seem to be just And that you have there the Names of those Jury men and this Precept Given under our Hands and Seals at the Island aforesaid this Sixth Day of April one thousand seven hundred and Sixty three and in the third Year of the Reign of our Sovereign Lord George &c. - John Skottowe M Bazeling Thos. Kirkpatrick May a Boy Slave belonging to the Honorable Company being brought to the Bar, was arraigned upon the following Indictment, to which he pleaded not Guilty - Island of Saint Helena ss. The Jurors of our Sovereign Lord the King upon their Oaths do present that May a Boy Slave belonging to the united Company of Merchants of England trading to the East Indies late of the Island of Saint Helena not having the Fear of God before his Eyes nor respecting the Order of Nature but being moved and seduced by a devilish Instigation on the twenty fifth Day of January last a	Once the grand jury had accepted charges against prisoners in the gaol, the justices issued an order for the gaol delivery, directing the Sheriff to assemble a trial jury. The order came from John Skottowe, Mathew Burling and Thomas Kirkpatrick together with their fellow justices, who held the King's commission to clear the island's gaol by trying every prisoner held there. The order required the Sheriff to bring all the prisoners before them at the Castle in James's Valley at eight o'clock in the morning on Wednesday 6 April 1763. He was also to produce every warrant, indictment, record and other document bearing on their cases. He had to summon 24 leading inhabitants so that the facts could be properly examined, choosing none with any family tie to the prisoners. He was to announce throughout his district that anyone wishing to bring charges should attend and do so. Finally, he had to bring the jurors' names and return the order. The justices signed and sealed it on the island on 6 April 1763, in the third year of the reign of George III. John Skottowe Mathew Burling Thomas Kirkpatrick May, a slave boy owned by the East India Company, was then brought before the court and formally accused. He denied the charge. The grand jury described May as a slave belonging to the United Company of Merchants of England Trading to the East Indies. Its charge portrayed him as a boy without fear of God or regard for the order of nature, led on by the devil. It dated his offence to 25 January 1763. **Interpretations** May belonged to the Company itself rather than to a private settler. The United Company of Merchants of England Trading to the East Indies was the formal corporate name of the East India Company, adopted when two rival companies merged in 1709. The Company owned slaves on St Helena to work its plantations, fortifications and public works. As a result, the same body that governed the island, framed its laws and appointed its judges was also the owner of the accused. No private master stood between May and the court. The order for the gaol delivery bore the same date as the sitting it summoned. At the earlier courts, the justices issued such orders days or weeks ahead. Here the order was drawn up only after the grand jury had accepted charges that morning. It served to put the trials on a proper legal footing rather than to give notice, since the prisoners, jurors and prosecutors were already at hand.
41	31	little after Six of the Clock in the Forenoon of the same Day in the third Year of the Reign of our Sovereign Lord George now King of Great Britain &c. in a Pasture called Rounce's within the Island aforesaid by Force and Arms &c. upon a certain Beast	According to the grand jury, the offence took place a little after six o'clock in the morning of 25 January 1763, in a pasture known as Pounce's. The charge accused May of laying hands on a female dog and having sexual intercourse with the animal. It condemned the act in fixed religious terms as the unspeakable crime of buggery, an offence against

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		called a Bitch did lay his Hands and with the said Bitch then and there wickedly devilishly feloniously and against Nature had a Venereal Affair and the said Bitch carnally did know And the most detestable abominable and Sodomitical Sin called Buggery not to be named among Christians wickedly and devilishly feloniously and against Nature did commit and perpetrate in great Displea- sure of Almighty God and Disgrace of all human kind against the Peace of our Sovereign Lord the King his Crown and Dignity and also against the Form of the Statute in that Case made and provided. The Prisoner being put upon his Trial, and the twelve following Men (Vizt.) Charles Gessing Benjamin Seale Stephen Young Nathan Sample John Robinson Roderick Merchant Isaac Knipe Robert Ballard John Seale James Colgrave John Bagley and William Seale being sworn upon his Jury, the Indictment was a second Time read to him, and the Jury charged. Tom Butcher a Slave belonging to the honorable Company being sworn saith, That on Tuesday the twenty fifth Day of January last in the Morning when he rose, he went to look for a Sheep which he was to kill for the Governor, that missing the Prisoner he, after some Search, saw him upon the Body of a Bitch with his Breeches down, which when the Prisoner perceived he got up from off the Bitch, and covered his private Parts with his Hand; That then he asked him, if he was not ashamed, the prisoner replied Yes, at the same Time the Deponent struck him with a Cane on the Fingers, which made him drop his Hand, and his Yard then seem'd without an Erection; Saith that he the Prisoner ran away, but being pursued by him, he overtook and struck him again two or three Blows, on which the prisoner threw himself on his Knees, and begg'd his Pardon, whereto the Deponent replied that, were he his Father, he would not pardon him; That the first Person he met was Mathew Bazett one of the honorable Company's Overseers whom he acquainted with the Matter; This Deponent further saith, that next Day, being Wednesday, he examined the Prisoner about it, who confessed to him, that he had penetrated the Body of the Bitch about the Length of his Nail. Mathew Bazett one of the Honorable Company's Overseers being duly sworn saith, that on Tuesday the twenty fifth of January last, Tom Butcher acquainted him that the Prisoner had been lying with a Bitch	nature, an affront to God and a disgrace to humanity. The charge also held that the act breached the King's peace and offended against the statute covering such crimes. At the start of May's trial, the following 12 men were sworn as his jury. The clerk then read the charge to him a second time, and the jurors received their instructions. Charles Gossing Benjamin Seale Stephen Young Nathan Sample John Robinson Roderick Merchant Isaac Knipe Robert Ballard John Seale James Colgrave John Bagley William Seale Tom Butcher, a slave owned by the Company, gave evidence first, under oath. On the morning of Tuesday 25 January 1763, he went out to find a sheep that he was to slaughter for the Governor. Noticing that May was missing, he searched and found him lying on top of a female dog with his breeches down. When May saw him, he got up off the animal and covered his private parts with his hand. Butcher asked whether he felt no shame, and May said he did. Butcher struck him across the fingers with a cane, which made him drop his hand, and his penis did not then appear erect. May ran off, but Butcher chased and caught him and struck him two or three more times. May fell to his knees and begged forgiveness. Butcher replied that he would not forgive him even if he were his own father. The first person Butcher met afterwards was Mathew Bazett, one of the Company's overseers, and he told him what had happened. The next day, Wednesday, Butcher questioned May about the incident. May admitted to him that he had penetrated the animal to about the length of a fingernail. Mathew Bazett, one of the Company's overseers, then gave evidence on oath. On Tuesday 25 January 1763, he said, Tom Butcher told him that May had been lying with a female dog. **Interpretations** Sexual intercourse with an animal fell within the offence of buggery under the statute of Henry VIII and carried the death penalty. As with the charge against William Fullwood on 5 January 1763, conviction required proof of penetration. Tom Butcher's account of what he saw left that point uncertain, since he found no erection when he struck May's hand away. May's admission the next day that he had penetrated the animal, however slightly, supplied the element the law demanded. That confession, made to a fellow slave rather than to a justice, therefore carried the whole weight of the capital charge. Tom Butcher's name reflected his work, slaughtering livestock for the Governor's table. The Company assigned its slaves to particular tasks and set overseers such as Mathew Bazett to supervise them. Butcher reported the incident to the overseer as the first white official he met, which followed the chain of authority over the Company's slave workforce. His own beating of May shows the physical discipline slaves used among themselves as well as the discipline imposed on them. The jury again drew on the same small circle of settlers. Three members of the Seale family sat on it, among them William Seale, owner of Lewis. James Colgrave, who prosecuted Lewis in January, now sat in judgment on another slave. For a Company slave,

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			every juror was a settler with his own interest in controlling slave conduct.
42	32	On which he order'd the said Tom Butcher to confine him; that when they were brought down to him, he asked him if his Design was to get into the Body of the Bitch, to which he said, No. The Prisoner being put upon his Defence, declares that he only intended to play with the Bitch, denies he had any other Design. - No other Witnesses being produced for or against the Prisoner, the Evidence was summ'd up by the Chairman to the Jury, who retired to consider, and on their Return to Court, by their Verdict declared the prisoner Not Guilty John Cork Soldier in the Honorable Company's Service being brought to the Bar, was arraigned upon the following Indictment, He thereunto pleaded Not Guilty Island of Saint Helena ss. The Jurors of our Sovereign Lord the King upon their Oaths do present that John Cork late of the Island of Saint Helena Soldier some time before the twenty fifth Day of January last in the third Year of the Reign of our Sovereign Lord George now King of Great Britain &c. by Force and Arms &c. in James's Valley within the Island aforesaid one Cotton Shirt of the Value of three Shillings one Pair of Cotton Stockings of the Value of two Shillings one Pair of Silk Stockings of the Value of three Shillings and three Stocks of the Value of one Shilling and three Pence numbered of the Goods and Chattels of one John Bridgwater then and there being found in the Dwelling house of the said John Bridgwater feloniously did steal take and bear away against the Peace of our Sovereign Lord the King his Crown and Dignity And also against the Form of the Statute in that Case made and provided. The Prisoner being put upon his Trial, the Jury were Sworn, then the Indictment was a second time read to him, and the Jury Charged. - John Bridgwater being duly sworn saith, that on the twenty fourth or twenty fifth Day of January last, as he went to Roll Call in the new Barracks, he was there called aside by one John Henry Schaarnhurst and asked by him if he had not given a Pair of Silk Stockings to John Cork, to which the Prosecutor answered, No; That he was then Informed by the said Schaarnhurst that the Prisoner had offer'd him a Pair of Silk Stockings to sell for three Shillings, on which he, Schaarnhurst, was	Bazett, on hearing Tom Butcher's report, ordered him to hold May in custody. When May was brought before him, Bazett asked whether he had meant to penetrate the animal. May said he had not. In his defence, May said he had only meant to play with the dog. He denied having any other intention. No further witnesses were called on either side. The chairman summed up the evidence for the jury, which withdrew to consider it. On returning to court, the jurors found May not guilty. John Cork, a soldier in the Company's service, was then brought before the court and formally accused. He denied the charge. The grand jury accused him of stealing the following items from the house of John Bridgwater in James's Valley at some time before 25 January 1763: 1 cotton shirt, £0 3s 0d 1 pair of cotton stockings, £0 2s 0d 1 pair of silk stockings, £0 3s 0d 3 neckcloths, £0 1s 3d The charge held that the theft breached the King's peace and offended against the relevant statute. At the start of Cork's trial, the jury was sworn, the clerk read the charge to him a second time, and the jurors received their instructions. John Bridgwater gave evidence first, under oath. On 24 or 25 January 1763, as he went to roll call at the new barracks, John Henry Schaarnhurst took him aside. Schaarnhurst asked whether he had lent a pair of silk stockings to John Cork, and Bridgwater said he had not. Schaarnhurst then told him that Cork had offered to sell him a pair of silk stockings for three shillings. **Interpretations** The stocks named in the charge were stiffened neckcloths, fastened at the back of the neck, worn as part of a soldier's uniform and in civilian dress. Silk stockings were a costly item beyond the means of most private soldiers. A man in the ranks offering them for sale drew immediate suspicion, much as William Jenkins did when he was seen changing pagodas. John Bridgwater was probably the same Lieutenant John Bridgewater who accompanied John Bland and William Jenkins to the Maldivia Garden on 1 November 1762. His attendance at roll call in the new barracks fits an officer of the garrison. The theft of an officer's clothing by a soldier under his command made the case one of military discipline as well as civil crime. The total value of the goods was £0 9s 3d. That placed the theft within grand larceny but well below the 40s 0d threshold that made stealing from a dwelling house a capital crime without benefit of clergy. At worst, a conviction at the full value would mean branding. **Speculations** The jury acquitted May although Tom Butcher testified that May had admitted to him penetrating the animal. A conviction on that confession was the obvious course, since penetration was the one element the law required. The record shows why the jury rejected it. Butcher himself found no erection when he struck May's hand away. When the overseer Mathew Bazett questioned May directly, the boy denied any such intention. The confession existed only in the account of a fellow slave, obtained a day later after a beating. Faced with a capital charge against a boy, the jurors set Butcher's account of the confession against his own observation and May's denial to Bazett, and found the proof insufficient.

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43	33	asked by the Prosecutor, if he bought them, He said he would not buy them, as it was against Orders to buy any thing of a Soldier; That he then ask'd him if the Stockings were marked and numbered, he said they were not then, but believed they had been once Mark'd, as he could perceive a Hole in each of them, which seem'd to be made by picking the Mark out; That he, Schaarnhurst, desired the Prosecutor to say Nothing about it, as he would not have his Name brought in Question, which the other promised to comply with, till he found out some more; The Prosecutor further saith, that on the thirtieth of the same Month, Mrs. Bland asked him when the Prisoner was, as she had a Bundle of Cloathes belonging to him, which was brought to her by Mr. Bland, who had them from Elizabeth Willoughby, That he desired Mrs. Bland to shew him that Bundle, which she did, and untying it he therein found one Shirt, one pair of Stockings having the Tops cut off and an odd Stocking marked J: B: all which he knew to be his Property; That he carried the Whole to the Prisoner, who at first denied knowing any thing about them, but being further question'd, and asked if he had not carried them to Elisabeth Willoughby's, confess'd he had, and said for Excuse that he was then much in Liquor, and knew not what he did, the Prosecutor asked him if he had taken any thing else, he said he took a Pair of Silk Stockings which he sold to one Noqudah for three Shillings, three Stocks which he sold to Andrew Barton a Quarter Gunner for one Shilling and three Pence, and a pair of Stockings sold to Jeremiah Swaits for seven Pence half penny; that the Prisoner likewise confess'd to him that the Cloathes he gave Mrs. Willoughby were only given to be wash'd and to be afterwards returned. The Prisoner being put upon his Defence, confesses that, as he was much in Liquor, he took some Things belonging to Lieut. Bridgwater, in order to shew them, as his own, at a Review of Linnen; That happening to cut a Toe some of them, he gave them to Wash lest the sd. Bridgwater should discover he had cutt them. - John Henry Schaarnhurst being produced and Sworn, deposes that the Prisoner offer'd to sell him a pr. of Silk Stockings for a Half crown, on which he asked him how he came by them? The Prisoner told him he had them of Lieut. Bridgwater, that then he tried if they would fit him, and found one Stocking bigger than the other, also the Place were the Mark had been pickt out which gave him a Suspicion that the Stockings were Stolen, and thereon he acquainted Mr. Bridgwater with it. Andrew Barton Quarter Gunner being duly sworn saith, that he met the Prisoner, as appeared to him, in Liquor, and after paying him ten pence which he owed him the Prisoner gave him three Stocks to keep for him; But on the Deponent's discovering afterwards that they belonged to Lieutent.	Bridgwater asked Schaarnhurst whether he had bought the stockings. Schaarnhurst said he refused, since buying anything from a soldier was forbidden by standing orders. Bridgwater then asked whether the stockings bore any mark or number. Schaarnhurst said they did not, but he thought they once had, since each had a small hole where a mark seemed to have been picked out. Schaarnhurst asked Bridgwater to keep his name out of the affair, and Bridgwater agreed to stay quiet until he had learned more. On 30 January 1763, Bridgwater said, Mr Bland told him he was holding a bundle of clothes belonging to Bridgwater. Mrs Bland had received it from Elizabeth Willoughby. At Bridgwater's request Mrs Bland showed him the bundle. Inside he found a shirt, a pair of stockings with the tops cut off and a single stocking marked J. B., all of which he recognised as his. Bridgwater took everything to Cork, who at first denied knowing anything about it. Pressed further and asked whether he had taken the clothes to Elizabeth Willoughby's, Cork admitted he had. He excused himself on the grounds that he had been very drunk and did not know what he was doing. Bridgwater asked whether he had taken anything else. Cork confessed to taking a pair of silk stockings, which he sold to a nakhoda for £0 3s 0d, and three neckcloths, which he sold to Andrew Barton, a quarter gunner, for £0 1s 2d. He also sold a pair of stockings to Jeremiah [...] for £0 0s 7½d. Cork further admitted that he gave the clothes to Mrs Willoughby only to be washed and returned. In his defence, Cork admitted that while very drunk he took some of Lieutenant Bridgwater's belongings to pass off as his own at an inspection of linen. Having got some of them wet or dirty, he sent them to be washed so that Bridgwater would not discover he had used them. John Henry Schaarnhurst was then called and gave evidence on oath. Cork offered to sell him a pair of silk stockings for half a crown. Schaarnhurst asked how he came by them, and Cork said he had them from Lieutenant Bridgwater. Schaarnhurst tried them on and found one stocking larger than the other. He also noticed where a mark had been picked out. These signs made him suspect the stockings were stolen, and he told Bridgwater. Andrew Barton, a quarter gunner, then gave sworn evidence. He met Cork, who seemed to him to be drunk, and paid him ten pence that he owed. Cork then handed him three neckcloths to look after. When Barton later learned they belonged to Lieutenant Bridgwater, he passed them to his messmate Frampton, who returned them to their owner. Barton denied buying them. **Interpretations** A nakhoda was the master of an Asian trading vessel, a Persian and Malay title used across the Indian Ocean. His presence on St Helena shows that ships from the East carried Asian crews and commanders ashore, where they traded with soldiers and settlers. Cork's sale of an officer's silk stockings to such a man placed the stolen goods beyond easy recovery, since the buyer would soon sail. The standing order against buying from soldiers mirrored the rule against buying from slaves enforced on Thomas Burnham in January 1763. Soldiers' clothing and equipment were issued by the Company, and men short of money often sold them for drink. Forbidding purchases protected the Company's stores and deprived thieves of a market. Schaarnhurst's refusal to buy, and his wish to keep his name out of the matter, show that settlers knew the rule and feared the consequences of being caught.

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		Bridgwater, he gave them to one Frampton his Mess Mate who returned them to the Owner, the Deponent denies he bought them.	An inspection of linen was a regular military parade at which soldiers had to show that their shirts, stockings and neckcloths were complete and clean. A man missing items faced punishment and stoppages from his pay. Cork's defence, that he borrowed his officer's clothes to pass the inspection, admitted the taking but denied any intention to keep them. His sales of the stockings and neckcloths undercut that claim. Officers marked their linen with initials and numbers so that it could be identified after washing or theft. Picking out the mark was the thief's way of making a garment untraceable. The small holes Schaarnhurst noticed, and the single stocking still marked J. B., were the physical evidence that tied the goods to Bridgwater.
44	34	Noquedah Poccelem being Sworn saith, that he bought a Pair of Silk Stockings of the Prisoner, and as he is a Man unacquainted with the Orders, Language and Constitution of the Island, his Evidence only amounts to make the Court sensible that the Prisoner sold him a Pair of Stock[...] The Evidence being closed, it was summ'd up to the Jury, who, after some Consideration, found the Prisoner Guilty of the Value of ten pence, for which he received Sentence to be Whipp'd at the Publick Stocks and discharged. - The Business of the Court being now ended, the Grand and Petit Juries were dismiss'd, and the Court was, by Proclamation, adjourn'd to Wednesday being the Sixth Day of July next. - The above Sentence was put in Execution against John Cork in the Afternoon of the same Day the Court was adjourn'd. John Skottowe M Bazeling Thos. Kirkpatrick	Nakhoda Poccelem gave evidence on oath. He said he had bought a pair of silk stockings from Cork. Because he did not know the island's regulations, language or customs, his evidence served only to confirm to the court that Cork had sold him the stockings. With the evidence complete, the case was summed up for the jury. After some deliberation, the jurors found Cork guilty of theft to the value of £0 0s 10d. He was sentenced to be whipped at the public stocks, then released. With the court's business complete, the grand and trial juries were dismissed. The court was adjourned by public announcement until Wednesday 6 July 1763. Cork's whipping was carried out on the afternoon of 6 April 1763, the day the court rose. John Skottowe Mathew Burling Thomas Kirkpatrick **Interpretations** Poccelem's sworn evidence shows the court accepting testimony from a non-Christian foreigner. In 1744 the English courts ruled that a witness of another faith could swear by the form binding on his own conscience, so long as he believed in a God who would punish falsehood. A Muslim or Hindu ship's master could therefore give valid evidence. The court nonetheless limited the weight of his testimony because he could not follow the proceedings. It used him only to confirm the sale, which Cork had already admitted. Cork's verdict of £0 0s 10d continued the pattern set in January 1763. The goods charged were worth £0 9s 3d, and Cork had confessed to selling several of them. The jury nonetheless reduced the theft to petty larceny, sparing him the brand. His punishment at the stationary stocks, carried out within hours, matched that given to the other soldiers, while slaves convicted of similar thefts were whipped at the cart's tail. The adjournment to 6 July 1763 placed the next sitting just before the feast of the Translation of St Thomas on 7 July. Like the April court, held in Easter week, it fell a little earlier than the timetable later recorded in the register.
45	35	On the Sixteenth Day of May the following Precept on the Commission of the Peace was issued out to the Sheriff. - We John Skottowe Mathew Bazeling and Thomas Kirkpatrick Esquires three of his Majesty's Justices of the Peace in and for the Island of Saint Helena assigned to hear and determine divers Felonies Trespasses and other Misdemeanors perpetrated and committed within the said Island of Saint Helena To the Sheriff	On 16 May 1763 the justices sent the Sheriff an order under the commission of the peace. It came from John Skottowe, Mathew Burling and Thomas Kirkpatrick, three of the King's justices of the peace for St Helena. They held authority to hear and decide felonies, trespasses and lesser offences committed on the island. Acting in the King's name, the justices instructed the Sheriff to bring the island's constable and petty constables before them and their fellow justices at the Castle in James's Valley. The hearing was set for eight o'clock in the morning on Wednesday 6 July 1763. The Sheriff also had to summon 24 leading

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		of the said Island Greeting on the Behalf of our Sovereign Lord the King We command you that you Cause to come before us and others our Brethren Justices of the Peace of our Sovereign Lord the King in and for the said Island at the Castle in James's Valley in the Island aforesaid on Wednesday being the sixth Day of July next ensuing at eight of the Clock in the Forenoon of the same Day the Constable and Petit Constables within the said Island And also twenty four principal Inhabitants of the Body of the said Island to enquire do and present all such Matters and Things as on his Majesty's Behalf shall be then and there enjoyned them And that they be then and there attending to do all such Matters and Things as are belonging unto and incumbent upon them by Virtue of their Offices in this Behalf And that you do cause to be proclaim'd throughout the said Island in the proper Places where it shall seem to you to be most expedient the General Quarter Sessions of the Peace to be held within the said Island the said Wednesday being the sixth Day of July next Ensuing And that you yourself be there in Person together with all your Officers to do such Things as to you and their Offices shall appertain and are Incumbent And that you have then and there the Names of the Constables and Jury aforesaid and those by whom you shall give them Notice and this Precept Given under our Hands and Seals at the Island aforesaid the Sixteenth Day of May in the Year of our Lord one thousand seven hundred and Sixty three, and in the third Year of the Reign of our Sovereign Lord George King of Great Britain &c. John Skottowe Mathew Bazeling Thos. Kirkpatrick	inhabitants to investigate and report whatever matters the King's business placed before them. The constables were to attend and carry out the duties of their offices. The Sheriff was further ordered to announce the coming general quarter sitting of the peace in suitable places across the island. He had to attend in person with all his officers on the appointed day. He was to bring the names of the constables and jurors, with those who had delivered each summons, and to return the order. The justices signed and sealed it on the island on 16 May 1763, in the third year of the reign of George III. John Skottowe Mathew Burling Thomas Kirkpatrick
46	36	On the twenty third Day of June the following Precept on the Commission of Oyer and Terminer was issued out to the Sheriff. - Island of Saint Helena ss. We Charles Hutchinson John Skottowe and Mathew Bazeling Esquires Justices of our Sovereign Lord the King authorized to enquire fully into the Truth by the Oaths of the principal Inhabitants of the Island of Saint Helena and by other Ways Means and Methods by which We shall better know or may be enabled within the said Island by whom the Truth of the Matter may be best known of Whatever Treasons Forgeries Murders Felonies Manslaughters Slayings Burglaries Rapes of Women unlawful Congregations and Assemblies - Speaking of Seditious Words unlawful Confederacies Trespasses Riots	On 23 June 1763 the justices sent the Sheriff an order to summon a grand jury under the commission of oyer and terminer. It came from Governor Hutchinson, John Skottowe and Mathew Burling, acting as the King's justices on St Helena. Their commission allowed them to uncover the truth about offences on the island through the sworn testimony of its leading inhabitants and by any other means that would show who knew the facts best. The inquiry extended to every class of crime. It covered treason, forgery, murder, felony, manslaughter and other killings, as well as burglary and rape. It also reached unlawful gatherings, seditious speech, illegal conspiracies, trespass, riot, escape from custody, contempt and neglect of duty. Maintenance, oppression, fraud and all other lesser offences or injuries came within it, together with anyone who assisted in them. The justices were to establish how each act was committed, by whom, against whom and when, along with every related circumstance. The letters patent also empowered them to try and decide these cases.

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		Escapes Contempts Negligences Maintenances Oppressions Deceipts and other Misdemeanors Offences and Injuries whatsoever And also the Accessaries thereunto within the Island aforesaid by whomsoever or howsoever had done perpetrated or Committed And by which Means and by Whom or to whom when how and in what Manner And of other Articles Circumstances and Premisses and of every either or any of them howsoever And being appointed by or under the said Letters Patents to hear and determine the said Premisses To the Sheriff of the said Island Greeting We command You that you cause to come before us and others our Sociates Justices of our Sovereign Lord the King at the Castle in James's Valley in the Island aforesaid on Wed- nesday being the sixth Day of July next ensuing at the Hour of eight in the Forenoon of the same Day twenty four principal Inhabitants of the said Island to enquire do present and execute all and Singular such Matters which on the Behalf of our Sovereign Lord the King shall be enjoyned them And that You yourself be then and there present together with your Officers at the Day and Place aforesaid to do such Matters which then to them and their Offices shall belong And that you then and there have the Names of that Jury and this Precept Given under our Hands and Seals the twenty third Day of June in the third Year of the Reign of our Sovereign Lord George Anno Domini one thousand seven hundred and Sixty three Charles Hutchinson John Skottowe Mathew Bazeling	The justices directed the Sheriff to bring 24 leading inhabitants before them and their fellow justices at the Castle in James's Valley at eight o'clock in the morning on Wednesday 6 July 1763. The jurors were to investigate, report and carry out whatever the King's business required of them. The Sheriff had to attend with his officers on that day to perform their duties. He was also to bring the jurors' names and return the order. The justices signed and sealed it on 23 June 1763, in the third year of the reign of George III. Charles Hutchinson John Skottowe Mathew Burling
47	37	On the twenty third Day of June the following Precept on the Commission of Oyer and Terminer was issued out to the Sheriff. - Island of Saint Helena ss. We Charles Hutchinson John Skottowe and Mathew Bazeling Esquires Justices of our Sovereign Lord the King authorized to enquire fully into the Truth by the Oaths of the principal Inhabitants of the Island of Saint Helena and by other Ways Means and Methods by which We shall better know or may be enabled within the said Island by whom the Truth of the Matter may be best known of Whatever Treasons Forgeries Murders Felonies Manslaughters Slayings Burglaries Rapes of Women unlawful Congregations and Assemblies - Speaking of Seditious Words unlawful Confederacies Trespasses Riots Escapes Contempts Negligences Maintenances Oppressions Deceipts and other Misdemeanors Offences and Injuries whatsoever And also the Accessaries thereunto within the Island aforesaid by whomsoever	On 23 June 1763 the justices sent the Sheriff an order to summon a grand jury under the commission of oyer and terminer. It came from Governor Hutchinson, John Skottowe and Mathew Burling, acting as the King's justices on St Helena. Their commission allowed them to uncover the truth about offences on the island through the sworn testimony of its leading inhabitants and by any other means that would show who knew the facts best. The inquiry extended to every class of crime. It covered treason, forgery, murder, felony, manslaughter and other killings, as well as burglary and rape. It also reached unlawful gatherings, seditious speech, illegal conspiracies, trespass, riot, escape from custody, contempt and neglect of duty. Maintenance, oppression, fraud and all other lesser offences or injuries came within it, together with anyone who assisted in them. The justices were to establish how each act was committed, by whom, against whom and when, along with every related circumstance. The letters patent also empowered them to try and decide these cases. The justices directed the Sheriff to bring 24 leading inhabitants before them and their fellow justices at the Castle in James's Valley at eight o'clock in the morning on Wednesday 6 July 1763. The jurors were to investigate, report and carry out whatever the King's business required of them. The Sheriff had to

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		or howsoever had done perpetrated or Committed And by which Means and by Whom or to whom when how and in what Manner And of other Articles Circumstances and Premisses and of every either or any of them howsoever And being appointed by or under the said Letters Patents to hear and determine the said Premisses To the Sheriff of the said Island Greeting We command You that you cause to come before us and others our Sociates Justices of our Sovereign Lord the King at the Castle in James's Valley in the Island aforesaid on Wed- nesday being the sixth Day of July next ensuing at the Hour of eight in the Forenoon of the same Day twenty four principal Inhabitants of the said Island to enquire do present and execute all and Singular such Matters which on the Behalf of our Sovereign Lord the King shall be enjoyned them And that You yourself be then and there present together with your Officers at the Day and Place aforesaid to do such Matters which then to them and their Offices shall belong And that you then and there have the Names of that Jury and this Precept Given under our Hands and Seals the twenty third Day of June in the third Year of the Reign of our Sovereign Lord George Anno Domini one thousand seven hundred and Sixty three Charles Hutchinson John Skottowe Mathew Bazeling	attend with his officers on that day to perform their duties. He was also to bring the jurors' names and return the order. The justices signed and sealed it on 23 June 1763, in the third year of the reign of George III. Charles Hutchinson John Skottowe Mathew Burling
48	38	On the sixth Day of July the following Precept on the Commission of the Peace was issued out to the Sheriff. We John Skottowe Mathew Bazeling and Thomas Kirkpatrick Esquires three of his Majesty's Justices of the Peace in and for the Island of Saint Helena assigned to enquire hear and determine divers Felonies Trespasses and other Misdemeanors perpetrated and committed within the said Island of Saint Helena To the Sheriff of the said Island Greeting On the Behalf of our Sovereign Lord the King We command you that you cause to come before us and others our Brethren Justices of the Peace of our Sovereign Lord the King in and for the said Island at the Castle in James's Valley on the sd. Island aforesaid on Wednesday being the fifth Day of October Next ensuing at eight of the Clock in the Forenoon of the same Day all Constables and Petit Constables within the said Island And also twenty four principal Inhabitants of the Body of the said Island to enquire do and present all such Matters and Things as on his Majesty's Behalf shall be then and there enjoyned them And that they be then and attending to do all such	On 6 July 1763 the justices sent the Sheriff an order under the commission of the peace. It came from John Skottowe, Mathew Burling and Thomas Kirkpatrick, three of the King's justices of the peace for St Helena, who held authority to investigate, hear and decide felonies, trespasses and lesser offences on the island. In the King's name, the justices told the Sheriff to bring all the island's constables and petty constables before them and their fellow justices at the Castle in James's Valley. The hearing was fixed for eight o'clock in the morning on Wednesday 5 October 1763. The Sheriff was also to summon 24 leading inhabitants to investigate and report whatever the King's business put before them. The constables were to attend and perform the duties of their offices. The Sheriff had to announce the coming general quarter sitting of the peace in suitable places throughout the island. He was to be present in person with all his officers on the day. He also had to bring the names of the constables and jurors, together with those who had served each summons, and return the order. The justices signed and sealed it on the island on 6 July 1763, in the third year of the reign of George III. John Skottowe Mathew Burling Thomas Kirkpatrick **Interpretations** The October sitting was fixed for 5 October 1763, the first week after Michaelmas on 29 September. This date matched the English timetable later set down in the register, unlike the sittings of 6 April 1763 and 6 July 1763, which each fell a little

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		Matters and things as are belonging unto and Incumbent upon them by Virtue of their Offices in this Behalf And that you do cause to be proclaimed throughout the said Island in the proper Places where it shall seem to you to be most expedient the General Quarter Sessions of the Peace to be held within the said Island the said Wednesday being the fifth Day of October next ensuing And that you yourself be there in Person togeth- er with all your Officers to do such Things as to you and their Offices shall appertain and are incumbent And that you have then and there the Names of the Constables and Jury aforesaid and those by whom you shall give them Notice and this Precept Given under our Hands and Seals at the Island aforesaid the Sixth Day of July in the Year of our Lord one thousand seven hundred and Sixty three and in the third Year of our Sovereign Lord George King of Great Britain &c. /Signed/ John Skottowe Mathew Bazeling Thoms. Kirkpatrick	early. By the end of its first year, the island's court was settling into the traditional calendar of quarter sittings.
49	39	On the twenty first Day of September the following Precept on the Commission of Oyer and Terminer was issued out to the Sheriff. - Island of Saint Helena ss. We John Skottowe Mathew Bazeling and Thomas Kirkpatrick Esquires Justices of our Sovereign Lord the King authorized to enquire fully into the Truth by the Oaths of the Principal Inhabitants of the Island of Saint Helena And by other Means Ways and Methods by which we shall better know or may be enabled within the said Island by whom the Truth of the Matter may be best known of Whatsoever Treasons Forgeries Murders Felonies Manslaughters Slayings Burglaries Rapes of Women unlawful Congregations and Assemblies Speaking of Seditious Words unlawful Confederacies Trespasses Riots Escapes Contempts Negligences Maintenances Oppressions Deceipts and other Misdemeanors Offences and Injuries whatsoever And also the Accessaries thereunto within the Island aforesaid by whomsoever or howsoever had done perpetrated or Committed and by which Means and by whom or to whom when how and in what Manner and of other Articles Circumstances and Premisses and of every other or any of them howsoever And being appointed by or under the said Letters patents to hear and determine the said Premisses To the Sheriff of the said Island Greeting We command you that you Cause to Come before us and others our Sociates Justices of our Sovereign Lord the King at	On 21 September 1763 the justices sent the Sheriff an order to summon a grand jury under the commission of oyer and terminer. It came from John Skottowe, Mathew Burling and Thomas Kirkpatrick, acting as the King's justices on St Helena. Their commission empowered them to find out the truth about offences on the island from the sworn evidence of its leading inhabitants, or by any other means that would reveal who knew the facts best. The inquiry reached the whole range of crime. It covered treason, forgery, murder, felony, manslaughter and other killings, as well as burglary and rape. It also extended to unlawful gatherings, seditious speech, illegal conspiracies, trespass, riot, escape from custody, contempt and neglect of duty. Maintenance, oppression, fraud and every other lesser offence or injury fell within it, along with anyone who helped commit them. The justices were to determine how each act was done, by whom, against whom and when, together with all related circumstances. The letters patent also authorised them to try and decide these cases. The justices ordered the Sheriff to bring 24 leading inhabitants before them and their fellow justices at the Castle in James's Valley at eight o'clock in the morning on Wednesday 5 October 1763. The jurors were to investigate, report and act on whatever the King's business required. The Sheriff had to attend with his officers on that day to perform their duties, bring the jurors' names and return the order. The justices signed and sealed it on 21 September 1763, in the third year of the reign of George III. John Skottowe Mathew Burling Thomas Kirkpatrick **Interpretations** This was the first order under the commission of oyer and terminer to go out without Governor Hutchinson's signature. Each earlier summons for a capital grand jury, on 22 September 1762, 6 January 1763, 21 March 1763 and 23 June 1763, carried his name. Thomas Kirkpatrick signed in his place, as he had sat in the Governor's place on the bench at every

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		the Castle in James's Valley on the Island aforesaid on Wednesday the fifth Day of October next ensuing at the Hour of eight in the Forenoon of the same Day twenty four principal Inhabitants of the said Island to enquire present and do and execute all and Singular such Matters and Things which on the Behalf of our Sovereign Lord the King shall be enjoyned them And that you yourself be then and there present together with your Officers at the Day and Place aforesaid to do such Matters which then to them and their Offices shall belong And that you then and there have the Names of that Jury and this Precept Given under our Hands and Seals the twenty first Day of September in the third Year of the Reign of our Sovereign Lord George Anno Domini one thousand seven hundred and Sixty three - /Signed/ John Skottowe Mathew Bazeling Thoms. Kirkpatrick	sitting. The capital commission could evidently be exercised by any three of the justices named in it, and the Governor's signature was a matter of practice rather than legal necessity.
50	40	On the fifth Day of October the following Precept upon the Goal Delivery was issued out to the Sheriff. Island of Saint Helena ss. We John Skottowe Mathew Bazeling and Thomas Kirkpatrick Esquires and others our Brethren Justices of our Sovereign Lord the King assigned to deliver the Goal of the Island of Saint Helena of the Prisoners therein being To the Sheriff of the said Island of Saint Helena Greeting We command you on Behalf of our Sovereign Lord the King that you Cause to come before us and others our Brethren at the Castle in James's Valley on the said Island of Saint Helena on Wednesday being the fifth day of October Instant at eight of the Clock in the Morning of the same Day all the Prisoners being in the aforesaid Goal together with all Attachments Indictments Muniments Aids Helps and Supports whatsoever concerning the said Prisoners And that you do also Summon twenty four principal Inhabitants of the said Island by which Means the Truth of Facts may be the better known and enquired into And that you Summon such Men to whom the Prisoners can have no Affinity And that they do all such Things as on his Majesty's Behalf shall be then and there enjoyned them And that you also proclaim throughout your Bailiwick that all those who will prosecute against any of the Prisoners aforesaid be then and there present to prosecute against them as shall seem to be Just And that you have there the Names of those Jurymen and this Precept Given under our Hands and Seals at the Island aforesaid the fifth Day of October one thousand seven hundred and	On 5 October 1763 the justices sent the Sheriff an order for the gaol delivery. It came from John Skottowe, Mathew Burling and Thomas Kirkpatrick together with their fellow justices, who held the King's commission to clear the island's gaol by trying every prisoner held there. The order required the Sheriff to bring all the prisoners before the justices at the Castle in James's Valley at eight o'clock that morning, Wednesday 5 October 1763. He was to produce with them every warrant, indictment, record and other document relating to their cases. He also had to summon 24 leading inhabitants so that the facts could be thoroughly examined, taking care to choose none connected to the prisoners by family. The jurors were to do whatever the King's business required of them. The Sheriff was further directed to announce throughout his district that anyone intending to prosecute any of the prisoners should attend and bring their charges. He had to produce the jurors' names and return the order. The justices signed and sealed it on the island on 5 October 1763, in the third year of the reign of George III. John Skottowe Mathew Burling Thomas Kirkpatrick

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		Sixty three and in the third Year of the Reign of our Sovereign Lord George &c. - /Signed/ John Skottowe Mathew Bazeling Thoms. Kirkpatrick	
51	41	Island of Saint Helena. At a general Quarter Sessions of the Peace, Sessions of Oyer and Terminer, and Sessions of Goal Delivery held at the Castle in James's Valley on the Island of Saint Helena the fifth day of October in the third Year of the Reign of our Sovereign Lord the King, before John Skottowe, Mathew Bazeling and Thomas Kirkpatrick Esquires three of his Majesty's Justices of the Peace and Commissioners of Oyer and Terminer for the said Island; John Skottowe Esquire Lieutenant Governor of the said Island, taking his Seat as Chairman, the Court was open'd, and a Grand Jury consisting of Seventeen of the Principal Inhabitants were sworn: But no Business appearing upon the Commission of the Peace, the Court, with Regard to that Commission, was adjourned. The Court of Oyer and Terminer was then open'd, a new Grand Jury impannelled and sworn, and the Bills of Indictment preferr'd to them: They found the following Bills, on which the Prisoners were arraign'd and tryed. - March, a Man slave belonging to Mr. Mathew Bazett Secretary, being brought to the Bar, was arraigned upon the following Indictment, to which he pleaded Not guilty. - Island of Saint Helena ss. The Jurors of our Sovereign Lord the King upon their Oaths do present that March a Man Slave late belonging to Mathew Bazett of James's Valley within the said Island of Saint Helena on the eighth Day of June in the third Year of the Reign of our Sovereign Lord George now King of Great Britain about the hour of twelve in the Night of the same Day by Force and Arms at the Valley aforesaid within the Island aforesaid the Warehouse of one John Whitchurch there situated feloniously and burglariously did break and enter and thirty pounds Weight of Biscuit bread of the Value of ten Shillings thirty pounds Weight of Cheese of the Value of one pound five Shillings twenty four pounds Weight of Ginger bread of the Value of eighteen Shillings and four pounds Weight of Tobacco of the Value of eight Shillings of the Goods and Chattles of the said John Whitchurch in the said Warehouse then and there being found then	The court sat at the Castle in James's Valley on 5 October 1763, acting at once as a court of general quarter sessions of the peace, a court of oyer and terminer and a court of gaol delivery. John Skottowe, Mathew Burling and Thomas Kirkpatrick presided as justices of the peace and commissioners of oyer and terminer for the island, with Lieutenant Governor John Skottowe in the chair. The court opened and swore in a grand jury of 17 leading inhabitants. No cases came forward under the commission of the peace, so that part of the business was adjourned. The justices then opened the court of oyer and terminer and swore in a fresh grand jury. The prosecutors laid their written charges before it. The jurors accepted the charges that followed, and on those charges the prisoners were formally accused and tried. March, a slave owned by Mathew Bazett, the Secretary, was brought before the court and formally accused. He denied the charge. The grand jury accused him of breaking into the warehouse of John Whitchurch in James's Valley at about midnight on 8 June 1763 and stealing the following goods, all belonging to Whitchurch and kept in the warehouse: 30 pounds of biscuit, £0 10s 0d 30 pounds of cheese, £1 5s 0d 24 pounds of gingerbread, £0 18s 0d 4 pounds of tobacco, £0 8s 0d **Interpretations** Biscuit was hard, dry bread baked to keep for months, the standard provision on board ship. Merchants on St Helena stocked it, along with cheese and tobacco, to sell to the ships calling at the island and to the garrison. Gingerbread was a spiced cake sweetened with treacle, a small luxury that travelled well. Whitchurch's warehouse evidently held the stock for the shop in which Mrs Whitchurch changed Anthony's pagoda in January 1763. The quantities taken suggest goods meant for resale rather than for one man's hunger. The charge described the offence as burglary although the building broken into was a warehouse. In English law, burglary strictly required breaking into a dwelling house at night. A storehouse counted only if it stood within the enclosed ground of a dwelling and formed part of the same property. Whether the warehouse met that test could decide whether March faced death or a lesser penalty, since the goods themselves were worth well under 40s 0d each. Mathew Bazett appeared here as the Secretary, the official who kept the Council's records and correspondence. The same surname belonged to a Company overseer who gave evidence in May's trial and to a juror, Mathew Bazett Junior. Several members of one family thus held office, supervised the Company's slaves and sat in judgment on the island's courts.
52	42	And there feloniously and burglariously did steal take and bear away ag[...] the Peace of our Sovereign Lord the King his Crown and Dignity and also against the Form of the Statute in that Case made and provided.	The grand jury charged that March carried off these goods as a burglar, in breach of the King's peace and contrary to the statute covering such crimes. Brought before the court again, March was put on trial. The following 12 men were sworn as his jury.

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		The Prisoner being again set to the Bar, was put upon his Tryal, and the twelve following Men (Vizt.) Nathan Sample Orlando Bagley Stephen Young Gabriel Leache William Seale James Colgrave John Robinson John Bagley Henry Casthope Mathew Bazett Junr. James Casthope and James Forbett were sworn upon Jury; Then the Indictment was, a second time, read to him, and the Jury charged. John Whitchurch, being duly sworn, saith, that on Saturday the sixteenth Day of July last between the Hours of five and six in the Evening John Price asked him if he had been robb'd, to which he answer'd, Yes, telling him at same time that his Warehouse had been broke open four times / to wit / on the eighth day of June, on the fourteenth and seventeenth of the same Month, and on the second of July, On which Price told him how the prisoner divulged to him that he was the Person who had broke open this Deponent's Warehouse: That he and Price went to the Prisoner whom he asked what he had to say to him, That the Prisoner then Confessed that he broke open his Warehouse, and that he robb'd him three times; That he asked him what he took out of the Warehouse said, he took Biscuit bread, Cheese, Tobacco and Ginger bread, That he asked him how he could know they belong'd to him; Said, he knew them to belong to him, because he saw them carried from his Shop door into the Warehouse; That he then asked him how he cou'd find the Ginger bread out, as it lay under some Iron- pots and Bags, said, he found it out by the Smell which was Occasion'd by the Gnawing of Rats; That he also ask'd him if a second person was concerned with him, said, there was nobody but himself, and on being asked, how he contrived to carry the things, said, he always had a Bag which he hung to a Nail, And when he got out, he drew it after him; Saith the Prisoner then told him, that he yet had a part of the Bread, Tobacco or Cheese which he stole from him; Saith, that as he was going to acquaint the Prisoner's Master with it, he met one Jack a	The clerk then read the charge to him a second time, and the jurors received their instructions. Nathan Sample Orlando Bagley Stephen Young Gabriel Beadle William Seale James Colgrave John Robinson John Bagley Henry Easthope Mathew Bazett Junior James Easthope James Forbes John Whitchurch gave evidence first, under oath. Between five and six o'clock on the evening of Saturday 16 July 1763, John Price asked him whether he had been robbed. Whitchurch said he had. His warehouse, he explained, had been broken into four times, on 8, 14 and 17 June 1763 and again on 2 July 1763. Price then told him that March had admitted to him that he was the one breaking into the warehouse. Whitchurch and Price went to March, and Whitchurch asked what he had to say. March confessed to breaking into the warehouse and to robbing it three times. Asked what he had taken, he listed biscuit, cheese, tobacco and gingerbread. Whitchurch asked how March knew the goods were his. March replied that he had seen them carried from the shop door into the warehouse. Whitchurch then asked how March had found the gingerbread, since it lay beneath some iron pots and sacks. March said he had traced it by the smell released where rats had been gnawing at it. Asked whether anyone else was involved, he insisted he had acted alone. Whitchurch asked how he carried the goods away. March said he always brought a bag, which he hung on a nail inside, and pulled out after him once he had climbed out. He also told Whitchurch that he still had some of the stolen biscuit, tobacco and cheese. On his way to report the matter to March's master, Whitchurch met a man named Jack. **Interpretations** March's confession contained details that only the thief was likely to know. The hiding place of the gingerbread under iron pots and sacks, the gnawing of rats that gave it away and the bag hung on a nail all fitted the inside of the warehouse. Whitchurch drew out each point by questioning. The answers turned a bare admission into evidence that the jury could test against the building itself. The method March described points to a small opening, perhaps a window or gap, through which a man could squeeze but a full bag could not pass with him. Hanging the bag on a nail left both hands free to climb out, after which he drew the load through behind him. Four separate break-ins over less than a month show that the warehouse remained unrepaired and unguarded after each theft. The case came to light through John Price, to whom March had boasted of the thefts. Information passed between slaves and settlers by word of mouth, and a careless admission could reach the victim within days. As in the case of Lewis and the hens, the prosecution depended on a chain of informal reports long before any official became involved.
53	43	Slave belonging to Mr. Richard Beale, who told him he had the Knife with which the Prisoner robbed him, and on his producing it, believes it to be his, and thinks it has been taken out of a Box which contained	Jack, a slave owned by Richard Beale, told Whitchurch that he had the knife March used to rob him. When Jack produced it, Whitchurch recognised it as his own. He believed it came from a box of 43 dozen such knives then kept in his warehouse. Whitchurch added that March had got into the warehouse by prising the lock off the door with this

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		forty three Dozens of such Knives then in his Warehouse. This Deponent also saith that the Prisoner got into his Warehouse by Wrenching the Lock off the Door with the same Knife, which he now produces in Court, and from its Resemblance with the other Knives he then had in the Warehouse, believes it to be one of them. - John Price Goaler, being duly sworn, saith, that on the Sixteenth Day of July last, Mr. Mathew Bazett the Prisoner's Master desired him to punish March, the Prisoner, for running away; That he thereupon went to the Goal, and told the Prisoner he was going to punish him, to which he replyed, that he cou'd die but once, that he might as well die at first as at last; That he asked him what he meant by that, said he had Committed Crimes that deserved Death, and on his asking what Crimes? Confessed he had broke open and got into John Whitchurch's Warehouse three or four times, on which he ask'd him what Things he had taken out of it, said, he took Bread, Ginger and Tobacco. Saith, that he then went to John Whitchurch, and asked him if he had been robb'd, that Whitchurch told him he had, but knew not by whom, on which this Deponent informed him that, as he was going to punish the Prisoner for running away, he confessed he had robb'd him; That Whitchurch and this Deponent then went to the Prisoner, who owned the Charge, and at the same time delivered unto Whitchurch some Bread and Cheese which, he said, he stole from him. - The Prisoner being put upon his Defence, saith, that he told John Price that he had robbed John Whitchurch, because he was afraid to go home to his Master. - No other Witnesses appearing, the Evidence was summ'd up to the Jury, who, after some Consideration, closed their Verdict, by which they acquitted the Prisoner of the Burglary, and found him Guilty of the Felony only, for which he received Sentence to be Burnt in the Hand and Discharged. -	same knife, which he now showed the court. From its likeness to the other knives he had in stock, he was sure it was one of them. John Price, the gaoler, then gave evidence on oath. On 16 July 1763 Mathew Bazett, March's owner, asked him to punish March for running away. Price went to the gaol and told March he was about to be punished. March answered that a man could only die once, so he might as well die sooner as later. Price asked what he meant, and March said he had committed crimes that deserved death. Pressed further, he admitted breaking into John Whitchurch's warehouse three or four times and taking bread, ginger and tobacco. Price then went to Whitchurch and asked whether he had been robbed. Whitchurch said he had but did not know by whom. Price explained that March had confessed to the robbery when told he was to be punished for running away. The two men went to March together. March admitted the charge and handed over some bread and cheese that he said he had stolen from Whitchurch. In his defence, March said he told Price about robbing Whitchurch only because he was afraid to go home to his master. No further witnesses came forward. After the evidence was summed up and some deliberation, the jury cleared March of burglary and convicted him of theft alone. He was sentenced to be branded on the hand and then released. **Interpretations** The public gaol served as a place where owners sent their slaves for punishment. Mathew Bazett asked the gaoler to punish March for running away, a private offence against his master rather than a crime against the King's peace. The island's official gaoler thus carried out discipline on behalf of slave owners. March's reaction, declaring that he might as well die, suggests that the punishment he expected was severe. March's defence claimed that he invented his confession to escape being returned to his master. His explanation revealed a slave so afraid of his owner that he preferred to face capital charges. The claim could not stand, however, against the knife identified by Whitchurch, the stolen bread and cheese that March handed back, and the detailed account of the warehouse he gave on 16 July 1763. The acquittal on the burglary charge probably rested on the nature of the building. Burglary required a break-in at a dwelling house, and a detached warehouse did not qualify. The theft itself, of goods worth £3 1s 0d, amounted to grand larceny, which on a first conviction allowed benefit of clergy. Branding, not death, was therefore the outcome. The box of 43 dozen knives in Whitchurch's warehouse points to the scale of his trade. Such quantities were stock for supplying ships and settlers rather than household use. The warehouse held goods worth far more than March took, which suggests he chose food and tobacco for his own use or to trade among other slaves.
54	44	Roderick Shuffer, Soldier in the Company Commanded by Captain John Howard, being set to the Bar, was arraigned upon the following Indictment, to which he pleaded Not Guilty. - Island of Saint Helena ss. The Jurors of our Sovereign Lord the King upon their Oaths do present that Roderick Shuffer late of the Island of Saint Helena Soldier on the eighteenth Day of September in the third Year of the Reign of our Sovereign Lord George now King of Great Britain &c. by force and Arms in James's	Roderick Shaffer, a soldier in Captain John Howard's company, was brought before the court and formally accused. He denied the charge. The grand jury accused him of breaking open a chest belonging to John Hourston in James's Valley on 18 September 1763. From it, according to the charge, he stole four gold pagodas worth £1 12s 0d and five silver coins worth £0 11s 3d, all Hourston's money. The charge held that the theft breached the King's peace and offended against the relevant statute. Brought back before the court, Shaffer was put on trial. The following 12 men were sworn as his jury. The clerk then read the charge to him a second time, and the jurors received their instructions.

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		Valley within the Island aforesaid the Chest of one John Houston then and there being found feloniously did break open and four pieces of coined Gold called Pagodas of the Value of one pound twelve Shillings and five Pieces of Coined Silver of the Value of eleven Shillings and three pence of the Money of the said John Houston then and there being found feloniously did steal take and bear away against the Peace of our Sovereign Lord the King his Crown and dignity And also against the Form of the Statute in that Case made and provided. - The Prisoner, being again brought to the Bar, was put upon his Trial, and the twelve following Men (Vizt) Nathan Sample Orlando Bagley Stephen Young Gabriel Leache William Seale James Colgrave John Robinson John Bagley Henry Casthope Mathew Bazett James Casthope and James Forbett were sworn upon his Trial; Then the Indictment was a second time, read to him, and the Jury Charged. - John Houston, being duly sworn, saith, that on the twenty fifth Day of September last between the Hours of eight and nine in the Forenoon, he was told that the Prisoner had spent a good Deal of Money the Week before in different Places; That the prisoner, having some Hint he was suspected by this Deponent called him aside into a Back yard, and there asked him if he knew who robb'd him, to which the Deponent answered, that he had not yet found him out, but heard that he, the Prisoner had lately spent some Money which, he believed, he came by	Nathan Sample Orlando Bagley Stephen Young Gabriel Beadle William Seale James Colgrave John Robinson John Bagley Henry Easthope Mathew Bazett James Easthope James Forbes John Hourston gave evidence first, under oath. Between eight and nine o'clock on the morning of 25 September 1763, someone told him that Shaffer had spent a good deal of money in various places the week before. Shaffer, having caught wind that Hourston suspected him, called him aside into a back yard. There he asked whether Hourston knew who had robbed him. Hourston replied that he had not yet found the thief, but had heard that Shaffer had lately been spending money. **Interpretations** The charge accused Shaffer of breaking open a chest rather than a house. Forcing a locked box inside a building, without breaking into the building itself at night, did not amount to burglary. The offence was therefore grand larceny, since the money taken, £2 3s 3d, was well over a shilling. A first conviction allowed benefit of clergy, so the most Shaffer faced was branding. The jury's choice lay between that and a reduced verdict of petty larceny, which would bring only a whipping.
55	45	In a light Manner, on which the Prisoner told him he borrowed Sixteen Shillings or two Pagodas of one John William Blank, which was the Money he spent. Saith, that Serjeant Richard Wright, overhearing their Discourse, walked down with them as far as the Bridge, and there meeting Serjeant Ferris, this deponent acquainted him with the Suspicion he had of the Prisoner's having robb'd him, on which Ferris brought him before the Captain, and from him to the Guard house; Saith the Prisoner sent to him from the Guard-house to let him know he wanted to speak to him, and when he came there, he took him aside, and Confess'd he had broke open his Chest and had stolen three Pagodas and two Rupees out of it, That he, the Prisoner, desired him to go to the Captain and make it up, as he had seventeen Shillings to receive on	Hourston said he spoke of the matter lightly. Shaffer then told him that he had borrowed sixteen shillings, or two pagodas, from John William Blank, and that this was the money he had spent. Sergeant Richard Wright overheard their conversation and walked down with them as far as the bridge. There they met Sergeant Ferris, and Hourston told him he suspected Shaffer of robbing him. Ferris took Shaffer first before the captain and then to the guardhouse. Later, Hourston said, Shaffer sent word from the guardhouse that he wished to speak with him. When Hourston arrived, Shaffer drew him aside and confessed to forcing open his chest and stealing three pagodas and two rupees. Shaffer asked him to go to the captain and settle the matter privately. He promised repayment from £0 17s 0d due to him on the approaching quarter day. Sergeant Thomas Ferris then gave evidence on oath. On 25 September 1763 he met Shaffer, Hourston and Sergeant Wright on the bridge. At Hourston's request he went to John William Blank to ask whether he had recently lent Shaffer sixteen shillings or two pagodas. Blank firmly denied ever lending Shaffer any money.

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		Quarter-day which was nigh at hand. - Serjeant Thomas Ferris, being duly sworn, saith, that on the twenty fifth day of September last he met the Prisoner, John Houston and Serjeant Wright on the Bridge, and being desired by Houston to go to John William Blank, and know from him if he had lately lent the Prisoner Sixteen Shillings or two Pagodas, he accordingly went, to Blank who positively denied he had ever lent any Money to the Prisoner; Saith, that he went to Captain Howard and acquainted him with the Suspicion Houston had of the Prisoner, on which the Captain order'd him to go for Serjeant Wright, That on his Return to the Captain's he order'd him to sit down, and take a Memorandum of what the Prisoner had confessed to him, which he did in Manner following / Vizt / "Roderick Shuffer Soldier in Captain Howard's Company came to a "Charge laid to him of breaking open a Chest belonging to John "Houston of the said Company, and taking out of it three Pagodas "and two Rupees on the eighteenth day of this Instant." - Saith, that the Captain then ordered him to take the Prisoner to the Main Guard, Whereon, he, the Prisoner, told the Captain he was very sorry for what he had done, and pray'd him to make it up, if he could. That he took him to the Guard, and there gave him in Charge to the Centry, and then returned to the Captain to know from him if it were necessary he should go and look for the Iron with which the Prisoner said he had wrench'd off the Staple, That he went up to the Barracks and, as the Prisoner had directed, found three pieces of Iron in the Chimney Corner, which Pieces he brought down to the Goal, whither the Prisoner had been removed, and there asked him which of the three Pieces was that he wrench'd the Staple out with, whereon he pointed to the longest. That he ask'd him then how he disposed of the Money, said, he changed one Pagoda at Mrs. Moor's, and another at Mrs. Price's; being asked what he had done with the other, or if he had any money left, said, he could not tell how he disposed of the other Pagoda, and had only three or four Shillings left. -	Ferris reported Hourston's suspicions to Captain Howard, who sent him to fetch Sergeant Wright. When Ferris returned, the captain told him to sit down and write a note of what Shaffer had admitted. The note recorded that Roderick Shaffer, a soldier in Captain Howard's company, admitted breaking open a chest belonging to John Hourston of the same company on 18 September 1763. It also recorded that he took three pagodas and two rupees from it. The captain then ordered Ferris to take Shaffer to the main guard. At this, Shaffer told the captain he was deeply sorry and begged him to settle the matter if possible. Ferris delivered Shaffer to the guard and placed him in the sentry's custody. He then went back to ask the captain whether he should search for the iron bar Shaffer said he had used to wrench the staple off the chest. Ferris went up to the barracks and, following Shaffer's directions, found three pieces of iron in the corner of the chimney. He brought them down to the gaol, where Shaffer had since been moved, and asked which one he had used. Shaffer pointed to the longest. Ferris then asked what he had done with the money. Shaffer said he changed one pagoda at Mrs Moor's and another at Mrs Price's. He could not say what had become of the third and had only three or four shillings left. **Interpretations** Shaffer's repeated pleas to settle the matter privately reflected an alternative that military life made possible. A captain could deal with theft within his company through stoppages from pay and regimental punishment, without sending the case to the civil court. Shaffer's offer to repay from the £0 17s 0d due on quarter day shows how he hoped to make restitution. Captain Howard chose instead to have a written confession taken and the prisoner sent to the main guard, which placed the case in the civil court's hands. Quarter day was the date on which soldiers received their pay, four times a year. A private's pay of £0 17s 0d per quarter shows how much two or three pagodas, worth £0 8s 0d each, meant to a man in the ranks. Hourston, a soldier of the same company, had lost a sum close to a full quarter's wages. Shaffer's confession named three pagodas and two rupees, whereas the indictment charged four pagodas and five silver coins. The grand jury perhaps relied on Hourston's own account of what the chest contained. Either way, the sums exceeded a shilling, so the offence remained grand larceny. Mrs Moor's and Mrs Price's appear as places where a soldier could change gold coin, as did Mrs Whitchurch's shop. Mrs Price was perhaps the wife of John Price, the gaoler. Women running shops and houses in James's Valley evidently handled much of the island's small exchange of coin.
56	46	Serjeant Richard Wright, being Sworn, saith, that on the twenty fifth day of September last, being informed by John Houston that he suspected the Prisoner of having robb'd him, he thereon asked him upon what he grounded his Suspicion, said, he grounded it on a Report that the Prisoner had spent a great deal of Money the Week before, and that, on his asking him how he came by it, he told him	Sergeant Richard Wright then gave evidence on oath. On 25 September 1763 John Hourston told him he suspected Shaffer of robbing him. Wright asked what the suspicion rested on. Hourston said he had heard that Shaffer spent a great deal of money the week before. When Hourston asked Shaffer where it came from, Shaffer claimed to have borrowed it from John William Blank, a soldier. Wright walked down to the bridge with Hourston and Shaffer. There they met Sergeant Ferris, and Wright asked him to go to Blank and find out whether he had lent Shaffer any money. When

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		that he had borrowed it of one John William Blank a Soldier; Saith, that he went down as far as the Bridge along with Houston and the Prisoner, and on meeting Serjeant Ferris, he desired him to go to Blank and ask him if he had lent the Prisoner any money That when Ferris returned, he, Ferris, desired him to carry the Prisoner before the Captain, and on their coming there, saith that Ferris told the Captain Blank had never lent the Prisoner any Money: This deponent further saith that he heard the Prisoner own that he had broke open Houston's Chest, and taken three Pagodas and two Rupees out of it. - The Prisoner being put upon his defence, saith, that in a backyard belonging to the Barracks, hearing John Houston tell another Soldier that he, the Prisoner, had some Money, he ask'd Houston if he suspected him of having his Money, That Houston answered he had no Suspicion then, but said he would soon find out if he had taken it or not: That Houston then went out of the backyard and told Serjeant Wright that he, the Prisoner, had some money, Whereupon Wright asked him how he came by it, That he was then so frighten'd, he knew not what Answer to make, and as they came down as far as the Bridge, Serjeant Wright and Houston again ask'd him, how he came by the Money, but did not answer. Saith that he was then taken before the Captain and does not recollect what he said to him That he got the Money he spent honestly by fishing. - The Evidence being closed and the Prisoner having no more to say in his Defence, the Chairman summ'd up the Whole to the Jury, who retired to consider, on their Return, they declared their Verdict, by which they found the Prisoner Not Guilty. -	Ferris returned, he asked Wright to bring Shaffer before the captain. On their arrival, Ferris told the captain that Blank had never lent Shaffer anything. Wright added that he heard Shaffer admit breaking open Hourston's chest and taking three pagodas and two rupees. In his defence, Shaffer said he was in a yard behind the barracks when he heard Hourston tell another soldier that Shaffer had money. He asked Hourston whether he suspected him of taking his money. Hourston replied that he had no suspicion yet but would soon find out whether Shaffer had taken it. Hourston then left the yard and told Sergeant Wright that Shaffer had money. Wright asked Shaffer where he got it, and Shaffer was too frightened to reply. On the way down to the bridge, Wright and Hourston pressed him again about the money, but he gave no answer. He was then taken before the captain and could not remember what he said to him. The money he spent, he insisted, came honestly from fishing. With the evidence complete and Shaffer having nothing more to say, the chairman summed up the whole case for the jury. The jurors withdrew and, on returning, found Shaffer not guilty. **Interpretations** The confession against Shaffer was taken by his own captain, written down by a sergeant and witnessed by another sergeant. None of this matched the statutory procedure, under which a justice of the peace examined a suspect and the record was sworn before him. A confession made to military superiors carried the weight of their authority over the man. Shaffer's claim that he was too frightened to answer, and could not recall what he said to the captain, invited the jury to doubt whether his admissions were freely given. Shaffer's claim that he earned his money by fishing reflected a common way for soldiers and slaves on St Helena to supplement their income. Fish were plentiful around the island's coast and found a ready market in James's Valley. Frank, in the case of 12 October 1762, likewise described returning from fishing. The defence was plausible on its face, though it contradicted Shaffer's earlier story of a loan from Blank. **Speculations** The jury acquitted Shaffer despite a written confession, two sergeants who heard him admit the theft, the iron bar he identified and his own account of changing pagodas at two shops. Conviction was the obvious outcome. The record points to two weaknesses that the jurors could weigh against it. Every admission was made under pressure from military superiors, with no justice present. The confession also failed to match the indictment, which charged four pagodas and five silver coins where Shaffer admitted only three pagodas and two rupees. Faced with a charge that did not fit the confession on which it rested, the jury chose to acquit rather than convict on proof drawn from the barracks.
57	47	The Business of the Session being now ended, March was brought into Court, where he was, pursuant to Sentence, burnt in the Hand and discharged. - Then the Court was, by Proclamation adjourn'd to the eleventh day of January next Ensuing. - John Skottowe M Bazeling Thos. Kirkpatrick	Once the court had finished its business, March was brought in and branded on the hand in accordance with his sentence. He was then released. The court was adjourned by public announcement until 11 January 1764. John Skottowe Mathew Burling Thomas Kirkpatrick **Interpretations** The October sitting of 1763 ended without a single death sentence. March, convicted of theft rather than burglary, received the brand, and Shaffer walked free. This stood in contrast to the first sitting a year earlier, on 12 October 1762, which sent Will

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			and Frank to the gallows. The adjourned court of 11 January 1764 would hear the case of Peter Eyles, convicted on his own admission of a killing committed nine years before and hanged on 20 February 1764.
58	48	On the fifth Day of October the following Precept upon the Commission of the Peace was directed to the Sheriff. Island of Saint Helena ss. We John Skottowe Matthew Bazeling and Thomas Kirkpatrick Esquires three of his Majesty's Justices of the Peace in and for the Island of Saint Helena assigned to enquire hear and determine divers Felonies Trespasses and other Misdemeanors perpetrated and committed within the said Island of Saint Helena To the Sheriff of the said Island Greeting On the Behalf of our Sovereign Lord the King We Command you that you Cause to come before us and others our Brethren Justices of the Peace of our Sovereign Lord the King in and for the said Island at the Castle in James's Valley on the Island aforesaid on Wednesday being the Eleventh day of January next ensuing at eight of the Clock in the Forenoon of the same day all Constables and Petit Constables within the said Island and also twenty four principal Inhabitants of the Body of the said Island to enquire do and present all such Matters and Things as on his Majesty's Behalf shall be then and there enjoyned them And that they be then and there attending to do all such Matters and Things as are belonging unto and Incumbent upon them by Virtue of their Offices in this Behalf And that you do Cause to be proclaimed throughout the said Island in the proper Places where it shall seem to you to be most expedient the general Quarter Sessions of the Peace to be held within the said Island the said Wednesday being the eleventh day of January next ensuing And that you yourself be there in Person together with all your Officers to do such Things as to you and their Offices shall appertain and are Incumbent And that you have then and there the Names of the Constables and Jury aforesaid and those by whom you shall give them Notice and this Precept Given under our Hands and Seals at the Island aforesaid the fifth day of October in the Year of our Lord one thousand seven hundred and Sixty three and in the third Year of the Reign of our Sovereign Lord George King of Great Britain &c. /Signed/ John Skottowe Mathew Bazeling	On 5 October 1763 the justices sent the Sheriff an order under the commission of the peace. It came from John Skottowe, Mathew Burling and Thomas Kirkpatrick, three of the King's justices of the peace for St Helena, empowered to hear and decide felonies, trespasses and lesser offences committed on the island. Speaking for the King, the justices ordered the Sheriff to have every constable and petty constable on the island appear before them and their fellow justices at the Castle in James's Valley. The sitting was fixed for eight o'clock in the morning on Wednesday 11 January 1764. The Sheriff was also to summon 24 leading inhabitants, who would investigate and report on whatever the King's business laid before them. The constables were to attend and perform the duties belonging to their posts. The Sheriff had to make the coming general quarter sitting of the peace known in suitable places around the island. He was to be there in person with all his officers on the day. He also had to produce the names of the constables and jurors, along with those who had delivered each summons, and hand back the order. The justices signed and sealed it on the island on 5 October 1763, in the third year of the reign of George III. John Skottowe Mathew Burling Thomas Kirkpatrick

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		Thos. Kirkpatrick	
59	49	On the twenty fourth day of December following a Precept upon the Commission of Oyer & Terminer was issued out and directed to the Sheriff - On the eleventh day of January following being the first day of the Sessions, a Precept upon the Goal Delivery was issued to the Sheriff - Island of St. Helena At a General Quarter Sessions of the Peace, Sessions of Oyer and Terminer, and Sessions of Goal Delivery held at the Castle in James's Valley for the Island of St. Helena the eleventh day of January in the fourth Year of the Reign of our Sovereign Lord the King, before John Skottowe, Mathew Bazeling and Thomas Kirkpatrick three of his Majesty's Justices of the Peace and Commissioners of Oyer and Terminer for the said Island, John Skottowe Esqr. taking his Seat as Chairman, the Court was open'd upon the Commission of the Peace and a Grand Jury consisting of Seventeen of the principal Inhabitants were sworn, But no Business appearing upon that Commission; the Court of Oyer and Terminer was open'd, a New Grand Jury impannelled and sworn, and the Bills of Indictment preferred to them; They found the following Bills, on which the Prisoners were arraigned and Tried. - William Poulton a Matross in the Company of Artillery commanded by Captn. Thomas Rich, being set to the Bar of the Court, was arraigned upon the following Indictment, to which he pleaded Not guilty. Island of St. Helena ss. The Jurors of our Sovereign Lord the King upon their Oaths do present that William Poulton late of the Island of Saint Helena Matross on the twenty eighth day of October in the fourth Year of the Reign of our Sovereign Lord George now King of Great Britain &c. by Force and Arms near the Arm Gate under a Shade within the Island aforesaid one Elm plank of **Margin Notes:** 1764	On 24 December 1763 the justices sent the Sheriff an order under the commission of oyer and terminer. On 11 January 1764, the first day of the court's sitting, they issued him an order for the gaol delivery. The court sat at the Castle in James's Valley on 11 January 1764, acting at once as a court of general quarter sessions of the peace, a court of oyer and terminer and a court of gaol delivery. John Skottowe, Mathew Burling and Thomas Kirkpatrick presided as justices of the peace and commissioners of oyer and terminer for the island, with John Skottowe in the chair. The court opened under the commission of the peace and swore in a grand jury of 17 leading inhabitants. No business came forward under that commission. The justices then opened the court of oyer and terminer and swore in a fresh grand jury, before which the prosecutors laid their written charges. The jurors accepted the charges that followed, and on those charges the prisoners were formally accused and tried. William Poulton, a matross in the artillery company under Captain Thomas [...], was brought before the court and formally accused. He denied the charge. The grand jury accused him of stealing an elm plank from beneath a shed near the town gate on 28 October 1763. **Interpretations** The clerk no longer copied out the orders to the Sheriff in full, recording only their dates and purpose. Over the first year the register had reproduced every summons word for word, even though each repeated the same form. By January 1764 the procedure was settled enough that a brief note sufficed, and the record turned directly to the proceedings themselves. An elm plank was worth stealing on St Helena because sawn timber of that kind had to be shipped in. Elm was prized for its strength and resistance to splitting, and it served for building, boat repair and furniture. Timber stored beneath a shed by the town gate was probably building material awaiting use. On an island dependent on passing ships for supplies, a single plank carried a value it would not have held in England.
60	50	the Value of two Shillings of the Goods and Chattles of the Honorable the united Company of Merchants of England trading to the East Indies then and there being found feloniously did steal take and bear away And the Jurors aforesaid upon their Oaths aforesaid do farther present that the said William Poulton on the nineteenth day of December in the Year aforesaid near the Stores gate out of a Hut within the Island aforesaid one wooden Cover intended for a Chest of the Value of two Shillings of the Goods and Chattles of Peter Freather and there being found feloniously did steal take and bear away against the Peace of our Sovereign Lord the King his Crown and Dignity. -	The first charge put the elm plank's value at £0 2s 0d and named the East India Company as its owner. The grand jury also accused Poulton of a second theft. On 19 December 1763, according to this charge, he took a wooden lid made for a chest, worth £0 2s 0d, from a hut near the stores gate. It belonged to Peter Feather. Both thefts were said to breach the King's peace. Poulton was brought before the court and put on trial. The following 12 men were sworn as his jury. The clerk then read the charges to him a second time, and the jurors received their instructions. Stephen Young John Robinson John Bagley Benjamin Seale Mathew Bazett John [...] Orlando Bagley George Alexander William Seale

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		The Prisoner, being brought to the Bar, was put upon his Trial, and the twelve following Men, Viz. Stephen Young John Robinson John Bagley Benjn. Seale Mathew Bazett John Dunfontain Orlando Bagley George Alexander William Seale James Colgrave James Casthope and John Seale were sworn upon his Jury: Then the Indictment was a second time read to him, and the Jury Charged. - Julio Fabiano Carpenter of the Fly Cutter, being duly sworn, saith, that while employed on board the Mercury Snow he was obliged to quit his own Work ashore, That on the tenth day of December last, when he came back to his Work, he missed some Timber, and going afterwards to breakfast to a Shed in the Barracks, he there told that, in his Absence some people had stolen his boards, and that some time ago, he had also lost another piece of Timber, on which one James Procter, who happen'd to be then in the Tap shop, asked him what kind of timber it was, and on his telling him it was a piece of Elm plank, Procter said, he could, he believed, give him some Account of it, and called him out; That Procter then informed him, how on the nineteenth of November a Man had brought him a piece of that kind to saw for him, which he refused to do, as he believed it belong'd to some of the Honorable Company's Carpenters; That he ask'd him where the piece was, said, he imagined it was in one of the Barracks, and if he had a little, he would go and see.	James Colgrave James Easthope John Seale Julio Fabiano, carpenter of the [...], gave evidence first, under oath. While he was working aboard the snow *Mercury*, he had to leave his own work on shore unattended. When he returned to it on 10 December 1763, he found some of his timber missing. Later, at breakfast in a shed at the barracks, he told those present that someone had stolen his boards in his absence. He added that he had lost another piece of timber some time earlier. James Proctor, who happened to be in the shed, asked what kind of timber it was. When Fabiano said it was an elm plank, Proctor replied that he thought he could tell him something about it and called him outside. Proctor explained that on 19 November 1763 a man had brought him a plank of that kind to saw up. Proctor refused, believing it belonged to one of the Company's carpenters. Fabiano asked where the plank was now. Proctor said he believed it was in one of the barracks. **Interpretations** A snow was a two-masted sailing vessel, similar to a brig, with a small extra mast behind the mainmast to carry a sail. Such ships were common in coastal and island trade. The *Mercury* evidently lay at St Helena under repair, which drew Fabiano away from his work on shore. Ships' carpenters were in constant demand at the island, since vessels arriving after long voyages often needed repairs before sailing on. Julio Fabiano's name marks him as a man of Portuguese or Italian origin, working in the Company's service or aboard a ship at the island. St Helena drew skilled workers from many nations through its shipping. A foreign carpenter appeared as a prosecution witness on equal terms with the English settlers and soldiers. Proctor's refusal to saw the plank shows that settlers and soldiers recognised Company property on sight. Timber used by the Company's carpenters was known about the town, and handling it carried risk. Proctor's caution matched the wider pattern of standing orders against buying Company stores or goods from soldiers and slaves. His refusal later made him the link between the stolen plank and the man who brought it to him.
61	51	if it was yet there; That Procter went, and when he came back, told him it was there, on which they both went, and found the two pieces of Timber under a Cot cover'd with some Jackets. Saith, that he then went to Captain Fea, and acquainted him with it, that the Captain order'd him to take them away, which he accordingly did. - James Proctor Soldier, being sworn, saith, that on the nineteenth Day of December last, as he was going to John Whitchurch's Tap shop, the Prisoner called him into one of the Barracks, and asked him to cut a piece of Timber for him, on which this Deponent desired him to let him see it, which he did by pulling it out from under a Cot; Saith, it was all over cover'd with pitch and Tar, which made him suspect it belong'd to the Honorable Company, and for that Reason would not Cut it; That the Prisoner told him it was to make a Chest, and he would get more Stuff to compleat it, Then the Prisoner asked	Proctor went to check whether the plank was still in the barracks. On his return he told Fabiano it was there. The two went together and found both pieces of timber under a cot, hidden beneath some jackets. Fabiano then reported the discovery to Captain Fea, who told him to take the timber away, and he did so. James Proctor, a soldier, then gave evidence on oath. On 19 December 1763, as he was heading to John Whitchurch's tap-room, Poulton called him into one of the barracks and asked him to cut up a piece of timber. Proctor asked to see it, and Poulton pulled it out from under a cot. The wood was coated all over in pitch and tar. That made Proctor suspect it was Company property, so he refused to cut it. Poulton told him he wanted it to build a chest and would find more material to finish the job. He then asked whether Proctor would saw it once Robinson and Chamberlain were out of the way. Proctor refused to saw it under any circumstances. The next day, in the tap-room, Proctor heard Julio Fabiano say that he had lost a board meant for a chest he was making for Captain Fea. Fabiano added that he had also lost a piece of elm plank about two months earlier. Proctor called him outside and said he thought he knew where both pieces were. He then

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		him if he would Saw it when Robinson and Chamberlain were out of the Way, he said he would not saw it at any Rate: That next Day hearing Julio Fabiano tell in the Tap Shop that he had lost a piece of Board intended to make a Chest for Captn. Fea, also a piece of Elm plank about two Months ago, he called Julio out and told him, he believed, he knew where both pieces were, that he then went to the Prisoner's Barrack, where he found them under a Cot covered with some Jackets, on which he called Julio in, who knew them to be the same he had lost. - The Prisoner, being put upon his Defence, saith, that as he was going to fish, he saw the Edge of a Board upon the Surface of the Water sticking between two Rocks, which he took and brought to his Barracks, where it remain'd for the Space of ten or eleven Weeks, That as two Ships then lay in the Road, he believed it might belong to one or other of them, and as it was of so little Value not worth enquiring after, and having it so long a Time in his Possession, he at last thought of Converting it to some Use, and desired James Proctor to cut it for him, That Proctor told him he had no Time then, but during the Time he was allowed for Dinner, he would cut it; That on Tuesday following Thoms. Bowen came to him to the Main Guard, where he was on Duty, and asked him if he had any Plank in his Barrack, he answer'd he had none except a Piece of Elm plank, which he had a good while That then Bowen told him Captain Fea and Julio had taken it away, which much surprized him, Saith, he is quite innocent as to Deal plank, nor does he know how it came there.	went to Poulton's barrack and found them under a cot, covered with jackets. He called Fabiano in, and Fabiano identified them as the timber he had lost. In his defence, Poulton said that while going fishing he noticed the edge of a board floating on the water, wedged between two rocks. He pulled it out and took it back to his barrack, where it stayed for 10 or 11 weeks. Two ships were then lying in the anchorage, and he supposed it came from one of them. The board seemed too cheap to be worth tracing its owner. Having held it so long, he eventually decided to make use of it and asked Proctor to cut it. Proctor, Poulton said, told him he had no time just then but would cut it during his dinner break. The following Sunday Thomas Bowen came to Poulton at the main guard, where he was on duty, and asked whether he had any planks in his barrack. Poulton replied that he had none apart from a piece of elm plank he had kept for some while. Bowen then told him that Captain Fea and Fabiano had taken it away, which greatly surprised him. Poulton insisted he was wholly innocent of taking the deal plank and did not know how it came to be in his barrack. **Interpretations** The pitch and tar on the timber marked it as ship's timber or stores for boat work. Pitch and tar sealed planks against seawater, and wood treated that way was used in ship repairs. Proctor read the coating as a sign of Company ownership, since the Company kept the island's marine stores for repairing its own vessels and those calling at the island. The same coating undercut Poulton's claim of finding the plank in the sea, since tarred timber could as easily have come from the Company's yard as from the water. Poulton's defence rested on the idea that timber washed up on the shore belonged to no one who would bother to claim it. In law, goods lost overboard remained the property of their owner, and wreckage washed ashore in English waters belonged to the owner or, failing that, to the Crown. On St Helena the Company stood in the Crown's place. Poulton's claim therefore offered him no legal cover even if the jury believed it. The two pieces of timber differed in kind. The elm plank was a hard, durable wood prized for heavy work, while deal was sawn pine or fir, lighter and cheaper. Poulton admitted holding the elm plank but denied any knowledge of the deal board intended for Captain Fea's chest. His defence thus conceded possession of one piece while disowning the other. The anchorage off James's Valley was known as the road, where ships lay at anchor in open water rather than in a sheltered harbour. With two ships lying there at the time, Poulton could plausibly suggest that the plank had come from one of them.
62	52	The Evidence being closed was summ'd up to the Jury who retired to consider: On their Return to Court they declared their Verdict by which they found the Prisoner Guilty to the Value of ten pence, for which he received Sentence to be whipt at the publick Stocks and discharged. - Peter Eglestone Soldier in the Company commanded by Captn. Henry Bazett, being set to the Bar, was arraign'd upon the following Indictment to which he pleaded Not guilty. Island of St. Helena ss. The Jurors of our Sovereign Lord the King upon their Oaths do present that Peter Eglestone late of the	The evidence against Poulton was summed up for the jury, which withdrew to consider it. On returning to court, the jurors found him guilty of theft to the value of £0 0s 10d. He was sentenced to be whipped at the public stocks, then released. Peter Eglestone, a soldier in the company commanded by Captain Henry Bazett, was then brought before the court and formally accused. He denied the charge. The grand jury accused him of murdering Anthony Meehan on 13 April 1755, in the reign of George II. According to the charge, Eglestone, prompted by the devil and without fear of God, attacked Meehan on the path from James's Valley to Munden's Point. He acted deliberately and with malice aforethought. He seized Meehan and hurled him off the path over a sheer precipice. Meehan was killed instantly by the fall. The jurors therefore charged Eglestone with murder, in breach

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		Island of St. Helena Soldier not having the Fear of God before his Eyes but being moved and seduced by a devilish Instigation on the thirteenth Day of April in the twenty eighth Year of the Reign of our late Sovereign George the second then King of Great Britain &c. by force and Arms &c. in the path leading from James's Valley to Munden's point within the Island aforesaid in and upon one Anthony Moreham in the peace of God and of our Sovereign Lord the King then and there being feloniously voluntarily and of his Malice afore thought did make an Assault And that the said Peter Eglestone then and there the said Anthony Moreham did seize and threw out of the said path down a dreadfull precipice by which fall down the precipice aforesaid the said Anthony Moreham was killed and instantly died And so the Jurors aforesaid upon their Oaths aforesaid do say that the said Peter Eglestone [...] said Anthony Moreham in Manner and Form aforesaid in the Reign of the said Peter Eglestone feloniously did kill murder and slay against the Peace of our Sovereign Lord the King his Crown and Dignity And also against the Form of the Statute in that Case made and provided. - The Prisoner being again brought to the Bar and put upon his trial, the twelve following Men Viz. Stephen Young John Robinson John Bagley Benjn. Seale Mathew Bazett John Dunfontain Orlando Bagley George Alexander William Seale James Colgrave James Casthope and John Seale were sworn upon his Jury; **Margin Notes:** [...] of Anthony Moreham's death in Consultation Book p 26 - 16 April 1755 Says he fell from a precipice Yet on the Trial no Evidence whatever adduced as to murder or death - nor of any of the circumstances attending it. The whole case rests upon the prisoner['s] own confession which at the most amounts only to Manslaughter	of the King's peace and contrary to the relevant statute. A later note in the margin directed the reader to the Council's records for 14 April 1755, where Meehan's death was entered. A further note, only partly legible, concerned the evidence in the case and a possible finding of manslaughter [...]. Brought back before the court, Eglestone was put on trial. The following 12 men were sworn as his jury. Stephen Young John Robinson John Bagley Benjamin Seale Mathew Bazett John Desfountain Orlando Bagley George Alexander William Seale James Colgrave James Easthope John Seale **Interpretations** The killing took place nearly nine years before the trial, which the register's index confirms by recording Eglestone's conviction on his own admission of a murder committed nine years earlier. English law set no time limit on prosecuting a felony, so a killing could be tried whenever evidence came to light. The Council's records for 14 April 1755 show that Meehan's death was noted the day after it happened. It evidently passed at the time without a prosecution, perhaps treated as an accidental fall. The index records that the court convicted Eglestone and that he was hanged on 20 February 1764. The charge was framed carefully to support a verdict of murder rather than manslaughter. The words deliberately and with malice aforethought marked the killing as intended rather than sudden or provoked. Throwing a man over a precipice left little doubt about the likely outcome, which helped establish intent. The marginal note on manslaughter suggests a later reader questioned whether the evidence truly proved malice. The path to Munden's Point ran along the steep cliffs on the eastern side of James's Valley, leading to the batteries guarding the approach to the anchorage. Soldiers used it regularly to reach their posts. A fall from such a path could easily pass for an accident, which perhaps explains why the death went unpunished for so long.
63	53	Then the Indictment was a second Time read to him, and the Jury Charged. Thomas Harper Constable, being duly sworn, saith, that on the third of this Instant, as he stood at his door, the Prisoner at the	Once the jury was sworn, the clerk read the charge to Eglestone a second time and gave the jurors their instructions. Thomas Harper, the Constable, gave evidence first, under oath. On 3 January 1764, as Harper stood at his door, Eglestone came up and asked whether he was an officer of the King's peace. Harper said he was. Eglestone said he wished to speak with him, so

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		Bar came and asked him, Are you not an Officer of his Majesty's Peace? he answered, Yes: Then the Prisoner told him he wanted to speak to him, on which he led him thro' his House into a Backyard where he, the Prisoner, said, As you are an Officer of his Majesty's Peace take me Prisoner. That he asked him what he had done to warrant the taking him prisoner on which he fell a crying, and then made no Reply; That after asking him three or four times what he had done, he at last said he had been guilty of Murder and being ask'd whom he had murdered, said it was one Moreham by Shoving him out of Munden's Point path; That he asked him how long it was since he committed the Murder, said, it was nine Years ago, as near as he could guess; That he asked him what Time of the Day or Night it was, said it was between the Hours of eight and Nine at Night; That he asked him whether he was Sober and in his Senses, said, he was; That he then told him he should well Consider what he was saying, as it endanger'd his Life, to which he reply'd, that he had already well considered before he came to him about it, on which he asked him why he came to him, said, it was to take him before a Justice of the peace to be put into the hands of the Law and answer for the Misdemeanor he was guilty of: That his Conscience troubled him so, he could bear it no longer; That he was continually disturbed by Moreham's Apparition who always shewed himself in the same Clothes he had on when he push'd him out of the Path, Wherefore he thought it better to die than live longer, and said he hoped all good Christians would join in Prayer to obtain for him the Forgiveness of that Murder he committed. This deponent also saith that he sent to call Rodk. Merchant to be a Witness of what the Prisoner said, he likewise believes that he was in his perfect Senses when he made the above Confession to him. - Roderick Merchant Inn holder, being duly sworn, saith, that on the third Instant between the Hours of ten and eleven in the Morning Thomas Harper [...] for him, That when he came to his House he desired him to walk into a Room where he left him alone for the Space of half a Minute, and he then came into the Room along with the prisoner who was all in Tears; That Harper then told this Deponent an Affair happen'd which made him send for him to be an Evidence, and then	Harper led him through the house into a back yard. There Eglestone asked Harper, as an officer of the peace, to take him into custody. Harper asked what he had done to deserve arrest. Eglestone broke down in tears and gave no answer. After Harper had asked three or four times, Eglestone finally admitted that he was guilty of murder. Asked whom he had killed, he named Meehan, whom he had thrown off the path to Munden's Point. He put the killing at about nine years earlier, as near as he could judge, between eight and nine o'clock at night. Harper asked whether Eglestone was sober and in his right mind, and Eglestone said he was. Harper warned him to think carefully about what he was saying, since his life depended on it. Eglestone replied that he had thought it over thoroughly before coming. Asked why he had come, he said he wanted to be taken before a justice of the peace, handed over to the law and made to answer for his crime. His conscience, Eglestone said, tormented him beyond endurance. Meehan's ghost appeared to him constantly, always dressed in the clothes he wore when Eglestone pushed him from the path. Eglestone had therefore decided he would rather die than go on living. He hoped every good Christian would pray that God might forgive him the murder. Harper added that he sent for Roderick Merchant to witness what Eglestone said. He believed Eglestone was entirely in his right mind when he confessed. Roderick Merchant, an innkeeper, then gave evidence on oath. Between ten and eleven on the morning of 3 January 1764, Harper sent for him. When Merchant arrived, Harper showed him into a room and left him alone there for about half a minute. Harper then returned with Eglestone, who was weeping. Harper explained that he had sent for Merchant to act as a witness to something that had happened. **Interpretations** Eglestone's confession came entirely of his own accord. No accusation, arrest or questioning preceded it, and no promise or threat drew it out. Harper even warned him that his life was at stake before letting him go further. That made the confession the strongest kind of evidence the law recognised, free of the doubts raised by the pressured admissions of William Jenkins and Roderick Shaffer. For a killing nine years old with no witnesses, the confession was in effect the whole case. Harper's handling of the confession showed an understanding of what the court would later need. He tested Eglestone's sobriety and state of mind, warned him of the consequences and called in an independent witness before the matter went further. Harper, elected Constable on 4 April 1763, had seen enough of the island's courts to know how confessions were weighed. His precautions made it difficult for Eglestone to retract his words later. Eglestone's account of Meehan's ghost reflected beliefs widely held in the eighteenth century. Many people accepted that the spirits of murdered men could return to trouble their killers. Such belief had real legal consequences, since guilt expressed through visions and dreams drove a number of confessions to long-concealed crimes. His desire for death and for the prayers of Christians shows a man seeking release from his conscience rather than escape from punishment.
64	54	turning to the Prisoner, asked him what he had to say: That he, the Prisoner, confessed he had shoved Anthony Moreham out of the	Merchant said Harper then turned to Eglestone and asked what he had to say. Eglestone admitted pushing Anthony Meehan off the path. Merchant told him he must be mad and that no one should pay attention to his words. Eglestone answered that he

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		Path, on which this Deponent said he was mad, and that no Notice should be taken of what he said: That the Prisoner replyed he was no way [...] but guilty of, and willing to answer for, the Murder he had committed. Saith, that he then desired Harper to go and acquaint a Justice of Peace with it and that he staid to guard the Prisoner, that he, in that time, did all he could to discover whether he was in his right Senses or not, and believes he was. - John Price Goaler, being sworn, saith, that on the fourth Instant he went to the Prisoner, and after telling him he was sorry for his Misfortunes, to which the other reply'd, it was now too late; he asked him if any Words arose between Moreham and him as they went along, he said there were some Words on which they had a Scuffle, and said if Moreham had been Stronger, he might have thrown him out of the Path, but as he had the Advantage in Strength, he threw Moreham out of it, That he was very sorry and did not throw him Wilfully. - The Prisoner, being put upon his Defence, declares he is perfectly Innocent of Moreham's Death and that any Confession he might have made were the Effect of Liquor; He denies the Charge. Robert Ballard Innholder, being sworn, saith that on Monday the second Instant the Prisoner was at his House; that he was then very drunk and had more the Appearance of a Madman than any thing else; Being ask'd if the prisoner had any Liquor at his House next day, says he had not. - No other Witnesses being produced for or against the Prisoner, the whole Evidence was summ'd up by the Chairman to the Jury; They retired to consider, and on their Return, declared their Verdict, by which they found the Prisoner Guilty of Murder. - John Herring Soldier in the Company commanded by Captn. Richd. Rich, being brought to the Bar of the Court, was arraigned upon the following Indictment, and thereunto pleaded Not guilty. -	was guilty of the murder and nothing else, and ready to answer for it. Merchant then asked Harper to go and inform a justice of the peace, while he stayed behind to guard the prisoner. During that time Merchant did everything he could to find out whether Eglestone was in his right mind. He concluded that he was. John Price, the gaoler, then gave evidence on oath. On 4 January 1764 he visited Eglestone and told him he was sorry for his trouble. Eglestone replied that it was too late for that. Price asked whether any quarrel had broken out between him and Meehan as they walked. Eglestone said they had exchanged words and come to blows. Had Meehan been the stronger, he said, Meehan might have thrown him off the path. Being the stronger himself, he threw Meehan off instead. He said he was deeply sorry and had not done it deliberately. In his defence, Eglestone declared himself wholly innocent of Meehan's death. Any confession he had made, he said, was the result of drink, and he denied the charge. Robert Ballard, an innkeeper, then gave evidence on oath. On Monday 2 January 1764 Eglestone was at his house, very drunk and looking more like a madman than anything else. Asked whether Eglestone had drunk anything at his house the following day, Ballard said he had not. No further witnesses came forward on either side. The chairman summed up all the evidence, and the jury withdrew. On returning, the jurors found Eglestone guilty of murder. John Herring, a soldier in the company commanded by Captain [...], was then brought before the court and formally accused. He denied the charge. **Interpretations** Eglestone's defence collapsed under the testimony meant to support it. He claimed his confession came from drink, and Ballard confirmed he was very drunk on 2 January 1764. But Ballard also said Eglestone drank nothing at his house the following day, when the confession was made. Harper and Merchant had both tested his state of mind and found him sober. The retraction therefore rested on a drunkenness that had passed by the time he spoke. Price's evidence offered a different account of the killing from the one Eglestone gave Harper. To Harper he spoke of pushing Meehan off the path. To Price he described a quarrel, a struggle and a throw that was not deliberate. In law, a killing in a sudden fight, without premeditation, was manslaughter rather than murder. Manslaughter allowed benefit of clergy and meant branding rather than death. **Speculations** The jury convicted Eglestone of murder although manslaughter lay plainly open to it. Price's testimony described a quarrel and a scuffle in which Eglestone threw Meehan without meaning to kill him, exactly the circumstances that reduced killing to manslaughter. A later reader of the register, noting this in the margin, questioned the verdict on the same ground. The jury preferred Eglestone's first, unprompted confession of murder to Harper and Merchant, made sober and after careful warning. His later account to the gaoler, and then his outright denial in court, perhaps looked to the jurors like a man retreating from the truth once he faced the gallows. The choice cost Eglestone his life, since the index records his hanging on 20 February 1764.
65	55	Island of St. Helena ss. The Jurors of our Sovereign Lord the King upon their Oaths do present that John Herring late of the Island of	The grand jury accused John Herring of stealing 100 pounds of lead, worth £0 16s 8d, from a boathouse on 20 December 1763. The lead belonged to the East India Company. The charge held that the

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		St. Helena Soldier on the twentieth Day of December in the fourth Year of the Reign of our Sovereign Lord George now King of Great Britain &c. by Force and Arms out of a Boat house within the Island aforesaid one hundred pounds Weight of Lead of the Value of Sixteen Shillings and eight pence of the Goods and Chattles of the Honorable the united Company of Merchants of England trading to the East Indies then and there being found feloniously did steal take and bear away against the Peace of our Sovereign Lord the King his Crown and Dignity And also against the Form of the Statute in that Case made and provided. - The Prisoner, being set to the Bar, was put upon his Trial, and the Indictment was a second time read to him; Then the twelve following Men were sworn upon his Jury and charged, Viz. Stephen Young John Robinson John Bagley Benjn. Seale Mathew Bazett John Dunfontain Orlando Bagley George Alexander William Seale James Colgrave James Casthope and John Seale John Criswell Cockswain of the long boat, being sworn, saith, that towards the latter End of last Week, Mr. Sheriff chief Mate of the Fly Cutter came on shore to overhaul the Stores belonging to that Vessel then in the Boathouse, That on examining the said Stores, he found that some Lead had been taken away, on which this Deponent made it his Business to enquire after it, That he discover'd one Robert Stack a Soldier had four or five pounds of Lead, who, when asked how he came by it, confessed he had it from the prisoner at the Bar, That this Deponent sent for him to William Joyce's Punch house whither he came and there own'd to his having taken four or five pounds of Lead which, he, this Deponent, Communicated to Mr. Sheriff. - Robert Stack Soldier, being duly sworn, saith, that one Evening as he was going to fish, when he came as far as the Crane he saw the Boathouse door open, and the prisoner at Work in it, That he went in, and the prisoner asked him if he wanted any Lead, he answered No, Then the prisoner said, There lies some Lead cover'd	theft breached the King's peace and offended against the relevant statute. Herring was brought before the court and put on trial, and the clerk read the charge to him a second time. The following 12 men were then sworn as his jury and given their instructions. Stephen Young John Robinson John Bagley Benjamin Seale Mathew Bazett John Desfountain Orlando Bagley George Alexander William Seale James Colgrave James Easthope John Seale John Criswell, patroon of the longboat, gave evidence first, under oath. Towards the end of the previous week, Mr Sheriff, chief mate of the cutter *Fly*, came ashore to inspect the vessel's stores kept in the boathouse. He discovered that some lead was missing. Criswell set about tracing it and learned that Robert Stack, a soldier, had four or five pounds of lead. Questioned about it, Stack admitted getting it from Herring. Criswell sent for Herring to come to William Payne's punch house. Herring came and admitted taking four or five pounds of lead, and Criswell reported this to Mr Sheriff. Robert Stack, a soldier, then gave evidence on oath. One evening, on his way to go fishing, he reached the crane and saw the boathouse door standing open with Herring working inside. Stack went in, and Herring asked whether he wanted any lead. Stack said he did not. Herring then pointed to some lead lying under a cover. **Interpretations** A patroon was the man in charge of a boat and its crew, similar to a coxswain. The Company's longboat carried stores, water and passengers between the shore and ships in the anchorage. Its patroon oversaw the boathouse where marine stores were kept, which gave him a direct interest in tracing the missing lead. Lead had many uses on the island that made it worth stealing. Ships used it for sheathing, sounding lines and patching, and soldiers could cast it into shot. Fishermen used it for sinkers, which explains why Stack, on his way to fish, was offered some. The value of £0 16s 8d for 100 pounds set it at twopence a pound, so even a few pounds had a small trade value among soldiers and fishermen. The *Fly* was a Company cutter, a small, fast single-masted vessel used for carrying messages, patrolling and running errands between the island and passing ships. Its stores lay in the boathouse at the landing place near the crane, where goods were hoisted to and from boats. A soldier at work in the boathouse had easy access to them.
66	56	"Over with Pitch and Tar, I don't see it can be of any Use; perhaps "it might be of some Service to you one Time or other." And on saying so he gave him some of it. - The Prisoner, being put upon his Defence, saith, that	Herring, according to Stack, remarked that the lead was covered in pitch and tar and seemed of no use to anyone. He suggested Stack might find a use for it some day, and with that he handed him a piece. In his defence, Herring said that John Criswell went off to fix a couple of buoys so that the boat's mooring ropes would not chafe through. Criswell left

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		as John Criswell went to put on a Couple of Buoys to keep the Boats Moorings from cutting, he left him ashore to Carry the Tackle falls and other Gear belonging to the Boat into the Boat house; but as they were too heavy for him to carry, he desired Stack to help him, That when they came in, Stack happening to Stand upon some Lead, desired him to give him a piece of it, and he, thinking the Lead no longer serviceable, as it was all over Cover'd with Pitch and Tar, got a Knife from Stack, and with a Stave cut a piece which he gave him; he knows of Nothing else. - The Prisoner having no more to move in his Defence, and the Evidence being closed, the Whole was summ'd up to the Jury, who retired: When they came back to court, they declared their Verdict, by which they found the prisoner Guilty to the Value of ten pence: His Sentence was to be Whipt at the publick Stocks and discharged. - The following Bill of Indictment against Esau Newland was prefer'd to the Gd. Jury, but was returned Ignoramus on which the prisoner was discharged. - Island of St. Helena ss. The Jurors of our Sovereign Lord the King upon their Oaths do present that Esau Newland late of the Island of St. Helena Matross on the eighth Day of December in the fourth Year of the Reign of our Sovereign Lord George now King of Great Britain &c. by Force and Arms at a Place called the Ivy gate within the Island aforesaid in and upon one Sarah a black woman Slave in the peace of God and of our Sovereign Lord the King then and there being did make an Assault with an Intention the said Sarah against the Will of the sd. Sarah feloniously to ravish and carnally to know And the said Sarah then and there by Force and Arms did beat and wound and other Enormities to the said Sarah then and there by force and Arms did offer to the great damage of the said Sarah and against the Peace of our Sovereign Lord the King his Crown and Dignity And also against the Form of the Statute in that Case made and provided. -	him ashore to carry the tackle and other gear from the boat into the boathouse. The load proved too heavy for him alone, so he asked Stack to help. Once inside, Stack happened to be standing on some lead and asked for a piece. Herring thought the lead was useless, since it was thickly coated with pitch and tar. He borrowed a knife from Stack and, using a stave, cut off a piece and gave it to him. He said he knew nothing more. Herring had nothing further to say, and the evidence was complete. The whole case was summed up for the jury, which withdrew. On returning to court, the jurors found him guilty of theft to the value of £0 0s 10d. He was sentenced to be whipped at the public stocks and then released. A charge against Esau Nowlan, a matross, was laid before the grand jury, which rejected it. Nowlan was accordingly released. The charge accused him of attacking Sarah, a black slave woman, at a place called the [...] gate on 8 December 1763. According to the charge, he assaulted her intending to rape her against her will. He was also accused of beating and wounding her and of other violence against her, to her serious harm and in breach of the King's peace. **Interpretations** The grand jury's rejection of the charge against Nowlan ended the case before any trial. When jurors found the evidence too weak to justify a trial, they wrote ignoramus, meaning we do not know, on the back of the written charge. The accused was then released without facing the trial jury. This was the grand jury's filtering function at work, and here it removed a charge of violence against a slave woman from the court entirely. The record gives no reason, but it shows that such accusations could be made and could fail at the first stage. The charge against Nowlan framed the offence as assault with intent to rape, together with beating and wounding. Unlike the charges against Will and Frank in 1762, which concerned completed rapes of girls under ten, this was a misdemeanour carrying no death penalty. A slave woman could still be the named victim of a prosecution, which shows that the law recognised her as a person capable of being wronged, not merely as property. Herring's defence mirrored that of Poulton in the case of the elm plank, since both claimed the Company's material was worthless. Coated in pitch and tar, the lead seemed to Herring waste to be given away. Yet the charge covered 100 pounds, while he admitted cutting off only a small piece. The jury's verdict of ten pence reflected the small amount proved rather than the full quantity alleged.
67	57	Peter Eglestone being brought to the Bar of the Court, and having Nothing to move in Stay of Judgment, the Chairman in a Short but moving Speech in which he represented the heinousness of Murder and Necessity of Repentance pronounced Sentence as follows. - "Peter Eglestone, You shall go to the place from "whence you came, and from thence to the place of Execution, and "there you shall be hanged by the Neck until your Body is dead - "And God have Mercy on your Soul. -	Peter Eglestone was brought before the court and offered no reason why judgment should not be passed. The chairman gave a brief but moving speech on the enormity of murder and the need for repentance. He then sentenced Eglestone to be taken back to the place he had come from and then to the place of execution. There he was to be hanged by the neck until dead, and the chairman commended his soul to God's mercy. With the court's business complete, the grand and trial juries were dismissed. The court was adjourned by public announcement until 2 May 1764. On 20 February 1764 the justices sent the Sheriff a warrant for Eglestone's execution. He was hanged under that sentence on Friday 24 February 1764. As

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		The Business of the Court being now ended, the Grand and Petit Juries were dismissed, and the Court was, by Proclamation, adjourned to the second Day of May next ensuing. - On the twentieth of February following a Warrant for the Execution of Peter Eglestone was directed to the Sheriff; and on Friday the twenty fourth of the same Month he was, pursuant to the above Judgment hanged; And according to an Act of Parliament 25th of George the second, his Body was delivered to the Surgeons of the Island to be dissected and Anatomized. - John Skottowe M Bazeling Thos. Kirkpatrick	an Act of Parliament of 1752 required, his body was then handed to the island's surgeons for dissection. John Skottowe Mathew Burling Thomas Kirkpatrick **Interpretations** The Murder Act of 1752 ordered that the body of every executed murderer be dissected by surgeons or hung in chains, never given a normal burial. Parliament intended this as an added terror beyond death itself, since many people feared that a mutilated body could not rise at the resurrection. The Act also supplied anatomists with corpses at a time when legal sources were scarce. St Helena applied it faithfully, handing Eglestone to the Company's surgeons as the statute directed. The same Act required a murderer to be hanged on the second day after sentence, allowing only a single day for repentance. Eglestone waited about six weeks between his conviction in January 1764 and his execution. The island thus followed the Act's rule on dissection while departing from its rule on timing. The delay perhaps reflected the need for the Governor's approval, or simply the settled practice of the island's court, which allowed similar intervals in earlier capital cases. The register's index dated Eglestone's hanging to 20 February 1764, the day the warrant was issued. This entry shows he died four days later. The index made the same substitution for Will and Frank in October 1762, recording the warrant date in place of the execution.
68	58	On the eleventh Day of January in the fourth Year of his present Majesty's Reign, a Precept upon the Commission of the Peace was issued out to Richd. Beale Sheriff of the Island of St. Helena - On the Eighteenth Day of April following, a Precept upon the Commission of Oyer and Terminer was issued out and directed to Richd. Beale Sheriff of the sd. Island. On the twenty third of April, The Inhabitants assembled in the Chappel in James's Valley within the sd. Island, and nominated three of the principal Inhabitants that one of them may be made Sheriff for the Ensuing Year - Viz. Messrs. Richd. Bagley Jams. Cowell John Dunfontain We appointed the first of these to be made Sheriff - They afterwards Chose Mr. Rodk. Merchant for Constable - On the Second Day of May following, a Precept upon the Commission of Goal Delivery was issued out in Court, and directed to Richd. Bagley Sheriff of the sd. Island. -	On 11 January 1764 the justices issued an order under the commission of the peace to Richard Beale, Sheriff of St Helena. On 18 April 1764 they sent him a further order under the commission of oyer and terminer. On 23 April 1764 the inhabitants met in the chapel in James's Valley. They put forward three leading men, from whom one would be appointed Sheriff for the coming year. Richard Bagley James Cowle John Desfountain The Council appointed Richard Bagley, the first named, as Sheriff. The inhabitants then elected Roderick Merchant as Constable. On 2 May 1764 the justices issued an order for the gaol delivery in open court, addressed to Richard Bagley as Sheriff. **Interpretations** The lists of nominees for Sheriff show a rotation at work. In 1762 the inhabitants named Thomas Greentree, Richard Beale and Richard Bagley, and Greentree was appointed. In 1763 they named Beale, Bagley and James Cowle, and Beale was appointed. In 1764 they named Bagley, Cowle and John Desfountain, and Bagley was appointed. Each year the man appointed dropped off, the others moved up one place and a new name joined at the bottom. The office thus passed in turn among the island's leading settlers, with each man's term foreseen two years ahead. Roderick Merchant, the new Constable, was the innkeeper Thomas Harper called in to witness Peter Eglestone's confession on 3 January 1764. His election continued the pattern set by Harper's own, placing in office a man already experienced in the island's courts. The Constable's post, like the Sheriff's, stayed within a small circle of settlers who served repeatedly as jurors and witnesses.
69	59	Island of St. Helena. - The General Quarter Sessions of the Peace, Sessions	The court sat in James's Valley on 2 May 1764, acting at once as a court of general quarter sessions of the peace, a court of oyer and terminer and a court

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		of Oyer and Terminer, and Sessions of Goal Delivery holden in James's Valley on the said Island of St. Helena the second Day of May in the fourth Year of the Reign of our Sovereign Lord George the third of Great Britain, France and Ireland King, Defender of the Faith and so forth, before John Skottowe, Matthew Bazeling and Thomas Kirkpatrick Esquires, three of his Majesty's Justices assigned to keep the peace in the said Island, and also to hear and determine, divers Felonies, Trespasses and other Misdemeanors in the said Island committed. The Court being opened upon the Commission of the Peace, a Grand Jury consisting of Seventeen of the principal Inhabitants of the said Island were sworn: But no Business appearing upon that Commission, The Court of Oyer and Terminer was opened, a New Grand Jury impannelled and sworn, and the Bills of Indictment were preferred to them. They found the following Bills, and then the Court was open'd upon the Goal Delivery. - Harry Hammer a Man slave belonging to the Honorable Company, being set to the Bar, was arraigned upon the following Indictment, Viz. Island of Saint Helena ss. The Jurors of our Sovereign Lord the King upon their Oaths do present that Harry Hammer late of the Island of Saint Helena Man slave on the twenty seventh day of November in the fourth Year of the Reign of our Sovereign Lord George now King of Great Britain &c. about the Hour of twelve in the Night of the same Day by Force and Arms in James's Valley within the Island aforesaid the Dwelling house of one Benjamin Mason there situated feloniously and burglariously did break and enter And one Four Hat of the Value of eighteen Shillings One pair of Arm buckles of the Value of one	of gaol delivery. John Skottowe, Mathew Burling and Thomas Kirkpatrick presided as three of the King's justices appointed to keep the peace on the island and to hear and decide felonies, trespasses and lesser offences committed there. The court opened under the commission of the peace and swore in a grand jury of 17 leading inhabitants. No business came forward under that commission. The justices then opened the court of oyer and terminer and swore in a fresh grand jury, before which the prosecutors laid their written charges. Once the jurors had accepted the charges that followed, the court opened for the gaol delivery. Harry Hammer, a slave owned by the Company, was brought before the court and formally accused. The grand jury charged that at about midnight on 27 November 1763 he broke into the house of Benjamin Mason in James's Valley as a burglar. Among the goods he was accused of taking were a fur hat worth £0 18s 0d and a pair of stone buckles. **Interpretations** A fur hat of this period was made from felted beaver or rabbit fur, shaped and stiffened into a broad-brimmed or cocked form. Beaver felt was the finest and most expensive, prized for its sheen and resistance to rain. At £0 18s 0d, this hat was worth more than a soldier's quarterly pay. Stone buckles were shoe or knee buckles set with paste, a cut glass made to sparkle like gemstones, fashionable among men of middling and upper rank. Both items marked Benjamin Mason as a man of some standing and were goods easily sold or worn by a thief. The formal heading named George III as King of France as well as of Great Britain and Ireland. English monarchs had kept the title since Edward III claimed the French throne in the fourteenth century, though no real claim had existed for centuries. The register's full style reflected the standard legal form used in England until 1801, when the French title was finally dropped.
70	60	One pound five Shillings three pounds of Tea of the Value of fifteen Shillings and one Dimity Waistcoat of the Value of Six Shillings of the Goods and Chattles of the said Benjamin Mason in the said Dwelling house then and there being found then and there feloniously and burglariously did steal take and bear away against the peace of our Sovereign Lord the King his Crown and Dignity And also against the Form of the Statute in that Case made and provided. - To the above Indictment the prisoner pleaded Not guilty. Patna a Man slave belonging to Mary Dovelon Widow, being brought to the Bar, was arraigned upon the following Indictment, Viz. Island of Saint Helena ss. The Jurors of our Sovereign Lord the King upon their Oaths do present that Patna late of the	The grand jury also charged Harry Hammer with taking goods from Benjamin Mason's house during the burglary. The full list of items named was: 1 fur hat, £0 18s 0d 1 pair of stone buckles, £1 5s 0d 3 pounds of tea, £0 15s 0d 1 dimity waistcoat, £0 6s 0d The charge held that the burglary breached the King's peace and offended against the relevant statute. Hammer denied it. Patna, a slave owned by the widow Mary Doveton, was then brought before the court and formally accused. The grand jury charged that at about midnight on 23 March 1764 he broke into the kitchen of Thomas Leech in James's Valley. According to the charge, he entered as a burglar intending to steal goods belonging to Leech that were kept there. Patna denied the charge. Peter, a slave owned by John Pritchard, the island's surgeon's mate, was then brought before the court and formally accused. The grand jury charged him with an offence committed on the 21st day of a month not shown here.

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		Island of Saint Helena Man slave on the twenty third Day of March in the fourth Year of the Reign of our Sovereign Lord George now King of Great Britain &c. about the Hour of twelve in the Night of the same Day by Force and Arms in James's Valley within the Island aforesaid the Kitchen of one Thomas Leech there situated feloniously and burglariously did enter with an Intention the Goods and Chattles of the said Thomas Leech in the said Kitchen then and there being then and there feloniously and burglariously to have stolen taken and born away against the Peace of our Sovereign Lord the King his Crown and Dignity and also against the Form of the Statute in that Case made and provided. - To the above Indictment the Prisoner pleaded Not guilty. Peter a Man slave belonging to John Pritchard Surgeon's Mate of the Island, being brought to the Bar, was arraigned upon the following Indictment, Viz. Island of Saint Helena ss. The Jurors of our Sovereign Lord the King upon their Oaths do present that Peter late of the Island of Saint Helena Man slave on the twenty first Day of	**Interpretations** The charge against Patna named no stolen goods, only an intention to steal. Burglary was complete in law once a person broke into a dwelling at night intending to commit a felony, whether or not anything was taken. A kitchen counted as part of the dwelling if it stood within the same property, even as a separate building. Patna therefore faced a capital charge for a break-in that may have yielded nothing. Dimity was a strong cotton fabric woven with raised stripes or checks, originally from India and widely made in Bengal. It was used for waistcoats, bed hangings and light summer clothing. Tea, too, reached St Helena through the Company's ships returning from China. Both goods show how the island's settlers had ready access to Eastern imports that the Company carried past their shores. John Pritchard held the post of surgeon's mate, an assistant to the Company's surgeon. Even a junior medical officer owned a slave. Slave ownership on the island reached well beyond planters and senior officials to the Company's lower-ranking employees.
71	61	February in the fourth Year of the Reign of our Sovereign Lord George now King of Great Britain &c. about the Hour of twelve in the Night of the same Day by Force and Arms in James's Valley within the Island aforesaid One Iron Pot of the Value of Seven Shillings of the Goods and Chattles of one Thomas Harper then and there being found in the Dwelling house of the said Thomas Harper feloniously did steal take and bear away against the Peace of our Sovereign Lord the King his Crown and Dignity And also against the Form of the Statute in that Case made and provided. - To the above Indictment the Prisoner pleaded Not guilty. Peter and Patna being taken from the Bar, Harry Hammer was put upon his Trial, and the twelve following Men, Viz. Foreman Charles Gessing Mathew Bazett Isaac Knipe Stephen Young William Seale Senr. Isaac Dovelon John Seale Henry Harper Benjn. Seale Henry Casthope Wm. Seale Junr. and Elisha Leache were sworn upon upon his Jury. Then the Indictment was, a second Time, read to the Prisoner, and the Jury charged. - Benjamin Mason Planter, being duly sworn, saith, that about the latter End of November last he came from the Country	Peter was accused of stealing an iron pot worth £0 7s 0d from the house of Thomas Harper in James's Valley at about midnight on 21 February 1764. The charge held that the theft breached the King's peace and offended against the relevant statute. Peter denied it. Peter and Patna were then taken away from the bar, and Harry Hammer was put on trial. The following 12 men were sworn as his jury, with Charles Gossing as foreman. The clerk read the charge to Hammer a second time, and the jurors received their instructions. Charles Gossing, foreman Mathew Bazett Isaac Knipe Stephen Young William Seale Senior Isaac Doveton John Seale Henry Harper Benjamin Seale Henry Easthope William Seale Junior Elisha Sparke Benjamin Mason, a planter, gave evidence first, under oath. Towards the end of November 1763 he came in from the country to his house in James's Valley. He went into one of the rooms to fetch a hat he had left in a chest there. The chest was unlocked, but the hat was gone. Looking around the room, he noticed a broken pane in one of the windows, fragments of glass on the floor and the upper sash lowered. He went downstairs and found the prints of fingers and toes on the outside wall beneath the window. About a month later, Mason said, his niece Mary Knipe asked whether her Bristol stone buckles were in the small compartment of the chest. When he came down the next day and searched the chest, he could not find them. He also discovered that a dimity

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		to his House in James's Valley, and went into a Room of the said house to get a Hat he had left in a Chest there; That he open'd the Chest which was not lock'd, but missed his Hat, and on his looking round the Room he perceived a pane of Glass broke in one of the Windows, saw some pieces of the broken Glass on the Floor, and the Top of the Window let down; - That he then went down Stairs, and perceived the Marks of both Fingers and Toes upon the Wall on the Outside of the Window. Saith, that Mary Knipe his Niece, about a Month afterwards, asked him if her Bristol Stone Buckles were in the Tiller of the Chest, and on his coming down next day he looked for the Buckles in the Chest but could not find them; he then likewise miss'd a Dimity Waistcoat. Saith, he heard no more of the Buckles till towards the Middle of February following, when Mr. James Cowell shewed him a pair of Arm buckles, and asked him if he knew them; Mary Knipe, being present, said they were hers, and the very Buckles she had lost with the Alteration of a New Chape in Stead of	waistcoat was missing. He heard nothing more of the buckles until the middle of February 1764. Then James Cowle showed him a pair of stone buckles and asked whether he recognised them. Mary Knipe, who was present, said they were hers and the very buckles she had left, except that a new chape had been fitted in place of the old one. **Interpretations** Bristol stones were clear quartz crystals found in the limestone gorge at Clifton, near Bristol. Cut and polished, they were sold as imitation diamonds and set in buckles, rings and brooches. They were cheaper than true gems but still valued, and the indictment put this pair at £1 5s 0d. The chape was the metal fitting on the back of a buckle that attached it to the shoe or strap. Replacing it was a simple way for a thief or receiver to alter a buckle's appearance, but Mary Knipe still knew her own. The tiller was a small lidded compartment built inside a larger chest, used to keep valuables and small items separate. Its mention shows how households stored their most prized possessions in the same chests as everyday clothing. An unlocked chest in an empty town house offered easy pickings. The prints of fingers and toes on the outside wall pointed to someone climbing barefoot. Slaves on the island usually went without shoes, while settlers and soldiers wore them. The marks thus suggested from the outset that the burglar was a slave, and the method of breaking a pane to lower the sash matched Exeter's entry into John Leech's house in September 1762. The jury again included men tied to the other cases before the court. Isaac Doveton, owner of Anthony in 1762 and 1763, sat alongside Isaac Knipe, a relative of Mary Knipe, the owner of the stolen buckles. On so small an island, the victim's family could easily appear among the jurors.
72	62	an old one: That Mr. Cowell told him they were offer'd to sale by Serjt. Ferris, three Days ago, on which this Deponent went to Serjeant Ferris and asked him how he came by the Buckles; That Ferris told him a Man who tended on the Cooper of the Ship Grosvenor had sold them to him for three Rupees: That he then carried the Buckles to the Governor, and on Serjeant Ferris's Examination afterwards before a Justice of the peace, it appeared that this Deponent had been also robb'd of a Catty of Tea, which, upon Enquiry, he found to be true, and taken out of the same Chest. This Deponent being ask'd if the Room door was locked when he came to open it, says it was. - Mary Knipe, being sworn, saith, that some Short Time before the Ship Grosvenor sailed she herself put the Buckles into the Chest, and is certain that the Buckles, produced to her in Court, are her property. - Thomas Ferris Serjeant, being duly sworn, saith, that before the Ship Grosvenor Sailed, the Prisoner now at the Bar, came to his Barrack door with a Bag upon his Back, where this Depont. asked him if he had any Stuff to Sell, That the prisoner reply'd he had a Catty of Tea to sell, and pull'd it out of his Bag, on which he asked him where he got it? I got it, says the Prisoner, and these	Mason said the only difference in the buckles was a new chape fitted in place of the old. James Cowle told him that Sergeant Ferris had offered them for sale three days earlier. Mason went to Ferris and asked how he came by them. Ferris said he had bought them for three rupees from a man who worked for the cooper of the ship *Grosvenor*. Mason then took the buckles to the Governor. When Ferris was later examined before a justice of the peace, it emerged that a catty of tea had also been stolen from Mason. On inquiry Mason confirmed this and found that the tea had come from the same chest. Asked whether the door of the room was locked when he came to open it, he said it was. Mary Knipe then gave evidence on oath. Shortly before the *Grosvenor* sailed, she said, she had put the buckles into the chest herself. She was certain that the buckles shown to her in court belonged to her. Sergeant Thomas Ferris then gave sworn evidence. Before the *Grosvenor* sailed, Hammer came to the door of his barrack carrying a bag on his back. Ferris asked whether he had anything to sell. Hammer said he had a catty of tea and took it out of the bag. Ferris asked where he got it. Hammer said he had obtained the tea, and the buckles he now produced, from a sailor in exchange for goods. Ferris asked the price of the tea, and when Hammer said half a crown, he bought it and paid. He then asked the price of the buckles. Hammer wanted a dollar. Ferris said he had no more money on him but would pay the dollar on Friday if Hammer would wait, and Hammer left. Some time later, Ferris said, he saw Hammer at the door of the black house and asked for his money back, as he wanted nothing further to do with him. Hammer gave him ninepence halfpenny, saying it was all he had left. Hammer then followed him up to the

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		Buckles, producing them, from a Ship man for Stuff. Saith, that he then asked him the Price of the Tea, and on the prisoner's telling him, half a Crown, he bought it and paid him for it. That he asked him the Price of the Buckles, and being told a Dollar, he said he had then no more Money about him, but if he waited 'till Friday, he would give him the Dollar for them, on which the prisoner went away. That, in some time after, seeing the Prisoner at the black house door, he desired him to give him back his Money, for he would have nothing "to say to him" on which he gave him Seven pence half penny, saying that was all he had left. Saith, the prisoner followed him up to the Barracks, whither he carried the Tea and Buckles, and there offered them to him, which he refused. That on Friday following, he went to fish on the long Rocks, where, when it became high water, the Sea surrounded him, and he happening to see the prisoner hollo'd to him in order to fetch him off, which the prisoner hearing, he and another Black got a Boat and fetch'd him off: That after landing him, the prisoner follow'd him, and told him he may safely take the Buckles, for that he certainly had them from a Sailor for Stuff,	barracks, where Ferris had taken the tea and buckles, and offered them to him, but Ferris refused. On the following Friday, Ferris went fishing on the Long Rocks. As the tide rose the sea cut him off. Seeing Hammer nearby, he shouted for help. Hammer and another black man found a boat and brought him off. After landing him, Hammer followed Ferris and assured him he could take the buckles without risk, since he had certainly got them from a sailor in exchange for goods. **Interpretations** Sergeant Ferris's own dealings sat uneasily with the standing order forbidding purchases from slaves. Thomas Burnham was fined £5 0s 0d in January 1763 for buying two hens from a slave. Ferris bought tea from Hammer outright and later offered the buckles for sale himself. He also told Mason that a man serving the ship's cooper sold him the buckles for three rupees, which differed from his sworn account. His evidence helped convict Hammer but also exposed his own part in the trade in stolen goods. A catty was a Chinese unit of weight, equal to about one and a third pounds, used throughout the Company's China trade. Tea reached St Helena in chests aboard returning East Indiamen, and small quantities circulated in catty parcels among sailors, soldiers and slaves. Mason's loss of a catty from the same chest tied the tea to the burglary as closely as the buckles. Truck meant barter, the exchange of goods without money. Sailors on ships calling at the island commonly traded small items with soldiers, slaves and settlers. Hammer's claim that he got the goods from a sailor in exchange relied on that familiar traffic. It was hard to disprove once the *Grosvenor* had sailed and taken any such sailor with her. The black house was probably the Company's lodging for its slaves, where men such as Hammer lived and gathered. Ferris found him there by its door. Hammer's rescue of Ferris from the rising tide, followed at once by his renewed offer of the buckles, suggests a slave using a favour to press a sale he badly wanted to complete.
73	63	On which he asked him what he had done with the Catty of Tea, he said he sold it to one Hannibal; That then this Deponent said, now he saw he had the Buckles from a Sailor, he would give him a Dollar for them, which the prisoner accepting, they both went into the Barrack where he gave him a Rupee and a single Fanam, which together with what he already had, made up a Dollar all to nine pence: That on the seventeenth following he gave the Buckles to Mr. Cowell's Brother in Law in order to sell them to Mr. Cowell. - William Scotman Soldier, being sworn, saith, that he was in the Barrack when the Prisoner at the Bar came to the Door with a Bag at his Back, and that he heard Serjeant Ferris ask him if he had any Stuff to sell, That the Prisoner said he had a Catty of Tea and a pair of Buckles to sell. - The Evidence for the Crown being closed, the prisoner was put upon his Defence, and having no Witnesses to produce, he could only say that he found the Buckles and Catty of Tea near some Timber on the Line. Then the Whole was, by the Chairman, summed up to the Jury,	Ferris then asked Hammer what he had done with the catty of tea. Hammer said he had sold it to a man called Hannibal. Ferris told him that, since he was now satisfied the buckles came from a sailor, he would pay a dollar for them. Hammer agreed, and the two went into the barrack. There Ferris gave him a rupee and a single fanam, which with the money Hammer already held made up a dollar less ninepence. On the 17th of the following month, Ferris handed the buckles to James Cowle's brother-in-law to sell to Cowle. William Scotman, a soldier, then gave evidence on oath. He was in the barrack when Hammer came to the door with a bag on his back. He heard Sergeant Ferris ask whether Hammer had anything to trade. Hammer replied that he had a catty of tea and a pair of buckles for sale. The case for the prosecution closed, and Hammer was called on to answer the charge. He had no witnesses to call. He could say only that he had found the buckles and the catty of tea near some timber on the Line. The chairman summed up the whole case, and the jury withdrew. On returning to court, the jurors found Hammer not guilty, and he was released. Peter was then brought before the court and put on trial. The same 12 men sworn for Hammer's trial formed his jury, with Charles Gossing again as foreman. The clerk read the charge to Peter a second time, and the jurors received their instructions. Charles Gossing, foreman Mathew Bazett

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		who retired; On their Return to Court, they brought in their Verdict - Not guilty. The Prisoner was discharged. - Peter being set to the Bar, was put upon his Trial, and the twelve following Men, Viz. Foreman Charles Gessing Matthew Bazett Isaac Knipe Stephen Young Wm. Seale Senr. Isaac Dovelon John Seale Henry Harper Benjn. Seale Henry Casthope William Seale Junr. and Elisha Leache were sworn upon his Jury. Then the Indictment was, a second time, read to the Prisoner, and the Jury Charged. - Thomas Harper Constable, being duly sworn, saith, that on the twenty third day of February last a little before day rise, being yet in Bed, he heard some of his Servants say a Pot was taken out of the Kitchen, on which he immediately got up, went to see if the Pot was gone, and found it was: That he went into the back yard, and discovered some Stones were taken out of the Wall and saw some Marks of Feet, also some black Footsteps, which made him think the prisoner got over the Wall in that part: That he likewise saw a Barefoot Track on an	Isaac Knipe Stephen Young William Seale Senior Isaac Doveton John Seale Henry Harper Benjamin Seale Henry Easthope William Seale Junior Elisha Sparke Thomas Harper, the Constable, gave evidence first, under oath. Shortly before dawn on 22 February 1764, while still in bed, he heard some of his servants say that a pot had been taken from the kitchen. He got up at once and found the pot was indeed gone. In the back yard he saw that several stones had been pulled out of the wall. He also found footprints and some black scrapings, which led him to believe that Peter had climbed over the wall at that point. He also noticed a barefoot print nearby. **Interpretations** The Line was the fortified wall stretched across the mouth of James's Valley, guarding the town from attack by sea. Its batteries and works required constant repair, so timber was often stacked nearby. Hammer's claim that he found the goods near timber on the Line placed his discovery in a busy public spot where lost or dumped goods might plausibly turn up. The theft from Thomas Harper, the island's Constable, repeated what happened to John Bland in October 1762. The officer charged with keeping the peace became a victim and then the chief witness in his own case. On so small an island, no other arrangement was possible when a constable's own house was robbed. **Speculations** The jury acquitted Hammer although the stolen buckles and tea were traced directly to him. The obvious verdict was guilty, whether of burglary or at least of theft. The evidence, however, showed only that Hammer had the goods some weeks after Mason's house was entered, not that he broke in. It rested chiefly on Sergeant Ferris, who had himself bought and resold the goods and whose account to Mason differed from his sworn evidence. Hammer's story of getting the goods from a sailor, or of finding them, could not be disproved once the *Grosvenor* had sailed. Faced with a capital charge built on possession alone and on a compromised witness, the jurors declined to convict.
74	64	other Wall, and that about three Weeks afterwards, hearing some people say they saw the Prisoner at the Bar coming down the side path, he went out and found him in Custody of William Poulton; That he then ask'd him if he had stolen a Pot from him to which Poulton reply'd that if he, this Deponent waited 'till he had delivered the prisoner to his Master, he should then know about it. That Poulton came back, and told him if he paid him for his Trouble, he would fetch him the Pot, which he promising, Poulton brought it and he paid him. That he knows the pot by a particular Mark he describes. - William Poulton Matross, being duly sworn, saith, that on the third Day of March last, as he was going to Wood, he saw the Prisoner at the Bar lying close in a Hole on the Side of a Hill, and went up to him; That he asked him why he did not	Harper said he found a further barefoot print on another wall. About three weeks later, hearing people say they had seen Peter coming down the side path, he went out and found him in the custody of William Poulton. Harper asked whether Peter had stolen a pot from him. Poulton answered that Harper would learn about it once he had handed the prisoner over to his master. Poulton later returned and offered to fetch the pot if Harper paid him for his trouble. Harper agreed, and Poulton brought the pot and received payment. Harper said he knew the pot by a distinctive mark, which he described to the court. William Poulton, a matross, then gave evidence on oath. On 3 March 1764, while going to gather wood, he saw Peter hiding in a hollow on a hillside and went up to him. Poulton asked why he did not go home. Peter begged not to be taken back, saying he would be horsewhipped and starved. Poulton left him there for the time being. On Monday 5 March 1764 Poulton returned and found Peter in the same hollow. When Poulton approached, Peter showed him where he had hidden a pot. Poulton did not want the bother of carrying it down to the fort himself, and Peter seemed unwilling to help, so Poulton left the pot where it was. He took

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		go home, to which he said, "Don't take me home, for I shall be horse- whipt and starved for Want of Victuals." That he did not then take him home, but on the Monday following, he went and found him in the same Hole, and his Coming up to him, he shew'd him the Place where he had hid a Pot, and as this Deponent did not then Chuse to trouble himself with bringing it down to the Fort, and the prisoner seemingly unwilling to help him, he left the Pot, but brought him, whom he delivered up to his Mistress. That on his afterwards telling Mr. Harper that he knew where his Pot was, the Harper said he would pay him if he brought it, on which he accordingly went, and brought it to Harper, who knew it to be his own. - The Prisoner, being put upon his Defence, confesses his having taken the Pot out of Mr. Harper's Kitchen. The Evidence being summ'd up to the Jury, they retired to Consider, and in a short time brought in their Verdict Guilty of the Value of ten pence for which the prisoner was Sentenced to be Whipt at the publick Stocks and discharged. - The above Sentence was put in due Execution immediately after the Adjournment of the Court. -	Peter back and handed him over to his master. Afterwards Poulton told Harper that he knew where his pot was. Harper promised to pay him if he brought it back, so Poulton fetched it and gave it to Harper, who recognised it as his own. In his defence, Peter admitted taking the pot from Harper's kitchen. After the evidence was summed up, the jury withdrew and soon returned a verdict of guilty to the value of £0 0s 10d. Peter was sentenced to be whipped at the public stocks and then released. The sentence was carried out as soon as the court adjourned. **Interpretations** Peter's plea to Poulton revealed why he had run away. He feared being horsewhipped and starved if returned to his master, the surgeon's mate John Pritchard. Hiding in a hollow on the hillside for days, he took a cooking pot, the one thing he needed to prepare food while living rough. The theft was less an act of gain than of survival by a fugitive slave. Poulton, who had himself been convicted of stealing the Company's elm plank in January 1764, now acted as a finder of stolen goods for payment. He returned the runaway to his master and then charged Harper for bringing back the pot. The practice of recovering property for a reward was common, since there was no paid police to trace stolen goods. It gave soldiers and settlers a financial motive to hunt fugitives and bring thieves in. Peter was whipped at the public stocks, like the soldiers, rather than at the tail of a cart, as Anthony and Lewis had been in January 1763. The court's choice of place for a flogging evidently did not follow a fixed rule based on the offender's status. It perhaps turned instead on the circumstances of each case or on the practice of the justices sitting at the time.
75	65	Patna, being set to the Bar, was put upon his Trial, and the twelve following Men, Viz. Foreman Charles Gessing Matthew Bazett Isaac Knipe Stephen Young William Seale Senr. Isaac Dovelon John Seale Henry Harper Benjn. Seale Henry Casthope William Seale Junr. and Elisha Leache were sworn upon his Jury. Then the Indictment was, a second time, read to the Prisoner and the Jury Charged. - Lieutenant Thomas Leech, being sworn, saith, that on the twenty third Day of March last about the Hour of twelve in the Night, being in Bed but not asleep, he heard some thing fall down his Kitchen Chimney and immediately thereon, heard Martin Newman challenge loud, "Who is there?" That he started out of Bed, open'd the Door which leads from his Bed chamber to his Kitchen, ran to the Chimney Corner, and found the Prisoner at the Bar on the Spit pole, whom Newman held fast with his left hand, and in his Right, he held a Wood Hatchet. That he desired the Prisoner to come down, and ordered Newman to keep him, while he himself went for a Light, That When he brought the Light he knew him, and secured him 'till Morning. - Martin Newman upon his Oath, deposeth, that	Patna was then brought before the court and put on trial. The same 12 men, with Charles Gossing as foreman, were sworn as his jury. The clerk read the charge to Patna a second time, and the jurors received their instructions. Charles Gossing, foreman Mathew Bazett Isaac Knipe Stephen Young William Seale Senior Isaac Doveton John Seale Henry Harper Benjamin Seale Henry Easthope William Seale Junior Elisha Sparke Lieutenant Thomas Leech gave evidence first, under oath. At about midnight on 23 March 1764 he was lying awake in bed when he heard something fall down the kitchen chimney. At once he heard Martin Newman shout a challenge, demanding to know who was there. Leech leapt out of bed, opened the door from his bedroom into the kitchen and ran to the chimney corner. There he found Patna on the pole across the chimney. Newman had hold of him with his left hand and gripped a wood hatchet in his right. Leech told Patna to come down and ordered Newman to hold him while he fetched a light. When he returned with the light he recognised Patna and kept him secured until morning. Martin Newman then gave evidence on oath. At about midnight that night he was in bed in Lieutenant Leech's kitchen when he heard a stone fall down the chimney. He got up at once and found Patna in the chimney. He held him until Leech arrived. With the evidence complete, Patna was called on to answer the charge. He said in his defence that he

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		about twelve of the Clock the same Night being in Bed in Lieut. Leech's Kitchen, he heard a Stone fall down the Chimney; That he immediately got up, and found the Prisoner at the Bar in the said Chimney whom he secured 'till the said Lieut. Leech came. - The Evidence being closed, the prisoner was put upon his Defence, and alledges in Excuse his being hungry and attracted by the Smell of fresh boiled Yams. - The Prisoner having nothing more to Move, the Evidence was summ'd up to the Jury; They retired and, Coming back to Court, brought in their Verdict Not guilty which being recorded, the Prisoner was discharged. -	was hungry and had been drawn by the smell of freshly boiled yams. Patna had nothing more to say. After the evidence was summed up, the jury withdrew. On returning to court, the jurors found him not guilty. The verdict was recorded, and Patna was released. **Interpretations** Entering a house by its chimney counted as a breaking in law, even though no door or window was forced. The courts treated a chimney as part of the building's enclosure, and climbing down it was no different from breaking a pane. Patna was caught inside the chimney of Leech's kitchen, part of the dwelling, at midnight. On the facts as given, every element of burglary was present. Yams were a staple food on St Helena, grown in the island's valleys and widely used to feed slaves. Patna's claim that the smell of boiled yams drew him points to the meagre rations some slaves received. It echoed Peter's fear of starvation in the case heard at the same sitting. Hunger among slaves appears in both cases as the driving force behind petty crime. **Speculations** The jury acquitted Patna although he was caught in the act, inside the chimney of a dwelling at midnight, by two witnesses. A conviction for burglary, or at least attempted theft, was the obvious outcome. Several features of the case explain why the jurors refused it. Nothing was taken, and Patna's only aim, by his own account, was food. A burglary conviction would have meant death for a hungry slave who stole nothing. Isaac Doveton sat on the jury, and a slave of the widow Mary Doveton would perhaps have found a sympathetic voice there. The jurors chose to acquit rather than send a starving man to the gallows for a few boiled yams.
76	66	A Complaint being brought, sometime before the Quarter Sessions, by Robert Ballard Inn holder and others, before Thomas Kirkpatrick Esqr. against a free black Man, called, Free Harry, importing that he kept a disorderly house, was a Disturber of, and a Nusance in, the Neighbourhood, it was laid before the Grand Jury, who were unanimously of Opinion that there was just Cause for such Complaint. Pursuant to their presentment, Free Harry was brought to the Bar of the Court, and there Sentenced to a Month's Imprisonment, And in Case he cou'd not then find Sureties for his good Behaviour, to Continue in prison. - The Business of the Sessions being now ended, the Grand and Petit Juries were dismissed, and the Court was, by proclamation, adjourned to the eleventh day of July next ensuing. - John Skottowe M Bazeling Thos. Kirkpatrick	Some time before the court sat, Robert Ballard, an innkeeper, and several others complained to Thomas Kirkpatrick about a free black man known as Free Harry. They alleged that he kept a disorderly house and caused disturbance and nuisance in the neighbourhood. The complaint went before the grand jury, which agreed unanimously that it was well founded. On the strength of the grand jury's report, Free Harry was brought before the court. He was sentenced to a month in prison. If at the end of that time he could not find guarantors for his good conduct, he was to remain in prison. With the court's business complete, the grand and trial juries were dismissed. The court was adjourned by public announcement until 11 July 1764. John Skottowe Mathew Burling Thomas Kirkpatrick **Interpretations** A disorderly house was one where drinking, gaming, fighting or prostitution disturbed the neighbours. Keeping one was a common nuisance, a misdemeanour punished by fine or imprisonment. The grand jury here acted in its role as the voice of the community, presenting a local grievance to the court. Free Harry was sentenced on that report without any trial jury being sworn, which suggests that he did not contest the charge. The requirement to find sureties for good behaviour was a form of binding over. The offender had to produce people willing to pledge money that he would keep the peace, forfeiting it if he offended again. For a free black man with few connections among the settlers, finding such guarantors could be difficult. The condition could therefore turn a month's sentence into imprisonment of no fixed end.

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			The complaint came from Robert Ballard, himself an innkeeper, and others in the neighbourhood. Ballard's trade put him in competition with any house where people gathered to drink. His complaint perhaps drew strength from rivalry as much as from disturbance. Free Harry's name recorded his standing as a free man in its very form, marking him apart from the slaves around him.
77	67	On the Second Day of May in the fourth Year of his Majesty's Reign, a Precept upon the Commission of the Peace was issued out and directed to Mr. Richard Bagley Sheriff - On the twenty sixth Day of June following, a Precept upon the Commission of Oyer and Terminer was issued out and directed to the sd. Richard Bagley Sheriff - On the eleventh Day of July following, a Precept upon the Commission of Goal Delivery, was issued out in Court, and directed to the sd. Richard Bagley Sheriff - Island of Saint Helena - The General Quarter Sessions of the Peace, Sessions of Oyer and Terminer, and Sessions of Goal Delivery holden at the Castle in James's Valley on the said Island of Saint Helena the eleventh Day of July in the fourth Year of the Reign of our Sovereign Lord George the third of Great Britain, France and Ireland King, Defender of the Faith, and so forth, before John Skottowe, Matthew Bazeling and Thomas Kirkpatrick Esquires three of his Majesty's Justices assigned to keep the peace in the said Island, and also to hear and determine divers Felonies, Trespasses and other Misdemeanors in the said Island committed - The Court being opened upon the Commission of the Peace, a Grand Jury consisting of Seventeen of the principal Inhabitants of the said Island were sworn: But no Business appearing upon that Commission, The Court of Oyer and Terminer was opened, a	On 2 May 1764 the justices sent Richard Bagley, the Sheriff, an order under the commission of the peace. On 26 June 1764 they issued him an order under the commission of oyer and terminer. On 11 July 1764 they gave him an order for the gaol delivery in open court. The court sat at the Castle in James's Valley on 11 July 1764, acting at once as a court of general quarter sessions of the peace, a court of oyer and terminer and a court of gaol delivery. John Skottowe, Mathew Burling and Thomas Kirkpatrick presided as three of the King's justices appointed to keep the peace on the island and to hear and decide felonies, trespasses and lesser offences committed there. The court opened under the commission of the peace and swore in a grand jury of 17 leading inhabitants. No business came forward under that commission, so the justices opened the court of oyer and terminer. **Interpretations** The July court of 1764 sat on 11 July, in the first week after the feast of the Translation of St Thomas on 7 July. The sitting of 6 July 1763 had fallen just before that feast. By its second year the island's court had brought its summer sitting into line with the English calendar, as it had done for the autumn sitting of 5 October 1763.
78	68	New Grand Jury impannelled and Sworn, and the Bills of Indictment were preferred to them. They found the following Bills, and then the Court was opened upon the Goal Delivery. - William Conquest, Serjeant in the Company commanded by Captain Henry Bazett, being set to the Bar, was arraigned upon the following Indictment, Viz. Island of Saint Helena ss. The Jurors of our Sovereign Lord the King upon their Oaths do present that William Conquest late of the Island of Saint Helena Serjeant on the fourth day of May in the fourth Year of the Reign of our Sovereign Lord George now King of Great Britain &c. by Force and Arms in James's Valley within the Island aforesaid One Packet containing twelve Monthly Magazines One Pocket book and One Letter all of the Value of eight Shillings of the Goods and Chattles of one Samuel Lawrence then and there being found in the Dwelling house	Once the new grand jury had been sworn, the prosecutors laid their written charges before it. The jurors accepted the charges that followed, and the court then opened for the gaol delivery. William Conquest, a sergeant in Captain Henry Bazett's company, was brought before the court and formally accused. The grand jury charged that on 4 May 1764, in James's Valley, he stole a packet containing 12 monthly magazines, together with a pocket book and a letter. The items belonged to Samuel Lawrence and were together worth £0 8s 0d. They were taken from the house of James Forbes. The charge held that the theft breached the King's peace and offended against the relevant statute. Conquest denied it. William Carr, a soldier in the company commanded by Captain Richard [...], was then brought before the court and formally accused. **Interpretations** Monthly magazines were periodicals printed in London, combining news, essays, poetry, political reports and lists of births, marriages and deaths. The best known, such as the Gentleman's Magazine, reached a wide readership across Britain and its colonies. A packet of 12 represented a full year of issues, sent out by ship to a subscriber on the island.

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		of James Forbett feloniously did steal take and bear away against the Peace of our Sovereign Lord the King his Crown and Dignity And also against the Form of the Statute in that Case made and Provided. - To the above Indictment, the prisoner pleaded Not guilty. William Carr, Soldier in the Company commanded by Captain Richard Rich, being set to the Bar, was arraigned upon the following Indictment, Viz. Island of Saint Helena ss. The Jurors of our Sovereign Lord the King upon their Oaths do present that William Carr	Such reading kept settlers in touch with events at home, often many months after they happened. The packet also held a letter, which placed the theft close to interference with private correspondence. Mail for the island arrived in bundles aboard passing ships and was left at private houses for collection. A packet lying in James Forbes's house awaiting its owner was easy for a sergeant to take. Its value of £0 8s 0d reflected the cost of the magazines rather than any worth in the letter.
79	69	late of the Island of Saint Helena Soldier on the Sixth Day of July in the fourth Year of the Reign of our Sovereign Lord George now King of Great Britain &c. by Force and Arms in James's Valley within the Island aforesaid One Silk Handkerchief of the Value of two pence And one piece of coined Silver called a Dollar of the Value of Five Shillings of the Goods Chattles and Money of one John Thomson in a Room of the New Barracks then and there being found feloniously did steal take and bear away against the Peace of our Sovereign Lord the King his Crown and Dignity And also against the Form of the Statute in that Case made and provided. - To the above Indictment the prisoner pleaded Not guilty. William Carr being taken from the Bar, William Conquest was put upon his Trial, and the twelve following Men; Viz. John Bland Robert Ballard William Seale Senr. William Seale Junr. John Seale Henry Harper Matthew Bazett John Dunfontain John Bagley Benjamin Seale Henry Casthope and Elisha Leache were sworn upon his Jury. Then the Indictment was, a second time, read to him, and the Jury charged. - James Forbett, Cooper of the said Island, being duly sworn, saith, that on or about the fourth day of April last, he received two Pockets directed to Samuel Lawrence Steward of the Ship Falmouth, Captain O'Hara Commander; That about the fourth Day of May following, he missed them, and finding they were stolen out of his House, had them advertized; That on hearing in some time afterwards that Serjeant William Conquest, the prisoner now at the Bar, had sold a Pocket book to one Brooke, the Honble. Company's Overseer in the Longwood, and that the said Pocket book contain'd	The grand jury charged that on 6 July 1764, in a room at the new barracks in James's Valley, Carr stole a silk handkerchief worth £0 0s 2d and a silver dollar worth £0 5s 0d. Both belonged to John Thomson. The charge held that the theft breached the King's peace and offended against the relevant statute. Carr denied it. Carr was then taken away from the bar, and William Conquest was put on trial. The following 12 men were sworn as his jury. The clerk read the charge to him a second time, and the jurors received their instructions. John Bland Robert Ballard William Seale Senior William Seale Junior John Seale Henry Harper Mathew Bazett John Desfountain John Bagley Benjamin Seale Henry Easthope Elisha Sparke James Torbett, a cooper on the island, gave evidence first, under oath. On or about 4 April 1764 he took in two packets addressed to Samuel Lawrence, steward of the ship *Falmouth*, commanded by Captain O'Hara. Around 4 May 1764 he noticed they were missing. Realising they had been stolen from his house, he had the loss publicly advertised. Some time afterwards he heard that Sergeant William Conquest had sold a pocket book to Brooke, the Company's overseer at Longwood. **Interpretations** Settlers in James's Valley routinely held letters and parcels for the crews of ships calling at the island. A ship's steward such as Samuel Lawrence might receive mail sent out to meet his vessel, or leave goods ashore for later collection. Torbett's house served as an informal post office for the *Falmouth*. Such arrangements depended on trust and left packets exposed to anyone who came and went. Torbett's decision to advertise the loss shows how the island publicised thefts. A notice fixed in a public place, such as the church door or the Castle, described the missing goods and sometimes offered a reward. With no newspaper on the island, word of mouth and posted notices were the only means of tracing stolen property. The report that reached Torbett about Conquest's sale of a pocket book probably followed from that notice. Longwood was one of the Company's farms on the high plateau in the east of the island, used for grazing cattle and growing crops. An overseer there managed its workforce, including slaves. Brooke's purchase of a pocket book from a sergeant fell foul of the standing order against buying from soldiers,

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			the same rule that Schaarnhurst obeyed in the case of John Cork.
80	70	a Letter directed to the said Samuel Lawrence, which Letter he, Lawrence had already got from Brooke, This Deponent and Lawrence not doubting then but that the Packet had been stolen by the prisoner, being yet better assured of it, as Lawrence, on his Arrival, had received a Letter sent on the same Ship in the Honble. Company's Packet, giving him Advice of the sd. packet containing Magazines, a Pocket book and a Letter, to be left for him in Care of this Deponent, examined the prisoner; Then Lawrence told him, that, if he gave him his Letters, he would give him no further Trouble about it, to which he heard the prisoner reply, that it would look better on his Side to say he had found them. - John Brooke, one of the Honble. Company's Overseers, being sworn, saith, that on the fifth Day of May last as he went by William Joyce's Punch house, One Taylor then in the said punch house called him in, and told him that, if he waited a little longer, he would accompany him up to the Longwood. Saith, that the prisoner at the Bar was also in the said punch house, who, in some time after this Deponent went in, pull'd a new red Pocket book out of his Pocket, and offer'd to sell it to him, on which he asked him what he would sell it for, he said, half a Dollar; They afterwards agree'd, and he bought it for a Rupee; Saith he then look'd into it, put it in his Pocket, and carried it home. That about four days after, he examined it, and therein found a Letter directed to Samuel Lawrence Steward of the Ship Falmouth Captn. O'Hara Commander, which determined him to keep the Letter 'till the said Ship arrived. That after her Arrival, the Gunner being sick, came up to the Longwood, where this Deponent asked what Ship he belong'd to, and on his telling him he belonged to the Falmouth, he said he had a Letter for the Steward of that Ship. That the Gunner thereupon sent a Boy he had along with him to let the Steward know that he, this Deponent, had a Letter for him, and to desire him to Come up; That the Steward	Torbett said the pocket book held a letter addressed to Samuel Lawrence, which Lawrence had already recovered from Brooke. Torbett and Lawrence were now sure that Conquest had stolen the packet. They grew surer still because Lawrence, on reaching the island, received a letter by the Company's mail aboard the same ship. It told him that a packet of magazines, a pocket book and a letter had been left for him in Torbett's care. The two men then questioned Conquest. Lawrence told him he would take the matter no further if Conquest returned his letters. Torbett heard Conquest reply that it would look better for him to say he had found them. John Brooke, one of the Company's overseers, then gave evidence on oath. On 5 May 1764, as he passed William Payne's punch house, a man named Taylor called him in. Taylor said that if Brooke waited a little, he would walk up to Longwood with him. Conquest was also in the punch house. Some time after Brooke came in, Conquest drew a new red pocket book from his pocket and offered to sell it. Brooke asked his price, and Conquest wanted half a dollar. They eventually settled on a rupee, and Brooke bought it. He glanced inside, put it in his pocket and took it home. About four days later, Brooke said, he examined the pocket book more closely. Inside he found a letter addressed to Samuel Lawrence, steward of the ship *Falmouth*, commanded by Captain O'Hara. He decided to hold the letter until the ship arrived. After the *Falmouth* reached the island, her gunner, who was ill, came up to Longwood. Brooke asked which ship he served on. When the gunner named the *Falmouth*, Brooke told him he had a letter for her steward. The gunner sent a boy who was with him to tell the steward that Brooke held a letter for him and to ask him to come up. **Interpretations** The Company's packet was the official bundle of letters and dispatches sent out with its ships. Private correspondence often travelled with it, and a letter sent ahead by an earlier ship could reach the island before the vessel it concerned. Lawrence's own letter of advice, telling him what had been left for him, confirmed exactly what the stolen packet contained. That independent record made it hard for Conquest to claim the goods were anything other than Lawrence's. The gunner of the *Falmouth* went up to Longwood because he was ill. The high, open plateau was cooler and drier than James's Valley, and it was regarded as a healthy place for sick seamen to recover. Ships arriving after months at sea often landed men suffering from scurvy and fevers. The Company's farm there supplied fresh food and clean air, and its overseer came into contact with crews through that traffic. Lawrence's offer to drop the matter if Conquest returned his letters showed again the preference for private settlement. Victims wanted their property back more than they wanted a prosecution. Conquest's reply, that claiming to have found the letters would look better for him, amounted to an admission that he had not found them. Torbett's report of it turned Conquest's own words into evidence against him.
81	71	came up that Night, and he gave him the Letter, and told him that he found it in a Pocket book, he had bought of one Serjeant Conquest, meaning the prisoner at the Bar. -	The steward came up to Longwood that night. Brooke handed him the letter and explained that he had found it inside a pocket book bought from Sergeant Conquest, the prisoner.

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		Upon the Close of the above Evidence, the Justice of the Peace who had taken Information against, and committed the Prisoner, produced the Pocket book and Letter to the Court and Jury; also the Letter of Advice, to the Truth and Reality of which the sd. Samuel Lawrence had deposed upon Oath before him, the Letter to enable James Forbett to Carry on the Prosecution against the Prisoner as he cou'd not stay himself. The Letters, as far as they regarded the Facts, were read in Court, And are in Substance as followeth. - Copy of the Letter directed to Saml. Lawrence to be left in Care of James Forbett - Sir - Octr. 29th. 1763 - I have sent you Magazines, and hope you'll receive them Safe, I have sent you a Pocket book, as I thought Yours might have demolished a piece. They are very convenient Things, therefore, as they are new, I imagined it would be acceptable. - Mr. Ardeman - Intended sending a Letter by the Company's Packet, but you did not get this - Copy of the Letter sent to Saml. Lawrence in the Honble. Company's Packett - Sir - Novemr. 29th. 1763 - "I sent you Magazines 3 Weeks or a Month ago, with a "long Letter with them and a Pocket book, which I hope you received "Safe, I have sent you a whole Packet of News in the Letter I "sent, so have very little to Say now - Mary Ardeman -	When this evidence closed, the justice of the peace who had taken the sworn complaint and committed Conquest to prison produced the pocket book and the letter for the court and jury. He also produced Lawrence's letter of advice. Lawrence had sworn before the justice that this letter was genuine, so that James Torbett could carry on the prosecution, since Lawrence himself could not remain on the island. The parts of the letters bearing on the facts were read in court. Their substance was as follows. The first letter, addressed to Samuel Lawrence in the care of James Torbett, was dated 29 October 1763 and signed M. Arderon. The writer said she had sent Lawrence some magazines and hoped they would reach him safely. She had also sent him a pocket book, thinking his own might be worn to pieces. Such books were very handy, she wrote, so she supposed it would be welcome. A note added that she meant to send a letter by the Company's mail as well. The second letter, sent to Lawrence with the Company's mail, was dated 29 November 1763 and signed Mary Arderon. She said she had sent him magazines three weeks or a month earlier, with a long letter and a pocket book, and hoped they would reach him safely. Since that letter had carried plenty of news, she had little more to report. **Interpretations** Lawrence's absence at the trial shows how ship movements shaped justice on St Helena. A steward had to sail with his vessel, and the *Falmouth* could not wait for the next sitting of the court. Lawrence therefore swore to the authenticity of his letter before a justice and left the prosecution to Torbett, in whose house the packet had been stolen. The sworn document allowed the court to use his knowledge after he was gone. The letters themselves supplied rare documentary evidence in a court that relied almost entirely on spoken testimony. They were written in England before the theft and established what the packet contained, who sent it and where it was to be left. A pocket book described in a letter written months earlier, and then found in a sergeant's hands, left little room for his claim that he had found it. The letters reveal something of the private ties behind the island's shipping. A woman in England kept a ship's steward supplied with magazines, news and a useful gift, sending them ahead to wait for him at a port of call. St Helena functioned as a postal station for men at sea. Theft of such a packet broke one of the few links sailors had with home.
82	72	John Brooke being asked if the Pocket book produced in Court is the same he bought of the prisoner, says it is, and the Letter being shewn him, says it is the same Letter that was in the Pocket book when he bought it. - The Prisoner, being put upon his Defence, saith, that on the third or fourth Day of April last, he received Six Monthly Magazines from the Cockswain of the Duke of Richd. Storeship; That they were sent to him by the Steward from on board the sd. Storeship; That he asked the Cockswain, when he gave him the Magazines, if he had a Letter for him, to which he replyed, that there might be one for him, but doubted it as the Ship sailed two or three Days sooner than expected - That he	John Brooke was asked whether the pocket book shown in court was the one he bought from Conquest. He said it was. Shown the letter, he confirmed it was the same one that lay inside the pocket book when he bought it. In his defence, Conquest said that on 3 or 4 April 1764 he received six monthly magazines from the coxswain of the storeship *Duke of York*. The steward aboard the storeship had sent them to him. When the coxswain handed them over, Conquest asked whether there was also a letter for him. The coxswain said there might be, but he doubted it, since the ship had sailed two or three days earlier than expected. Conquest said he took the magazines up to his barrack and put them in his chest. Later he showed them to others and lent them out to read. A pocket book came with the magazines, and since he already owned one, he sold it to John Brooke about three weeks later. He also received six pairs of metal buckles at the same time, one pair of which he was now wearing on his shoes.

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		carried the Magazines up to his Barrack and put them into his Chest, and afterwards Shew'd and gave them to some people to read; Saith he received a Pocket book along with the Magazines, which he, as he had another, sold in about three Weeks afterwards to John Brooke - That he also received at the same time Six Pairs of Metal buckles, a pair whereof he now wears in his Shoes. - Serjeant William Bell, being duly sworn, saith, that in a few days after the Arrival of the Duke of Richmond, first Storeship, he came into the Prisoner at the Bar's Barrack, and seeing his Chest open, he laid hold of a Magazine that was in it, and desired him to lend it to him, on which the prisoner told him he had Six Magazines sent out of England to him, A Pocket book and Six Pairs of Metal buckles; That he may read the Magazine he had, and when he had read that, he should have another, and so on, 'till he had read them; Saith they were London Magazines as also, that he saw a Pocket book and some Buckles in the Prisoner's Chest -	Sergeant William Bell then gave evidence on oath. A few days after the storeship *Duke of Richmond* arrived, he went into Conquest's barrack. Seeing the chest open, he noticed part of a magazine that had got wet and asked to borrow it. Conquest told him that six magazines had been sent out to him from England, together with a pocket book and six pairs of metal buckles. Conquest offered to lend Bell the magazine and then pass him the others in turn until he had read them all. Bell said they were London magazines. He also saw a pocket book and some buckles in Conquest's chest. **Interpretations** The register's index records Sergeant William Bell as convicted of perjury and points to this page. His evidence was evidently judged false and led to his own prosecution. Bell's account supported Conquest's defence at every point, down to the six magazines, the pocket book and the six pairs of buckles. Yet he named the storeship as the *Duke of Richmond*, while Conquest named the *Duke of York*. The discrepancy suggests two sergeants whose stories had been matched in substance but not in detail. Conquest's defence claimed only six magazines, whereas the charge named 12. By accounting for half the number, he offered an innocent explanation for the magazines found with him without conceding the whole packet. The pocket book remained the weak point, since Lawrence's letter of advice described exactly such a gift, and the letter addressed to Lawrence was found inside it. A storeship was a Company or naval vessel carrying supplies, equipment and provisions rather than trade cargo. Such ships brought the garrison's stores out from England, and their crews had regular dealings with the soldiers. A coxswain was the seaman in charge of a ship's boat. Conquest's story placed the handover of the magazines in the routine traffic between storeship crews and the barracks.
83	73	John Bland Master Mason of the said Island, being duly sworn, saith, that he at small Times saw two Packets directed to one Samuel Lawrence Steward of the Ship Falmouth, in the House of James Forbett; That they seemed to him to Contain Papers, he thinks they were sealed, and also tied up; That he often saw them from five days after the Arrival of the first Storeship to the fourth Day of May following - Samuel Hilton, on his Oath, saith, that he belongs to the same Barrack with the prisoner, and saw Serjeant Bell come into the said Barrack, who, on seeing some Magazines in the prisoner's Chest said to him - What, I think you have got some Magazines? Would you lend me one to read? That the prisoner then lent him one of the said Magazines, and told him that he had read it, he should have another. Being asked on what Day of the Month it was that Serjeant Bell came into the prisoner's Barrack and borrowed the Magazine, says, it was about the fifth or sixth of April last. - Jeremiah Jordan Soldier, being sworn, saith that on the third or fourth Day of April last in the Morning, he saw the Prisoner at the Bar bring Six Magazines a Pocket book and half a	John Bland, the island's master mason, gave evidence on oath. On several occasions he had seen two packets addressed to Samuel Lawrence, steward of the ship *Falmouth*, in James Torbett's house. They appeared to contain papers, and he believed they were sealed and tied. He saw them regularly from five days after the first storeship arrived until 4 May 1764. Samuel Alston then gave evidence on oath. He shared a barrack with Conquest and saw Sergeant Bell come in. Noticing some magazines in Conquest's chest, Bell remarked that Conquest seemed to have some magazines and asked to borrow one. Conquest lent him one and said he could have another once he had read it. Asked on what date Bell came in and borrowed the magazine, Alston put it at about 5 or 6 April 1764. Jeremiah Jordan, a soldier, then gave evidence on oath. On the morning of 3 or 4 April 1764 he saw Conquest bring six magazines, a pocket book and six pairs of metal buckles into the barrack and put them in his chest. With the evidence complete and Conquest having nothing further to say, the whole case was summed up for the jury. The jurors withdrew and, on returning to court, found him guilty of theft to the value of £0 0s 10d. He was sentenced to be whipped at the stocks and then released. The sentence was carried out as soon as the court adjourned. **Interpretations** John Bland's evidence fixed the date of the theft. He saw the packets in Torbett's house until 4 May 1764, the day Torbett noticed them missing. Brooke bought the pocket book from Conquest the very next day, 5 May 1764. Conquest's claim that he received the pocket book in early April and sold it three weeks

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		Dozen Pairs of Metal buckles into the Barrack, and that he put them in his Chest. - The Evidence being closed, and the prisoner having no more to say, the whole was summ'd up to the Jury, who retired to consider: On their Return to Court, they declared their Verdict, by which they found the Prisoner Guilty of the Value of ten pence - pursuant to which Verdict, he was sentenced to be whipped at the Stocks, and discharged - The above Sentence was put in due Execution immediately after the Adjournment of the Court -	later could not fit that sequence. The dates alone tied the sale to the theft. The defence witnesses, Alston and Jordan, showed that Conquest had some magazines and a pocket book in his barrack in April. Their evidence may well have been true of goods Conquest genuinely received from a storeship. It could not explain, however, how a pocket book holding a letter addressed to Samuel Lawrence came into his hands. Conquest perhaps sought to pass off the stolen items as part of an earlier, legitimate delivery. John Bland, who testified here, was also named first on the jury sworn for Conquest's trial. English practice at this date still allowed a juror with personal knowledge of a case to share it, and sometimes to give evidence on oath. On an island where the same few men filled every role, a juror appearing as a witness was not unexpected. Bland had earlier served as Constable and been the victim in the case against William Jenkins in 1762.
84	74	William Carr, being brought to the Bar, was put upon his Trial, and the twelve following Men, Viz. John Bland Robert Ballard William Seale Senr. William Seale Junr. Henry Harper Matthew Bazett John Dunfontain John Bagley Benjamin Seale Henry Casthope John Seale and Elisha Leache were sworn upon his Jury. Then the Indictment was a second Time, read to him, and the Jury charged. - John Thomson Soldier, being duly sworn, saith, that on Friday the sixth of this Instant July, he and the Prisoner at the Bar were drinking together in a Punch house, and that they both went from thence up to the Barracks, whither they carried a Bottle of Arrack; That they sat down to drink, but before they could finish the Liquor, this Deponent became so intoxicated that he lay himself down, That soon after he missed his Handkerchief in a Corner whereof he had a Dollar, that he, on enquiring about it, was informed by some Soldiers then the Barrack, that Carr the Prisoner now at the Bar, had it, and was gone out, on which he and One Serjeant Lemon pursued him. Saith, that he got his Handkerchief, but knows not how. - Serjeant John Lemon, being sworn, saith, that on Friday the sixth of this Instant July, he saw the Prisoner at the Bar and John Thomson come into the Square of the New Barracks together, and then they went into the Barrack which the sd. Thomson belongs to, and from thence into a Tap shop in the Square, That they soon after returned to the Barrack afterward, and that he, this deponent followed them thither without any design; That the prisoner, on his coming in, ran out, and Thomson suddenly called for his Handkerchief, on which One Herring told him that	William Carr was then brought before the court and put on trial. The following 12 men were sworn as his jury. The clerk read the charge to him a second time, and the jurors received their instructions. John Bland Robert Ballard William Seale Senior William Seale Junior Henry Harper Mathew Bazett John Desfountain John Bagley Benjamin Seale Henry Easthope John Seale Elisha Sparke John Thomsen, a soldier, gave evidence first, under oath. On Friday 6 July 1764 he and Carr were drinking together in a punch house. From there they went up to the barracks, taking a bottle of arrack with them. They sat down to drink, but before they could finish it Thomsen became so drunk that he lay down. Soon afterwards he found his handkerchief missing, with a dollar knotted in one corner. When he asked about it, some soldiers in the barrack told him that Carr had taken it and gone out. Thomsen and Sergeant Lemon set off after him. Thomsen said he got his handkerchief back but did not know how. Sergeant John Lemon then gave evidence on oath. On Friday 6 July 1764 he saw Carr and Thomsen come together into the square of the new barracks. The two went into Thomsen's barrack and from there to a tap-room in the square. Soon afterwards they came back to the barrack, and Lemon followed them in with no particular purpose. As Lemon entered, Carr ran out. Thomsen at once called out for his handkerchief. A soldier named Herring then told him he had seen Carr take it off the cot and run out with it. **Interpretations** Soldiers commonly carried their coins knotted into the corner of a handkerchief, since their clothing often lacked secure pockets. Taking the handkerchief meant taking the money with it. The charge valued the handkerchief at only £0 0s 2d, while the dollar was worth £0 5s 0d, so the coin was the real object of the theft. The new barracks were built around a square that held a tap-room, so drink was available within the garrison's own quarters. Soldiers moved easily between punch houses in the town and drinking rooms at the barracks. Many of the thefts heard by the court, from Cork's in January 1763 to this one, took place while victims or thieves were drunk.

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		he saw the Prisoner take it off the Cot, and run out with it -	Heavy drinking was woven into barrack life and into the crimes that came before the court. Herring, who saw Carr take the handkerchief, was perhaps John Herring, convicted of stealing Company lead in January 1764. Sergeant John Lemon was perhaps the same man who, as a corporal, spoke to William Fullwood's good character in January 1763. The small garrison meant the same soldiers appeared repeatedly, as offenders, witnesses and character references.
85	75	Thomson went out, and this Deponent pursued him, asking him what was the Matter, he answered that he lost his Handkerchief and a Dollar, and was told the prisoner had them; That then this Deponent, seeing the Prisoner as he went out of the Barrack Gate, called to him, who, instead of waiting, went the faster, That he and Thomson ran after him and overtook him as he was getting into the Lines. That there Thomson asked him for his Handkerchief insisting he had it which the prisoner at first denied but on Thomson repeating that he had it he at last confessed that he had an Old Handkerchief, and knew not whose it was. It is mine, replied Thomson, and therein a Dollar in it - Saith, that the prisoner then gave Thomson the Handkerchief, which this Deponent examined, and in the Corner of it found a Dollar. Thomson declared that the Handkf. and Dollar were his property - No other Witnesses appearing for the Crown, the Prisoner was put upon his Defence, and saith that he and Thomson were drinking together all that Morning, meaning the Morning of this Instant July, in a punch house, That Thomson became intoxicated, laid his head down on the Table, and slept for the Space of three Quarters of an Hour, [...] then awoke, and asked the prisoner to go along with him to the Barracks: That he then took Thomson's Hat in Order to Carry it for him, and as they went along, Thomson complain'd they had Nothing to eat, on which he told him that he had half a dozen Mackarel, then Thomson said he would not go up without Liquor, and order'd a Soldier to go back, and fetch him a Bottle of Arrack: That when they came to the Barracks, he gave the Fish to fry, but Thomson said they was not caught, and on the Man's coming with the Liquor, he desired the prisoner to go for some Bread and Cheese which he Comply'd with, and Thomson threw him his Handkerchief to fetch the Bread and Cheese in. That he took the Handkerchief, went out of the Barrack Gate, and when he had reached the Lines, was pursued and overtaken by Serjeant Lemon who asked him if he had not Thomson's Handkerchief, Saith, that he forgets the Answer	Lemon said Thomsen then went outside, and Lemon followed to ask what was wrong. Thomsen said he had lost his handkerchief and a dollar and had been told that Carr had them. Lemon saw Carr leaving through the barrack gate and called out to him. Instead of stopping, Carr walked faster. Lemon and Thomsen ran after him and caught him as he was reaching the town. Thomsen demanded his handkerchief, insisting that Carr had it. Carr denied it at first, but when Thomsen pressed him, he admitted having an old handkerchief without knowing whose it was. Thomsen replied that it was his and had a dollar in it. Carr then handed it over. Lemon examined it and found a dollar knotted in one corner. Thomsen declared that both the handkerchief and the dollar belonged to him. No further witnesses appeared for the prosecution, and Carr was called on to answer the charge. He said that he and Thomsen had spent the whole morning of 6 July 1764 drinking together in a punch house. Thomsen grew drunk, put his head down on the table and slept for about three quarters of an hour. He then woke and asked Carr to come with him to the barracks. Carr took Thomsen's hat to carry it for him. On the way, Carr said, Thomsen complained that they had nothing to eat. Carr told him he had half a dozen mackerel. Thomsen then said he would not go up without drink and sent a soldier back for a bottle of arrack. At the barracks Carr handed the fish over to be fried, but Thomsen said there was not enough food. When the man arrived with the arrack, Thomsen asked Carr to fetch some bread and cheese. Carr agreed, and Thomsen tossed him his handkerchief to carry them in. Carr said he took the handkerchief and went out through the barrack gate. As he reached the town, Sergeant Lemon caught up with him and asked whether he had Thomsen's handkerchief. Carr could not remember his reply. When he said something to Lemon, however, the sergeant struck him with his hand and knocked him to the ground. **Interpretations** Carr's defence offered an innocent reason for his having the handkerchief. A handkerchief was the usual way to carry small purchases such as bread and cheese, so Thomsen's throwing it to him for that errand was plausible. The difficulty lay in Carr's conduct once challenged. He hurried away when Lemon called, first denied having the handkerchief and then claimed not to know whose it was. Those responses sat poorly with a man sent on an errand by its owner. Lemon's blow, knocking Carr down in the street, shows the physical authority non-commissioned officers exercised over private soldiers. A sergeant could strike a man without formal charge or sanction. That authority also shaped the evidence in cases such as Shaffer's in October 1763, where admissions made to superiors carried the weight of rank behind them.

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		he made him, but on his saying Something to him, he, Lemon, struck him with his hand, and knocked him down. That he asked him	
86	76	why he struck him, and he reply'd, Why: you ran away with Thomson's Money. That he then deliver'd the Handkerchief to Lemon, but says he did not know there was Money in it - John Herring, being sworn, saith, that he saw the Prisoner at the Bar take the said Thomson's Handkerchief out of the Barrack, and that there was then a Dollar tied up in the Corner of it. The Prisoner producing no Witnesses in his favour, and having no more to say in his Defence, the whole Evidence was summ'd up to the Jury. They retired to consider, and on their Return, brought in their Verdict, Whereby they found the Prisoner Guilty of the Value of ten pence. And the Chairman gave him Sentence to be whipped at the Stocks, and discharged. The above Sentence was put in due Execution, immediately after the Adjournment of the Court. - The Business of the Quarter Sessions being now ended, the Grand and Petit Juries were dismissed, and the Court was, by Proclamation, adjourned to the third Day of October next ensuing - John Skottowe M Bazeling Thos. Kirkpatrick	Carr said he asked Lemon why he had struck him. Lemon answered that Carr had run off with Thomsen's money. Carr then handed the handkerchief to Lemon, though he insisted he had not known there was money in it. John Herring then gave evidence on oath. He saw Carr carry Thomsen's handkerchief out of the barrack, with a dollar knotted in its corner at the time. Carr called no witnesses and had nothing further to say in his defence. The whole case was summed up for the jury, which withdrew. On returning, the jurors found him guilty of theft to the value of £0 0s 10d. The chairman sentenced him to be whipped at the stocks and then released. The sentence was carried out as soon as the court adjourned. With the business of the quarter sitting complete, the grand and trial juries were dismissed. The court was adjourned by public announcement until 3 October 1764. John Skottowe Mathew Burling Thomas Kirkpatrick **Interpretations** The jury valued the theft at £0 0s 10d although the dollar alone was worth £0 5s 0d and its value could not be disputed. As in Anthony's case in January 1763, the jurors reduced a coin of fixed worth to a sum below a shilling. By the summer of 1764 the practice had become routine for minor thefts between soldiers. Every soldier convicted of theft since the court began had received a whipping rather than the brand. The October sitting was set for 3 October 1764, in the first week after Michaelmas. With the sittings of July and October both matching the English calendar, the island's court had now settled into the pattern later written into the register.
87	77	On the Eleventh Day of July in the fourth Year of our Lord the King, a Precept upon the Commission of the Peace was issued and delivered to Mr. Richd. Bagley Sheriff On the Seventeenth Day of September following, a Precept upon the Commission of Oyer & Terminer was issued out and delivered to the said Sheriff. - On the third Day of October following, a Precept upon the Commission of Goal Delivery was issued out and directed to the sd. Sheriff. - The General Quarter Sessions of the Peace, Sessions of Oyer and Terminer, and Sessions of Goal Delivery holden at the Castle in James's Valley on the said Island of St. Helena, the third Day of October, in the fourth Year of the Reign of our Sovereign Lord George the third, of Great Britain, France and Ireland King, Defender of the Faith and so forth, before John Skottowe, Matthew Bazeling and Thomas Kirkpatrick Esquires, three of his Majesty's Justices, assigned to keep the Peace in the said Island; And also to hear and determine divers Felonies, Trespasses and other Misdemeanors in	On 11 July 1764 the justices issued an order under the commission of the peace and delivered it to Richard Bagley, the Sheriff. On 17 September 1764 they sent him an order under the commission of oyer and terminer. On 3 October 1764 they issued him an order for the gaol delivery. The court sat at the Castle in James's Valley on 3 October 1764, acting at once as a court of general quarter sessions of the peace, a court of oyer and terminer and a court of gaol delivery. John Skottowe, Mathew Burling and Thomas Kirkpatrick presided as three of the King's justices appointed to keep the peace on the island and to hear and decide felonies, trespasses and lesser offences committed there. The court opened under the commission of the peace and swore in a grand jury of 17 leading inhabitants. No business came forward under that commission. The justices then opened the court of oyer and terminer and swore in a fresh grand jury, before which the prosecutors laid their written charges. Once the jurors had accepted the charges that followed, the court opened for the gaol delivery. Three men of Captain Henry Bazett's company were then brought before the court and formally accused: Sergeant William Bell and two soldiers, Jeremiah Jordan and Samuel Alston. **Interpretations** Bell, Jordan and Alston were the three witnesses who testified for William Conquest at his trial in July 1764. Their joint appearance in the dock points to charges arising from that evidence. The register's index records Bell as convicted of perjury.

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		the said Island committed. - The Court being opened upon the Commission of the Peace, a Grand Jury consisting of Seventeen of the Principal Inhabitants of the said Island was sworn; But no Business appearing upon that Commission, the Court of Oyer and Terminer was opened, a New Grand Jury impannelled and sworn, and the Bills of Indictment were prefer'd to them; They found the following Bills, and then the Court was opened upon the Goal Delivery. William Bell Serjeant, Jeremiah Jordan and Samuel Hilton Soldiers, all three of the Company commanded by Captain Henry Bazett, being set to the Bar of the Court, were arraigned upon	Prosecuting defence witnesses for lying under oath was uncommon, and it signalled the court's determination to protect the integrity of sworn testimony. On an island where so much depended on the word of a few soldiers and settlers, false evidence threatened the whole system of justice. Perjury was a misdemeanour at common law rather than a felony, so it carried no death penalty. It was punished by fine, imprisonment, the pillory or transportation, and a convicted perjurer could never again give evidence on oath. For a sergeant, conviction would also bring disgrace within his company and probable loss of rank.
88	78	the following Indictment, Viz. Island of St. Helena ss. The Jurors of our Sovereign Lord the King upon their Oaths do present that William Bell late of the Island of St. Helena Serjeant Jeremiah Jordan and Samuel Hilton late of the said Island Soldiers at a General Quarter Sessions of the Peace, Sessions of Oyer and Terminer and Sessions of Goal Delivery held at the Castle in James's Valley for the Island aforesaid On Wednesday the eleventh Day of July in the fourth Year of the Reign of our present Sovereign Lord George the third by the Grace of God of Great Britain France and Ireland King Defender of the Faith and so forth Before John Skottowe Matthew Bazeling and Thomas Kirkpatrick Esquires Justices of our Sovereign Lord the King assigned to keep the Peace in the Island aforesaid Also to hear and Determine all Felonies Trespasses and other Misdemeanors committed in the said Island At a Trial between our Sovereign Lord the King and William Conquest at the Castle aforesaid in open Court did appear as Witnesses for and in Behalf of the said William Conquest against our said Lord the King And that the said William Bell Jeremiah Jordan and Samuel Hilton then and there did before the said Justices last mentioned take their corporal Oaths and were duly Sworn upon the Holy Gospel of God to speak the Truth the whole Truth and Nothing but the Truth of and upon the Premisses so as aforesaid put in Issue between our Lord the King and the said William Conquest The same Justices then and there having a competent Authority to Administer the Oaths to the said William Bell Jeremiah Jordan and Samuel Hilton in this Behalf And the said William Bell Jeremiah Jordan and Samuel Hilton being so Sworn and not having the Fear of God before their Eyes but being moved and seduced by the Instigation of the Devil and having no Regard for the Laws and Statutes of the Realm nor fearing the Punishments therein contained and unlawfully wickedly and deliberately	The grand jury's charge against the three men was as follows. At the general quarter sitting of the peace, oyer and terminer and gaol delivery held at the Castle in James's Valley on Wednesday 11 July 1764, the court heard the King's case against William Conquest. John Skottowe, Mathew Burling and Thomas Kirkpatrick presided as justices appointed to keep the peace on the island and to hear and decide felonies, trespasses and lesser offences committed there. At that trial, held in open court, Sergeant William Bell and the soldiers Jeremiah Jordan and Samuel Alston came forward as witnesses for Conquest against the Crown. Before the same justices they each took a solemn oath on the Gospels to tell the truth, the whole truth and nothing but the truth about the issue between the King and Conquest. The justices had full authority to administer those oaths. The charge then accused the three men of acting without fear of God and at the devil's prompting, in contempt of the laws of the realm and heedless of their penalties. It held that they set out deliberately to obstruct the proper course of justice by trying to clear Conquest of a felony for which he had rightly been indicted on 11 July 1764. To that end, the charge alleged, they knowingly, willingly and corruptly gave false evidence on oath to the trial jury sworn to decide the case. **Interpretations** The charge set out each element that English law required for a conviction of perjury. There had to be a lawful proceeding, an oath administered by someone with authority to do so, evidence bearing on the issue being tried and a deliberate falsehood. The indictment recited the court, the date, the justices, the case, the oath and its purpose before reaching the accusation itself. Missing any one of these steps could defeat the prosecution, so the clerk laid them out in full. A corporal oath was one sworn while physically touching the Gospels, usually by laying a hand on the book or kissing it. The physical act was thought to bind the conscience more firmly than words alone. It also marked perjury as a sin against God as well as a crime against the King, which is why the charge dwelt on the absence of fear of God and the prompting of the devil.

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		devising contriving and Intending to prevent the due Course of Law and Justice by Striving to clear the said William Conquest of a Felony justly charged upon him by an Indictment the eleventh Day of July aforesaid in the fourth Year aforesaid before the Justices of our said Lord the King last abovementioned at the same Sessions of Goal Delivery at the Castle aforesaid did falsely wickedly Voluntarily and corruptly by their own proper Act and Consent And of their own most wicked and Corrupt Minds upon their said Oaths by them taken as aforesaid say depose and swear and give in Evidence to the Jurors of the Jury who were then and there in due Manner chosen and Sworn to try the said Issue that in some time	
89	79	between the first and sixth Days of April in the fourth Year of the Reign of our said Lord the King in a Chest belonging to the said William Conquest which then was in a Barrack of the New Square in James's Valley within the Island aforesaid they saw a Certain Number of Monthly Magazines a Pocket book and some Pairs of Metal Buckles in Manner following. The said William Bell did say depose swear and give in Evidence that about the Beginning of April aforesaid in the fourth Year aforesaid he came into the said Barrack that he then and there saw the Chest of the said William Conquest open and that he therein saw a Certain Number of Monthly Magazines which by the Title were London Magazines That he also saw in the said Chest one Pocket book and a certain Number of Metal Shoe buckles and that he then borrowed one of the said Monthly Magazines. The said Jeremiah Jordan did say depose swear and give in Evidence that on Wednesday the fourth Day of April in the fourth Year aforesaid he saw the said William Conquest bring into the Barrack aforesaid a Certain Number of Monthly Magazines also one Pocket book. The said Samuel Hilton did say depose swear and give in Evidence that about the fifth or sixth Day of April aforesaid in the fourth Year as aforesaid he saw the said William Bell come into the Barrack aforesaid And then and there borrow of the said William Conquest One Magazine And whereas in Truth and in Fact the said Magazines and the said Pocket book were not then in the said Chest belonging to the said William Conquest as the said William Bell Jeremiah Jordan and Samuel Hilton by their false and corrupt testimony aforesaid at and upon the said last mentioned Trial did most falsely Voluntarily and corruptly by their own proper Act and Consent upon their said Oaths so taken as aforesaid say depose swear and give in Evidence to the Jurors of the Jury in Manner aforesaid. And so the Jurors aforesaid now here sworn upon their Oaths as aforesaid do say that they the said William Bell	The charge then set out the false evidence itself. The three men swore that between 1 and 6 April 1764 they saw a number of monthly magazines, a pocket book and some pairs of metal buckles in a chest belonging to William Conquest. The chest stood in a barrack on the new square in James's Valley. Bell swore that near the start of April 1764 he came into the barrack and found Conquest's chest open. Inside he saw a number of monthly magazines whose titles showed them to be London magazines. He also saw a pocket book and several pairs of metal shoe buckles, and he borrowed one of the magazines. Jordan swore that on Wednesday 4 April 1764 he saw Conquest carry a number of monthly magazines and a pocket book into the barrack. Alston swore that on or about 5 or 6 April 1764 he saw Bell come into the barrack and borrow one magazine from Conquest. In fact, the charge declared, the magazines and pocket book were not in Conquest's chest at that time. The three men had therefore given false and corrupt evidence to the trial jury of their own free will. The jurors concluded that at the trial on 11 July 1764, before the justices at the Castle, Bell, Jordan and Alston knowingly committed wilful and corrupt perjury. The charge held that this offended God, showed contempt for the King and his laws, set a dangerous example to others and breached the King's peace. Each of the three denied the charge. **Interpretations** The prosecution faced a difficult task in proving the evidence false. It had to show that the magazines and pocket book were not in Conquest's chest in early April, which meant proving a negative. English law also required more than a single witness to establish the falsity of sworn testimony, since otherwise one person's word would simply be set against another's. The Crown's case rested on showing that the stolen packet was still in James Torbett's house until 4 May 1764, as John Bland had sworn at Conquest's trial. The charge treated the three men as having acted together, though each told a different part of the story. Bell described seeing the chest and borrowing a magazine, Jordan the arrival of the goods and Alston the borrowing itself. Their accounts fitted one another closely, which suggested a single story agreed in advance. That coordination turned three separate false statements into a shared effort to defeat justice.

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		Jeremiah Jordan and Samuel Hilton at and upon the said Trial on the said eleventh Day of July in the fourth Year aforesaid at the Castle in James's Valley within the Island aforesaid before the said Justices of our said Lord the King by their own proper Act and Consent and of their own most wicked and corrupt Minds in Manner and Form aforesaid did falsely Voluntarily and corruptly upon their said Oaths so taken as aforesaid commit Wilfull and corrupt Perjury to the great displeasure of Almighty God in Contempt of our said Lord the King and his Laws to the evil and pernicious Example of all others in the Case offending And against the Peace of our Sovereign Lord the King his Crown and Dignity. - To the above Indictment, the prisoners severally pleaded Not guilty. -	
90	80	Thomas Jones Corporal in the Company of Artillery commanded by Captain Thomas Rich, being set to the Bar, was arraigned upon the following Indictment, Viz. Island of St. Helena ss. The Jurors of our Sovereign Lord the King upon their Oaths, do present that Thomas Jones late of the Island of St. Helena Corporal on the twenty first Day of September in the fourth Year of the Reign of our Sovereign Lord George now King of Great Britain &c. by Force and Arms in James's Valley within the Island aforesaid four Pieces of coined Gold called Pagodas of the Value of one pound twelve Shillings of the Money of one William Hill then and there being found in the Dwelling house of Sarah Walker feloniously did Conceal with an Intention the same to keep to the great Prejudice of the said William Hill And against the Peace of our Sovereign Lord the King his Crown and Dignity. - To the above Indictment, the prisoner pleaded Not guilty. - Thomas Jones was then taken from the Bar, and William Bell, Jeremiah Jordan and Samuel Hilton were put upon upon their Trial, and the twelve following Men, Viz. John Bland Henry Harper William Hayes William Seale Senr. John Seale John Worrall John Bagley Matthew Bazett Thomas Harper John Dunfontain Orlando Bagley and John Robinson were Sworn upon their Jury. Then the Indictment was, a second time, read to them, and the Jury charged. - The Clerk of the Peace, being order'd by the Court to read the Depositions of the three Prisoners in favour of William Conquest when on his Trial, as taken down by him last Sessions in Court, read as followeth, Viz. - William Bell, Serjeant, being duly sworn, saith	Thomas Jones, a corporal in the artillery company under Captain Thomas Hill, was then brought before the court and formally accused. The grand jury charged that on 26 September 1764, in the house of Sarah Walker in James's Valley, he concealed four gold pagodas worth £1 12s 0d belonging to William Hill. He was accused of hiding the money intending to keep it, to Hill's serious loss and in breach of the King's peace. Jones denied the charge. Jones was then taken away from the bar, and William Bell, Jeremiah Jordan and Samuel Alston were put on trial. The following 12 men were sworn as their jury. The clerk read the charge to them a second time, and the jurors received their instructions. John Bland Henry Harper William Payne William Seale Senior John Seale John Worrall John Bagley Mathew Bazett Thomas Harper John Desfountain Orlando Bagley John Robinson The court ordered the Clerk of the Peace to read out the evidence the three prisoners had given for William Conquest at his trial, as he had recorded it in court at the July sitting. He read Bell's evidence first. Bell had sworn that some time after the first storeship arrived, meaning between 3 and 6 April 1764, he went into Conquest's barrack. Conquest's chest was open, and Bell saw some monthly magazines inside. Conquest told him he had received six magazines and six pairs of metal buckles. **Interpretations** The Clerk of the Peace's written record of the July trial became the key evidence in the perjury case. To prove perjury, the Crown first had to establish exactly what each witness swore. Philip Mahony's notes, taken down in open court, supplied that proof without relying on anyone's memory. The register was thus not merely a record of the court's business but a working instrument of justice. Its entries could be read back as evidence against those who lied before the court. The charge against Thomas Jones concerned concealment rather than theft. It accused him of hiding money belonging to William Hill with the intention of keeping it. In English law, a finder who knew or could discover the owner of lost property,

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		that in some Time after the Arrival of the first Storeship / meaning the time between the third and sixth Days of April last / he went into the Prisoner's Barrack / meaning the said William Conquest, whose Chest being open, he saw therein some Monthly Magazines That the prisoner then told him he had received half a Dozen Magazines, half a Dozen Pairs of Metal buckles	and kept it anyway, could be guilty of theft. The indictment's wording suggests the pagodas came into Jones's hands innocently, perhaps by finding them, and that the offence lay in keeping them hidden from their owner.
91	81	And one Pocketbook from on board the Duke of Richmond; That he, the Witness, took one of the sd. Magazines, and desired the Prisoner to lend it to him, which he agreed to, and said, when he had read that, he shou'd have another, and so on Successively 'till he had read the Six; That they were London Monthly Magazines. Saith, he then saw in the Prisoner's Chest a new Pocketbook and some Pairs of Metal buckles. - Jeremiah Jordan, being duly sworn, saith, that on the third or fourth Day of April last in the Morning, the Prisoner at the Bar /meaning William Conquest/ brought half a Dozen Magazines, a Pocketbook, and some Pairs of Metal buckles up to his Barrack, and that he put them into his Chest. - Samuel Hilton, being duly sworn, saith, that he and the Prisoner /meaning William Conquest/ belong to the same Barrack; That he saw Serjeant William Bell come into the sd. Barrack, who, on seeing some Magazines in the Prisoner's Chest, said to him What! I think you have got some Magazines, would you lend me one to read? That the Prisoner lent him one of the said Magazines, and told him, when he had read that, he should have an other. Saith, it was about the fifth or sixth of April last that Serjt. Bell came into the Prisoner's Barrack, and borrowed the Magazine. - William Conquest, three Days after Trial, came before the Governor, and gave the following Information, which is also read by the Clerk of the Peace to the Court and Jury, Viz. Island of St. Helena ss. The Information of William Conquest taken before me John Skottowe Esqr. one of his Majesty's Justices of the peace for the said Island. - This Informant, on his Oath, saith, that on the fourth Day of May last about Nine of the Clock in the Morning, One Flora, a woman Slave belonging to James Forbett Cooper of the said Island came to him at her Master's back Door, and there gave him a New Pocket book, which he, next day, sold to one Brooke the Honble. Company's Overseer in the Longwood; That afterwards meeting the sd. Flora, she asked him what he had done with the Pocketbook, he told her he had sold it, and she reply'd that had she known that, she would have given it to some one else, but told him in the mean time that she had some other Things to give him, tho' she had a Mind first: That on his asking what? She desired him to return in half an Hour, and then she would bring	Bell had added that the pocket book came from on board the *Duke of Richmond*. He had picked up one of the magazines and asked Conquest to lend it to him. Conquest agreed and said Bell could have the next once he had read it, and so on until he had read all six. Bell described them as London monthly magazines. He had also seen a new pocket book and several pairs of metal buckles in Conquest's chest. The clerk then read Jordan's evidence. Jordan had sworn that on the morning of 3 or 4 April 1764 he saw Conquest carry six magazines, a pocket book and some pairs of metal buckles up to the barrack and put them in his chest. The clerk next read Alston's evidence. Alston had sworn that he and Conquest shared a barrack. He saw Sergeant Bell come in and, noticing magazines in Conquest's chest, remark on them and ask to borrow one. Conquest lent him one and said he could have another when he had finished it. Alston put the date at about 5 or 6 April 1764. Three days after his trial, William Conquest came before Governor Hutchinson and made a sworn statement. The Clerk of the Peace read it to the court and jury. Conquest had given it on oath before John Skottowe, one of the island's justices of the peace. In it Conquest stated that at about nine o'clock on the morning of 4 May 1764, Flora, a slave woman owned by the cooper James Torbett, came to him at her master's back door. She handed him a new pocket book, which he sold the next day to Brooke, the Company's overseer at Longwood. When he later met Flora again, she asked what he had done with it. He said he had sold it, and she replied that had she known, she would have given it to someone else. She then told him she had other things to give him [...]. When he asked what they were, she told him to come back in half an hour and she would bring them. **Interpretations** Conquest's sworn statement, made after his conviction and whipping, destroyed the evidence given on his behalf. He admitted that the pocket book came to him on 4 May 1764, the day the packet vanished from Torbett's house, and not in early April as his witnesses had sworn. Having already been punished, he had little left to lose by telling the truth. His statement gave the Crown the second source it needed to prove the witnesses' evidence false. Flora's role explained how the packet left Torbett's house. As a slave in the household, she had access to the rooms where the packets lay and could pass goods out at the back door unseen. Her remark that she would have given the pocket book to someone else, had she known Conquest would sell it, suggests she expected him to keep it rather than draw attention by selling it. The sale to Brooke was what exposed the whole affair. The use of Conquest's statement against Bell, Jordan and Alston turned the convicted thief into the chief witness against his own supporters. The court had heard their story in July, found Conquest guilty regardless and now held evidence from Conquest himself that their account was invented. The case showed how the island's small, overlapping community allowed a lie told in one trial to be unpicked in the next.

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92	82	him some Thing; That he came at the appointed Time, and she then gave him Six Monthly Magazines. This Informant further saith, that he had for a good While past some Old Magazines in his Chest, which Bell, Jordan and Hilton had seen about the Beginning of April last, and that, out of the Six Magazines she had from Flora, he gave five to One Gear, Steward of the Ship Neptune. - /Signed/ William Conquest Sworn the fourteenth Day of July in the fourth Year of the Reign of our Sovereign Lord the King and in the Year of our Lord 1764 - Before John Skottowe The above Depositions and Information being read to the Court and Jury, the Witnesses for the Crown were Called. - Samuel Dunfontain, Lieutenant of Foot in the Honble. Company's Service, being duly sworn, saith, that on the third Day of April last, he went to Banks's, and relieved the Officer who was on Duty at that Guard; That he remained there 'till the seventh following; Saith, that William Conquest was then Serjeant of that Guard, and that he, Conquest, during that Time, that is to say, from the third to the seventh Day of April last, was never with his Chest, or to his Knowledge, absent from the said Guard. - For the Prisoners Thomas Taylor, then Gunner's Mate on Duty at Banks's being duly sworn, saith, that on the fourth of April last, William Conquest left his Guard in the Evening, was absent all Night, and returned about five o'Clock in the Morning of the next Day. - The Prisoners being put upon their Defence, William Bell, on his Part, saith, that on the third or fourth Day of April last, after the Arrival of the first Storeship, he went into William Conquest's Barrack, who was then Shifting himself, and his Chest being open, he in it saw some Magazines: That he desired Conquest to lend him one of them to read, on which he told him that he had received from England, Six Magazines, Six Pairs of Buckles and a Pocket book, all which, he says, he then saw in the sd. Chest: That Jeremiah Jordan, Samuel Hilton and many Others were	Conquest's statement went on to say that he came back at the agreed time and Flora gave him six monthly magazines. He added that for some while he had kept some old magazines in his chest, which Bell, Jordan and Alston had seen at the beginning of April 1764. Of the six magazines he received from Flora, he gave four to a man named Gear, steward of the ship *Neptune*. Conquest signed the statement, and swore to it before John Skottowe on 14 July 1764. Once these statements had been read to the court and jury, the prosecution called its witnesses. Samuel Desfountain, a lieutenant of foot in the Company's service, gave evidence on oath. On 3 April 1764 he went to Banks's to relieve the officer on guard there, and he stayed until 7 April 1764. Conquest was sergeant of that guard. Throughout those days, Desfountain said, Conquest was never absent from the post with his permission or to his knowledge. The defence then called Thomas Taylor, who had been the gunner's mate on duty at Banks's. Taylor swore that on the evening of 4 April 1764 Conquest left his guard post. He stayed away all night and came back at about five o'clock the following morning. The three prisoners were then called on to answer the charge. Bell said that on 3 or 4 April 1764, after the first storeship arrived, he went into Conquest's barrack while Conquest was changing his clothes. The chest stood open and Bell saw some magazines in it. He asked to borrow one. Conquest told him he had received six magazines, six pairs of buckles and a pocket book from England, and Bell said he saw all of these in the chest at the time. Bell added that Jeremiah Jordan, Samuel Alston and many others were present. **Interpretations** Banks's was one of the batteries guarding the approaches to James's Valley, manned by a detachment of soldiers and gunners under an officer. Lieutenant Desfountain's evidence placed Conquest on guard duty there from 3 to 7 April 1764. If Conquest never left the post, he could not have been in his barrack on 3 or 4 April as Bell and Jordan swore. The alibi evidence cut at the heart of the three witnesses' story. Thomas Taylor's evidence for the defence contradicted Desfountain, showing that Conquest slipped away from his guard on the night of 4 April 1764. The officer in charge knew nothing of it, which says much about how loosely such posts were supervised. Taylor's account, however, placed Conquest's absence at night, while Jordan had sworn to seeing him in the barrack in the morning. It gave the defence room to argue but did not fit the prisoners' story neatly. Conquest's own statement offered the three men a partial escape. He admitted that he had kept some old magazines in his chest, which they saw in early April. Their evidence of seeing magazines might therefore be true in part. The falsehood lay in linking those magazines to the pocket book and buckles, and in placing the stolen items in the chest a month before they were taken.
93	83	then in the said Barrack, and that One William Yates had, about that Time, also borrowed a Magazine of the said Conquest. - William Yates, Soldier, being sworn, saith, that he remembers to have borrowed a Magazine of William Conquest, but is not exact as to Time; he only recollects that he borrowed it the Day the sd. Conquest was confined by Order	Bell said that Jordan, Alston and many others were in the barrack at the time. He added that a soldier named William Yates had borrowed a magazine from Conquest at about the same time. William Yates, a soldier, then gave evidence on oath. He remembered borrowing a magazine from Conquest but could not fix the date exactly. He recalled only that it was the day Lieutenant Frost ordered Conquest to be confined.

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		of Lieutenant Frost. Michael Frost Lieutenant of Foot in the Honble. Company's Service, being examined by the Court as to the Time of his confining William Conquest is not certain to a day, on which the Adjutant is sent for, who produces his Orderly Book, wherein it is specified that the said Conquest was confined the Sixth of June last, which proves that the Magazine was lent to the sd. Yates on that Day. Jeremiah Jordan and Samuel Hilton the two other Prisoners, having Nothing to Move in their Defence but a Repetition of what they had already deposed upon Conquest's Trial, and producing no Witnesses in their favour, the whole Evidence was summ'd up by the Chairman to the Jury, who retired to consider; On their Return to Court, they declared their Verdict, by which they found the three Prisoners "Guilty of Wilful and "corrupt Perjury." They were Removed from the Bar. - Thomas Jones, being set to the Bar, was put upon his Trial, and the twelve following Men, Viz. - John Bland Henry Harper William Hayes William Seale Senr. John Seale John Worrall John Bagley Matthew Bazett Thomas Harper John Dunfontain Orlando Bagley and John Robinson were sworn upon his Jury. Then the Indictment was, a second Time, read to him, and the Jury charged. - William Hill Prosecutor, being duly sworn, saith, that on Friday the twenty first of September last, being in Company with one Miller and one Nelson in Sarah Walker's Punch house, where Serjeant Wright also happen'd to be, a Quarrel arose between the said Serjt. Wright and the said Nelson, which ended in Blows; That as the Prosecutor was then a Serjeant, he thought he had a right to interfere, and got up, on which Serjeant Wright	The court then questioned Michael Frost, a lieutenant of foot in the Company's service, about when he had Conquest confined. Frost could not name the exact day, so the Adjutant was sent for. He brought his orderly book, which recorded that Conquest was confined on 6 June 1764. That fixed the date on which Yates borrowed the magazine. Jordan and Alston, the other two prisoners, had nothing to offer in their defence beyond repeating what they had sworn at Conquest's trial. They called no witnesses. The chairman summed up the whole case, and the jury withdrew. On returning to court, the jurors found all three prisoners guilty of wilful and corrupt perjury. The three were then taken from the bar. Thomas Jones was then brought before the court and put on trial. The following 12 men were sworn as his jury. The clerk read the charge to him a second time, and the jurors received their instructions. John Bland Henry Harper William Payne William Seale Senior John Seale John Worrall John Bagley Mathew Bazett Thomas Harper John Desfountain Orlando Bagley John Robinson William Hill, who brought the charge, gave evidence first, under oath. On Friday 21 September 1764 he was in Sarah Walker's punch house with two men named Miller and Nelson. Sergeant Wright was also there. A quarrel broke out between Wright and Nelson and turned into a fight. Hill was a sergeant at the time and felt entitled to intervene, so he got up. **Interpretations** The Adjutant's orderly book settled the date on which Yates borrowed his magazine. Orderly books recorded daily orders, duties and disciplinary measures in each regiment. The entry showing Conquest's confinement on 6 June 1764 placed the loan a month after the theft of 4 May 1764. Bell's attempt to use Yates as support for his April story thus backfired, since the magazine Yates borrowed was probably one of those Flora had passed to Conquest. The conviction rested on a chain of independent proof. Desfountain's evidence placed Conquest on guard at Banks's in early April. Conquest's sworn statement put the arrival of the pocket book on 4 May 1764. The orderly book dated Yates's loan to June. Together they showed that the three witnesses had moved the stolen goods back a full month to give Conquest an innocent source. The military's own records helped to prove the soldiers false. Jordan and Alston offered nothing new in their defence and simply repeated their earlier evidence. With Conquest himself having undermined their story, they had no fresh account to put forward. Standing by their original words amounted to repeating the very falsehoods for which they were on trial.
94	84	either struck or shoved him back, and he fell over a Form; That next Morning he missed four Pagodas before he left his Barrack, and searched his Cot, but recollecting the Fall he had the Night before in the Punch house, he went thither, and there met the Prisoner at the Bar and Margaret the Daughter of the said Sarah; That he asked him if he picked up any Money, he reply'd he did not, nor any	Hill said that Sergeant Wright either struck him or pushed him back, and he fell over a bench. The next morning, before leaving his barrack, he found that four pagodas were missing and searched his cot for them. Then he remembered his fall in the punch house the night before and went back there. He found Jones and Margaret, the daughter of Sarah Walker. He asked Jones whether he had picked up any money. Jones said he had not, and that no one

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		one else to his Knowledge belonging to the House, on which he told the Prisoner that he had lost four Pagodas. Saith, that in the Evening of the twenty fifth following, he went to the Spring where they commonly wash, and the Woman slave called, Moll belonging to the said Sarah Walker informed him that the Prisoner had pick'd up his Money: That next Morning he came again to the said Sarah Walker's, and asked her if she knew any thing about, or had seen any of the Pagodas which the Prisoner had pick'd up in her House, she said she knew Nothing about them; That he then told her, he really believed she knew some thing about them, as her Daughter had picked up some of the Pieces, which she also denied: That as he was going away, she desired him to Call the Prisoner to her, that he went, and met him on the Bridge, and after taking him aside, he told him he was well informed he had his Money, and that he must return it to him, On which the Prisoner gave him a Slap, and desired him to be under no Concern, but go along with him: That they both went to the sd. Sarah Walker's, who, on their coming in, said to the Prisoner, This is a fine Piece of Work you have made! After which she and the Prisoner went into a back room, where they remained some Time, and at last they called him in; That when he came in, the said Sarah gave him two Pagodas, and on his demanding the other two, she declared she had no more Money: That then the Prisoner desired her to lend him two Pagodas, which she refusing he promised to pay the Prosecutor on Pay Day; However the Prisoner at last prevailed on her, and she gave the other two Pagodas, which when this Depont. received, he went away. - Peter Nelson, Soldier, being sworn, confirms the above Evidence. - Sarah Walker, upon her Oath, deposeth, that on Friday night, being out of Order, she desired the Prisoner to take Care of the House; That on the Monday following, he gave her four Pagodas, which he desired her to keep 'till called for, and she kept them till William Hill came on the Wednesday following, to whom she gave two Pagodas in gold and Sixteen Shillings in Silver. -	else in the house had done so to his knowledge. Hill told him he had lost four pagodas. Some days later, Hill said, he went one evening to the spring where people did their washing. There Moll, a slave woman owned by Sarah Walker, told him that Jones had picked up his money. The next morning Hill returned to Sarah Walker's and asked whether she knew anything about the pagodas Jones had found in her house. She said she knew nothing about them. Hill replied that he was sure she did, since her daughter had also picked up some of the coins. She denied this too. As Hill was leaving, Sarah Walker asked him to fetch Jones. Hill found him on the bridge, took him aside and said he knew for certain that Jones had his money and must give it back. Jones clapped him on the shoulder, told him not to worry and asked him to come along. The two went back to Sarah Walker's. As they came in, she told Jones he had made a fine mess of things. She and Jones then went into a back room and stayed there for some time before calling Hill in. Once Hill came in, Sarah Walker handed him two pagodas. When he asked for the other two, she said she had no more money. Jones then asked her to lend him two pagodas, promising to repay Hill on pay day, but she refused. Jones eventually persuaded her, and she handed over the other two pagodas. Having received them, Hill left. Peter Nelson, a soldier, gave evidence on oath confirming Hill's account. Sarah Walker then gave evidence on oath. On the Friday night she felt unwell and asked Jones to look after the house. On the following Monday he gave her four pagodas and asked her to keep them until he called for them. She held them until William Hill came on the Wednesday, when she gave him two pagodas in gold and £0 16s 0d in silver. **Interpretations** Sarah Walker's account differed from Hill's in two respects. She said Jones handed her the four pagodas for safekeeping, and that she repaid Hill with two pagodas and the equivalent of the other two in silver. Hill said she first claimed to have no more money and had to be persuaded to part with the second pair. Her version placed her as an innocent keeper of money lodged with her. His version suggested she knew where the coins came from and was reluctant to give them up. The information that exposed Jones came from Moll, a slave woman in Sarah Walker's household, and was passed on at the spring where the town did its washing. Such places brought slaves, servants and soldiers together daily and carried news freely. As with Gracy in Cato's case in 1762 and Will in Lewis's in 1763, a slave's knowledge reached a prosecutor informally and set the case in motion. Jones had been left in charge of the punch house while Sarah Walker was ill, which gave him the chance to gather up coins dropped during the brawl. The charge of concealment reflected exactly that position. He had not taken the money from Hill's person but had found it on the floor and kept silent when the owner asked about it.
95	85	Margaret, Daughter of the said Sarah, being sworn, saith, that as she was in her Mother's Punch house along with the Prisoner, she saw him stoop and take up a Pagoda, on which she cried out "Halves" - That he searched farther, and found two More: That she and the Prisoner went into another Room in the said House, where she found one Pagoda, which he demanded of her, in order, as he said, to return it to the right Owner, and she accordingly gave it. -	Margaret, Sarah Walker's daughter, gave evidence on oath. While she was in her mother's punch house with Jones, she saw him bend down and pick up a pagoda. She called out that she claimed half. Jones searched further and found two more. The two then went into another room of the house, where Margaret found a pagoda herself. Jones asked her for it, saying he would return it to its rightful owner, and she handed it over. In his defence, Jones said that after the customers had left that night, he took a candle to tidy the house. Looking on the floor, he found one

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		The Prisoner, being put on his Defence, saith, that after the Company left the House that Night, he took a Candle in order to put the Things to Rights: That on looking on the Ground he found, first, one Pagoda, and then two More: That Margaret the last Witness was along with him and they going into another Room, she there found one Pagoda. That as he found the Pagodas in different Rooms, he supposed they belonged to different Persons. That next Morning the Prosecutor William Hill and one Peter Nelson came to him, and Hill told him that he had, the Night before, lost four Pagodas, Nelson said only three; That on the Wednesday following he met the Prosecutor on the Bridge, where he, the Prosecutor demanded his Money, on which he desired him to go along with him to the House of Sarah Walker; That they went thither, and he was there reimbursed the Money. Being asked by the Court whether he knew that Hill, the Prosecutor, had been tried and broke for Idly expending that Money, says, he did not. - The Evidence being closed, and the Prisoner having no more to move in Defence, the Whole was summ'd up to the Jury, who retired to consider. On their Return, they brought in their Verdict - "Guilty to the Value of Ten Pence". - Thomas Jones being removed from the Bar, the Prisoners convicted of Perjury were set to the Bar, and the Chairman gave them Judgment, each of them to stand alternately by the Space of one Hour in and upon the Pillory in James's Valley, which Kind of punishment rendered them so infamous as to invalidate their future Evidence in any Court of Judicature. - Thomas Jones being set to the Bar, was sentenced to be whipt at the Stocks and discharged. -	pagoda and then two more. Margaret was with him, and when they went into another room she found a fourth. Since the coins lay in different rooms, he assumed they belonged to different people. Jones said that the next morning William Hill and Peter Nelson came to see him. Hill said he had lost four pagodas the night before, while Nelson said only three. On the following Wednesday Jones met Hill on the bridge, and Hill demanded his money. Jones asked him to come to Sarah Walker's house, where Hill was repaid. The court asked Jones whether he knew that Hill had been court-martialled and stripped of his rank for wasting that money. Jones said he did not. With the evidence complete and Jones having nothing more to say, the whole case was summed up for the jury, which withdrew to consider it. On returning, the jurors found him guilty to the value of £0 0s 10d. Jones was then taken from the bar, and the three men convicted of perjury were brought forward for sentence. The chairman ordered each of them to stand in the pillory in James's Valley for one hour, in turn. The court noted that this punishment branded them so disgraced that their evidence could never again be accepted in any court of justice. Jones was then brought back before the court and sentenced to be whipped at the stocks and released. **Interpretations** The court's question about Hill's court martial revealed that the pagodas were not simply his private savings. Hill was a sergeant, and sergeants often held money belonging to their men or to the company for pay and purchases. His loss of rank for idly spending the money suggests that the four pagodas were funds entrusted to him, carried into a punch house and lost in a brawl. The military tribunal had already punished him for his carelessness before the civil court dealt with the man who found the money. The pillory was a wooden frame on a post, with holes for the head and hands, set up in a public place. An offender locked in it was exposed to the jeers of the crowd, who might pelt him with refuse, mud or stones. Its purpose was public shame rather than physical injury, though crowds sometimes made it dangerous. For perjury, the shame carried a lasting legal consequence. A man convicted of perjury was deemed infamous and could never again give sworn evidence, which for a soldier removed him from any future role as a witness, prosecutor or juror. Margaret's cry of halves reflected a common custom by which anyone present at the finding of lost money claimed an equal share. It shows that neither she nor Jones at first treated the coins as property to be returned. Jones's claim that he took her coin to find its owner sat awkwardly with his denial the next morning, when Hill asked about the money directly.
96	86	The Business of the Sessions, being now ended, the Grand and Petit Juries were dismissed, and the Court was, by Proclamation, adjourned to the seventeenth Day of January next ensuing. - Immediately after Adjournment, the above Sentence was put in due Execution against Thomas Jones, and on Monday the eighth of the same Month, William Bell, Jeremiah Jordan and Samuel Hilton were brought to the Pillory in James's Valley, on which they severally stood by the Space of one Hour, pursuant to Sentence. -	With the court's business complete, the grand and trial juries were dismissed. The court was adjourned by public announcement until 17 January 1765. Thomas Jones was whipped as soon as the court adjourned. On Monday 8 October 1764 William Bell, Jeremiah Jordan and Samuel Alston were brought to the pillory in James's Valley. Each stood in it for one hour, as the sentence required. John Skottowe Mathew Burling Thomas Kirkpatrick

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		John Skottowe M Bazeling Thos. Kirkpatrick	
97	87	On the third Day of October, in the fourth Year of the Reign of our Sovereign Lord the King, a Precept upon the Commission of the Peace was issued out to Mr. Richd. Bagley Sheriff On the first Day of January following, in the fifth Year of his Majesty's Reign, a Precept upon the Commission of Oyer and Terminer was issued out and delivered the sd. Sheriff - On the Sixteenth Day of the above Month, in the Year of the Reign aforesaid, a Precept upon the Commission of Goal Delivery was issued out and delivered to the sd. Sheriff. - Island of Saint Helena. - The General Quarter Sessions of the Peace, Sessions of Oyer and Terminer, and Sessions of Goal Delivery, holden at the Castle in James's Valley on the said Island of St. Helena, the Sixteenth Day of January in the fifth Year of the Reign of our Sovereign Lord George the third, of Great Britain, France and Ireland King, Defender of the Faith, and so forth, Before John Skottowe, Matthew Bazeling and Thomas Kirkpatrick, Esquires, three of his Majesty's Justices, assigned to keep the Peace in the said Island, and also to hear and determine divers Felonies, Trespasses and other Misdemeanors in the said Island committed. - The Court being opened upon the Commission of the Peace, a Grand Jury consisting of Seventeen of the Principal Inhabitants of the said Island were Sworn; But no Business appearing upon that Commission, the Court of Oyer and Terminer was opened, a new Grand Jury impanelled and Sworn, and the Bills of Indictment were prefer'd to them. They found the following Bills, and then the Court was opened was opened upon the Goal Delivery. - Abraham Harding and Nicholas Rushek, Soldiers in the Company commanded by Captain Henry Bazett,	On 3 October 1764 the justices issued an order under the commission of the peace to Richard Bagley, the Sheriff. On 1 January 1765 they sent him an order under the commission of oyer and terminer. On 16 January 1765 they issued him an order for the gaol delivery. The court sat at the Castle in James's Valley on 16 January 1765, acting at once as a court of general quarter sessions of the peace, a court of oyer and terminer and a court of gaol delivery. John Skottowe, Mathew Burling and Thomas Kirkpatrick presided as three of the King's justices appointed to keep the peace on the island and to hear and decide felonies, trespasses and lesser offences committed there. The court opened under the commission of the peace and swore in a grand jury of 17 leading inhabitants. No business came forward under that commission. The justices then opened the court of oyer and terminer and swore in a fresh grand jury, before which the prosecutors laid their written charges. Once the jurors had accepted the charges that followed, the court opened for the gaol delivery. Abraham Harding and Nicholas Rushek, both soldiers in Captain Henry Bazett's company, were then brought before the court. **Interpretations** The court met on Wednesday 16 January 1765, although the October sitting had adjourned it to 17 January 1765. Since April 1763 every sitting had fallen on a Wednesday, and the court kept to that day here. The adjournment date was probably a slip, corrected by the justices' settled practice. Abraham Harding was perhaps the same man who owed Anthony a pistareen in January 1763, the debt that gave Anthony his pretext for sending Dawson out of the punch house. Once again a name from an earlier case reappeared, this time in the dock. The island's small population meant that the same men moved repeatedly between the roles of witness, creditor, juror and accused.
98	88	being set to the Bar of the Court, were arraigned upon the following Indictment, Viz. Island of Saint Helena ss. The Jurors of our Sovereign Lord the King upon their Oaths do present that Abraham Harding late of the Island of St. Helena Soldier and Nicholas Rushek late of the same Place Soldier on the second Day of October in the fourth Year of the Reign of our Sovereign Lord George now King of Great Britain &c. by Force and Arms at a Place called the Vineyard One Goat of the Value of four Shillings the Goods of some Person yet unknown then and there being found feloniously did kill take and bear away against the Peace of our Sovereign Lord the King his Crown and Dignity - And the Jurors aforesaid upon their Oaths aforesaid do	Harding and Rushek were formally accused. The grand jury charged that on 2 October 1764, at a place called the Vineyard, they took a goat worth £0 4s 0d belonging to an unknown owner. It further charged that on 4 October 1764, at or near the same place, they took a second goat worth £0 5s 0d, again belonging to an unknown owner. Both thefts were said to breach the King's peace and to offend against the relevant statute. The two men denied the charges. Winkity, a slave owned by Thomas Greentree, was then brought before the court and formally accused. The grand jury charged that on 9 December 1764, in William Moore's house in James's Valley, he stole a china cup worth £0 0s 6d and a china saucer worth £0 0s 6d, both belonging to Moore. Winkity pleaded guilty. Lewis, a slave owned by the planter William Seale, was then brought before the court and formally accused. **Interpretations**

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		further Present that the said Abraham Harding and the said Nicholas Rushek on the fourth Day of October in the fourth Year of the aforesaid Reign by Force and Arms at or near the Place called the Vineyard as aforesaid within the Island aforesaid One Goat of the Value of five Shillings the Goods of some Person yet unknown then and there being found feloniously did kill take and bear away against the Peace of our Sovereign Lord the King his Crown and Dignity And also against the Form of the Statute in that Case made and provided. - They Pleaded Not guilty. Winkity, a Man slave belonging to Mr. Thomas Greentree, being set to the Bar, was arraigned upon the following Indictment, Viz. Island of Saint Helena ss. The Jurors of our Sovereign Lord the King upon their Oaths do present that Winkity late of the Island of St. Helena Slave on the ninth Day of December in the fifth Year of the Reign of our Sovereign Lord George now King of Great Britain &c. by Force and Arms in James's Valley within the Island aforesaid One China cup of the Value of Six pence and one China Saucer of the Value of Six pence of the Goods and Chattles of one William Moore in the Dwelling house of the said William Moore then and there being found feloniously did steal take and bear away against the Peace of our Sovereign Lord the King his Crown and Dignity. He Pleaded Guilty. - Lewis, a Man slave belonging to William Seale Planter, being set to the Bar, was arraigned upon the following Indictmt. Viz. Island of Saint Helena ss. The Jurors of our Sovereign Lord the King upon	Goats ran wild across much of St Helena, descended from animals left by early visitors and multiplying freely in the island's steep interior. Many had no traceable owner, which explains why the charges named the owner as unknown. Yet the law still treated the goats as someone's property rather than as game free for the taking. Soldiers seeking fresh meat could easily fall foul of that rule, as Levingston and Smith did over a hog in October 1762. The value placed on Winkity's cup and saucer came to exactly one shilling. English law defined grand larceny as theft of goods worth more than a shilling, so a total of precisely a shilling fell on the side of petty larceny. By setting the value there, the grand jury limited Winkity's guilty plea to an offence punishable by whipping. His plea carried no risk of branding. Lewis was perhaps the same slave of William Seale who stole Ruth Colgrave's hens in October 1762 and was whipped for it in January 1763. The register's index records a Lewis sentenced to death on 16 January 1765 for killing Pat at Pleasant Valley. The owner and the date both fit this sitting.
99	89	their Oaths do Present That Lewis late of Dogwood Valley within the Island of St. Helena Slave not having the Fear of God before his Eyes but being moved and seduced by a devilish Instigation on the twenty sixth Day of December in the fifth Year of the Reign of our Sovereign Lord George now King of Great Britain &c. by Force and Arms at Pleasant Valley within the Island aforesaid in and upon One Patt in the Peace of God and of our said Lord the King then and there being feloniously and in his Rage did make an Assault And that the said Lewis then and there the said Patt did Squeeze on the Throat and her the said Patt violently feloniously voluntarily and of his Malice aforethought did choke and Strangle, And she the said Patt then and there instantly died. And so the Jurors aforesaid upon their Oaths aforesaid do say that the said Lewis the said Patt in Manner and Form aforesaid then and there feloniously voluntarily and of his Malice aforethought did kill and Murder against the Peace of our Sovereign Lord the King his Crown and Dignity. To the above Indictmt. the Prisoner pleaded Not guilty. -	The grand jury charged Lewis, a slave of Dogwood Valley, with murder. According to the charge, on 26 December 1764 at Pleasant Valley, he attacked a woman named Pat in a fit of rage, prompted by the devil and without fear of God. He seized her by the throat and, deliberately and with malice aforethought, choked and strangled her. Pat died on the spot. The jurors therefore accused Lewis of murdering her, in breach of the King's peace. Lewis denied the charge. Winkity and Lewis were then taken from the bar, and Abraham Harding and Nicholas Rushek were put on trial. The following 12 men were sworn as their jury. The clerk read the charges to them a second time, and the jurors received their instructions. John Bland Mathew Bazett Benjamin Seale John Bagley John Shirley William Seale Henry Easthope Henry Harper James Torbett James Easthope Orlando Bagley Simon Whaley William Beale, a planter, gave evidence first, under oath. On 3 October 1764 he sent a slave named August to a place called Dry Gut to fetch salt.

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		Winkity and Lewis being removed from the Bar, Abraham Harding and Nicholas Rushek were put upon their Trial, and the twelve following Men, Viz. John Bland Matthew Bazett Benjamin Seale John Bagley John Shirley William Seale Henry Casthope Henry Harper James Forbett James Casthope Orlando Bagley and Simon Whaley were sworn upon their Jury. Then the Indictment was, a second Time, read to them, and the Jury charged. - William Beale, Planter, being duly sworn, saith, that on the third Day of October last, he sent a Black fellow, Named, August for Salt to a Place, called, Dry gut; That between the Hours of eleven and twelve at Noon, the sd. Black told him that he heard the Report of a Musket and saw three Men under Porter's Gate, and a Flock of Goats running before them; That when he came home, Black acquainted this Deponent with it, he, the Depont. asked him if he knew the Men or saw them pick up, or carry away any Thing, Said, he did not; That, on Saturday the Sixth following, he came to the Main Fort, and acquainting the Adjutant of what the Black fellow had told him, was at same time by him the sd. Adjutant, informed that one Bland, a Soldier belonging to Prosperous Bay Guard had already reported to him that a Goat had been shot by some	Between eleven and twelve that morning, August heard a musket shot and saw three men near Porter's Gate, with a flock of goats running ahead of them. When August returned home he told Beale what he had seen. Beale asked whether he recognised the men or had seen them pick up or carry anything off. August said he had not. On Saturday 6 October 1764 Beale went to the main fort and reported August's account to the Adjutant. The Adjutant told him that a soldier named Bland, stationed at the Prosperous Bay guard, had already reported that a goat had been shot. **Interpretations** The charge against Lewis described the killing as done in a rage yet also with malice aforethought. The two phrases might seem to conflict, since anger suggests a sudden impulse. In law, however, malice could be implied from the manner of killing, and strangling a person by the throat until she died showed an intention to kill. The wording shut out the argument that a killing in hot blood amounted only to manslaughter. The goats were shot with a musket, which points to soldiers using their service weapons to hunt. Muskets and powder belonged to the Company, and firing them away from duty was itself a breach of discipline. The report reached the Adjutant through two routes, from a planter and from a soldier on guard, which shows the garrison's command acting as the clearing house for information about misconduct in the countryside. Beale sent August to Dry Gut for salt, which on St Helena was gathered from pools along the rocky coast where seawater evaporated. Slaves were routinely sent on such errands across the island, which placed them as witnesses to events in remote spots. August's account reached the court only through his master, the pattern seen in earlier cases involving slave knowledge.
100	90	Men of the said Guard. Saith, that next Day being the Seventh, Serjeant Wright and Corpl. Bannister came to his House, from whence they three went to Prosperous Bay Guard, and on Coming there, this Deponent and Serjt. Wright went to a Place, called, Jemmy's Stage / leaving Corpl. Bannister on the Mount / where they found four or five Goats feet, and several other Goats bones. - John Hillard, Soldier, being duly sworn, saith, that on Tuesday the second Day of October last, Abraham Harding and Nicholas Bushell the Prisoners at the Bar, went towards the Plain, that Harding took a Firelock out of the Guard house some Powder and Sluggs, and carried them along with him, and soon after this Deponent heard the Report of a Musket; That they returned to the Guard, Bushell with a Goat on his Back, and Harding carrying the Firelock; Saith, they dressed and eat the Goat. That on the Thursday following, being the fourth of the same Month, the Prisoners went again towards the Plain, Harding taking a Firelock with him, also some Powder and Sluggs; That soon after their Departure, he heard the Report of a Musket, and they, in Manner as before, returned to the Guard, Bushell with a Goat on his Back, and Harding with the Firelock: That	Beale said that the goat had been shot by some of the men of that guard. The next day, 7 October 1764, Sergeant Wright and Corporal Bannister came to his house, and the three went on to the Prosperous Bay guard. On arrival, Beale and Wright walked to a spot called Jemmy's Stage, leaving Bannister on the Mount. There they found four or five goats' feet and a number of other goat bones. John Hillard, a soldier, then gave evidence on oath. On Tuesday 2 October 1764 Harding and Bushell set off towards the Plain. Harding took a musket from the guardhouse, along with some powder and slugs. Soon afterwards Hillard heard a musket shot. The two men came back to the guard, Bushell carrying a goat on his back and Harding the musket. They butchered the goat and ate it. On Thursday 4 October 1764, Hillard said, the pair went off towards the Plain again, Harding once more taking a musket, powder and slugs. Shortly after they left, Hillard heard another shot. They returned as before, Bushell with a goat on his back and Harding with the musket, and again they butchered and ate the animal. Asked whether either goat bore any distinctive mark, Hillard said that as far as he knew one of them had both ears slit. In his defence, Harding said that while he was at the Prosperous Bay guard he neither saw nor heard of any goat being brought in. He also said he had never been to Jemmy's Stage. Bushell likewise said he neither saw nor heard of any goat being brought to the Prosperous Bay guard while he was on duty there. The two had nothing more to say. The case was summed up for the jury, which withdrew. On returning, the jurors found both men guilty to the

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		they dressed and eat the Goat. Being asked if the Goats or either of them had any particular Marks, says, that, to the Best of his Knowledge, One of them had both Ears slit. - The Prisoners being put upon their Defence, Abraham Harding, on his Part saith that, while he was at Prosperous Bay Guard, he neither saw nor heard of a Goat's being brought there, and that he never was at the Place, called Jemmy's Stage. Nicholas Bushell on his Defence, saith, that he neither saw nor heard of any Goat's being brought to Prosperous bay Guard, while he was on Duty there. - The Prisoners having No More to Move in their Defence, the was summ'd up to the Jury, who retired to Consider, and on their Return, brought in the Prisoners "Guilty of the Value of Ten pence" - They were removed from the Bar. -	value of £0 0s 10d. They were then taken from the bar. **Interpretations** The slit ears on one of the goats were an owner's mark. Settlers identified their livestock by cutting distinctive notches or slits into the ears, a method used across Britain and its colonies for sheep, goats and pigs. A marked animal was plainly someone's property, even if the owner could not be named. Hillard's evidence of the slit ears answered any argument that the goats were wild and free to take. Slugs were rough lumps of lead, cut or hammered rather than cast, used as shot in place of a proper musket ball. Loading a musket with slugs spread the charge and suited hunting game at close range. Harding's taking powder and slugs from the guardhouse showed a planned hunt, using the Company's arms and ammunition for private purposes. The verdict of £0 0s 10d reduced the goats, charged at £0 4s 0d and £0 5s 0d, to petty larceny. The jury again spared soldiers the brand for taking animals for food. Prosperous Bay was one of the island's remote coastal posts, and its guards evidently supplemented their rations with whatever they could shoot on the surrounding hills.
101	91	Lewis, being set to the Bar, was put upon his Trial, and the twelve following Men, Viz. - John Bland Mathew Bazett Benjamin Seale John Bagley John Shirley William Seale Henry Casthope James Casthope Henry Harper James Forbett Orlando Bagley and Simon Whaley were sworn upon his Jury. Then the Indictment was, a second time, read to him, and the Jury charged. - Benjamin Pledger, Planter, being duly sworn, saith, that on the twenty sixth of December last between the Hours of Six and Seven in the Morning, the Prisoner at the Bar came to his House, and told him a sad Accident had happened to the Widow Dunfontain, on which he asked him What? And he told him that Patt, one of the said Widow's Black Wenches, dropt down Dead; That he then asked the Prisoner in what Part of the House she slept, he told him that she slept in the Whole, and that he, himself, slept in the black house, and that, as he got up in the Morning, seeing her lie by the Door, he went to her, and called her up to Milk the Cows, but she making no answer, he shook her, and thereby found she was dead. - Saith, that, after the Prisoner had thus informed him, he, the Prisoner, desired him to say that he lay that Night at his House, but the Deponent reply'd that he knew him to be a very wicked Fellow, and then went and acquainted his Master of it. That the Prisoner, all the While, seemed to be in so great a Confusion that he could hardly speak. - Betty, a Woman slave belonging to John Worrall Planter, upon	Lewis was then brought before the court and put on trial. The same 12 men were sworn as his jury. The clerk read the charge to him a second time, and the jurors received their instructions. John Bland Mathew Bazett Benjamin Seale John Bagley John Shirley William Seale Henry Easthope James Easthope Henry Harper James Torbett Orlando Bagley Simon Whaley Benjamin Pledger, a planter, gave evidence first, under oath. Between six and seven on the morning of 26 December 1764, Lewis came to his house and said that something terrible had happened at the widow Desfountain's. When Pledger asked what, Lewis told him that Pat, one of the widow's slave women, had dropped down dead. Pledger asked where in the house she slept. Lewis said she slept in the hall, while he himself slept in the slaves' quarters. That morning, he said, he got up and saw her lying by the door. He went over and called on her to get up and milk the cows. When she did not answer he shook her and realised she was dead. Having told him this, Lewis asked Pledger to say that he had spent that night at Pledger's house. Pledger refused, telling Lewis he knew him to be a thoroughly wicked man, and went to inform Lewis's master. Throughout the conversation Lewis seemed so agitated that he could barely speak. Betty, a slave woman owned by the planter John Worrall, then gave evidence on oath. On the morning of 26 December 1764 Lewis came to her master's house, where John Desfountain Junior was present, and told him that Pat was dead. Desfountain asked Worrall's permission for Betty to go and lay out the body. At the widow Desfountain's she found Pat lying dead on a bed, covered with a blanket. When she drew the blanket back, she saw heavy bruising from pinching on the throat and deep scratches across the face, apparently made by someone's nails. She refused to lay out the body and sent word for her master. He soon arrived. Some time later Benjamin

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		her Oath, saith, that on the twenty sixth of December last in the Morning, the Prisoner at the Bar came to her Master's, and John Dunfontain Junr. being there, he told him the Wench Patt was dead, on which he, Dunfontain asked Leave of her Master for her to go and Lay the deceased out; That she went to the Widow Dunfontain's, and there found the said Patt Lying dead on a Bed, her Body covered with a Blankett; That she uncovered her, and finding her much pinched on the Throat, and her Face greatly scratched, seemingly by the Nails of some Person, she would not lay her out, but sent the Prisoner for her Master, who soon came there and the said John Worrall along with him: That in some afterwards Benjamin Pledger and Orlando Bagley also came to the House, who, on viewing the Body, took Lewis Prisoner. The Witness being asked if she had any Conversation with	Pledger and Orlando Bagley also came, and after examining the body they took Lewis into custody. **Interpretations** Betty's refusal to lay out the body turned a sudden death into a murder inquiry. Washing and preparing the dead for burial was women's work, often given to slave women, and it brought them into close contact with the body. Her sight of the marks on Pat's throat and the scratches on her face supplied the first evidence of violence. Had she carried out her task, those signs might have been washed away and the death passed off as natural, as Lewis evidently intended. Lewis's request to Pledger to say he had spent the night elsewhere was an attempt to build a false alibi. Coupled with his story of finding Pat dead by the door, it showed that he was already preparing a defence before anyone suspected him. Pledger's refusal, grounded in his low opinion of Lewis's character, closed off that route at once. Lewis's reputation, noted by James Colgrave in the case of the stolen hens in January 1763, now told heavily against him. The slaves' quarters at the widow Desfountain's show that Lewis lived there at the time, though his owner was William Seale. Slaves were often hired out to work for other households, and Lewis had evidently been placed with the Desfountain family. Pat, one of the widow's own slaves, slept in the main house while Lewis slept in the separate quarters.
102	92	the Prisoner touching the Death of the said Patt, says, she had, and that she asked him if he knew any thing about it, he told her he did, and that on the Deceased's Complaining of Some thing in her Throat, and desiring him to squeeze it, he did so 'till he raised the Skin and drew Blood; That then she asked him why he had not immediately acquainted some of the Neighbours, he said that his Reason for concealing it so long was his Fear, as he happened to be alone with her in the House, all which she desired Benj. Pledger who was present to take Notice of. - The Witness being examined by the Court as to the Time of her Seeing Patt before her Death, says, she saw her at some Distance the Preceding Afternoon about two of the Clock together with her three Children, and that she then seemed very well. Saith, she often saw the Prisoner at the Widow Dunfontain's, but never heard of any intimate or familiar Connections between him and the Deceased. - Frank, a Man slave belonging to the Widow Dunfontain, on his Oath, saith, that Christmas Day in the Morning, he went from the Fort in James's Valley to his Mistress's House in the Country, from whence he and the Prisoner at the Bar went to the House of William Seale, and there eat Dinner; That afterwards they both went to John Bagley's in Sandy Bay, where this Deponent remained that Night and Came next Morning to his Mistress's House, where he found Patt Dead. That on seeing some of her Children there, he asked one of them, a Child about five Years old, how her Mother happened to die, the Child reply'd that Lewis	Betty was asked whether she had spoken with Lewis about Pat's death. She said she had. When she asked whether he knew anything about it, he said he did. According to Lewis, Pat complained of something wrong in her throat and asked him to squeeze it. He did so until he broke the skin and drew blood. Betty asked why he had not told any of the neighbours at once. Lewis said he kept quiet out of fear, since he had been alone in the house with her. Betty asked Benjamin Pledger, who was present, to take note of what Lewis said. The court asked Betty when she had last seen Pat alive. She said she had seen her from a distance at about two o'clock the previous afternoon with her three children, and Pat had seemed perfectly well. Betty often saw Lewis at the widow Desfountain's but had never heard of any close relationship between him and Pat. Frank, a slave owned by the widow Desfountain, then gave evidence on oath. On the morning of Christmas Day 1764 he walked from the fort in James's Valley to his mistress's house in the country. From there he and Lewis went to William Seale's house, where they had dinner. The two then went on to John Bagley's in Sandy Bay. Frank stayed there that night and returned to his mistress's house the next morning, where he found Pat dead. Seeing some of Pat's children there, Frank asked one of them, a child of about five, how her mother had died. The child said that Lewis had killed her and had got into the house through the window. Frank went straight to William Seale and told him, and Seale came back with him to Mrs Desfountain's. The court asked Frank how he found Pat's body. He produced her handkerchief, which was badly torn, and said her petticoats were torn too. At first he was too shocked to suspect murder. Only when he later noticed marks on her neck did he begin to think she had been killed, though he did not yet suspect anyone in particular. William Seale, a planter, then gave evidence on oath. On Christmas Day 1764 Lewis got up very early and went out. He came home very drunk between eleven and twelve and slept until after dinner. He then got up, went to the widow Desfountain's and returned with Frank, and the two ate some dinner.

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		/meaning the Prisoner/ had killed her, and that he came into the House thro' the Window. That he went directly to Mr. William Seale whom he acquainted with it, and he came along with him to Mrs. Dunfontain's - The Witness being asked by the Court in what Condition or Manner he first found the Deceased? Says, her Handkerchief / producing it / was all torn, and her Petticoats also - That on finding her Dead, he was so shock'd at first, that he suspected Nothing of her being Murdered, but on seeing afterwards some Marks about her Neck, he began to think she had been Murdered, without yet suspecting any particular Person. - William Seale, Planter, being duly sworn, saith, that last Christmas Day the Prisoner at the Bar got up very early, and went out; That, between the Hours of eleven and twelve, he returned home very drunk, and slept 'till after dinner time, then got up again, went to the Widow Dunfontain's and Came back along with Frank, the last Witness, and they both eat some Dinner - That then the Prisoner and the said Frank returned to the Widow Dunfontain's, from whence they went to John Bagley's in Sandy Bay, and about eight O Clock at Night the Prisoner came to his House; That when he came there he asked him, the Witness, for some Liquor to	Afterwards they went back to the widow Desfountain's and from there to John Bagley's in Sandy Bay. At about eight that night Lewis came to Seale's house. When he arrived he asked Seale for some liquor. **Interpretations** Lewis's account to Betty was a remarkable admission. By claiming that Pat asked him to squeeze her throat and that he did so until he drew blood, he conceded that he caused the injuries that killed her. The explanation that she requested it had no credibility against the evidence of a woman in good health the previous afternoon. His own words placed his hands on her throat. The child's statement to Frank named Lewis directly and described his entry through the window. A child of five could not give evidence on oath, since the court would judge her unable to understand its meaning. Her words reached the court only as Frank's report of what she said. Even so, they fitted Betty's account of the marks on the body and Lewis's own admission. The torn handkerchief and petticoats showed that Pat struggled against her attacker. The handkerchief, worn around the neck and shoulders, would have been torn as hands closed on her throat. The damage to her clothing was physical evidence of violence that Lewis's story of a requested squeeze could not explain. Christmas Day brought slaves a rare day free from work, which explains Lewis's movements between several households and his heavy drinking. Slaves visited friends and relations across the island and drank freely. That freedom gave Lewis the opportunity to be at the Desfountain house that night.
103	93	Treat a Friend; and, being refused, took an Empty Bottle, and in a Passion went away; Saith he never returned till Four O'Clock next Morning, then got his Breakfast ready, and was going for some Limestone, when the said Frank in the greatest Hurry came to his House, and told him the Prisoner had slept at his Mistress's, and had killed his Wife (meaning the Deceased) That thereon he asked the Prisoner if he slept there, he first denied, but afterwards confessed he had. That he then asked him if he knew any thing of the Murder, said, he did not, and he then took him along with him to the Widow Desfountain's, where Patt lay dead. That on seeing the Corps, and examining it, he saw her Handkerchief Loose and torn, her Breast bare and naked, and her Shift also torn. That her Head lay in some Water which seemed purposely poured upon her. Dick, a Man slave, on his Oath, saith, that he saw Patt, the Deceased, last Christmas Day between the Hours of three and four in the Evening at the Widow Desfountain's, and that Frank and the Prisoner at the Bar were then there. Robert Barclay, Surgeon of this Island, being duly sworn, Saith, that when he went to View and examine the Body of Patt, the deceased, such Marks of Violence appeared to him on her Throat and Neck, that he is of Opinion she must have been murdered. Mr James Powell, Coroner, being duly sworn, Saith, that when he went to View the Body of Patt, the deceased, along with a Jury	According to the witness, a request for something with which to treat a friend was turned down. The man who made it grabbed an empty bottle and stormed off in a temper. The witness himself did not get home until four o'clock the next morning. He had just made his breakfast and was about to fetch limestone when Frank arrived at his house in a great rush. Frank told him that the prisoner had spent the night at his mistress's house and had killed his wife, by whom he meant the dead woman. The witness then questioned the prisoner about where he had slept. The prisoner denied staying there at first but later admitted it. When asked whether he knew anything about the killing, he said he did not. The witness then took him to the house of the Widow Desfountain, where Patt's body lay. Inspecting the body, the witness found her neckerchief loosened and torn, her chest uncovered and her shift ripped. Her head rested in water that appeared to have been poured over her on purpose. Dick, a male slave, gave sworn evidence that he saw Patt at the Widow Desfountain's house on the previous Christmas Day, between three and four in the afternoon. Frank and the prisoner were both there at the time. Robert Barclay, the island's surgeon, testified under oath that he examined Patt's body. The marks of violence on her throat and neck left him convinced that she had been murdered. James Powell, the coroner, gave sworn evidence that he viewed Patt's body with a jury summoned and sworn for the inquest. He saw marks of violence on her throat and another on the back of her neck. These looked like the pressure of a finger and a thumb. Although the skin was not swollen everywhere, the marks showed clearly, the one over her windpipe most of all. In the house he found a young girl who, he was told, was the dead woman's

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		summoned and sworn upon that Inquisition, he perceived some Marks of Violence upon her Throat, and one upon the Back part of her Neck; That the Marks seemed to be the Impressions of a Finger and Thumb, and all the Skin was not raised, yet the Marks were very visible, particularly that on her Wind pipe. Saith, that, on seeing a Female Child in the House who, as he was told, was the Deceased's Daughter, he inquired of her, if she knew any thing of her Mother's Death, to which She made Answer, She knew Nothing, but that Lewis and her Mother had been a fighting, and pointed to the Place where her Mother then Lay. Saith, the Jury were unanimously of Opinion that Violence had been used, and was the Cause of the said Patt's Death. The Prisoner, being put upon his Defence, Saith, that he and the said Frank went together to John Bagley's in Sandy Bay, where Frank remained; That he came back to the Widow Desfountain's about eight O'Clock the same Night, where he found Patt, the Deceased, complaining of a Violent Pain in her Breast, which she kept continually	daughter. He asked her whether she knew how her mother died. She replied that she knew nothing except that Lewis and her mother had been fighting, and she pointed to the spot where her mother was lying. The jury agreed unanimously that violence caused Patt's death. The prisoner, called on to answer the charge, stated that he and Frank walked together to John Bagley's house in Sandy Bay, where Frank stayed behind. He returned alone to the Widow Desfountain's house at about eight o'clock that night. There he found Patt suffering from a severe pain in her chest, which gave her no relief. **Interpretations** The evidence shows two separate forms of official scrutiny feeding into the trial. The surgeon offered a medical opinion, while the coroner sat with a jury sworn for the inquest and returned a formal finding that violence caused the death. That finding carried legal weight of its own, since an inquest verdict of unlawful killing was the step that turned a sudden death into a criminal case. St Helena was plainly running the English coroner's procedure in full, jury and all, on a very small island. The coroner's description of finger and thumb marks, with the clearest over the windpipe, pointed to manual strangulation. The torn neckerchief, a cloth worn knotted around the neck, fitted the same picture of a struggle at the throat. The shift was a woman's linen undergarment, so its tearing, together with the bared chest, suggested a violent assault rather than a simple quarrel. The water poured over her head may have been an attempt to revive her or to disguise the cause of death, but the witness regarded it as deliberate. The word "mistress" in Frank's report probably referred to the Widow Desfountain rather than to a lover. The prisoner admitted sleeping at the house where the body was found, and that house belonged to her. On this reading Frank was a member of her household, and his "wife" Patt was a woman living there with him. Dick's evidence was taken on oath, and the record noted his status as a slave alongside it. His testimony placed both Frank and the prisoner in the house with Patt on Christmas Day. The court evidently treated a slave's sworn word as admissible on a question of who was present at the scene. The daughter's words reached the court only through the coroner, who repeated what she told him. She was not sworn herself, perhaps because of her age. Her statement nonetheless named Lewis, identifying the prisoner, and placed him in a fight with her mother.
104	94	Scratching; That she desired him to give her some Water to drink, which he accordingly did, and then she complained of a Pain in her Breast and Throat, and soon afterwards died. Denies he killed her. The Evidence being closed, the Whole was, in an Impartial Manner, summ'd up by the Chairman to the Jury, on which they retired to Consider. On their Return to Court, they declared their Verdict by which they found the Prisoner - "Guilty Death." Lewis being removed from, Abraham Harding & Nicholas Bushell were set to, the Bar, where they received a Sentence to be whipt at the Stocks and Discharged. Kinkety, being then set to the Bar, was also Sentenced to be whipt and Discharged.	Patt, according to the prisoner, kept scratching at the painful spot in her chest. She then asked him for a drink of water, and he gave her one. Soon afterwards she complained of pain in her chest and throat, and she died a short time later. The prisoner denied killing her. Once all the evidence had been heard, the chairman summed up the case for the jury in an even-handed way. The jurors then withdrew to reach their decision. On returning to court, they found the prisoner guilty, a verdict carrying the death sentence. Lewis was taken from the dock, and Abraham Harding and Nicholas Bushell were brought up in his place. The court ordered both men to be flogged at the stocks and then released. Kinkety came to the dock next and received the same sentence of a flogging followed by release. Lewis was then returned to the dock. He offered no grounds for halting the judgment, and after a brief address from the bench the court passed sentence. He was to be taken back to the place he had come

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		Lewis, being again brought to the Bar, and having Nothing to move in stay of Judgment, after a short Exhortation, received Judgmt as followeth, Viz: "You shall go to the Place from whence you Came, and from thence to the Place of Execution, and there you shall be Hanged by the Neck, until your Body is Dead, and God have Mercy on your Soul: And then your Body shall be hanged, in Chains, on a Gibbet in a conspicuous Part of this Island" The Business of the Sessions being now ended, the Grand and Petit Juries were dismissed, and the Court was, by Proclamation, Adjourned to the Seventeenth day of April next Ensuing. Immediately after Adjournment, Abraham Harding, Nicholas Bushell and Kinkety were whipt and Discharged; And on Monday the twenty first of the same Month, a Warrant was directed to the Sheriff for the Execution of Lewis, who, on the Wednesday following, Pursuant to Sentence, was duly executed. John Skottowe C Burling Wm Kirkpatrick	from and then led to the place of execution. There he was to hang by the neck until dead, and the court asked God to show mercy to his soul. His body was afterwards to be hung in chains from a gibbet in a prominent spot on the island. With the criminal business concluded, the court discharged both the grand jury and the trial jury. A public proclamation then adjourned the court until 20 April. Harding, Bushell and Kinkety were flogged and set free as soon as the court rose. Later that month, on Monday 21, the sheriff received a warrant to carry out the execution of Lewis. He was hanged in accordance with his sentence on the Wednesday that followed. The record bore three signatures. John Skottowe [...]urling William Kirkpatrick **Interpretations** The prisoner's account offered the court a rival explanation of the death. He described a woman who fell ill with chest pain, asked for water and then died, which pointed towards natural causes. The coroner's evidence of finger and thumb marks over the windpipe stood directly against that story, and the jury evidently preferred the medical and inquest findings. A motion in arrest of judgment was the defendant's last formal chance to argue that the proceedings contained a legal flaw serious enough to prevent sentence being passed. Lewis made no such motion, so the court moved straight to judgment. The step shows the island's criminal court following English trial procedure closely, down to its final safeguards. Hanging in chains meant displaying the executed body in an iron cage or frame on a gibbet, where it was left to decay in public view. The order to place it in a prominent spot on the island made the purpose plain: the punishment continued after death as a warning to others. In England the Murder Act of 1752 required that the body of a convicted murderer be either dissected or gibbeted, and the St Helena court applied the second option. The presence of both a grand jury and a trial jury confirms that the island kept the full two-stage English system. The grand jury decided whether a charge should go to trial, while the trial jury decided guilt. For a settlement of St Helena's size, maintaining both bodies required a substantial share of the free male population. The contrast in timing between the two kinds of punishment is revealing. The floggings of Harding, Bushell and Kinkety were carried out the moment the court rose, needing no further authority. A death sentence, however, required a separate warrant addressed to the sheriff, and the hanging followed only after that document was issued. The difference marked the greater formality demanded before a life could be taken. The signatures at the foot of the record show that the proceedings were attested by Governor Skottowe and members of his council. Their names gave the record official standing as the account of a court held under the East India Company's authority on the island.
105	95	Island of Saint Helena On the Sixteenth Day of January in the fifth Year of his Majesty's Reign, a Precept upon the Commission of the Peace, was issued out and Delivered to Mr Richd Bagley Sheriff of the said Island.	Richard Bagley, sheriff of St Helena, received a precept under the commission of the peace on 16 January 1765, in the fifth year of the King's reign. A further precept, this time under the commission of oyer and terminer, went to him on 2 April 1765. The island's inhabitants met in vestry on Monday 8 April 1765. They put forward three names, those of John Desfountain, Matthew Bazett and Samuel

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		On the second Day of April following, a Precept on the Commission of Oyer and Terminer was directed and delivered to the Sd Sheriff. On Monday the eighth Day of the same Month, and in the fifth Year of his Majesty's Reign, the Inhabitants of the Sd Island in Vestry assembled, returned Messrs John Desfountain, Matthew Bazett and Samuel Alexander wherof one to Serve as Sheriff for the ensuing Year, the First of these was appointed; They afterwards chose Mr Willm Hayes Constable. On the Seventeenth Day of the above Month, a Precept upon the Commission of Goal Delivery was directed and Delivered to the said Sheriff. On the fourteenth Day of May following, Mr John Desfountain, as Sheriff, and Mr William Hayes, as Constable, were Sworn in their Respective Offices.	Alexander, so that one could serve as sheriff for the coming year. Desfountain, the first of the three, received the appointment. The vestry then elected William Hayes as constable. On 17 April 1765 the sheriff received a third precept, issued under the commission of gaol delivery. Desfountain and Hayes took their oaths of office as sheriff and constable on 14 May 1765. **Interpretations** The three commissions mirrored the machinery of English criminal justice. The commission of the peace empowered justices to deal with lesser offences and keep order. Oyer and terminer, a Law French phrase meaning "to hear and determine", gave judges authority to try serious crimes, including felonies such as murder. Gaol delivery empowered them to try every prisoner held in custody and so clear the gaol. A precept was the formal written instruction directing the sheriff to summon jurors and bring prisoners before the court under each commission. Issuing all three in sequence prepared the ground for a full criminal session of the kind that tried Lewis for the killing of Patt. The method of choosing officers shows a blend of local participation and higher control. The inhabitants did not elect the sheriff outright but supplied a shortlist of three, from which one man was appointed, presumably by the Governor and Council. The constable, a lesser office, was chosen directly by the vestry. The difference suggests that the island's authorities kept a firmer hand on the post that summoned juries and carried out sentences, including executions. The vestry was the parish meeting of householders, in England normally concerned with church and poor relief matters. On St Helena it served a wider civic purpose as the body through which the settlers took part in selecting officers of the law. The new sheriff, John Desfountain, shared a surname with the Widow Desfountain, in whose house Patt was found dead. The outgoing sheriff, Richard Bagley, likewise shared a surname with John Bagley of Sandy Bay, whose house the prisoner visited on the night of the killing. In a community this small, the officers responsible for enforcing the law were drawn from the same handful of settler families whose households appeared in the evidence.
106	96	The General Quarter Sessions of the Peace, Sessions of Oyer and Terminer, and Sessions of Goal Delivery holden at the Hall in James's Valley on the Island of St Helena the Seventeenth Day of April in the fifth Year of the Reign of our Sovereign Lord George the third, of Great Britain, France and Ireland King, Defender of the Faith and so forth, Before John Skottowe, David Cornelius, Matthew Sterling and Thomas Kirkpatrick Esquires, four of his Majesty's Justices, assigned to keep the Peace in the Said Island, and also to hear and determine divers Felonies, Trespasses and other Misdemeanors in the said Island Committed. The Court being opened upon the Commission of the Peace, A Grand Jury consisting of Seventeen of the Principal Inhabitants of the said Island were Sworn; But No Business appearing upon that Commission the Court of Oyer and Terminer was opened, a New Grand Jury impanelled and Sworn, and the Bills of Indictment were preferred	The general quarter sessions of the peace, together with the sessions of oyer and terminer and of gaol delivery, sat at the Hall in James's Valley on 17 April 1765. The date fell in the fifth year of the reign of George III, King of Great Britain, France and Ireland and Defender of the Faith. Governor Skottowe presided alongside Daniel Corneille, Matthew Sterling and Thomas Kirkpatrick. All four held royal commissions as justices charged with keeping the peace on the island and trying felonies, trespasses and lesser offences committed there. The court opened first under the commission of the peace, and a grand jury of 17 leading inhabitants took the oath. No cases came forward under that commission, however. The court therefore opened as a court of oyer and terminer, and a fresh grand jury was assembled and sworn. The draft indictments went before this second jury, which approved the charges that follow. The court then turned to the business of gaol delivery. Pegg, a slave girl owned by John Whitchurch, was brought to the dock and formally charged. The indictment, drawn up in the name of the island of St Helena, recorded the sworn accusation of the King's jurors. They charged that Pegg broke into the house of Richard Goodwin in James's Valley at around midnight on 19 January 1765, entering it by force

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		to them; They found the following Bills, and then the Court was opened the Goal Delivery Pegg, a Girlslave belonging to John Whitchurch, being set to the Bar of the Court, was arraigned upon the following Indictment, Viz. Island of Saint Helena ss. The Jurors of our Sovereign Lord the King upon their Oaths do Present that Pegg late of the Island of St Helena a Girlslave on the Nineteenth Day of January in the fifth Year of the Reign of our Sovereign Lord George now King of Great Britain &c by Force and Arms about the Hour of twelve in the Night of the same day in James's Valley within the Island aforesaid the Dwellinghouse of one Richard Goodwin then situated feloniously and burglariously did break and enter And one Canister containing three Quarter of a Pound of Hyson Tea of the Value of five Shillings One China Teapot of the Value of one Shilling and Six pence One China Sneaker of the Value of four pence Six China Cups and five Saucers of the Value of two Shillings and one Sugar Cup and one one Mug of the Value of Six pence of the Goods and Chattles of the said Richard Goodwin also Six Monthly Magazines and one Pamphlet of the Goods and Chattles of one Henry Fletcher in the said Dwelling house then and there being found then and there	with criminal intent. From Goodwin's property she took a tin holding three-quarters of a pound of Hyson tea valued at £0 5s 0d, a china teapot valued at £0 1s 6d and a china sneaker valued at £0 0s 4d. She also took six china cups and five saucers valued together at £0 10s 0d, and a sugar bowl and a mug valued together at £0 0s 6d. Along with these she removed six monthly magazines and a pamphlet belonging to Henry Fletcher, which were in the house at the time. **Interpretations** Hyson was a high-grade green tea from China, made from young leaves rolled tightly and prized for its sharp, clean flavour. It reached St Helena aboard the East India Company's homeward ships from Canton, which called at the island on their way to England. A sneaker was a small china bowl or cup, used for tea or for a measure of punch. The teapot, cups, saucers and sugar bowl were Chinese export porcelain from the same trade. The monthly magazines were periodicals printed in London and carried out by ship, and in a remote settlement they were valued possessions, often passed around and read repeatedly. The charge of burglary carried serious consequences. Under English law, burglary meant breaking into a dwelling at night with intent to commit a felony, and it was a capital offence. The indictment stressed each element with care: the house, the hour of midnight and the forced entry. Framed this way, the case exposed a young slave to the risk of a death sentence for goods worth less than £1 in total. The four justices were the Governor and senior members of his council, sitting in a judicial role. The same small group that governed the island for the East India Company also formed its criminal bench. Executive and judicial authority therefore rested in the same hands, with the jury the main check on their power. The opening under three separate commissions shows how closely the island copied the English assize system. Each commission conferred a distinct jurisdiction, so the court formally opened under each in turn. Lesser offences fell under the peace commission, while serious crimes required oyer and terminer, and gaol delivery allowed the court to try every prisoner in custody. **Speculations** The court swore a fresh grand jury for oyer and terminer rather than handing the indictments to the 17 men already sworn. Reusing the first jury would have been the simpler course, since it had heard no business at all. The reason lay in the oath itself: that jury was sworn only to inquire under the commission of the peace, so it lacked authority to consider charges under a different commission. Handing it a capital indictment would have left any conviction open to challenge, and the justices chose the slower but legally secure route.
107	97	Feloniously and burglariously did steal take and Carry away against the Peace of our Sovereign Lord the King his Crown and Dignity. She pleads - "Not guilty" Winchester, a Man slave late belonging to the Honourable Company, and Cupidore, a Manslave late the Property of Captain William Harrold deceased, being set to the Bar were arraigned upon the following Indictment, Viz. Island of Saint Helena ss. The Jurors of our Sovereign Lord the	The indictment against Pegg concluded by charging that she carried out this theft by burglary, in breach of the King's peace, crown and dignity. Pegg pleaded not guilty. Two male slaves were brought to the dock next and charged under a single indictment. Winchester had formerly belonged to the East India Company. Cupidore had been the property of Captain William Harrold, who was now dead. The King's jurors stated on oath that Winchester, originally from Madagascar, and Cupidore, from St Helena, attacked William Harrold on 29 November 1764. The assault took place at sea aboard the *Mercury*, which Harrold commanded and which was then sailing from Madagascar to St

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		King upon their Oaths do Present that Winchester late of the Island of Madagascar and Cupidore late of the Island of St Helena Slaves not having the Fear of God before their Eyes but being moved and seduced by the Instigation of the Devil on the twenty ninth Day of November in the fifth Year of the Reign of our Sovereign Lord George now King of Great Britain &c by Force and Arms on the High Seas in the good Ship the Mercury then bound from the said Island of Madagascar to the Island of St Helena aforesaid in and upon one William Harrold then Commander of the Sd Ship in the Peace of God and of our Sovereign Lord the King then and there being feloniously traitorously voluntarily and of their Malice afourthought did make an Assault And that the said Winchester with a certain Lance made of Iron and Wood of the Value of five Shillings which he the said Winchester in both his Hands then and there held the said William Harrold in and upon that Part of the Body above the Navel of the said William Harrold then & there feloniously voluntarily and of his Malice afourthought did Strike and thrust by giving him the said William Harrold then and there with the Lance aforesaid one mortal Wound of the Breadth of three Inches And that the said Winchester with the Lance aforesaid the said William Harrold in and upon the Right side of the said William Harrold then and there feloniously voluntarily and of his Malice afourthought did Strike and thrust in giving him the said William Harrold with the Lance aforesaid one Wound which penetrated the Spleen of the said William Harrold And that the said Winchester with the Lance aforesd the said William Harrold in and upon that Part of the Body below the Navel of the said William Harrold then and there feloniously voluntarily and of his Malice afourthought did Strike and thrust in giving him the said William Harrold with the Lance aforesaid two Mortal Wounds of the Breadth of two Inches each Wound of which said several Mortal Wounds the said William Harrold Languished and Lived in a languishing Condition from the said twenty ninth Day of November in the Year aforesaid unto the thirtieth Day of the said Month of November in the Sd Year On which said thirtieth Day of November in the Year aforesaid the said William Harrold	Helena. The indictment accused the two men of acting with deliberate malice and in betrayal of their duty, driven by the Devil and with no fear of God. At the time of the attack, it declared, Harrold was going about his business under the protection of God and the King. Winchester, according to the charge, gripped an iron and wooden lance worth £0 5s 0d in both hands and used it to stab Harrold repeatedly. The first thrust struck above the navel and left a fatal wound three inches wide. A second blow went into Harrold's right side and pierced his spleen. Winchester then drove the lance twice into the lower part of the body beneath the navel, leaving two further fatal wounds each two inches wide. Harrold lingered in a failing condition from these injuries between 29 November 1764 and 30 November 1764. **Interpretations** The word "traitorously" in the indictment signalled a charge of petty treason rather than ordinary murder. Under English law, a servant who killed his master, or a wife who killed her husband, betrayed a relationship of subordination and committed a graver crime than murder. Cupidore was Harrold's own slave, so the killing of his owner fell squarely within this category. The charge carried heavier symbolic weight and, in England, a harsher form of execution, since it was treated as an attack on the order of authority itself. The value of £0 5s 0d placed on the lance was not incidental detail. English law treated any object that caused a death as a deodand, forfeit to the Crown, so its worth had to be recorded in the indictment. The rule survived from medieval practice and was still being applied in a St Helena courtroom in 1765. Only Winchester was said to have wielded the lance, yet Cupidore stood charged alongside him. The indictment presented the attack as a joint enterprise from the start, alleging that both men made the assault together. Under English law, anyone present and acting in concert with the person who struck the fatal blow shared full guilt for the killing, whoever held the weapon. The killing happened on the high seas, beyond the island's shores, and such crimes normally fell to Admiralty jurisdiction. The St Helena court nonetheless tried the case under its own commission of oyer and terminer. The ship was bound for the island and the accused were delivered there, which placed them within reach of the only criminal court available for thousands of miles. The voyage from Madagascar to St Helena reflected the source from which the island drew much of its slave labour. Winchester's origin in Madagascar and his earlier ownership by the Company suggest he may have been one of those carried aboard the *Mercury* for the island. The presence of armed slaves on the ship, and an attack fatal to its commander, pointed to the dangers of this traffic for those who ran it as well as those subjected to it.
108	98	Of the said Several Mortal Wounds then and there died And that before the time of committing the Murder and Felony aforesaid the said Cupidore did then and there feloniously traitorously voluntarily and of his Malice afourthought counsel procure advise and assist the said Winchester the said William Harrold to kill and Murder And that at the Time of committing the Felony and Murder aforesaid the said Cupidore was there	William Harrold died of these fatal wounds on 30 November 1764. The indictment went on to charge Cupidore with two distinct roles in the killing. Before the attack, he deliberately encouraged, urged and helped Winchester to murder Harrold, acting with malice and in betrayal of his duty. While the attack was under way, he stood by Winchester and actively supported him in carrying it out. The jurors concluded that Winchester and Cupidore together murdered Harrold with deliberate malice and treachery. The act, they declared, breached the King's peace, crown and dignity and also broke the statute

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		and there feloniously traitorously voluntarily and of his Malice afourthought abetting comforting and Maintaining the said Winchester to kill and Murder the said William Harrold in Manner and Form aforesaid And so the Jurors aforesaid upon their Oaths aforesaid do Say that the said Winchester and Cupidore the said William Harrold in Manner and Form aforesaid feloniously traitorously voluntarily and of their Malice afourthought did kill and Murder against the Peace of our Sovereign Lord the King his Crown and Dignity And also against the Form of the Statute in that Case made and provided. To the above Indictment the Prisoners severally pleaded "Not guilty" William Carr, a Soldier belonging to the Company of Foot commanded by Captain Richard Keale, being brought to the Bar, was arraigned upon the following Indictment, Viz. Island of Saint Helena ss. The Jurors of our Sovereign Lord the King upon their Oaths do Present that William Carr late of the Island of St Helena Soldier on the twenty seventh Day of February in the fifth Year of the Reign of our Sovereign Lord George now King of Great Britain &c by Force and Arms in James's Valley within the Island aforesaid one Pair of Mens Shoes of the Value of three Shillings and two [...] Shirts of the Value of four Shillings of the Goods and Chattles of one [...] [...] then and there being found in a Chest in the New Barracks in James's Valley aforesaid feloniously did steal take and Carry away against the Peace of our Sovereign Lord the King his Crown and Dignity. To the above Indictmt, the Prisonr pleaded - Not guilty Dick Hector, a free black Man, being put to the Bar, was arraigned upon the following Indictment, Viz. Island of Saint Helena ss. The Jurors of our Sovereign Lord the King upon their Oaths do Present that Dick Hector late of the Island of	governing such cases. Each prisoner entered a separate plea of not guilty. William Carr, a soldier in the infantry company under Captain Richard [...]eale, was next brought to the dock and charged. The King's jurors stated on oath that he committed a theft in James's Valley on 27 February 1765. From a chest in the New Barracks there, he took a pair of men's shoes valued at £0 3s 0d and two linen shirts valued at £0 4s 0d. The goods belonged to John Webb. The charge held that the theft broke the King's peace, crown and dignity. Carr pleaded not guilty. Dick Hector, a free black man, then came to the dock and faced an indictment brought in the name of the island. **Interpretations** The charge against Cupidore separated two forms of involvement recognised in English criminal law. Encouraging and arranging a crime beforehand made a person an accessory before the fact. Being present and helping while the crime took place made him a principal in the second degree, equally guilty with the man who struck the blow. By pleading both, the indictment ensured that a conviction could stand whichever account of Cupidore's part the evidence supported. The approach mattered here because the charge itself conceded that only Winchester used the lance. The closing reference to the statute carried practical weight. An indictment that cited a statute signalled that parliamentary law, not merely common law, governed the offence and its punishment. For wilful murder, statutes had long removed benefit of clergy, the old privilege that allowed many first offenders to escape hanging. Invoking the statute therefore closed off any route by which the accused might avoid a death sentence if convicted. Each prisoner entered the dock under a label marking his legal standing. Winchester and Cupidore were described by the owners who held them, Carr by the military company in which he served and Dick Hector as a free black man. The labels were not mere description, since status shaped who could own property, who could be punished and in what manner. A free black man was a distinct category on the island, set apart from both slaves and white settlers, and the clerk recorded it with care. Carr's theft of goods worth £0 7s 0d was in legal terms grand larceny, since the value exceeded one shilling. In England that threshold, fixed centuries earlier, still separated a capital felony from petty larceny, although in practice many such convictions ended in transportation or branding rather than hanging. The chest in the New Barracks points to the cramped shared quarters of the garrison, where soldiers kept their few belongings under lock among their comrades.
109	99	St Helena a free black Man on the twenty fourth Day of March in the fifth Year of the Reign of our Sovereign Lord George now King of Great Britain &c by Force and Arms in the Night of the same day in James's Valley within the Island aforesd the House of one Henry Harper there situated feloniously did enter and one Gallon and a Half of Arrack of the Value of nine Shillings and nine pence of the Goods of the said Henry Harper then and there being found feloniously did steal take and bear away against the Peace of our Sovereign Lord the King his Crown and Dignity. To the above Indictmt the Prisoner pleaded - Not guilty The other Prisoners being taken from the Bar, Pegg was	Dick Hector, described as a free black man of St Helena, was accused of entering the house of Henry Harper in James's Valley during the night of 24 March 1765. The King's jurors charged that he took from the house a gallon and a half of arrack worth £0 9s 9d, which belonged to Harper. The theft, they declared, breached the King's peace, crown and dignity. Dick Hector pleaded not guilty. The other prisoners were then taken down, and Pegg's trial began. Twelve men took the oath as her jury. Benjamin Sealy Joseph Chamberlain John Desfountain junior James Corthope Thomas Townsend Orlando Bagley junior John Warrick

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		put upon her Trial, and the twelve following Men, Viz. Benjn Sealy Jos Chamberlane John Desfountain Junr James Corthope Thos Townsend Orlando Bagley Junr John Worrall Henry Corthope Simon Whaley William Seale Senr John Bagley and Stephen Young were sworn upon her Jury: Then the Indictment was, a second time, read to her, and the Jury charged. Mr Richard Goodwin, Planter, being duly sworn, Saith, that on the twentieth Day of January last, he being in the Country, a Slave of his, by Name, Robbin informed him that his House in James's Valley had been broke open, on which he immediately came Down, and found several Doors of the said House open: That John Whitchurch came to him, and brought him a Parcel of China Ware, Six Monthly Magazines, three Letters and a Pamphlet; He is positive the Letters were Stolen out of his House, is not certain as to the other Things, But on Comparing the Cups delivered to him by the said Whitchurch, and now before the Court, with others in his House, as they agree in Kind and Pattern, he believes they were also Stolen out of his House. London, a Manslave belonging to John Whitchurch, on his Oath, deposeth that being sent the Nineteenth of January last by his Mistress to look for Pegg, the Prisoner now at the Bar, he found her Sitting at Mr Thos Greentree's Door, with a Bundle in her Lap, which Bundle, when she stood up, she put on her Head, and as he was conducting her homeward, he took it from her; That, in the Way, She slipt from him, and ran into	Henry Corthope Simon Whaley William Seale senior John Bagley Stephen Young The indictment was read to Pegg for a second time, and the jury received its charge. Richard Goodwin, a planter, gave sworn evidence that he was away in the country on 20 January 1765. One of his slaves, a man named Robbin, brought him word that his house in James's Valley had been broken into. Goodwin returned at once and found several doors of the house standing open. John Whitchurch then came to him with a bundle of china, six monthly magazines, three letters and a pamphlet. Goodwin was sure the letters came from his house but could not swear to the other items. He compared the cups that Whitchurch handed over, now produced in court, with others still in his house. Since they matched in type and pattern, he believed they too were taken from his home. London, a male slave owned by John Whitchurch, testified on oath that his mistress sent him out on 19 January 1765 to find Pegg. He came upon her sitting outside the door of Thomas Greentree with a bundle on her lap. When she stood up, she lifted the bundle onto her head. London took it from her as he led her back towards home. Along the way, however, she slipped out of his grasp and ran off. **Interpretations** Arrack was a strong spirit distilled in South and South-East Asia, most often from fermented palm sap, rice or sugar cane. Large quantities reached St Helena on the East India Company's ships returning from Batavia, Bengal and the Coromandel coast. On the island it served as the everyday drink of soldiers, settlers and slaves, and it was sold, rationed and taxed. A gallon and a half at £0 9s 9d, or about 6s 6d a gallon, represented a considerable store for a private household. The indictment against Dick Hector differed in one telling respect from the charge against Pegg. It accused him of entering Harper's house at night but did not allege that he broke in. Without a breaking, the offence fell short of burglary, the capital charge laid against Pegg. The wording therefore placed him on a lesser footing, even though the theft was worth nearly as much as the goods Pegg allegedly took. Goodwin's evidence exposed a weakness at the heart of the prosecution. The only items he could positively identify were the three letters, which the indictment did not list at all. For the tea things actually named in the charge, he could offer no more than a belief based on matching patterns. Mass-produced Chinese export porcelain was common in island households, so a resemblance in pattern proved little on its own. Pegg was recovered and the goods retrieved not by any public officer but by her owner's household. Her mistress sent London, another slave, to find her, and John Whitchurch himself carried the property to Goodwin. On St Helena the slaveholding household acted as the first line of detection and restraint over its own slaves. The owner thereby shaped the evidence long before the case reached court. The jury list shows how closely the island's families were bound into its justice system. John Desfountain junior sat on the panel while a relative held the office of sheriff. Two Bagleys and two Corthopes also served, so a handful of settler families made up much of the bench of twelve.
110	100	Captain Kirkpatrick's, whither he pursued her, but could not find her.	Pegg escaped from London by running into Captain Kirkpatrick's house. He followed her there but could not find her, so he went home and

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		then went home and told his Master and Mistress of it. Saith, he never opened the Bundle, but from its Noise, he Judges it contained some China Ware. John Whitchurch, Sergeant in the Company of Artillery commanded by Captn Archibald Mitchell, being duly sworn, Saith that on the Nineteenth Day of January last about seven O'Clock in the Evening, he ordered London the last Witness, to go down to the House that Captain Clark lately lived in, and desire Corpl Wayne to allow him to Look for the Prisoner in the Straw and Yard of the House, and he went but could not find her: That he, London, told this Deponent that, as he was coming back, he saw her Sitting at Mr Thos Greentree's Door, where he laid hold of her, and took a Bundle she had from off her Head, and that, as he was bringing her home, she slipt from him, and ran into Captn Kirkpatrick's, on which he gave the Bundle to one Harry Jefsum, and ran after her; that Jefsum delivered the Bundle to this Deponent who kept it in his Possession that Night, and next day, being Sunday, he heard that Mr Goodwin's House had been broke open, on which he went and acquainted Mr Pouling with his having the Bundle, also how he came by it, and as Mr Goodwin's House was found open, he told him he suspected the things in the Bundle to have been Stolen from thence; That Mr Pouling desired him to keep the Bundle till Mr Goodwin came down, which he did, and that on his Coming down, he carried it to him, and they both open'd it, and Comparing some Pieces of China that were in the Bundle with some that Lay on a Table in the House, they exactly answered. Saith, the Bundle contained in the Whole, Six Cups, five Saucers, one Teapot, one Sneaker, one Sugar Cup, one Coffee can, Six Magazines, three Letters and a Pamphlet; That in going along with Mr Goodwin about the House to see if any more things had been Stolen, or any of the Inner Doors broke open, they found one Door open, but saw no Marks by which it might have been forcibly thrown open. Mr Goodwin being again called and asked by the Court if the Doors of his House were locked when he left it, Says he can't be Sure as to that, as he Left a Servant in the House to Lock them; that he can't be certain whether his Servant locked them or not, but is of Opinion that his Kitchen Door was locked. He at the same time produced some Pieces of China, which directly answered in Quality and Pattern to that found in the Bundle and in the Prisoner's Possession. No other Witnesses appearing for the Crown, the	reported the matter to his master and mistress. London never opened the bundle himself. From the rattling sound it made, however, he judged that it held china. John Whitchurch, a sergeant in the artillery company under Captain Archibald Mitchell, gave sworn evidence next. At about seven o'clock on the evening of 19 January 1765, he sent London to the house where Captain Clerk had recently lived. London was to ask Corporal Wayne for leave to search the straw and the yard there for Pegg, but the search found nothing. London later told Whitchurch that he spotted Pegg on the way back, sitting at Thomas Greentree's door. He seized her and lifted a bundle from her head. As he was bringing her home, she broke free and fled into Captain Kirkpatrick's house. London handed the bundle to a man named Harry Jefferson and gave chase. Jefferson then passed the bundle to Whitchurch, who kept it overnight. On the following day, Sunday 20 January 1765, Whitchurch heard that someone had broken into Goodwin's house. He went to Mr Pooling and explained that he held the bundle and how it had come to him. Since Goodwin's house had been found open, Whitchurch told Pooling he suspected the contents were stolen from there. Pooling asked him to hold on to the bundle until Goodwin returned from the country, and Whitchurch did so. When Goodwin arrived, the two men opened the bundle together. They set some of its china beside pieces lying on a table in the house and found an exact match. Whitchurch listed the full contents of the bundle. 6 cups 5 saucers 1 teapot 1 sneaker 1 sugar bowl 1 coffee can 6 magazines 3 letters 1 pamphlet Whitchurch also went round the house with Goodwin to check for further losses and for any forced inner doors. They found one door open but saw no sign that anyone had forced it. Goodwin was recalled, and the court asked whether his doors were locked when he left the house. He replied that he could not be sure, since he had left a servant behind with instructions to lock them. He had no certainty that the servant did so, although he thought the kitchen door was secured. Goodwin also produced more china that matched the pieces from the bundle, found in Pegg's hands, in both quality and pattern. No further witnesses came forward for the prosecution. **Interpretations** The evidence about the doors struck directly at the charge of burglary. The crime required a breaking, and English law demanded proof that the thief forced or at least opened something closed to get in. Goodwin could not say whether his doors were locked, the one open door bore no marks of force and he admitted leaving the locking to a servant. If Pegg simply walked through an open door, the offence was theft rather than burglary, with a very different penalty at stake. A coffee can was a small straight-sided cylindrical cup with a handle, made for drinking coffee and often sold as part of a matching tea and coffee service. It appeared in the bundle but not in the indictment. The discrepancy suggests the charge was drafted from a list that did not fully match what was recovered, and it hinted at the casual way the goods were identified.

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			Much of Whitchurch's evidence rested on what London had told him rather than on anything he saw himself. The court accepted this second-hand account alongside London's own sworn testimony. The bundle also passed through three pairs of hands, from London to Jefferson to Whitchurch, before anyone examined it. No one inspected its contents until Goodwin returned the next day, which left room to question whether the goods reached court exactly as they left Pegg. Whitchurch combined two roles that sat awkwardly together. As Pegg's owner, he stood to lose a valuable slave if she were convicted and hanged. As an artillery sergeant and the man who held the recovered goods, he became the key prosecution witness. His readiness to hand the bundle to the authorities and testify against his own slave showed how the island's small society merged private ownership, military service and the enforcement of law in the same individuals. The places Pegg passed through, Greentree's door, Captain Clerk's former house and Captain Kirkpatrick's house, suggest a dense cluster of officers' and settlers' homes in James's Valley. If the Captain Kirkpatrick concerned was Thomas Kirkpatrick, one of the justices on the bench, the accused had fled into the house of a man now sitting in judgment on her case.
111	101	Prisoner was put upon her Defence, and Saith that going by the back part of Mr Goodwin's House she there found a Bundle in some Straw, which She took up, and carried as far as Mr Greentree's Door, where, not caring to go home, She sat down. Being asked if any one was along with her when she found the Bundle, says, she was alone. The Prisoner having no More to Say, and the Evidence being Closed, the Jury retired to consider: On their Return to Court, they declared their Verdict, by which they found the Prisoner Guilty of the Felony only, and acquitted her as to the Burglary. She was removed from the Bar. Winchester and Cupidore being set to the Bar and put upon their Trial, the twelve following Men, Viz. Benjn Seale Jos: Chamberlane Jno Desfountain Junr James Corthope Thos Townsend Orlando Bagley Junr John Worrall Henry Corthope Simon Whaley William Seale Senr John Bagley and Stephen Young were Sworn upon their Jury. Then the Indictment was, a second time, read to them, and the Jury Charged. Captain John Marryweather of the Mercury Snow, being duly sworn, Saith, that on the twenty ninth of November Last about two O'Clock in the Morning, being asleep in his Cabbin on board the said Ship, he was awoke partly, by two persons who, on their passing by, touched him on the Wrist, and partly by the Fall of some Sticks that Lay over his Head; That he put the Sticks up again, and composed himself to Rest; but being soon afterwards alarmed by a Noise from forward, he got up, and found the Lights extinguished,	Pegg was then called on for her defence. She stated that while passing behind Goodwin's house she came across a bundle lying in some straw. She picked it up and carried it as far as Greentree's door, where she sat down because she did not want to go home. Asked whether anyone was with her when she found the bundle, she replied that she was on her own. Pegg had nothing further to add, and the evidence was complete. The jury withdrew to deliberate and returned with its verdict. It found her guilty of theft but cleared her of burglary, and she was taken from the dock. Winchester and Cupidore were next brought up to stand trial, and the same 12 men took the oath as their jury. Benjamin Sealy Joseph Chamberlain John Desfountain junior James Corthope Thomas Townsend Orlando Bagley junior John Warrick Henry Corthope Simon Whaley William Seale senior John Bagley Stephen Young The indictment was read to the two prisoners for a second time, and the jury received its charge. Captain John Maryweather of the snow *Mercury* gave sworn evidence. At about two o'clock on the morning of 29 November 1764, he lay asleep in his cabin aboard the *Mercury*. Two people brushed his wrist as they passed, and some sticks stored above his head fell down, and between them these woke him. He put the sticks back in place and settled down to sleep again. Soon afterwards a noise from the forward part of the ship alarmed him, and he got up. He found the lights out and some of the slaves already climbing through the main hatchway and moving towards the stern. Maryweather stationed himself at the hatch to stop any more slaves getting out. From there he heard confused voices in the cabin. At that point the watch came below and, as he was told, found the dead man, Captain William Harrold, grappling with

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		and some of the Slaves already up and out of the Main hatch Way proceeding aft: That to prevent their farther coming out, he posted himself there, and then heard an indistinct Sound of Voices in the Cabbin, at which time the Watch came down, who, as he heard, found the deceased Captn William Harrold in Conflict with Winchester, the Prisoner; That when the Light was brought, which was with some Difficulty procured, he Surrendered his Post, and went aft; then meeting the Deceased, and seeing his Shirt all bloody, he asked him if he was wounded and he told him that he was. That he, the deceased, then Searched for his Pistols, but was for some time before he could find them, he found them	Winchester. A light was fetched only with difficulty. Once it arrived, Maryweather left the hatch and went towards the stern. He met Harrold there and, seeing his shirt soaked in blood, asked whether he was hurt. Harrold said that he was. Harrold then hunted for his pistols, which took him some time to find. **Interpretations** The jury's split verdict carried decisive legal weight. By finding Pegg guilty of theft alone, it removed the capital charge of burglary from the case. What remained was a theft from a dwelling, which could still in principle attract severe punishment but opened the way to a far lighter sentence than hanging. Juries in England used partial verdicts in the same way, and the St Helena jury applied the practice without hesitation. A snow was a two-masted square-rigged merchant vessel with a small additional mast just behind the mainmast carrying a trysail. The type was common in the eighteenth century for coastal and short ocean voyages. The *Mercury* was therefore a modest vessel, and a cargo of slaves confined below its main hatch would have filled much of the space aboard. Maryweather described himself as captain of the *Mercury*, while the indictment named Harrold as its commander. The two titles suggest a division of authority on the voyage. Maryweather perhaps sailed the ship as master while Harrold directed the purchase and transport of the slaves from Madagascar, or the reverse. Either way, two senior men were aboard, and the attack fell on Harrold alone. Maryweather's account placed the killing within a wider rising. The lights were put out, slaves were already coming up through the main hatchway and Maryweather's first act was to block the hatch rather than go to Harrold. The trial concerned one death, but the evidence showed an attempt by the slaves aboard to take the ship. The same 12 jurors who convicted Pegg went straight on to try the capital charge against Winchester and Cupidore. On an island with a small pool of qualified men, one panel served for successive cases in a single sitting. **Speculations** The jury declined the obvious course of convicting Pegg as charged, even though she was caught carrying the stolen goods. Her possession of the property settled the theft, but the burglary depended on proof that the house was broken into. Goodwin could not say whether his doors were locked, and the one open door showed no sign of force. Pegg's own claim that she found the bundle in straw behind the house also fitted an entry through an unlocked door, if not an innocent finding. The jurors separated what the evidence proved from what it merely suggested, and in doing so they probably saved her life.
112	102	At last, and said they were drawn; on which this Deponent asked him What he should do. The Deceased desired him to hail their Consort the Ely, [...]. That then the Deceased Loaded his Pistols with Shot, ascended the Deck, and discharged them down the Main gratings (the People at same Time arming themselves.) That, on the Deceased's attempting to ascend the Deck a second Time, he was prevented by the Loss of Blood from, and pain of, his Wounds, and this Deponent again asked him how he should proceed: The Deceased told him to act according to the best of his own Judgment, and do	Harrold eventually found his pistols but reported that someone had drawn their charges. Maryweather asked him what to do. Harrold told him to call out to the ship sailing in company with them, the *Fly*, a cutter. Harrold then reloaded his pistols with shot, climbed on deck and fired them down through the gratings over the main hatch. Meanwhile the crew armed themselves. When Harrold tried to climb on deck a second time, blood loss and the pain of his wounds prevented him. Maryweather asked again how he should act. Harrold told him to use his own judgement and take whatever steps were needed to put down the mutiny. Maryweather then went forward to the fore hatchway, which had been closed and secured since the rising began. He ordered it opened and climbed

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		every necessary thing for quelling the Mutiny; Whereon he proceeded forward to the Forehatch way, which being secured from the Beginning of the Insurrection, he ordered to be opened, and descended alone: That on his coming down, he received several Blows of an Old Spindle on the Head, which knocked him down, and render'd him both speechless and insensible. The Witness being asked by the Court in what Manner the Door of the Place wherein the Slaves were confined was or used to be made fast, Says, it was always made fast by a Bolt and Staple on the Outside, and that as he lay very near it, it could not, unknown to him, be forcibly wrenched open, which makes him think that some Person from Outside must have opened it. Mr Seth Lofthouse, Chief Mate of the Mercury Snow, being sworn, Saith, that, on the twenty ninth of November last, being at sea in the said Ship, he happened to sit in the Nettings a conning the Vessel; That at half an hour past two in the Morning, seeing Cupidore, one of the Prisoners at the Bar, come up three or four times to light a Candle at the Binnacle, he asked why he came so often, he answered, and said his Reason for coming so often was, because he could keep no Light in the Cabbin; where-upon he told him that he should have no more Light there. Saith, that half an hour before that, the Captain (meaning the Deceased) had been on Deck, looked round him and then went down; about which time, the Prisoner carried a Light into the Cabbin; That afterwards he returned on Deck, and as afterwards as this Deponent then thought, on his necessary Occasion, then came aft, and ran down into the Steerage, where he remained for the Space of five Minutes, came up again, and told this Deponent that the Slaves were loose, had got into the Cabbin, and killed the Captain; On which this Deponent immediately alarmed the Ship's Company, and went Aft to the Steerage to assist the Deceased: That he then found him engaged with Winchester, the other Prisoner at the Bar, who held the Lance, now in Court, by one End, the deceased holding it by the other; That he, the Deponent, threw Winchester down, by which Means	down alone. As he reached the bottom, several blows from an old spindle struck him on the head. They knocked him to the floor and left him unconscious and unable to speak. The court asked Maryweather how the door of the slaves' quarters was normally fastened. He replied that a bolt and staple on the outside always secured it. He slept close to that door, he said, and nobody could have forced it open without his hearing. For this reason he believed someone outside had opened it. Seth Lofthouse, chief mate of the snow *Mercury*, gave sworn evidence next. On 29 November 1764, while the ship was at sea, he was sitting in the netting and directing the helmsman. At half past two that morning, he saw Cupidore come up three or four times to light a candle at the binnacle. Lofthouse asked why he kept coming back. Cupidore explained that the light in the cabin kept going out, and Lofthouse told him he would get no more light there. Harrold had come on deck half an hour earlier, looked around and then gone below, according to Lofthouse. At about that time Cupidore took a light into the cabin. He later returned on deck and went forward, which Lofthouse assumed was to relieve himself. Cupidore then came aft and ran down into the steerage. He stayed there about five minutes before coming back up. He told Lofthouse that the slaves had broken loose, got into the cabin and killed the captain. Lofthouse raised the alarm among the crew immediately and hurried aft to the steerage to help Harrold. He found the captain struggling with Winchester over the lance now produced in court, each man gripping one end. Lofthouse threw Winchester to the ground. **Interpretations** The evidence pointed strongly to Cupidore as the man who opened the slaves' quarters. The door was bolted from outside, so no one confined within could have freed the others unaided. Cupidore, as Harrold's personal slave, moved freely about the ship, entering the cabin and coming on deck at will. The drawn charges in Harrold's pistols also suggested preparation by someone with access to the captain's cabin. This testimony gave substance to the indictment's charge that Cupidore planned and assisted the killing. Cupidore's report to Lofthouse carried a damaging detail. He announced that the slaves had killed the captain at a moment when Harrold was still alive and fighting Winchester. The false report may have been meant to draw the crew away or to spread confusion, but either way it suggested foreknowledge of what was meant to happen. His repeated trips to fetch a light could equally have served to watch the deck and the officers' movements. The binnacle was the wooden housing near the helm that held the ship's compass, with a lamp to light it at night. It offered the only steady flame on deck, which explains why Cupidore came there to relight his candle. The netting was the rail along the ship's side where rolled hammocks were stowed, and an officer on watch might sit there while conning, or directing the course. Gratings were open lattice covers laid over hatchways so that air could reach the decks below. On a slave ship they let those confined below breathe, but they also allowed the crew to fire down into the hold. A drawn pistol was one from which the powder and ball had been removed, leaving the weapon useless. A spindle was a stout iron or wooden rod, perhaps part of the ship's gear, heavy enough to fell a man. A consort was a vessel sailing in company for mutual support. The *Fly*'s presence gave the crew of the *Mercury* a hope of help in the event of a rising.

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			The witnesses described the rising as a mutiny, a term normally used for sailors turning against their officers. Applied to slaves, the word framed their resistance as a breach of duty owed to the ship's command. That framing matched the indictment's charge of treachery and cast the slaves' attempt at freedom as rebellion against lawful authority. **Speculations** Maryweather reversed the one clear safeguard the crew had in place. The fore hatchway had been shut and secured since the start of the rising, which kept the slaves beneath it contained. He ordered it opened and went down alone, rather than holding the hatch and waiting for daylight or reinforcement. The record shows the reason: Harrold, too weak to act, gave him authority to do whatever was needed to end the rising. Maryweather evidently judged that the danger lay in leaving the slaves free below and chose to confront them directly. The decision cost him a beating that left him senseless, and it shows how far the crew feared losing control of the ship.
113	103	The Deceased got the Lance from him, and the Light being put out in the Struggle, they with some Difficulty procured an Other from the Binnacle. Saith, that in three or four Days after, Observing Cupidore, the Prisoner much dejected, and hearing from several of the Ship's Company that he much resorted the Slaves, and the Cooper more particu- larly informing him that he saw him throw a Barber's Block in among them; he, from these Circumstances, began to suspect something, and with an Interpreter, went down into the Slave Room to be informed, if possible, of the Cause of their Mutiny; That he asked them several Questions with Respect to it, and discovered at last, by the Help of his Interpreter, that Cupidore, the Prisoner, had Spirited them up to it; That he had been always prompting them to rise, and kill the Captain (meaning the Deceased) and Crew; And that he promised them he would take the Command of the Ship, and Carry them back to Madagascar; That to prepare them for the Perpetration of the Murder, he had that very Night Supply'd them with Knives, a File, a Cutlass, and offered them one of the Deceased's Pistols, which they refused. The Witness being asked if he, himself, had then any Arms in his Cabbin, Says he kept a Cutlass there but when he went for it, could not be found; That it was afterwards found among the Slaves. Being further asked which End of the Lance the Deceased held, Says, it was the Sharp End, and that it pointed inwards to his Body. George Jacks, Cooper on Board the Mercury Snow, being duly sworn, Saith, that on the twenty Ninth of November last in the Morning, he heard a great Noise in the Middle of the Ship between Decks, on which he went on the Quarter Deck, and saw the Slaves forcing their Way up the After gratings; that he remained on Deck till the Mutiny was quelled, and assisted in keeping the Gratings down, during which time, he saw Captain William Harrold, the Deceased come up and fire one of his Pistols down the Sd Gratings: That, his Shirt being all bloody, he appeared to this Deponent to be wounded, and he, for that Reason,	Harrold then wrested the lance from Winchester. The light went out during the struggle, and the crew had some trouble fetching another from the binnacle. Three or four days later, Lofthouse noticed that Cupidore seemed very downcast. Several of the crew also told him that Cupidore spent a great deal of time with the slaves. The cooper in particular reported seeing him toss a barber's block among them. These signs roused Lofthouse's suspicions. He took an interpreter down to the slave quarters to find out, if he could, what lay behind the rising. Lofthouse put a series of questions to the slaves there. With the interpreter's help, he eventually learned that Cupidore had stirred them up to revolt. Cupidore, they said, kept urging them to rise and kill Harrold and the crew. He promised to take charge of the ship himself and sail them back to Madagascar. On the night of the attack he armed them with knives, a file and a cutlass for the killing. He also offered them one of Harrold's pistols, but they turned it down. The court asked Lofthouse whether he kept any weapons in his own cabin at the time. He replied that he had a cutlass there, but it was missing when he went to fetch it. The crew later found it among the slaves. Asked which end of the lance Harrold was holding, Lofthouse said it was the blade end, with the point turned towards Harrold's body. George Jacks, the cooper on the *Mercury*, gave sworn evidence that he heard a loud commotion amidships between decks early on 29 November 1764. He went up to the quarterdeck and saw the slaves trying to force their way up through the after gratings. He stayed on deck until the rising was put down and helped hold the gratings in place. During that time he saw Harrold come up and fire a pistol down through them. Harrold's shirt was drenched in blood, and Jacks could see that he was wounded. For that reason Jacks told him he was staying on deck too long. Harrold replied that he was very weak. He asked Jacks to keep watch for the *Fly* and to tell him when she drew alongside. Jacks had often noticed Cupidore going among the slaves, sometimes through the doorway but more often down the gratings. On one occasion he saw Cupidore toss a barber's block among them. From the way they jumped, the slaves seemed startled by it. Thomas Hamilton, the ship's surgeon, testified on oath that a noise woke him early on 29 November 1764. Believing the ship was on fire, he got up at once. **Interpretations**

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		told him that he thought he staid too long on Deck, the Deceased replied he was very weak, desired him to look out for the Ely, and acquaint him when she came along Side. Saith, he took Notice of Cupidore's going often among the Slaves, some times the Door way, but oftner down the Gratings, and that he once saw him throw a Barber's Block in among them, which, by their Starting, Seemed to Surprize them. Thomas Hamilton, Surgeon on board the said Ship, being sworn, Saith, that on the twenty Ninth of November last in the Morning, awaking by some Noise, and thinking the Ship on Fire, he immediately got up,	Lofthouse's evidence placed before the jury the statements of slaves who never appeared in court. Their accusations against Cupidore reached the court only in the mate's retelling, filtered through an unnamed interpreter and gathered below decks days after the event. None of those slaves took an oath or faced questioning by the court. Yet their account supplied the fullest picture of Cupidore's alleged role, including the promise to sail them home and the supply of weapons. Harrold's grip on the blade end of the lance, with the point turned inward, confirmed that Winchester was the one driving the weapon. A man holding the sharp end towards himself was clearly defending against a thrust, not making one. The court's question was designed to settle exactly this point and fix the fatal act on Winchester. A barber's block was a carved wooden head, usually of beech or pine, on which wigs were dressed, curled and stored. Every ship carrying officers and gentlemen had one, since wigs needed regular care at sea. What Cupidore meant by throwing one among the slaves was never explained. Its startling effect in the dark hold suggests it may have served as a signal or a warning, but the record gives no firm answer. The alleged plan to sail back to Madagascar shows the rising was more than a burst of violence. Seizing the ship required someone with knowledge of its working and its officers. Cupidore, as Harrold's own slave, had that access and familiarity, which made his supposed promise to command the vessel credible to those below. The need for an interpreter suggests the slaves spoke a Malagasy language, perhaps shared with Cupidore. The cooper maintained the ship's casks, which held its water, provisions and trade goods. On a slave voyage his role was vital, since the supply of fresh water for the crew and the slaves depended on sound barrels. His station on deck gave him a clear view of the gratings, which explains why he saw Cupidore's comings and goings.
114	104	And found the People in the Steerage in the greatest Confusion, running thro' and fro', calling for Arms, and Crying out - The Slaves are up - That he went to Captn William Harrold, the Deceased's Cabbin, and there found Mr Lofthouse Struggling with Winchester, one of the Prisoners at the Bar, and he, Lofthouse, had him down; That every one was calling for Light, and it was three or four Minutes before any could be had, and when it came, the Deceased told this Depont he was wounded, and complained he was very sore, and faint with Loss of Blood: That while he was going to the Medicine Chest, the deceased went to search for his Pistols, which he could not immediately find, but when he found them he gave them to the Gunner to Load: That on the Deceased's Return, he had the Dressings almost ready, and while he was examining his Wounds, Mr Hughly, Second Mate of the said Ship, came in and told the Deceased that the Ely was close by, also asked him if he would speak to the people; he replyed his Wounds were very sore and could not; However he attempted to get up, and went as far as the Ladder, where he remained. That about this time it was rumoured that Mr Merryweather was also dangerously wounded, and while the Deceased was speaking to Mr Hughly, he went	Hamilton found the crew in the steerage in utter disorder, rushing back and forth, shouting for weapons and crying that the slaves had risen. He made his way to Captain William Harrold's cabin. There he saw Lofthouse wrestling with Winchester and pinning him to the floor. Everyone was calling for a light, and three or four minutes passed before one arrived. Once it did, Harrold told Hamilton that he was wounded, badly hurt and weak from loss of blood. Hamilton went to fetch the medicine chest. Meanwhile Harrold searched for his pistols, which took him a while to find, and handed them to the gunner for loading. By the time Harrold returned, Hamilton had his dressings ready. While he was examining the wounds, Mr Hughly, the second mate, came in with news that the *Fly* was close at hand. Hughly also asked whether Harrold would address the men. Harrold answered that his wounds were too painful, though he did try to go up and got as far as the ladder, where he stopped. Word came at about this point that Maryweather was also seriously injured. While Harrold was talking with Hughly, Hamilton went to see to him. He found Maryweather wounded, took him to his cabin and dressed his injuries. He then returned to Harrold and found that the captain had suffered five wounds. 1 wound three or four finger-breadths above the navel, believed to have entered the stomach 1 wound on the right side, only slight 1 wound on the left side, judged from its depth and position to have pierced the spleen 1 wound below the navel, thought to have punctured the small intestine

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		to see what ailed Mr Merryweather; That on finding him wounded, he conducted him to his Cabbin, there dressed his Wounds, and then returned to the Deceased, who, as he found them, had received five Wounds - Viz. One, about three or four fingers' Breadth above his Navel, which, he believes, enter'd the Stomach; One, on the right side but very Slight; One, on his left side which, from its Depth and Situation, he thinks, penetrated the Spleen; One, below his Navel, which, he Supposes, pierced the Small Guts; And one, two or three fingers lower, which, he imagines, wounded the Bladder; to which several Wounds, he ascribes the certain Cause of the late Captain Harrold's Death. "The Court taking Notice of an Inconsistency in the first Part of the "above Evidence, where, at the same time that the Witness relates "his seeing Mr Lofthouse Struggle with Winchester, the Prisoner, "he also tells the Light was out, he, upon such Notice, more clearly "explains himself, and Says, that on the first Noise, he being in "the Steerage, and the Cabbin Door open, he saw them Struggling "by a Glimmering of Light which, he supposes, was then in "the Cabbin, but which went out before he came there. John Mutton, a Slave belonging to one Julia Fabiano	1 wound two or three finger-breadths lower still, believed to have injured the bladder Hamilton gave these wounds as the certain cause of Harrold's death. The court noticed a contradiction in the opening part of his evidence. Hamilton claimed to have seen Lofthouse struggling with Winchester, yet he also said the light had gone out. Pressed on the point, he clarified his account. When he first heard the noise, he was in the steerage and the cabin door stood open. He saw the two men fighting by a faint light, which he took to be in the cabin at the time. That light went out before he reached them. John Mitton, a slave owned by Juli[...] Sobraro, came forward next. **Interpretations** The surgeon's evidence did the work that a coroner's inquest performed for deaths on land. With the killing at sea and no body to view, Hamilton's account of each wound and its effect supplied the only medical proof of the cause of death. His testimony set out an unbroken chain from the lance thrusts to Harrold's death, which the prosecution needed to establish murder. His careful hedging on each wound, with "believes", "supposes" and "imagines", reflected the limits of eighteenth-century surgery in judging internal injuries from the outside. The surgeon's description diverged from the indictment in ways that touched the substance of the charge. The indictment listed four wounds and placed the thrust that pierced the spleen on the right side. Hamilton counted five and put the spleen wound on the left, where the organ lies, while describing the right-side wound as only slight. Such differences between charge and evidence were not usually fatal to a prosecution, since the court looked to whether the wounds proved caused the death, but they show the indictment was drafted with limited attention to the medical facts. The court's challenge to Hamilton over the light shows the bench testing testimony rather than simply recording it. A witness claiming to see a struggle in darkness would undermine his own reliability. By pressing him, the justices drew out a timeline that reconciled his account with those of Maryweather and Lofthouse, who both described the lights going out. The exchange reveals an active court concerned with the credibility of each piece of evidence. Harrold's final hours were spent directing the defence of the ship despite his wounds. He sent his pistols to the gunner, waited for news of the *Fly* and was asked to address the men. The request to speak to the crew suggests that command authority mattered to holding the ship together. Even a dying captain's voice was seen as necessary to steady the men in the confusion of the rising.
115	105	Appearing before the Court to give his Evidence, and neither speaking nor understanding the English Language, an Interpreter was duly sworn. The Witness, by the Interpreter saith, that he was chained to Winchester, one of the Prisoners now at the Bar, and that Cupidore, the other Prisoner, assisted them in pulling off their Head cuffs, which they themselves Could have done without his Help, if they had a Mind: That he, Cupidore, came often among them, and was always prompting them to kill the Captain (meaning the Deceased) and the Crew: That he opened the Door of the Place where they were confined in, and brought them the Lance (pointing to it in Court) and that he promised them he would come that Night (meaning the Night the Capt	John Mitton could neither speak nor understand English, so the court swore an interpreter to relay his evidence. Through the interpreter, Mitton stated that he was chained to Winchester. Cupidore, he said, helped them remove their handcuffs, although they could have done it themselves had they wished. Cupidore visited them often and kept pressing them to kill Harrold and the crew. He opened the door of their quarters and brought them the lance, which Mitton pointed out in court. He also promised to come on the night of the killing and release them. Cupidore constantly warned the slaves that they would be killed and eaten, according to Mitton. If they killed the captain and crew, however, he undertook to take them back to their homeland. He supplied the lance and the cutlass as the weapons for killing Harrold. Mitton and Winchester were shackled together, and Winchester hauled him up against his will. When they emerged, they found Cupidore sitting

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		was killed) and let them out. That he, Cupidore, always told them they would be killed and eat, but they, the Slaves, kill the Captain and Crew, he engaged to bring them back to their own Country. That he, Cupidore, conveyed the Lance and Cutlass to them as Weapons to kill the Captain with. That Winchester and this Deponent being coupled, he, Winchester, dragg'd him up in spite of him, and when they came up, they found Cupidore sitting upon a Chest, and that he from thence conducted them to the Place where the Captain lay: That Winchester carried the Lance, and stabb'd the Captain (meaning the Deceased) with it, in which Time, Cupidore ran upon Deck. The above Evidence, as taken down by the Clerk of the Peace, being Verbatimly read to the Interpreter, and explained by him to the Witness, the Latter remarks from the Exactness in relating the Circum- stances, he would imagine that he, the Clerk, was present at the whole Transaction. Stanford, a Manslave belonging to the Honorable Company, coming before the Court to give his Evidence, and not understanding the English Language, the Interpreter was sworn; The witness by him Saith, that they, the Slaves, were persuaded by Cupidore, the Prisoner, to rise and kill the Captain (meaning the Deceased) and Crew. That he, Cupidore, often told them the White People were not good, and that they would kill and eat them (meaning the Slaves) That he, Cupidore, made them believe that he understood how to Navigate the Ship, and that he would bring them back to Madagascar, and that he promised to Come and Let them out when the Captain would be asleep; That he accordingly came, and brought the Lance now in Court, and a Cutlass along with him, which Lance he gave to Winchester the other Prisoner, and then conducted them to the Deceased's Cabbin. Liverpool, a Manslave belonging to the Honorable Company, appearing before the Court, and the Interpreter being sworn, Corroborates the above Evidence.	on a chest, and he led them from there to where Harrold lay. Winchester carried the lance and stabbed Harrold with it, while Cupidore ran up on deck. The clerk of the peace read his written record of this evidence back word for word to the interpreter, who explained it to Mitton. Mitton remarked that the account was so exact that the clerk might have witnessed the whole affair himself. Stanford, a male slave owned by the East India Company, came before the court next. He did not understand English, so the interpreter was sworn again. Through him, Stanford testified that Cupidore persuaded the slaves to rise up and kill Harrold and the crew. Cupidore often told them that white people were wicked and meant to kill and eat them. He convinced them that he knew how to sail the ship and would carry them back to Madagascar. He also promised to come and free them once the captain was asleep. He kept that promise, arriving with the lance now in court and a cutlass. He handed the lance to Winchester and then led the slaves to Harrold's cabin. Liverpool, another male slave owned by the Company, appeared before the court with the interpreter sworn. He confirmed Stanford's evidence. **Interpretations** The prosecution's case against Cupidore now rested on the sworn testimony of men who had themselves taken part in the rising. Mitton, Stanford and Liverpool were among the slaves who broke out of confinement, yet they appeared as witnesses rather than defendants. Their accounts placed the planning and the weapons squarely with Cupidore and the fatal blows with Winchester. Mitton's claim that Winchester dragged him up against his will served to distance himself from the killing. The court accepted such evidence despite the obvious interest these witnesses had in shifting blame. The fear that white people intended to kill and eat their captives was widespread among Africans and Malagasy people carried into slavery. Many had never seen Europeans before and could not otherwise explain why people were bought and shipped away in such numbers. According to the witnesses, Cupidore used this terror to drive the slaves towards revolt. The promise to sail them home to Madagascar gave them a purpose beyond survival. The reading back of evidence through the interpreter addressed a real weakness in the proceedings. Testimony passing through translation could easily be distorted, and a conviction for a capital crime depended on it. By having the record read back and confirmed, the court sought to fix the evidence as the witness meant it. Mitton's remark on the exactness of the record was set down as a kind of endorsement of the clerk's accuracy. The names Winchester, Stanford and Liverpool were English place names, imposed on these men by the Company after their purchase. Naming slaves after towns, classical figures or places was common practice, and it erased the names they had borne in Madagascar. The witnesses' present owners also show what became of the *Mercury*'s human cargo after it reached St Helena. Some passed to the Company, while Mitton went to a private owner. The detail that the slaves were handcuffed and shackled in pairs shows the standard method of restraint aboard slave ships. Chaining men together limited their movement and made escape or revolt harder. Mitton's remark that the handcuffs could have been removed without help suggests the restraints were poorly secured. That weakness left the rising dependent less on breaking free than on getting past the bolted door, which only someone outside could open.

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116	106	The Prisoners Winchester and Cupidore being separately put on their Defence, Winchester, on his Part, by the Interpreter saith that, instigated by the fair Promises of Cupidore, and encouraged by the Hopes of Liberty and of returning to his own Country, he killed Captain William Harrold. Cupidore denies the whole Accusation, and says he neither aided nor [...] by Words or any other Circumstances, to kill the Sd Captn William Harrold. The Prisoners having no more to Move in Defence, and the Evidence being closed, the Jury retired: On their Return to Court, they declared their Verdict, by which they found the Prisoners - "Guilty, Death." They were taken from the Bar. William Carr being brought to the Bar and put upon his Trial, the twelve following Men, Viz. Benjamin Seale Joseph Chamberlane John Desfountain Junr James Corthope Thomas Townsend Orlando Bagley Junr John Worrall Henry Corthope Simon Whaley William Seale Senr John Bagley and Stephen Young were Sworn upon his Jury. Then the Indictment was a second time read to him, and the Jury charged. John Wiburt, a Soldier in the Company commanded by Captn Richd Keale, being duly sworn, Saith, that on Friday the second of March last he went up to the Barracks to Look for a Piece of Linnen in his Chest, and finding his things tumbled about, he searched, and missed two Shirts and a Pair of Shoes; That he asked Roger Wilson, a Serjeant of the same Company if he had seen any one at his Chest, he replyed he had not; That he asked him if Carr, the Prisoner, had been at Home that Week, he told him he had; That one Johnson, a Soldier of the same Company came in, and this Deponent asked him if he had seen the Prisoner selling any Shirts that Week, Johnson told him that he saw the Prisoner Selling a Shirt the Day before; On which he, the Deponent went out, and meeting the Prisoner in the Parade Yard, he told him he would be glad to speak with him in the Barrack, and they both went in together; That he there asked him in Presence of the said Serjeant Wilson, Serjeant Miller & Johnson	Winchester and Cupidore were each called on separately for their defence. Speaking through the interpreter, Winchester admitted that he killed Captain William Harrold. He said Cupidore's attractive promises drove him to it, along with the hope of gaining his freedom and returning to his homeland. Cupidore rejected the entire charge. He insisted that he never helped or urged anyone to kill Harrold, whether by word or by any other means. Neither prisoner had anything further to offer in his defence, and the evidence was closed. The jury withdrew and, on returning to court, found both men guilty, a verdict carrying the death sentence. They were then taken from the dock. William Carr was brought up next to stand trial, and the same 12 men took the oath as his jury. Benjamin Sealy Joseph Chamberlain John Desfountain junior James Corthope Thomas Townsend Orlando Bagley junior John Warrick Henry Corthope Simon Whaley William Seale senior John Bagley Stephen Young The indictment was read to Carr for a second time, and the jury received its charge. John Wiburt, a soldier in the company under Captain Richard Beale, gave sworn evidence. On Friday 2 March 1765 he went up to the barracks to fetch a piece of linen from his chest. He found his belongings thrown into disorder and, after searching, discovered that two shirts and a pair of shoes were gone. He asked Roger Wilson, a sergeant in the same company, whether anyone had been seen at his chest, and Wilson said no. Wiburt then asked whether Carr had been in quarters that week, and Wilson said he had. Johnson, another soldier from the company, came in at that point. Wiburt asked whether he had seen Carr selling any shirts that week. Johnson replied that he saw Carr selling one the previous day. Wiburt went out, met Carr in the back yard and asked him to come into the barracks for a word, and the two went in together. He questioned Carr there in the presence of Sergeant Wilson, Sergeant Miller and Johnson. **Interpretations** Winchester's statement was an admission of the killing, not a defence to it. English law recognised no excuse in the promise of liberty or the persuasion of another, so his words amounted to a confession that sealed his conviction. The explanation he gave could only have served as a plea for mercy, pointing the court towards Cupidore as the true author of the plot. The jury nonetheless condemned both men alike. The verdict against Cupidore rested entirely on testimony, since he admitted nothing. The slave witnesses, Lofthouse, Jacks and Maryweather together built a consistent picture of his role in planning the rising and freeing the slaves. His flat denial could not stand against that body of evidence, much of it from men who took part in the revolt themselves. Carr's case shows the garrison policing its own members before any civil authority became involved. Wiburt, the victim, did the investigating himself, gathering information from comrades and a sergeant before confronting the suspect. The questioning took place in the barracks before witnesses of rank, much as an informal military inquiry might. Only after this did the matter pass to the civil court, which on St Helena heard soldiers' thefts alongside the crimes of settlers and slaves.

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			The same 12 jurors now sat on their third case of the sitting, having already convicted Pegg and condemned Winchester and Cupidore. Serving on a capital trial and then moving straight to a minor barrack theft placed a heavy burden on a small body of men. It also meant that the jury's view of one case could colour its approach to the next. **Speculations** Winchester admitted the killing outright, while Cupidore denied everything. Denial was the obvious course for a man facing death, and Cupidore took it. Winchester instead confessed, framing his act as the product of Cupidore's promises and his own longing for freedom and home. Faced with witnesses who saw him wielding the lance and a surgeon who traced the death to his blows, he perhaps saw denial as futile. By placing the blame on Cupidore's persuasion, he appears to have hoped to be treated as the lesser offender. The jury drew no such distinction, and his admission instead strengthened the case against both.
117	107	Whose the Shirt was he was seen [...] the Day before: he denied it, and then the said Johnson told him that he saw him offer a Shirt to sale in Dove's Tea Shop, which he also denied; That this Deponent thereon told him they must go before Lieut Bridgwater, and as he, Serjeant Wilson, Johnson and the Prisoner were going down, the Deponent desired Johnson to ask the Prisoner once more about his things, and to tell him that if he did Confess the Matter, he would make it up with him; That on Johnson's putting the Question again to the Prisoner, he, the Deponent staid behind, and in a Short while Johnson called him, who, on his coming up, informed him he had confessed the Whole, and when they came before Lieut Bridgwater, Johnson taxed the Prisoner with having owned to the Stealing the Deponent's Shirts and Shoes, which he did not Deny. Josiah Johnson, Soldier, being duly sworn, Saith, that on the first Day of March last, being in John Dove's Tea Shop, the Prisoner at the Bar came in with a Shirt under his Arm, called Dove aside, and asked him if he would buy it, Dove refused buying it, saying he had no Money. That the Prisoner took the Shirt from under his Coat, and Laid it on a Box in the Shop Saying if Dove did not buy it, some one else would, then took it up, put it under his Arm and went away. That on this Deponent's coming afterwards to the Barracks, John Wiburt, the Prosecutor, asked him if he had seen the Prisoner selling any Shirts, for that he had Lost two and a Pair of Shoes and greatly suspected him; he told him that he saw the Prisoner offer a Shirt to Sale, and desired Wiburt to go and ask him about it; That he, Wiburt, went, and the Prisoner denying the Matter, Wiburt, Serjt Wilson and he carried him before Lieut Bridgwater, and as they were going down the Trees, the said Wiburt desired this Deponent to ask him once more about his things, which he did, and the Prisoner said - "I own I have taken them out of the "Chest, but have not sold them, nor do I know what I have done with them." That when they came to Lieut Bridgwater, this Deponent there repeated the Prisoner's Confession, which he never denied.	Wiburt asked Carr whose shirt it was that he had been seen selling the previous day. Carr denied selling any shirt. Johnson then told him that he saw him offering a shirt for sale in Dove's tap shop, and Carr denied this as well. Wiburt told him that they would have to go before Lieutenant Bridgewater. As Wiburt, Sergeant Wilson, Johnson and Carr set off, Wiburt asked Johnson to question Carr once more about the missing items. Johnson was to tell him that if he owned up, Wiburt would settle the matter privately with him. Wiburt held back while Johnson put the question again. Soon afterwards Johnson called him forward and reported that Carr had admitted everything. When they appeared before Lieutenant Bridgewater, Johnson accused Carr of having confessed to stealing Wiburt's shirts and shoes. Carr did not deny it. Josiah Johnson, a soldier, gave sworn evidence that he was in John Dove's tap shop on 1 March 1765. Carr came in with a shirt under his arm, drew Dove aside and offered to sell it to him. Dove declined, saying he had no money. Carr pulled the shirt from under his coat and spread it on a cask in the shop. If Dove would not buy it, he said, someone else would. He then picked it up, tucked it back under his arm and left. Johnson later returned to the barracks, where Wiburt asked whether he had seen Carr selling any shirts. Wiburt explained that he had lost two shirts and a pair of shoes and half suspected Carr. Johnson said he had seen Carr offering a shirt for sale and urged Wiburt to go and ask him about it. Wiburt did so, but Carr denied the matter. Wiburt, Sergeant Wilson and Johnson then took Carr to Lieutenant Bridgewater. On the way, Wiburt asked Johnson to question Carr again about the missing things. Johnson did so. Carr admitted taking the items from the chest but said he had not sold them and did not know what had become of them. Before Lieutenant Bridgewater, Johnson repeated this admission, and Carr never disputed it. Roger Wilson, a sergeant, testified on oath that Wiburt came up to the barracks on 2 March 1765. After going through his chest at length, Wiburt told Wilson that someone had tampered with it and asked if he knew anything. Wilson said he did not. Wiburt then asked whether Carr had been in quarters that week, and Wilson confirmed that he had. Around the time of roll call, Johnson came up to the barracks. Wiburt asked him whether he knew anything about Carr selling linen, and Johnson replied that he had seen Carr offering a shirt for sale. **Interpretations**

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		Roger Wilson, Serjeant, being duly sworn, Saith, that on the second of March last, John Wiburt, the Prosecutor, came up to the Barracks, and after he had examined his Chest for a good While, told him that some one had been at it, and asked him if he could give him any Account; he said he could not, and he then asked him if Carr, the Prisoner, had been at home that Week, he told him he had; That about the Time of Roll calling, Johnson, the last Witness came up to the Barrack, and Wiburt asked him if he knew any thing of the Prisoner's selling any Linen, Johnson said that he saw him offer	Carr's confession came only after Johnson told him that Wiburt would settle the matter privately if he admitted it. A confession drawn out by a promise of favour carried an obvious risk of being unreliable, since a man might admit a theft simply to escape prosecution. English courts were beginning to question such evidence, and by the 1780s they excluded confessions obtained through promises or threats. The St Helena court admitted Carr's admission without comment, even though the very offer that produced it went unfulfilled. Carr's admission was also oddly limited. He owned to taking the shirts and shoes from the chest but claimed not to have sold them and not to know where they were. Johnson's own evidence placed a shirt in Carr's hands at Dove's shop the day before. The partial confession may reflect a man trying to minimise his guilt, or simply confusion, perhaps under the influence of drink. A tap shop was a small retail drinking house selling liquor by the measure, often run from a private dwelling. On St Helena such places served the garrison and supplied arrack and other spirits to soldiers. Carr's attempt to sell a shirt there fits a familiar pattern in which soldiers pawned or sold clothing to pay for drink. The cask on which he spread the shirt served as the shop's counter. Lieutenant Bridgewater acted as the first point of authority, receiving the suspect and hearing the accusation before any civil process began. The military chain of command handled the initial examination much as a justice of the peace would have done for a civilian. This step placed the charge on a formal footing and brought the confession before an officer, which lent it weight when the case later came to court. **Speculations** Wiburt did not simply march Carr to the lieutenant after his two denials, which was the obvious course once suspicion had fallen on him. Instead, he stepped back and sent Johnson to offer a private settlement in return for a confession. The reason is visible in the record: Carr had twice refused to admit anything to Wiburt directly, and Wiburt needed an admission to secure his case. The tactic worked, but the promised settlement never followed, since Carr was prosecuted anyway. The episode shows the offer being used as a device to extract proof rather than as a genuine alternative to prosecution.
118	108	A Shirt to Sale in the Tea Shop; That in some time after, Wiburt, hearing the Prisoner was in the Square went and found him in the Back yard, and they both came into the Barrack where this Deponent happened to be and some others. That Wiburt then asked the Prisoner what became of the Shirt he was selling Yesterday, he answered that he knew Nothing about it; On which Johnson said to him - "Have I not seen you offer a Shirt to sell in Dove's Tea Shop." he denied it. Thomas Wiburt, Soldier, on his Oath, Saith, that on the first of March Last, the Prisoner at the Bar offered him a Shirt to sale, and told him it belonged to one Johnson; that he refused buying it, but went and told Johnson of it. No other Witnesses appearing for the Crown, the Prisoner was put upon his Defence; He saith that on the second of March Last, he came home Sick from Banks's, and coming into the Back Yard of the Barrack	Johnson told Wiburt that he had seen Carr offering a shirt for sale in the tap shop, according to Wilson. Some time later, Wiburt heard that Carr was in the square. He went to look for him, found him in the back yard and brought him into the barracks, where Wilson and several others happened to be. Wiburt asked Carr what had become of the shirt he was trying to sell the day before. Carr replied that he knew nothing about it. Johnson then asked him whether he had not seen Carr offering a shirt for sale in Dove's tap shop. Carr denied it. Thomas Wiburt, a soldier, gave sworn evidence that Carr offered to sell him a shirt on 1 March 1765. Carr told him the shirt belonged to a man named Johnson. Thomas Wiburt declined to buy it but went and told Johnson about the offer. No further witnesses came forward for the prosecution, and Carr was called on for his defence. He stated that he came back to the barracks ill from Banks's on 2 March 1765. As he entered the back yard, John Wiburt approached and said he wanted a word with him. The two went into the barracks, where Wiburt said he had lost two shirts and a pair of shoes and asked whether Carr knew anything about them. Carr said he did not. Wiburt then told him that

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		John Wiburt came and told him he wanted to Speak to him; That they both went into the Barrack, and there Wiburt told him he had Lost two Shirts and a Pair of Shoes, and asked him if he knew any thing about them, to which he answered, No - He, Wiburt, then told him he had been Informed that he was seen offering a Shirt to Sale to John Dove in his Tea Shop, he reply'd as before, and said he knew Nothing about it; That Serjt Wilson and the Prosecutor took him before Lieut Bridgwater, and when he came there, was not allowed to Justify himself but was sent Prisoner to the Main Guard. For the Prisoner. John Dove, Soldier, being duly sworn, Saith, that the Prisoner at the Bar came to his Shop on the first of March Last, and asked him if he would buy a Frock, he said he would not, for he had no Money; Says he knows not what the Prisoner had to Sell, as he never Saw it. The Prisoner having no more to Move in his Defence, the Jury retired; And on their Return, brought in their Verdict "Not guilty." He was Discharged.	someone had seen him offering a shirt for sale to John Dove in his tap shop. Carr gave the same answer, insisting he knew nothing of it. Sergeant Wilson and Wiburt then took him before Lieutenant Bridgewater. Once there, Carr said, he was given no chance to explain himself and was sent under arrest to the main guard. John Dove, a soldier, gave sworn evidence for the defence. Carr came into his shop on 1 March 1765 and asked whether he would buy a cock. Dove refused, since he had no money. He said he had no idea what Carr was offering, because he never saw it. Carr had nothing further to say in his defence, and the jury withdrew. On its return it found him not guilty, and he was released. **Interpretations** The jury acquitted Carr even though two witnesses reported that he had confessed. That confession, however, reached the court only through Johnson, who obtained it with the promise of a private settlement and out of Wiburt's hearing. Sergeant Wilson, who was present throughout the journey to Lieutenant Bridgewater, described Carr's denials but said nothing of any admission. Carr himself insisted he was never allowed to speak before the lieutenant. The foundation of the prosecution's case proved weaker under scrutiny than it first appeared. Dove's evidence cut directly across Johnson's. Johnson described Carr spreading a shirt on a cask in Dove's shop and offering it to Dove, yet Dove, the supposed buyer, swore he never saw what Carr had to sell. The manuscript's word may read "cock" or "frock", a loose smock-like garment. On either reading Dove denied seeing any shirt, and the reading "cock" would place a different article altogether at the centre of the transaction. Thomas Wiburt's evidence added an awkward twist. Carr told him the shirt belonged to Johnson, the very man who later became the chief witness against him. If Carr was selling a shirt on Johnson's behalf, or with his knowledge, then Johnson had his own reasons to steer suspicion elsewhere. Thomas Wiburt shared a surname with the prosecutor, perhaps as a relative, which may explain why he took his information to Johnson rather than to the authorities. The main guard was the principal guardhouse of the garrison, where soldiers under arrest were held pending trial or punishment. Carr's complaint that he was sent there without a hearing shows how quickly a lieutenant could detain a man on a sergeant's word. Banks's was perhaps a private house, plantation or drinking place away from the barracks, where Carr had been before returning ill. **Speculations** The jury turned away from the obvious verdict of guilty, despite two soldiers swearing that Carr had admitted the theft before an officer. The reasons are visible across the evidence. The confession came through a single witness, Johnson, who secured it with an inducement and whose own name was linked to the shirt by Thomas Wiburt. Wilson's account of the same events contained no confession at all, and Dove denied the very scene Johnson described in his shop. Faced with a case resting on one compromised witness, the jurors preferred Carr's consistent denials. The verdict suggests a jury alert to the weaknesses in evidence built on hearsay and private bargaining.
119	109	[Insect damage at the foot of the page, centre, running up through the last seven lines.] Dick Hector being set to the Bar, and put upon his Trial, the twelve following Men, Viz. Benjamin Seale Joseph Chamberlane	Dick Hector was brought to the dock to stand trial, and the same 12 men took the oath as his jury. Benjamin Sealy Joseph Chamberlain John Desfountain junior James Corthope

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		John Desfountain Junr James Corthope Thomas Townsend Orlando Bagley Junr John Worrall Henry Corthope Simon Whaley William Seale Senr John Bagley and Stephen Young were Sworn upon his Jury. Then the Indictment was, a second time, read to him, and the Jury Charged. Henry Harper, Innholder, being duly sworn, Saith, that on the twenty third of March Last, having some Business to do, he left one Thomas Suffolk in Care of the Punch house, and desired him, after he made fast the Door, to bring him the Key, which he accordingly did, and by half an Hour after eight brought him the Key to his Upper house: That early next Morning Suffolk came to this Deponent who delivered him the same Key, and he, Suffolk returned to the Punch house; That in some time, he came back to this Deponent, and told him that he found the Door of the Punch house open, and that he had been robbed; on which he went down to the House along with Suffolk, and there found a Case broke open, and a Gallon and a half of Arrack taken out of it; That he remained some while without knowing any more of the Matter till one Wilkinson told him that he saw Dick Hector, the Prisoner, late the Night before about his House, and believed he was the Person who had robbed him; That then he sent Suffolk to Look for the Prisoner whom he soon found, and as they both were coming together, Suffolk Informed this Deponent that he, the Prisoner had, by the Way, confessed to him that he had taken the Liquor; That he took the Prisoner into a back room, and one Miller, a Sailor, went in along with them, That the Prisoner there owned he had drank Part of this Deponent's Liquor, but had not stole it; That after they came out the Prisoner desired him to go aside with him, and he would tell him the whole Affair, which he did, and he then confessed having taken the Arrack, but denied his having broke the Case, Said he only shew'd it to the Sailors, and instructed them how to break it; And when they got the Arrack, having Nothing to drink it out of, he also shewed them a Cupboard wherein there were Glasses: That the Prisoner then asked him Leave to go up the Valley which he granted, and on his Return he offer'd to Satisfy this Deponent for the Damage, and if that would not do, would give him five Pounds, provided he made no Complaint. The Prosecutor being asked by the Court how they got into his House, Says, that, as he was informed, after the Street Door was locked, one Thomas Stevens, who Slept in the H[...] went out, and that probably and in	Thomas Townsend Orlando Bagley junior John Warrick Henry Corthope Simon Whaley William Seale senior John Bagley Stephen Young The indictment was read to him for a second time, and the jury received its charge. Henry Harper, an innkeeper, gave sworn evidence that he had business elsewhere on 24 March 1765. He left Thomas Suffolk in charge of his punch house and asked him to lock up and bring him the key. Suffolk did so, delivering the key to Harper's upper house at half past eight that evening. Early the next morning Suffolk came back to Harper, collected the key and returned to the punch house. Some time later he came back to report that he had found the door open and the place robbed. Harper went down with him and found that a case had been forced and a gallon and a half of arrack removed. For a while Harper learned nothing more. Then a man named Blinkhorn told him that he saw Dick Hector near the house late the previous night and believed he was the thief. Harper sent Suffolk to find him, and Suffolk soon did. As the two men walked back together, Dick Hector admitted to Suffolk that he had taken the liquor, and Suffolk passed this on to Harper. Harper took Dick Hector into a back room, accompanied by a sailor named Miller. There the prisoner admitted drinking some of Harper's arrack but denied stealing it. Once they came out, Dick Hector asked Harper to step aside so that he could tell him everything. Harper agreed, and Dick Hector then confessed to taking the arrack. He denied breaking the case, however. He said he only pointed it out to the sailors and showed them how to open it. When they got at the arrack and had nothing to drink from, he also showed them a cupboard holding glasses. Dick Hector then asked Harper's leave to go up the valley, which Harper granted. On his return, he offered to make good the loss. If that would not satisfy Harper, he said, he would pay him £5 0s 0d on condition that Harper made no complaint. The court asked Harper how the thieves got into his house. He replied that, from what he had been told, Thomas Stevens, who slept in the house, went out after the street door was locked. **Interpretations** Dick Hector's offer of £5 0s 0d in return for Harper's silence was an attempt to buy off a prosecution. Taking money to drop a felony charge was itself an offence in English law, known as compounding a felony. The offer thus exposed Harper to legal risk had he accepted it, and it gave the court evidence that the prisoner knew himself to be in serious trouble. The sum was large for a man of his standing. It suggests that a free black man on the island could command real resources, perhaps through a trade or paid work. A punch house was a drinking establishment specialising in punch, a mixed drink of spirits, water, sugar, citrus juice and spice. On St Helena the base spirit was usually arrack, the Asian liquor shipped in by Company vessels. Harper's arrack was kept in a case, perhaps a chest of bottles or small casks, which the sailors forced open. His separate upper house indicates that the punch house was a place of business rather than his home. Dick Hector's own account shifted the blame onto the sailors while admitting that he guided them. He claimed only to have shown them the case, explained how to break it and pointed them to the

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			glasses. In law, a man who directed and assisted a theft was as guilty as those who carried it out. His version therefore did not clear him, although it may have been meant to reduce his share of the blame. The question about how the thieves got in touched the heart of the charge. Harper's answer implied that Stevens left the house after it was locked, perhaps leaving the door unfastened behind him. If so, the thieves may have walked in rather than broken in. The indictment against Dick Hector had already charged him with entering the house, not breaking into it, which fits this account.
120	110	[Insect damage in the lower half of the page, centre-left, running from the John Blinkhorn entry to the foot.] His Opinion he left the Door open. Thomas Suffell, Soldier, being sworn, Saith, that on the twenty third of March last in the Evening, he staid by Mr Harper, the Prosecutor's desire, in his Punch house till between the Hours of eight and nine, that he made the Back door of the said House fast, secured the Case, and gave unto Thomas Stevens who Slept in the House the Key of the Front Door, and then went to the said Harper, to whom he delivered the Key of the Case, and from him went to his Barracks. That next Morning he called upon the said Harper, and got the Key from him, and went down to his Punch house which he found open; That when he went in, he saw two Case Shirts lying on the Floor, then went and unlocked the Case, and on a Sailor's coming in and Calling for Liquor, he examined the Bottles in the Case, and found them all empty; That he went and acquainted the said Harper with his having found the Fore door of his Punch house open, and his Case robbed, on which he sent this Depont to Look for the Prisoner; That he found him along with some Sailors in the Barracks, and as they both were coming down, he asked the Prisoner concerning the Liquor, and he said he would pay. That when they came down to the House, the Prisoner called the said Harper aside, and confessed to him that he had drank part of his Liquor, but had not stole it, and on the said Harper's more closely examining him, he said he would tell all, and then owned to him that he shewed the Sailors the Way to open the Case. The Witness being asked how he came to know in what Manner the Liquor was taken out of the Case, says that in some time after he had unlocked the Case, he discovered that the Bolt had been wrenched from the Cover. John Blinkhorn, Soldier, being sworn, Saith, that on the twenty third of March Last between the Hours of nine and ten at Night, as he stood at the Door next to Mr Harper's Punch house, he saw the Prisoner come up to Thomas Stevens who stood at the Punch house Door, and ask him if he could have any Liquor there, That he heard Stevens reply he could not, and he, Stevens, and the Prisoner went up the Valley. The Prisoner, being put upon his Defence, Saith, that as some Sailors were coming out of Mr Harper's Punch house, he happen'd	Harper believed that Stevens probably left the door open when he went out. Thomas Suffnell, a soldier, gave sworn evidence that he stayed at Harper's punch house on the evening of 23 March 1765 at Harper's request. He remained there until some time between eight and nine o'clock. He then bolted the back door, locked the case and handed the front door key to Thomas Stevens, who slept in the house. He took the key of the case to Harper and went on to his barracks. The next morning Suffnell called on Harper, collected the key and went down to the punch house, which he found standing open. On entering, he saw two case bottles lying on the floor. He unlocked the case, and when a sailor came in asking for a drink, he checked the bottles inside and found every one empty. He went to tell Harper that the front door was open and the case had been robbed. Harper sent him to look for the prisoner. Suffnell found Dick Hector with some sailors at the barracks. On their way down together, he asked Dick Hector about the liquor, and Dick Hector said he would pay for it. When they reached the house, Dick Hector took Harper aside. He admitted drinking some of the liquor but insisted he had not stolen it. Under closer questioning from Harper, he said he would tell the whole story. He then admitted showing the sailors how to open the case. The court asked Suffnell how he knew the way the liquor was taken from the case. He replied that some time after unlocking it, he noticed that the bolt had been prised off the lid. John Blinkhorn, a soldier, testified on oath that he was standing at the door next to Harper's punch house between nine and ten o'clock on the night of 23 March 1765. He saw Dick Hector approach Thomas Stevens, who was at the punch house door, and ask whether he could get a drink there. Blinkhorn heard Stevens say no. Stevens and Dick Hector then walked off together up the valley. Dick Hector was called on for his defence. He stated that he happened to be at the door of Harper's punch house as some sailors were leaving. They gave him a drink from a case bottle. He denied stealing any liquor from the house and said he was never inside it that night. **Interpretations** Case bottles were square-sided glass bottles made to pack tightly into a wooden case, often holding a dozen or more. They were widely used for spirits such as gin and arrack, since their shape made them easy to ship and store. Harper's case was evidently a locked chest of such bottles, kept as his main stock of spirits. The sailors' use of one of these bottles to give Dick Hector a drink tied his own defence directly to the stolen liquor. The evidence repeatedly pointed towards Thomas Stevens, who never appeared as a witness. He held the front door key, he was seen at the door of the punch house that night and he walked off up the valley with Dick Hector. Harper believed he left the door open. The prosecution nonetheless treated

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		to be at the Door, and they gave him a Dram out of a Case bottle; That he neither stole any Liquor out of the said House, nor was in it that Night.	him as a bystander rather than a suspect, and his own account went unheard. Suffnell's evidence established that the case, if not the house, was broken into, since its bolt was wrenched from the lid. This fitted Dick Hector's claim that the sailors opened it on his instructions. The door, however, appeared to have been left open rather than forced. The indictment had charged him only with entering the house, which matched what the evidence could prove about the way the thieves got in. Dick Hector's own statements shifted as the questioning went on. To Suffnell he offered to pay, to Harper he first admitted only drinking and later confessed to guiding the sailors. In court he denied entering the house at all. The sailors who allegedly broke the case were never identified or charged, and they had probably sailed with their ship.
121	111	[Insect damage in the lower half of the page, centre, running from the Dick Hector entry to the foot.] For the Prisoner James Miller, Sailor, upon his Oath, Saith, that about ten O'Clock at Night (meaning the Night of the twenty third of March last) he saw four Sailors coming out of Mr Harper's Punch house with two Case bottles; That they, out of one of them, offered him a Dram, which he accepted of, they also gave the Prisoner another Dram; That he, this Deponent, asked them where they got the Liquor, and their Answer was that they paid for it: That then he went down to a Shed outside the Gate, and that the Prisoner went about twelve yards on before him, and they both slept in the said Shed that Night. The Evidence being closed, the Jury retired to Consider; On their coming back to Court, they declared their Verdict, by which they found the Prisoner - "Guilty to the Value of four Shillings and tenpence." He was removed from the Bar. Pegg, being set to the Bar, received Sentence to be whipped at the Stocks and discharged, which Sentence was put in due Execution against her immediately after Adjournmt of the Court. Dick Hector, being brought to the Bar, was sentenced to be whipped at the Stocks and discharged; which Sentence was duly executed against him at the Time above Mentioned. Winchester and Cupidore being brought to the Bar, and having Nothing to Say in Stay of Judgment, the Chairman, after an Exhortation in which he shewed them the Heinousness of of their Guilt, and recommended them to the Mercy of Heaven, gave them Judgment Severally, as followeth. "You shall go to the Place from whence you came, and from thence "to the Place of Execution, and there you shall be hanged by the Neck "until your Body is dead, and God have Mercy upon your Soul; "then your Body shall be hanged in Chains on a Gibbet in Some "conspicuous Part of this Island.	James Miller, a sailor, gave sworn evidence for the defence. At about ten o'clock on the night of 23 March 1765, he saw four sailors leaving Harper's punch house carrying two case bottles. They offered him a drink from one of the bottles, and he accepted. They also gave Dick Hector a drink. Miller asked where they had obtained the liquor, and they told him they had paid for it. Miller then went down to a shed outside the gate, with Dick Hector walking about 12 yards ahead of him. Both men spent the night in that shed. The evidence was now complete, and the jury withdrew to deliberate. On returning to court, it found Dick Hector guilty of theft to the value of £0 4s 10d. He was taken from the dock. Pegg was brought back and sentenced to be flogged at the stocks and then released. The flogging was carried out as soon as the court adjourned. Dick Hector came to the dock next and received the same sentence of a flogging at the stocks followed by release. His punishment was carried out at the same time as Pegg's. Winchester and Cupidore were then brought up. Neither offered any reason why judgment should not be passed. The chairman addressed them, setting out the enormity of their crime and urging them to seek the mercy of Heaven. He then passed sentence on each man in turn. Both were to be returned to the place they had come from and then taken to the place of execution. There each was to hang by the neck until dead, and the court asked God to show mercy to his soul. Their bodies were afterwards to be hung in chains from a gibbet in a prominent spot on the island. **Interpretations** The jury's finding that Dick Hector stole goods worth only £0 4s 10d was a deliberate device rather than a valuation. The indictment put the arrack at £0 9s 9d, but the jury set the figure just below 5s, a threshold with real legal force. Parliament had made certain thefts from houses and shops capital offences without benefit of clergy once the goods reached 5s. By pitching the value one penny short of a lower round figure, the jury kept the offence within the range that allowed a lesser punishment. English juries used the same practice so often that contemporaries called it pious perjury. Miller's evidence offered the jury grounds for doubt about Dick Hector's part in the theft. He placed four sailors leaving the punch house with the bottles and claiming to have paid for the liquor. On his account, Dick Hector merely accepted a drink outside and then spent the night in a shed nearby. The jury did not accept this as a full acquittal, but it probably helped persuade them to reduce the charge. Pegg and Dick Hector received the same punishment, a public flogging at the stocks followed

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			by release. For Pegg, this outcome followed from the jury's decision to acquit her of burglary. Both floggings took place as soon as the court rose, which kept punishment swift and visible to the island's inhabitants. Release after flogging returned Pegg to her owner's household, where her labour remained his. The chairman was the presiding justice, Governor Skottowe, who led the bench and delivered its judgments. The sentence he passed on Winchester and Cupidore repeated, almost word for word, the judgment given to Lewis for the killing of Patt. The set form of words, from the return to prison to the display of the body in chains, followed the standard English death sentence for murder. Gibbeting on a conspicuous spot served as a lasting warning, one aimed here as much at the island's slaves as at anyone else. **Speculations** The jury rejected the value set in the indictment, £0 9s 9d, and substituted a figure of £0 4s 10d. Accepting the indictment's value was the obvious course, since no witness disputed the quantity or worth of the arrack. The reason for the change is visible in the chosen figure itself, which fell just below the 5s mark that governed how severely such thefts could be punished. Miller's evidence that the sailors carried off the bottles gave the jurors room to doubt how much Dick Hector himself gained. They used that doubt to steer him away from the gallows and towards a flogging. The verdict shows a colonial jury using the same merciful device as juries in England, adjusting facts to limit the reach of a harsh law.
122	112	The Business of the Sessions being now ended, the Grand and Petit Juries were dismissed, and the Court was, by Proclamation, adjourned to the Seventeenth Day of July next ensuing. On Monday the twenty second of this Instant April, a Warrant was issued out to the Sheriff for the Execution of the Criminals, Winchester and Cupidore, and, on Friday the twenty sixth of the said Month, they were, pursuant to Sentence, duly executed. John Skottowe Dan Corneille C Burling Thos Kirkpatrick	With the court's business concluded, the grand jury and the trial jury were discharged. A public proclamation adjourned the court until 17 July 1765. A warrant went to the sheriff on Monday 22 April 1765 for the execution of Winchester and Cupidore. Both men were hanged in accordance with their sentence on Friday 26 April 1765. The record carried the signatures of the four justices. John Skottowe Daniel Corneille [...] Burling Thomas Kirkpatrick **Interpretations** Only four days separated the issue of the warrant from the hangings, and barely a week separated sentence from death. No appeal lay to any higher court, and the island's remoteness placed the royal prerogative of mercy months away by sea. In practice, the Governor and his council held final power over life and death on St Helena. A reprieve could come only from them, and none was granted. The executions carried an economic cost that the authorities chose to bear. Winchester had belonged to the East India Company, so the Company destroyed its own property in hanging him. Cupidore had been Harrold's slave and formed part of his estate. A slave's labour was valuable on an island that depended on it, yet deterrence plainly outweighed that loss. A rising on a ship bound for the island, ending in the killing of its commander, struck at the security of the whole slave system on St Helena. The adjournment to July fitted the pattern of quarter sessions, which met roughly every three months. The court's regular timetable gave the island a predictable cycle of criminal justice, modelled on English county practice. Prisoners arrested between sittings could expect to wait in custody until the next quarter.

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123	113	[Insect damage in the lower half of the page, centre, running from the entry beginning "The Court being opened" to the foot.] On the Eighteenth Day of April in the fifth Year of his Majesty's Reign, a Precept upon the Commission of the Peace was issued out and directed to Mr John Desfountain Sheriff of the Said Island. On the second Day of July following, a Precept upon the Commission of Oyer and Terminer was issued out and directed to the said Sheriff. The General Quarter Sessions of the Peace, holden at the Hall in James's Valley on the Island of St Helena, the seventeenth Day of July, in the fifth Year of the Reign of our Sovereign Lord George the third, of Great Britain, France and Ireland King, Defender of the Faith and so forth Before John Skottowe, Daniel Corneille, Matthew Sterling and Thomas Kirkpatrick Esquires, four of his Majesty's Justices assigned to keep the Peace in and for the said Island; And also to hear and determine all Felonies, Trespasses and other Misdemeanors in the said Island Committed. The Court being opened upon the Commission of the Peace, a Grand Jury consisting of Seventeen of the principal Inhabi- -tants of the Body of the said Island were sworn; But being asked, by Order of the Court, if they had, or knew of any Business upon that Commission, answered, by their Foreman, that they had not. By the Sheriff of the said Island's Return, it appearing there were no Prisoners in his Majesty's Goal for the Time being, The Act of Parliament (Intituled) An Act for the better Regulation of Juries &c. was read by the Clerk of the Peace, and then the Court	John Desfountain, sheriff of St Helena, received a precept under the commission of the peace on 18 April 1765, in the fifth year of the King's reign. A further precept, under the commission of oyer and terminer, went to him on 2 July 1765. The general quarter sessions of the peace sat at the Hall in James's Valley on 17 July 1765. The date fell in the fifth year of the reign of George III, King of Great Britain, France and Ireland and Defender of the Faith. Governor Skottowe presided alongside Daniel Corneille, Matthew Sterling and Thomas Kirkpatrick. All four held royal commissions as justices charged with keeping the peace on the island and trying felonies, trespasses and lesser offences committed there. The court opened under the commission of the peace, and a grand jury of 17 leading inhabitants drawn from across the island took the oath. At the court's direction, the jurors were asked whether they had any business to bring under that commission or knew of any. Their foreman replied that they had none. The sheriff reported that the King's gaol held no prisoners at that time. The clerk of the peace therefore read aloud the Act of Parliament for the better regulation of juries. **Interpretations** The July sitting stands in sharp contrast to the crowded April sessions. No precept for gaol delivery was issued this time, and the sheriff confirmed that the gaol was empty. With no prisoners to try and no business presented to the grand jury, the court met chiefly to keep its quarterly cycle intact. Holding the sitting regardless preserved the authority of the court and the regular rhythm of the island's justice, whether or not any case awaited it. The Act for the better regulation of juries was probably the statute of 1730, which governed how jury lists were drawn up, who qualified to serve and how sheriffs summoned jurors. It was designed to curb abuses such as sheriffs packing juries or excusing favoured men. Reading it aloud at an otherwise empty sitting served to remind the assembled inhabitants of their obligations and the rules binding the sheriff. On an island where the same families filled jury after jury, the reminder carried particular point. The grand jury was asked both whether it had business and whether it knew of any. The second question reached beyond formal complaints to matters within the jurors' own knowledge. English grand juries had a duty to present offences and nuisances they were aware of, not merely to consider indictments put before them. The question invited the island's leading inhabitants to act as the eyes of the court across their districts.
124	114	Was, by Proclamation, adjourned to the Ninth Day of October next ensuing. John Skottowe Dan Corneille C Burling Thos Kirkpatrick	Once the Act had been read, a public proclamation adjourned the court until 9 October 1765. The record carried the signatures of the four justices. John Skottowe Daniel Corneille [...] Burling Thomas Kirkpatrick
125	115	[Insect damage in the lower half of the page, centre, running from the entry beginning "The General Quarter Sessions" to the foot.] On the seventeenth Day of July, in the fifth Year of his Majesty's Reign, a Precept was issued out upon the Commission of the Peace to Mr Jno Desfountain Sheriff of the Island of St Hel On the twenty fifth Day of September following a Precept to Summon a Jury upon the Commission	John Desfountain, sheriff of St Helena, received a precept under the commission of the peace on 17 July 1765, in the fifth year of the King's reign. On 25 September 1765 he received a further precept directing him to summon a jury under the commission of oyer and terminer. A third precept followed on 9 October 1765, instructing him to summon a jury under the commission of gaol delivery.

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		of Oyer & Terminer was directed to the Sd Sheriff. On the Ninth Day of October following, a Precept to Summon a Jury upon the Commission of Goal Delivery was directed to the Sd Sheriff. The General Quarter Sessions of the Peace, Sessions of Oyer and Terminer, and Sessions of Goal Delivery, holden at the Hall in James's Valley, for the Island of Saint Helena, the Ninth Day of October, in the fifth Year of the Reign of our Sovereign Lord George the third, of Great Britain, France, and Ireland King, Defender of the Faith, and so forth, Before John Skottowe, Daniel Corneille, Matthew Burling and Thomas Kirkpatrick, Esquires, four of his Majesty's Justices, assigned to keep the Peace in and for the said Island, also Commis- -sioners of Oyer and Terminer, authorized to hear and determine all Felonies, Trespasses and other Misdemeanors in the said Island Committed. The Court being opened upon the Commission of the Peace, a Grand Jury consisting of Seventeen of the principal In- -habitants of the Body of the Sd Island were Impannelled and Sworn, and a Bill of Indictment being preferred to, and found by them, a Writ was thereon directed to the Sheriff to Return a Jury to try that Issue. Then the following Bill of Indictment, Viz.	The general quarter sessions of the peace, together with the sessions of oyer and terminer and of gaol delivery, sat at the Hall in James's Valley on 9 October 1765. The date fell in the fifth year of the reign of George III, King of Great Britain, France and Ireland and Defender of the Faith. Governor Skottowe presided alongside Daniel Corneille, Matthew Burling and Thomas Kirkpatrick. All four held royal commissions as justices of the peace for the island. They also sat as commissioners of oyer and terminer, with power to try felonies, trespasses and lesser offences committed there. The court opened under the commission of the peace, and a grand jury of 17 leading inhabitants drawn from across the island was assembled and sworn. A draft indictment went before the jurors, and they approved it. The court then issued a writ ordering the sheriff to bring together a jury to try the charge. **Interpretations** This time the grand jury found an indictment under the commission of the peace itself, unlike the April sitting, when no business arose under that commission. Quarter sessions dealt with lesser offences such as petty theft, assaults and breaches of the peace, so the charge was probably of that kind. A true bill from the grand jury did not settle guilt. It only confirmed that there was enough evidence to put the accused on trial, which then required a separate trial jury summoned by writ. The timing of the three precepts shows how the sheriff's work was staged ahead of each sitting. The precept for the peace went out on the day the previous sitting closed, keeping the cycle unbroken. The jury for oyer and terminer was ordered two weeks in advance, while the precept for gaol delivery came only on the day the court met. Its late issue perhaps reflects a prisoner taken into custody shortly before the sitting, since gaol delivery existed to try those actually held in the gaol.
126	116	[Insect damage in the lower half of the page, centre-left, running from the Sarah Walker entry to the foot.] Island of St Helena ss. "The Jurors of our Sovereign Lord the "King upon their Oaths do Present that Thomas Jones late "of the Island of St Helena Gunner on the thirtieth Day of "July in the fifth Year of the Reign of our Sovereign Lord George "now King of Great Britain &c. with force and Arms in James's Valley "within the Island aforesaid in and upon one Sarah Walker in "the Peace of God and of our Sovereign Lord the King then and there "being did make an Assault And her the said Sarah Walker did "beat wound and evilly treat So that her Life was greatly despaired "of And other Wrongs did to the said Sarah Walker to her Damage "and against his Majesty's Peace his Crown and Dignity" was read to the Defendant, to which he pleaded "Not guilty." On which he was put upon his Trial, and the twelve following Men, Viz. George Bird Stephen Young John Worrall Jos: Chamberlane Henry Harper Saml Torbett	The King's jurors stated on oath that Thomas Jones, a gunner living on St Helena, assaulted Sarah Walker in James's Valley on 30 July 1765. At the time she was going about her business under the protection of God and the King. The indictment charged that Jones beat, wounded and mistreated her so badly that her life was in grave danger. It further alleged that he inflicted other harm on her, to her loss and in breach of the King's peace, crown and dignity. The charge was read to Jones, and he pleaded not guilty. Jones then stood trial, and 12 men took the oath as his jury. George Bird Stephen Young John Warrick Joseph Chamberlain Henry Harper James Torbett Thomas Harper George Young William Seale senior Henry Corthope John Desfountain Isaac Harper Sarah Walker, who brought the prosecution, gave sworn evidence that she sent for Jones on 30 July 1765 and he came to her house. After staying a while, he left for the house next door. She followed and caught up with him at its door. There he rounded on her and jabbed at her with his sword, still in its scabbard, catching her clothing. He then gripped the sword by the blade and struck her on the head with the hilt, with such force that the wound reached her skull. She then went home.

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		Thoms Harper George Young Willm Seale Senr Henry Corthope John Desfountain and Simon Harper were sworn upon his Jury. Sarah Walker, the Prosecutrix, being duly sworn Saith, that on the thirtieth Day of July Last, She sent for Thomas Jones, the Defendant, and he came to her House; That after staying there for some time, he went to the next house, whither she followed him, and overtook him at the Door; That he there turned upon her, and with his Sword in the Scabbard, made a Push at her Body, which touched her Clothes, then took it by the Blade, and with the Hilt, struck her so Violently on the Head, that he cut her to the Skull, after which, she went home. - The Sword being produced to the Court and Jury, and the Guard thereof appearing broke, the Prosecutrix is asked if the Guard was broke in giving her the Blow, Says, she knows not; Being also asked if she had given the Defendant provocation to Strike her, Says, she had not, except her following him might have provoked him thereto, or	The sword was shown to the court and the jury, and its guard was visibly broken. Walker was asked whether the guard broke when he struck her, but she said she did not know. Asked whether she had given Jones any reason to hit her, she said she had not. She allowed only that following him might have provoked him. **Interpretations** The charge against Jones was framed as an assault, a trespass against the person, rather than as a felony such as attempted murder or wounding with intent. The indictment described a near-fatal injury yet ended with the phrase "to her damage", language drawn from civil wrongs. Assault fell within the jurisdiction of quarter sessions under the commission of the peace, and conviction usually meant a fine or imprisonment rather than death. This explains why the grand jury found the bill under that commission and the court then summoned a trial jury by writ. Sarah Walker brought the prosecution herself, as the injured party. English criminal justice at this date relied heavily on private prosecutors, who bore the burden of bringing the charge and producing evidence. For a woman to act in this role was not unusual in assault cases, where the victim was the natural complainant. Her standing as prosecutrix also meant her conduct came under scrutiny, as the court's question about provocation showed. The court's question about provocation touched on a matter that could reduce Jones's culpability or the penalty imposed. Provocation was no defence to assault, but it weighed heavily in the jury's view and in the sentence. Walker's admission that following him might have provoked him was a concession that the defence could exploit. The question about the broken guard pursued a different point, testing whether the physical evidence matched her account of the blow. A gunner was a soldier in the artillery, a skilled rank in the island's garrison, which relied on its coastal batteries for defence. Jones's sword was a standard sidearm, and striking with the hilt rather than the blade suggests a blow meant to hurt rather than kill. Henry Harper, the innkeeper who prosecuted Dick Hector in April, now sat on this jury alongside two other Harpers.
127	117	[Insect damage in the lower third of the page, centre, running from about two-thirds down the page to the foot.] Which she is asked her Reason for following him, and Says, it was in Order to Send him to the Honble Company's Store to buy her some neces- saries. Thomas Jones, being put upon his Defence, Saith, that on the thirtieth Day of July last between the Hours of nine and ten in the Morning, as he was drinking Share of a Bowl of Punch at Willm Hayes's, Sarah Walker sent him a Tupper, desiring at the same time that he would Come to her; That he took the Tupper, and Let her know by her Messenger that he would go to her house in a Quarter of an hour's time, but not coming so soon, she again sent for him, and he went. That on his coming into her house, she appearing to him a little in Liquor, he asked her what her Business with him was: to which she replyed, that, if he would but step into the next Room, she would then let him know; he thereon told her that he had no Business in that Room, and if she had	Walker was also asked why she followed Jones. She replied that she wanted to send him to the East India Company's store to buy some household supplies for her. Jones was then called on for his defence. He stated that between nine and ten o'clock on the morning of 30 July 1765, he was sharing a bowl of punch at William Hayes's house. Walker sent him [...] along with a message asking him to come to her. He accepted it and sent word back by her messenger that he would call at her house in a quarter of an hour. When he failed to arrive on time, she sent for him again, and he went. On entering her house, Jones thought she seemed somewhat drunk. He asked what she wanted with him. She answered that she would tell him if he stepped into the next room. Jones replied that he had no business in that room and that she could just as well explain herself where they stood. When she refused, he left. As he was entering the neighbouring house, Walker ran after him and caught up with him. She threatened to rip his heart out, or something to that effect, unless he came away from that house. Jones answered only that she had no right to follow him, since he meant no more to her than anyone else did. Walker then tried to enter the house herself. While climbing the steps leading up to it, she tripped and fell forward, catching hold of the door frame with her

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		any with him, she might as well communicate it on the Spot, which she refusing he went away: That as he was going into the next house, she pursued and overtook him and said that, unless he came away from that house, she would tear his Heart out, or Words to that purpose: To which he only answered that, as he was no more to her than any other person, she had no Right to follow him. That she then attempted to go into the house, but as she was getting up some Steps that Lead into it, she stumbled, and fell upon her hand against the Door case to which she held fast for some time, but at last fell upon her backside on the Treshold, and as he then happened to hold his Sword with the point inwards under his right Arm and the Hilt towards the Door case it accidentally slipt, and the Weight of the Hilt brought it right upon her head, on which he retired to the Back yard belonging to the same house, whither she also pursued him, and there told him that, if he went home along with her, she would make it up, which he declining, she went away. The Evidence being closed, the Whole was summed up to the Jury who retired to Consider: On their Return, they declared their Verdict, by which they acquitted the Defendant, and he was Discharged. No more Business appearing upon the Commission of the Peace, the Court was opened upon the Oyer and Terminer, then a Grand Jury consisting of Seventeen of the principal Inhabitants of the said Island were sworn, and the Bills of Indictmt preferred to them; They found the following Bills, and the Court was then opened upon the Goal Delivery.	hand. She clung there for a while but finally dropped backwards onto the threshold. At that moment, Jones said, he was carrying his sword under his right arm with the point facing inwards and the hilt towards the door frame. The sword slipped by accident, and the weight of the hilt brought it down squarely on her head. Jones withdrew into the back yard of the same house, but Walker followed him there as well. She told him she would forgive everything if he came home with her. He refused, and she left. The evidence was closed, and the case was summed up for the jury, which withdrew to deliberate. On its return, it acquitted Jones, and he was released. No further business arose under the commission of the peace, so the court opened as a court of oyer and terminer. A grand jury of 17 leading inhabitants took the oath, and the draft indictments were placed before them. The jurors approved the charges that follow, and the court then opened for gaol delivery. **Interpretations** The competing accounts point to a personal relationship between Jones and Walker that the indictment left unstated. She sent for him twice, invited him into a private room, pursued him to the neighbouring house and finally offered to make up the quarrel if he came home with her. His retort that he meant no more to her than anyone else reads as a rejection of a claim she believed she had on him. Her fury at his entering the next house suggests she suspected him of seeing another woman there. The jury evidently read the episode as a lovers' quarrel rather than an unprovoked attack. Jones's defence did not deny that the hilt struck Walker's head but explained the blow as an accident. A sword slipping from under the arm as a woman fell was a convenient story, yet it drew support from Walker's own evidence. She admitted her pursuit might have provoked him, and Jones described her as drunk. The broken guard, which she could not connect to the blow, may have supported his version by suggesting damage from a fall against the door frame. William Hayes, at whose house Jones was drinking punch between nine and ten in the morning, had been chosen as the island's constable by the vestry on 8 April 1765 and sworn into office on 14 May 1765. The island's chief peace officer was evidently also selling punch from his house, perhaps as a licensed retailer. On an island this small, the man responsible for keeping order could also be the one supplying drink to the garrison. The East India Company's store sold provisions, cloth and household goods to the island's inhabitants and garrison, often at fixed prices and sometimes on credit. Walker's wish to send Jones there suggests that soldiers may have enjoyed access or terms not open to her, or that she relied on him for such errands. Either way, the Company's store stood at the centre of the island's domestic economy, supplying goods that could not be grown or made locally. **Speculations** The jury acquitted Jones despite a blow that cut Walker to the skull, when conviction for assault was the obvious outcome. He admitted that his sword hilt caused the wound and that it happened while she was pursuing him. The reasons for the acquittal are visible in the evidence: Walker conceded possible provocation, admitted following him from house to house and was described as drunk and threatening. The jurors chose to believe that the wound was an accident in a scuffle she had started. Their verdict suggests that a woman who pursued a man and threatened him forfeited much of the protection the law might otherwise have given her.

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128	118	[Insect damage in the lower half of the page, centre-left, running from about the middle of the page to the foot.] Jo, a Manslave belonging to Mr Richard Beale, being set to the Bar, was arraigned upon the following Indictment, Viz. Island of St Helena ss. "The Jurors of our Sovereign Lord the King upon "their Oaths do Present that Jo Late of the Island of St Helena a "Manslave not having the Fear of God before his Eyes but being moved "and seduced by a Devilish Instigation on the thirtieth Day of July in "the fifth Year of the Reign of our Sovereign Lord George now King "of Great Britain &c by force and Arms in Sandy Bay within the "Island aforesaid in and upon one York in the Peace of God and of "our Sovereign Lord the King then and there being feloniously did make "an Assault And that the Sd Jo then and there with a certain Stone "which he the said Jo then held and threw out of his right hand violent- "ly feloniously and Voluntarily did Strike the said York and the "Skull of the said York with the Stone so thrown as aforesaid did "mortally fracture of which mortal Fracture the said York Languished "and Lived in a languishing Condition from the said thirtieth Day of "July in the Year aforesaid unto the twenty sixth Day of August in "the said Year On which said twenty sixth Day of August in the year "aforesaid the said York of the Mortal Fracture aforesaid Died. "And so the Jurors aforesaid upon their Oaths aforesaid do say "that the said Jo the said York in Manner and Form aforesaid did "then and there [...] feloniously and Voluntarily kill and slay "against the Peace of our Sovereign Lord the King his Crown and "Dignity." To which Indictment he pleaded Not guilty." Frank, a Manslave belonging to Doctr Robert [...]clay, being set to the Bar, was arraigned upon the following Indictment, Viz. Island of St Helena ss. "The Jurors of our Sovereign Lord the King upon "their Oaths do Present that Frank late of the Island of St Helena "Manslave on the second Day of September in the fifth Year of the "Reign of our Sovereign Lord George now King of Great Britain "&c by force and Arms in James's Valley within the Island aforesaid "two pieces of Gold called two guinea pieces of the Value "of four pounds and four Shillings of the Money of John Thackary	Jo, a male slave owned by Richard Beale, was brought to the dock and charged. The King's jurors stated on oath that Jo, a slave of St Helena, attacked a man named York at Sandy Bay on 30 July 1765. The indictment described Jo as acting without fear of God and under the Devil's influence. York, it said, was going about his business under the protection of God and the King. Jo allegedly hurled a stone from his right hand with great force, striking York and fatally fracturing his skull. York lingered in a failing condition from 30 July 1765 until 26 August 1765, when the fracture killed him. The jurors concluded that Jo unlawfully killed York by violence, in breach of the King's peace, crown and dignity. Jo pleaded not guilty. Frank, a male slave owned by Dr Robert Barclay, came to the dock next and faced his own indictment. The King's jurors charged that Frank, a slave of St Helena, committed a theft in James's Valley on 2 September 1765. He allegedly took two gold two-guinea coins, valued together at £4 4s 0d, which belonged to John Thackeray. **Interpretations** The charge against Jo was manslaughter, not murder. The indictment accused him of killing and slaying York violently and deliberately but omitted the phrase "malice aforethought", which marked every murder charge in this register, including that against Winchester and Cupidore. Without malice, the killing counted as the product of sudden passion or a quarrel rather than a planned act. Manslaughter remained a felony, but benefit of clergy was available on a first conviction, which usually meant branding on the thumb rather than hanging. A stone thrown in anger fitted this lesser category far better than a premeditated attack. York survived for 27 days after the blow, a detail the indictment recorded with care. English law held that a death counted as homicide only if it followed within a year and a day of the injury. Beyond that limit, the law presumed that some other cause might have intervened. Setting out the dates precisely established that York's death fell well within the period and could be laid at Jo's door. York was probably a slave himself, since the indictment gave him only a single name and no status or owner. The case shows the island's courts treating the killing of one slave by another as a crime against the King's peace, not merely as damage to an owner's property. The prosecution nonetheless also protected the interests of York's owner, who had lost a valuable worker. Two-guinea coins were large gold pieces worth 42 shillings each, struck in England mainly under George I and George II. They were rarely seen in everyday use and served chiefly as a store of wealth. Two of them amounted to £4 4s 0d, a substantial sum, well beyond the threshold that made theft a capital felony. Frank's owner, Dr Robert Barclay, was the island's surgeon, who gave evidence in the earlier case of the killing of Patt.
129	119	[Insect damage in the lower half of the page, centre, running from about the middle of the page to the foot.] "then and there being found in the dwelling house of Robert Barclay "feloniously did steal take and bear away against the Peace of our	The two coins were in the house of Robert Barclay when Frank allegedly took them. The indictment declared that the theft breached the King's peace, crown and dignity and also broke the statute governing such cases. Frank pleaded not guilty. John Whitendale, a soldier in the infantry company under Captain Thomas Kirkpatrick, was

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		"Sovereign Lord the King his Crown and Dignity and also against "the form of the Statute in that Case made and provided." To the above Indictment he pleaded Not guilty. John Whitendale, a Soldier in the Company of Foot commanded by Captn Thoms Kirkpatrick, being set to the Bar, was arraigned upon the following Indictment, Viz. Island of St Helena ss. "The Jurors of our Sovereign Lord the King upon "their Oaths do Present that John Whitendale late of the Island of "St Helena Soldier on the first Day of October in the fifth year of the "Reign of our Sovereign Lord George now King of Great Britain &c by "force and Arms in James's Valley within the Island aforesaid fourteen "Petereens of the Value of fourteen Shillings two half Petereens of the "Value of one Shilling three dutch Schelins of the Value of one Shilling and "Six pence Nine Reals of the Value of four Shillings and seven pence half penny "two half Reals of the Value of one Shilling and three pence One Milled Bit "of the Value of seven pence half penny One Single Fanam of the Value "of two pence One Dutch two Stiver piece of the Value of two pence and two "English half pence of the Money of one John Springthorp then and there "being found in the Dwelling house of Henry Howell privately secretly "and without the Knowledge of the said John Springthorp feloniously "did steal take and bear away against the Peace of our Sovereign Lord "the King his Crown and Dignity and also against the form of the "Statute in that Case made and provided." To the above Indictment he pleaded Not guilty. William Foster, a Soldier in the Company of Foot commanded by Captn Richd Beale, being set to the Bar, was arraigned upon the following Indictment, Viz. Island of St Helena ss. "The Jurors of our Sovereign Lord the King upon "their Oaths do present that William Foster late of the Island of "St Helena Soldier not having the Fear of God before his Eyes but being "moved and seduced by a Devilish Instigation on the second Day of October "in the fifth Year of the Reign of our Sovereign Lord George now King "of Great Britain &c in James's Valley within the Island aforesaid	brought to the dock and charged. The King's jurors stated on oath that he committed a theft in James's Valley on 1 October 1765. The money belonged to John Springthorpe and was in the house of Henry Howell at the time. Whitendale allegedly took it stealthily and without Springthorpe's knowledge. The coins listed in the charge were as follows. 14 pistereens, £0 14s 0d 2 half pistereens, £0 1s 0d 3 Dutch schellings, £0 1s 6d 9 reals, £0 4s 7½d 2 half reals, £0 1s 3d 1 milled bit, £0 0s 7½d 1 single fanam, £0 0s 2d 1 Dutch two-stiver piece, £0 0s 2d 2 English halfpennies, value not stated The indictment declared that the theft breached the King's peace, crown and dignity and also broke the relevant statute. Whitendale pleaded not guilty. William Foster, a soldier in the infantry company under Captain Richard Beale, was then brought to the dock. The indictment against him opened by accusing him, as a soldier of St Helena, of acting in James's Valley on 2 October 1765 without fear of God and at the Devil's prompting. **Interpretations** The coins in Springthorpe's purse show the jumble of currencies that circulated on St Helena, a port of call for ships from Europe and Asia. The pistereen was a Spanish silver coin worth two reals, struck in Spain for home use but widely carried abroad, where it passed at about a shilling; the half pistereen was worth half as much. The Dutch schelling was a silver coin of the Netherlands, here valued at sixpence, brought in by Dutch vessels or by way of the Cape. The real was the standard Spanish silver unit, an eighth of the Spanish dollar or piece of eight, which was the most widely trusted coin in the world trade of the period. A milled bit was a real from the machine-struck Spanish coinage, with a regular round shape and a milled edge, distinguished from the older hand-cut cobs. The fanam was a tiny coin of south India, often of gold or silver alloy, carried home by Company servants and sailors from the Coromandel and Malabar coasts. The two-stiver piece, or dubbeltje, was a small Dutch silver coin worth two stivers. Each coin carried a sterling value fixed by use on the island, and English copper made up only a trace of the sum. This mixture reflected a practical reality rather than disorder. The island had no mint of its own and too little English coin to meet its needs, so it relied on whatever silver passing ships brought in. The Company and the inhabitants accepted foreign coins at agreed sterling rates, which allowed trade to continue despite the shortage. A soldier's savings drawn from half a dozen countries was the natural result of living at the crossroads of the eastern trade. The phrase describing Whitendale's theft as done privately, secretly and without the owner's knowledge was not decorative. Several English statutes removed benefit of clergy from thefts committed stealthily in houses or shops, and the indictment's closing reference to a statute signalled that the prosecution meant to rely on one of them. Those statutes also set value thresholds, however, and the total here came to little more than £1 3s. The wording nonetheless gave the court the option of treating the theft as the graver offence if the facts allowed. Frank's alleged theft took place in the house of his own owner, Dr Robert Barclay, though the coins belonged to John Thackeray. Thackeray was perhaps a lodger or visitor in Barclay's house, or had left his money there for safekeeping. The indictment likewise invoked a statute, which suggests that theft from a

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			dwelling house by a servant or slave was being treated as the more serious form of the crime.
130	120	[Insect damage in the lower third of the page, centre-left, running from the Castor indictment to the foot.] "By Force and Arms in and upon one George Varney a Male about "the Age of twenty and Six Years feloniously did make an Assault "And with the said George Varney then and there wickedly devilishly "feloniously and against Nature did Intend to have a Venereal Affair "and the said George Varney then and there Carnally to know and the "most abominable detestable and Sodomitical Sin called Buggery "not to be named among Christians wickedly and devilishly "feloniously and against Nature to commit and perpetrate in great "displeasure of Almighty God and Disgrace of all human kind "against the Peace of our Sovereign Lord the King his Crown and "Dignity and also against the form of the Statute in that Case "made and provided." He thereunto pleaded Not guilty. Castor, a Boy slave belonging to Mr Stephen Young, being brought to the Bar, was arraigned upon the following Indictment, Viz. Island of St Helena ss. "The Jurors of our Sovereign Lord the King "upon their Oaths do Present that Castor late of the Island of "St Helena a Boy slave not having the fear of God before his Eyes "but being moved and seduced by a Devilish Instigation on the seventh "Day of October in the fifth Year of the Reign of our Sovereign Lord "George now King of Great Britain &c by force and Arms in James's "Valley within the Island aforesaid with a certain Cow then and there "wickedly devilishly feloniously and against Nature had a Venereal "Affair and the said Cow then and there carnally did know and the most "detestable abominable and Sodomitical Sin called Buggery not to be "named among Christians wickedly and Devilishly feloniously and "against Nature did commit and perpetrate in great Displeasure "of Almighty God and Disgrace of all human kind against the "peace of our Sovereign Lord the King his Crown and Dignity and also "against the form of the Statute in that Case made and provided." To the above Indictment, he pleaded Not guilty. The other Prisoners being removed from the Bar, Jo was put upon his Trial, and the twelve following Men, Viz.	The charge alleged that Foster assaulted George Varney, a man aged about 26. It accused him of intending, wickedly and against nature, to have sexual relations with Varney and to commit the crime of buggery. The indictment described that offence as the most abominable sin, too shameful to be named among Christians. It declared the act a grave offence to God and a disgrace to humanity, in breach of the King's peace, crown and dignity and contrary to the relevant statute. Foster pleaded not guilty. Castor, a slave boy owned by Stephen Young, was then brought to the dock and charged. The King's jurors stated on oath that on 7 October 1765, in James's Valley, Castor had sexual relations with a cow. The indictment accused him of acting without fear of God, at the Devil's prompting and against nature, and of committing the crime of buggery. It condemned the act in the same terms as a grave offence to God and a disgrace to humanity. The charge declared that it breached the King's peace, crown and dignity and broke the relevant statute. Castor pleaded not guilty. The other prisoners were taken down, and Jo was brought to trial. Twelve men took the oath as his jury. **Interpretations** Both charges rested on the statute of 1533, first passed under Henry VIII and later re-enacted, which made buggery a felony punishable by death. English law applied the offence to sexual acts between men and to acts with animals alike, which explains why Foster and Castor faced the same statutory language. The formula describing the crime as unfit to be named among Christians was standard in such indictments. It reflected the view that the act was so shameful that even the court's own record should avoid describing it directly. The two charges differed in a way that mattered greatly for the accused. Foster was charged with assaulting Varney with intent to commit the offence, not with committing it. An attempt of this kind was treated as a misdemeanour, usually punished by the pillory, a fine or imprisonment rather than death. Castor, by contrast, faced a charge of the completed act, which carried a capital penalty. A conviction on the indictment as drawn would therefore place his life at risk. Castor was described as a boy, and his age may have been decisive. English law presumed that children under 14 lacked the understanding to commit a felony, although the presumption could be overturned by evidence. No age was given in the indictment, and the label "boy slave" may have referred to his size or rank in the household as much as to his years. Castor's owner, Stephen Young, had sat as a juror in the trials of Pegg, Winchester and Cupidore, Carr, Dick Hector and Thomas Jones. The men who judged the island's slaves were often their owners as well. In Young's case, the prosecution of his own slave placed him on the other side of the dock from where he usually sat.
131	121	[Insect damage in the lower half of the page, centre, running from about the middle of the page to the foot.] George Bird William Seale Junr Thos Harper Isaac Knipe William Beale Jo: Chamberlane	The jury for Jo's trial consisted of the following men. George Bird William Seale junior Thomas Harper Isaac Harper William Beale Joseph Chamberlain Stephen Young

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		Stephen Young Benj: Hodges Henry Corthope Willm Seale Senr Simon Whaley and James Corthope were Sworn upon his Jury. Then the Indictment was, a second time, read to him, and the Jury was Charged. Toney, a Manslave belonging to the Widow Alcock, on his Oath, Saith, that one Sunday (he knows not the Day of the Month) as he was coming to the Main Fort with a Load of Yam, he saw York, the Deceased, running from his Master Mr Willm Wrangham's house into the Plantation, and this Deponent, coming up to a Rock belonging to the Sd Wrangham, there pitch'd his Load, and saw at the same time Jo, the prisoner at the Bar, coming out of Mr Richd Beale's; That when the Prisoner came as far as a certain Gum wood Tree, he heard the Deceased call him - Stink: On which the Prisoner took up several Stones, and threw them at the Deceased. That he then heard the Deceased call him, - "A Son of a Bitch" Saying he would tell Peter of it, on which the Prisoner took up some more Stones, and flung them at the Deceased: Saith that he then saw the Prisoner go into a Hollow and saw him Come up from thence to the Place the Deponent was at, and he there asked him for a Chew of Tobacco, but had none to give him: That he then sat himself down, and, in a Short time after that, went away. The Witness being asked if he knows whether any of the Stones that he saw the Prisoner throw at the Deceased hit him or not, Says he does not, as he, the Deceased, was then out of his Sight. Peter, a Man Slave belonging to Mr Willm Wrangham, upon his Oath, Saith, that he sent York (meaning the Deceased) down to his Master's Plantation for a Pickax, but on his Staying too Long, he went to call him; That as the Deceased neither answered to, nor could be found by, this Deponent, he thereon went to Mr Beale's, and got a Pickax, then went up to his Work in the Cabbage tree, thinking to find the Deceased there, but did not: That, on his Return from his Work in the Evening, he renewed his Enquiry for the Deceased, and happening then to see the Prisoner near a Wall above his Master's	Benjamin Hodges Henry Corthope William Seale senior Simon Whaley James Corthope The indictment was read to Jo for a second time, and the jury received its charge. Tony, a male slave owned by the Widow Alcock, gave sworn evidence about events on a Tuesday, though he could not recall the date. He was walking to the main fort with a load of yams when he saw York running from the house of his master, William Wrangham, into the plantation. Tony reached a rock on Wrangham's land and put down his load. At the same moment he saw Jo leaving Richard Beale's property. When Jo reached a particular guava tree, Tony heard York call him "Stink". Jo picked up several stones and threw them at York. Tony then heard York call Jo a son of a bitch and threaten to report him to his master. Jo picked up more stones and hurled them at York. Tony next saw Jo go down into a hollow and then climb back up to where Tony was standing. Jo asked him for a chew of tobacco, but Tony had none to give. Jo sat down for a short while and then left. The court asked Tony whether he knew if any of the stones struck York. He replied that he did not, since York was by then out of his sight. Pete, a male slave owned by William Wrangham, testified on oath that he sent York down to their master's plantation to fetch a pickaxe. When York was gone too long, Pete went to call him. York neither answered nor could be found. Pete therefore went to Beale's house, borrowed a pickaxe and went up to his work among the cabbage trees, expecting to find York there, but he was not there either. Returning from work in the evening, Pete asked again after York. At that point he noticed Jo near a wall above Wrangham's plantation. **Interpretations** Tony's evidence set out the quarrel that the indictment treated as manslaughter rather than murder. York insulted Jo twice and threatened to report him, and Jo answered with volleys of stones. English law held that words alone could not reduce murder to manslaughter. A sudden quarrel ending in a single rash act without planning, however, fitted the lesser charge. The stone-throwing described here, in the heat of an exchange of insults, matched that pattern. The prosecution faced a real gap in its proof. Tony could not say whether any stone hit York, because York had passed out of sight. The prosecution still needed to link the stones Jo threw to the fracture that killed York weeks later. Tony's account of Jo calmly asking for tobacco afterwards could cut either way, as evidence of indifference or as a sign that he did not know he had injured anyone. Yams were a staple food on St Helena, grown widely to feed the slave population and sometimes the garrison. A slave carrying a load of them to the fort shows the daily traffic of provisions from the island's plantations to its fortifications. Guava trees, introduced from the Americas, had spread across the island and provided fruit and a familiar landmark. Cabbage trees were native to St Helena, found only there, and their wood and leaves had practical uses. The jury included William Beale, who shared a surname with Jo's owner, Richard Beale. Stephen Young, whose own slave Castor was awaiting trial for a capital offence, also sat on the panel. In a community this small, owners and their kin judged the slaves of their neighbours while their own slaves stood in the same dock.

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132	122	[Insect damage in the lower half of the page, left of centre, running from the Mr William Wrangham entry to the foot.] Plantation, he was by him asked if York (meaning the Deceased) was got some home, to which he answered - No -. That the Prisoner said then he would shew him where he was, and pointed to the place, to which this Deponent directly went, and there found the Deceased very bloody and Speechless, the Blood issuing from his Head, on Seeing which, he called to the Prisoner, who came to him. The Witness being asked if he saw any bloody Stones near the Place where the Prisoner lay, Says, he saw no other Stones that had the Appearance of Blood but that which the Deceased's Head Lay upon, and describes it to be a large flatt Stone: As to the Pickax, He says he found it behind the Place where the Deceased lay, but had no Marks of Blood. Being examined with regard to the Deceased's Character and Disposition of Mind, Says, he had a wicked, obstinate Lad, and that he, himself, had often corrected him for abusing People as they went by. Mr Robert Barclay, Surgeon of the said Island, being duly sworn, Saith, that he attended the Deceased (meaning the said York) during his Sickness, and is very clear that the Fracture he received in his Skull was the Cause of his Death: That he can't ascertain the Manner by which he came by the Sd Fracture, whether by a Fall or the Throw of a Stone; That during his Attendance on the Deceased, he asked him how he came to be hurt, and was told by him it was occasioned by a Fall. The Witness being asked, if York, on making Such Reply, seemed to him to be in his Senses, Says, he did. Mr William Wrangham being duly sworn, Saith, that on his first asking York, the Deceased, how he came by his hurt, he told he had done it himself. That in two or three Days afterwards, he came to the Deceased, and desired him to tell him without Dissembling how it had happened, then he informed him that a Pickax had hurt him in a Fall; he had That, on the twenty third of August last, three Days before the Death of the said York, he, York, sent for him, and then told him that Mr Beale's Jo (meaning the Prisoner now at the Bar) had thrown a Stone at him which hit him on the Head. The Witness being asked by the Court if the Deceased seemed to him to be then in his Senses, Says, he thought he was perfectly in his Senses. The Evidence for the Crown being now Closed,	Pete continued that Jo asked him whether York had come home, and Pete said he had not. Jo then offered to show him where York was and pointed to the spot. Pete went there at once and found York covered in blood and unable to speak, with blood running from his head. At this sight he called to Jo, who came over to him. The court asked Pete whether he saw any bloodstained stones near the place where York lay. He answered that the only stone showing signs of blood was the one beneath York's head, which he described as a large flat stone. He found the pickaxe behind the spot where York lay, but it bore no traces of blood. Questioned about York's temperament, Pete described him as spiteful and stubborn. Pete himself had often rebuked him for insulting people as they passed. Robert Barclay, the island's surgeon, gave sworn evidence that he treated York throughout his illness. He was certain that the fracture of York's skull caused his death. He could not say, however, whether the fracture came from a fall or from a thrown stone. While attending York, Barclay asked him how he was hurt, and York said he had fallen. Asked whether York seemed in his right mind when he gave this answer, Barclay said that he did. William Wrangham, York's owner, gave sworn evidence that when he first asked York how he was injured, York said he had hurt himself. Two or three days later, Wrangham returned and urged him to say plainly how it happened. York then said he was hurt by a pickaxe when he fell. On 23 August 1765, three days before he died, York sent for Wrangham. He told him that Jo, Beale's slave, had thrown a stone at him that struck him on the head. The court asked whether York seemed in his right mind at that time, and Wrangham said he believed York was fully so. The prosecution closed its case, and Jo was called on for his defence. He stated that York was coming up towards him as he was on his way to work. **Interpretations** York's accusation against Jo, made three days before his death, was a dying declaration. English law admitted such statements as an exception to the ban on hearsay, on the theory that a person facing death had no reason to lie. The court's repeated questions about whether York was in his right mind tested whether the statement met that standard. The difficulty was that York had given three different accounts: a fall, an accident with a pickaxe and finally a stone thrown by Jo. Only the last pointed to a crime, and the jury had to decide which account to trust. Several reasons may explain why York at first concealed the cause of his injury. A slave accusing another slave risked reprisals from the accused and his friends, and perhaps trouble with both owners. He may also have hoped to recover and settle the matter himself. As death approached, the pressure to keep quiet would have weakened, and a final accusation carried a weight his earlier stories lacked. The physical evidence offered little help to either side. The only bloodied stone was the large flat one under York's head, which fitted a fall as well as a blow. The pickaxe carried no blood, undermining York's second account. Barclay could not say whether a fall or a stone caused the fracture. The case therefore turned on the credibility of York's final statement set against Tony's evidence of the stone throwing. Pete's description of York as spiteful and in the habit of insulting passers-by bore on the question of provocation. It supported Tony's account of York hurling insults at Jo and helped explain why the charge was manslaughter rather than murder. It also

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		the Prisoner was put on his Defence, and Saith, that as he was going to his Work, York, the Deceased, was there Coming up	offered the jury a picture of a quarrel started by the dead man, which could weigh in Jo's favour. That Jo himself pointed Pete to York's body suggests he knew exactly where York had fallen, a detail that cut against his innocence.
133	123	[Insect damage in the lower half of the page, centre, running through the Frank jury list and the entry below it.] From his Master's Plantation, and on seeing the Prisoner, he called him - Stink - on which he, the Prisoner, took up a Stone and threw it at him; That the Deceased then called him - Son of a Bitch - and he took up another Stone, then seeing the Deceased running away, he did not throw it at him, but went to his Work: That in the Evening about four of the Clock as he was returning from his Work, he happened to see Peter and shewed him the Place where the Deceased lay by pointing to it, whither the Sd Peter immediately went, who, finding him, called to the Prisoner (meaning himself) who instantly repaired to the Sd place. That, finding the Deceased all bloody and unable to Speak, a Blanket was procured, and he was carried in it to Mr Wrangham's, and about Night York was removed from thence to Mr Beale's. That on the Deceased's recovering his Speech, the Prisoner in presence of some other Blacks, bid him came to be hurt, and he replyed that he had hurt himself with a Pickax. The Prisoner having no more to Say in his Defence, the whole Evidence was summed up to the Jury who retired to Consider: On their Return, they declared their Verdict, by which they found the Prisoner - Guilty of Man Slaughter. He was removed from the Bar. Frank, being set to the Bar, was put upon his Trial, and the twelve following Men, Viz. George Bird Willm Seale Junr Thoms Harper Isaac Knipe Willm Beale Jo: Chamberlane Stephen Young Benjn Hodges Henry Corthope Willm Seale Senr Simon Whaley and James Corthope were Sworn upon his Jury. Then the Indictment was, a second time, read to him, and the Jury charged. The Reverend Mr John Thackary, being duly sworn, Saith, that upon Wednesday the fourth of September Last suspecting, but not certain, that some Money had been taken out of his Bureau, he proceeded to examine, and found that two two Guinea Pieces had been taken out of a Drawer belonging to the Sd Bureau; upon which he called Mr Barclay, the Gentleman with whom he	Jo continued that York was coming up from his master's plantation and, seeing him, called him "Stink". Jo picked up a stone and threw it at him. York then called him a son of a bitch, and Jo picked up a second stone. Seeing York run off, however, he did not throw it and went on to his work. At about four o'clock that afternoon, on his way back, he happened to meet Pete and pointed out the place where York lay. Pete went straight there, found York and called Jo over, and Jo came at once. York was covered in blood and could not speak. Someone fetched a blanket, and York was carried in it to Wrangham's house. Towards nightfall he was moved from there to Beale's. Once York could speak again, Jo asked him in front of several other black people how he came to be hurt. York replied that he had injured himself with a pickaxe. Jo had nothing further to say in his defence. The evidence was summed up for the jury, which withdrew to deliberate. On its return, it found Jo guilty of manslaughter, and he was taken from the dock. Frank was then brought up to stand trial, and 12 men took the oath as his jury. George Bird William Seale junior Thomas Harper Isaac Harper William Beale Joseph Chamberlain Stephen Young Benjamin Hodges Henry Corthope William Seale senior Simon Whaley James Corthope The indictment was read to Frank for a second time, and the jury received its charge. The Reverend John Thackeray gave sworn evidence that on Wednesday 4 September 1765 he suspected, without being sure, that money had gone from his bureau. He checked and found that two two-guinea coins were missing from one of its drawers. He then called Barclay, in whose house he was lodging. **Interpretations** Jo's defence admitted the very act on which the prosecution relied. He conceded throwing a stone at York during the exchange of insults, though he claimed York then ran off apparently unhurt. His careful effort to have York repeat the pickaxe story before witnesses suggests he understood the danger he was in. The jury, however, preferred York's final accusation, made when he knew he was dying, to the earlier accounts he gave while hoping to recover. The conviction for manslaughter rather than murder spared Jo the gallows in all likelihood. Manslaughter was a clergyable felony, meaning that a first offender could claim benefit of clergy and escape hanging, usually receiving a brand on the thumb instead. Whether a slave could claim this privilege on St Helena was a separate question, and the sentence would show how the court resolved it. The detail that York was carried to Beale's house after first being taken to Wrangham's is striking, since Beale owned the man accused of injuring him. Beale's house may simply have been better placed or better supplied to care for the injured man. Beale may also have felt responsible for the harm his slave had

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			caused, or wished to keep an eye on the case from the start. Thackeray, a clergyman, was perhaps the island's chaplain, lodging in the house of Robert Barclay, the surgeon. Frank was Barclay's slave and so had daily access to the rooms and furniture of the household. A bureau was a writing desk with drawers, often lockable, where gentlemen kept papers and valuables. The theft of coins from such a place pointed naturally towards someone within the household. **Speculations** The jury convicted Jo despite real grounds for doubt, when acquittal was an open course. No witness saw a stone strike York, the surgeon could not tell a fall from a blow and York himself gave two accounts of an accident before accusing Jo. The reasons for conviction are visible in the record: Jo admitted throwing a stone, Tony saw him throw several and York named him in a statement made in the settled expectation of death. The same panel had shown leniency to thieves, yet here it held a slave responsible for another slave's death. The verdict suggests that jurors drew a firm line between reducing the penalty for theft and excusing a killing.
134	124	[Insect damage in the lower half of the page, left of centre, running from the Robert Barclay entry to the foot.] Lodges and gave him an Account of what he had Lost; after which the said Barclay and he went down, and examined the Prisoner at the Bar and in his Breeches pocket found one two Guinea piece, together with a Quantity of Silver, amounting to thirty Shillings or thereabouts: Saith that he, the Witness, left the Bureau open as he found no Marks of its being violently broke open. Being asked if, on searching the Prisoner, he had enquired of him concerning the other two Guinea Piece, Says, he had, and men- -tioned that he made no Doubt but he, that had one, had the other, which the Prisoner denied. Being also asked if it was Customary with him to send the Prisoner to his Bureau, Says it was not, and believes he was in general forbid going into the Room. Elizabeth Moore, Widow, being sworn, Saith, that on the third of September Last, the Prisoner at the Bar came to her house to change a Piece of Gold; That on his producing the Piece, she took it for a Six and thirty Shilling piece, and changed it for him as such, by giving him three Ducatoons, two Dollars, three Rupees and one fifteen penny piece: That as it was usual with the Prisoner to be sent to her by his Master for Change, she had no Doubt of him, and readily gave him the above Silver. Robert Barclay, Surgeon, being duly sworn, Saith that on Parson Thackarey's missing two two Guinea Pieces out of his Bureau, he acquainted him of it, and he, the Deponent searched the Prisoner, on whom he found one Piece of Gold and some Silver. The Prisoner, being put on his Defence, Saith, that as he was going up Stairs, he found some Money in the Passage wrapt	Thackeray explained his loss to Barclay, and the two men went downstairs to question Frank. In his breeches pocket they found one two-guinea coin along with silver coins worth about 30 shillings. Thackeray stated that he believed he had left the bureau unlocked, since it showed no sign of being forced. The court asked whether, during the search, he questioned Frank about the second two-guinea coin. Thackeray said he did, telling Frank he had no doubt that whoever had one also had the other. Frank denied it. Asked whether he usually sent Frank to his bureau, Thackeray said he did not. As far as he knew, Frank was generally forbidden to enter that room. Elizabeth Moore, a widow, gave sworn evidence that Frank came to her house on 3 September 1765 to change a gold coin. When he produced it, she took it for a 36-shilling piece and gave him change on that basis. She handed him three ducatoons, two dollars, three rupees and one fifteen-penny piece. Frank's master often sent him to her for change, so she had no suspicion of him and gave him the silver without hesitation. Robert Barclay, the surgeon, testified on oath that Thackeray told him about the two missing two-guinea coins. Barclay then searched Frank and found a gold coin and some silver on him. Frank was called on for his defence. He stated that while going upstairs he found some money wrapped in a scrap of paper in the passage. He thought it was brass and put it in his pocket. He later took it to Moore, who understood no more about it than he did. She took one of the coins and gave him silver in exchange. He preferred to keep the other until he had shown it to a few more people. **Interpretations** Moore's mistake over the coin cost Frank six shillings and exposed how complicated the island's money was. The 36-shilling piece she thought she was changing was probably the Portuguese half-johannes, a gold coin minted in Lisbon from Brazilian gold and common in Atlantic and eastern trade. A two-guinea coin was worth 42 shillings, so Frank received less than its value. The change she gave was typical of the island's mixed currency. Ducatoons were large Dutch silver coins worth over five shillings each. Dollars were Spanish silver pieces of eight, the standard coin of world trade. Rupees came from India, carried home aboard Company ships. The fifteen-penny piece was perhaps a foreign silver coin rated locally at that sum. Together these

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		up in a Bit of Paper, which Money he took for Brass, and put it in his Pocket; That he afterwards carried the Same to Mrs Moore, who knew as little about it as himself; That she took one Piece, and gave him Silver for it; Says he did not Chuse to part with the other piece, before he shewed it to some more people. The [...]	roughly matched the 30 shillings found in Frank's pocket. Moore's evidence showed how much trust slaveholding households placed in their slaves in everyday matters. Barclay regularly sent Frank to change money, which gave him both the habit and the cover to pass a stolen coin without arousing suspicion. The same trust that made him useful to his master made the theft easy to disguise. Frank's defence strained belief. He claimed he took the coins for brass, yet he went straight to a woman who changed money and accepted silver for one of them. His explanation for keeping the second, that he wanted to show it to others first, sat awkwardly with his denial to Thackeray that he had it at all. The finding of the coin in his breeches pocket, the day after he changed its twin, left little room for doubt. Thackeray's admission that he probably left the bureau unlocked had legal weight. Without a forced lock, the theft was simple larceny rather than a breaking into the household's property. His evidence that Frank was usually forbidden the room nonetheless showed that Frank had no lawful reason to be near the bureau at all.
135	125	up to the Jury, who, after Considering, found the Prisoner - "Guilty to the Amount of four Shillings and ten Pence." He was removed from the Bar. John Whitendale, being set to the Bar, was put upon his Trial, and the twelve following Men, Viz. George Bird Willm Seale Junr Thomas Harper Isaac Knipe Willm Beale Jo. Chamberlane Stephen Young Benjn Hodges Henry Corthope Willm Seale Senr Simon Whaley and Jams Corthope were sworn upon his Jury: Then the Indictment was, a second time, read to him, and the Jury charged. John Springthorp, Soldier, being duly sworn, Saith, that on Tuesday the first Instant he received forty Shillings in part of the Honorable Company's Bounty Money, and then went to Henry Howell's to pay him four or five Shillings he owed him; That after paying him the Money, he called for Liquor and drinking plentifully, got so intoxicated that he knows not whether he went of himself or by the Help of others was carried into a back Room, where he was laid to Sleep on a Cot; That on his awaking, the Sd Howell informed him he had been robbed by the Prisoner now at the Bar, but did not then tell him of how much, only he, Howell, asked him how much Money he had about him when he went to Sleep, which he could not tell, not recollecting whether he had paid for the punch or not. That the Sd Howell then informed him he had the Money that was stole from him, but had Orders from Captn Kirkpatrick not to give it to him till next Morning. Corpl Henry Howell, being duly sworn,	The evidence against Frank was summed up for the jury, which considered the case and found him guilty of theft to the value of £0 4s 10d. He was taken from the dock. John Whitendale was then brought up to stand trial, and 12 men took the oath as his jury. George Bird William Seale junior Thomas Harper Isaac Harper William Beale Joseph Chamberlain Stephen Young Benjamin Hodges Henry Corthope William Seale senior Simon Whaley James Corthope The indictment was read to Whitendale for a second time, and the jury received its charge. John Springthorp, a soldier, gave sworn evidence that on Tuesday 1 October 1765 he received 40 shillings as part of his bounty money from the East India Company. He then went to Harry Howell's house to settle a debt of four or five shillings. After paying Howell, he ordered drink and consumed a great deal. He became so drunk that he could not say whether he walked into a back room or was carried there by others. Either way, he was put to bed on a cot to sleep it off. When Springthorp woke, Howell told him that Whitendale had robbed him but did not say how much was taken. Howell instead asked how much money Springthorp had on him before he fell asleep. Springthorp could not say, since he could not remember whether he had paid for the punch. Howell then told him that he held the stolen money. Captain Kirkpatrick, however, had ordered him not to return it until the next morning. Corporal Henry Howell gave sworn evidence that Springthorp came to his house on 1 October 1765 to pay off a debt. Springthorp called for drink and, after taking a good deal of it, became very drunk. Seeing this, Howell asked some people in the house to put him to bed. Springthorp was taken into a back room of the house and laid on a cot. **Interpretations** Springthorp's money came from the bounty the East India Company paid to soldiers who enlisted or re-engaged for further service. Paying it in

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		Saith, that on the first Instant John Springthorp came to his house, to pay him some Money he owed him; That he called for Liquor, and drinking pretty plentifully got much disguised, which the Witness ob- -serving, he desired some people then in the House to put him to Sleep. That Springthorp was taken into a Back room, belonging to his house, and there laid upon a Cot, and in about half an hour, one	instalments gave men ready cash, and much of it found its way straight into the island's drinking houses. Springthorp received 40 shillings and spent part of it in a single afternoon at a corporal's house. The pattern of soldiers selling or spending their pay on drink, seen earlier in Carr's case, ran through the garrison's life. Captain Kirkpatrick's order that Howell keep the recovered money overnight shows an officer controlling a soldier's private funds. Holding the money until Springthorp was sober protected him from drinking the rest away or losing it again. The instruction also preserved the evidence of the theft. On St Helena, military authority reached into the everyday conduct and finances of the men, well beyond matters of discipline on duty. Howell was a corporal who evidently sold liquor from his house, much as William Hayes, the constable, served punch from his. Non-commissioned officers profiting from their own men's drinking created obvious conflicts. Springthorp owed Howell money before he arrived and then ran up a further bill he could not remember paying. The arrangement placed soldiers in debt to the very men charged with keeping them in order. **Speculations** The jury found Frank guilty of theft to the value of only £0 4s 10d, although the two-guinea coin found in his pocket alone was worth £2 2s 0d and the indictment valued the pair at £4 4s 0d. Returning a verdict at the true value was the obvious course, since the coins were in court and no one disputed their worth. The jurors instead chose the same figure they had given Dick Hector in April, pitched just below the five-shilling mark. At the full value, a theft from a dwelling house by a slave could well have led to the gallows. By shrinking the sum to a token amount, the jury ensured that Frank would face a flogging rather than death. Setting a value that no one could have believed shows how far the jurors were prepared to stretch the facts to temper the law.
136	126	Davis came to tell him that the Prisoner at the Bar had robb'd the said Springthorp of some Money: That as Corpl Lake hap- -pened then to be in the house, he desired him to go along with him, and they both went into the back room together; That one Knight and the Prisoner were Standing in the Room, Springthorp Lying asleep on the Cott with his Breeches pocket turned inside out. That this Deponent together with the said Lake searched the Sd Springthorp's pockets, and found no Money in them, but on lifting him off the Cot, they found about two Shillings on it. That he then asked the Prisoner if he knew any thing about the Money, who answered - "No." adding that he, himself, had not one half penny, when he Came to the House. That then he asked the said Knight if he knew any thing concerning the Money, and he told him that Whitendale (meaning the Prisoner) had taken it out of Springthorp's Pocket, about which time the said Lake picked up two Reals off the Ground close by the prisoner's feet. That the Deponent also perceived the Prisoner had some Money in his Mouth, which he took out, denying it	A soldier named Davis then came to tell Howell that Whitendale had stolen money from Springthorp. Corporal Lake happened to be in the house, so Howell asked him to come along, and the two went into the back room together. They found Whitendale and a man named Knight standing there, with Springthorp still lying on the cot and his breeches pocket turned out. Howell and Lake went through Springthorp's pockets and found them empty. When they lifted him off the cot, however, they found about two shillings lying beneath him. Howell asked Whitendale whether he knew anything about the money. Whitendale said he did not and added that he had arrived at the house without a halfpenny to his name. Howell then put the same question to Knight. Knight replied that Whitendale had taken the money out of Springthorp's pocket. At about that moment Lake picked up two reals from the floor right beside Whitendale's feet. Howell also noticed that Whitendale had coins in his mouth. Whitendale took them out but denied they were Springthorp's. Howell then searched him. As he pulled the front of Whitendale's shirt out of his breeches, 13 or 14 shillings fell from the shirt tail. Howell then felt something slip down between the breeches and Whitendale's thigh, and another seven or eight shillings dropped out. Asked where the money came from, Whitendale said he did not know. Howell knotted all the money found on him into the corner of a handkerchief and took it to Captain Kirkpatrick. Richard Knight, a soldier, gave sworn evidence that on 1 October 1765 he and Springthorp were lying together on a cot in a back room of Henry

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		belonged to Springthorp. That he thereon search'd the Prisoner, and in pulling the Forepart of his Shirt out of his Breeches, there fell from the Tail about thirteen or fourteen Shillings, then perceiving something to drop between his Breeches and thigh, there also fell from thence seven or eight Shillings more; After which he asked him where he had got that Money, he answered that he knew not; That he tyed up all the Money so found upon the Prisoner in the Corner of a Handkerchief, and carried it to Captn Kirkpatrick. Richard Knight, Soldier, being sworn, Saith, that on the first Instant he and John Springthorp lay together on a Cot in a Back room belonging to Henry Howell; That from his Situation on the out Side, he felt some one's hand stretch'd over him towards the Inside where the Sd Springthorp lay, and on looking discovered it was the Prisoner's, and from its Tendency, imagined his Design was to rob the Sd Springthorp, and for that Reason asked him what he was about, then happening to see one Davis, a Soldier, he desired him to call the Sd Howell, for he believed his Messmate (meaning the Sd Springthorp) [...]	Howell's house. Knight lay on the outer side, with Springthorp against the wall. He felt someone's hand reach across him towards Springthorp. When he looked, he saw it was Whitendale's hand. Judging from where it was heading, he concluded that Whitendale meant to rob Springthorp, so he asked him what he was doing. He then caught sight of Davis, another soldier, and asked him to fetch Howell. **Interpretations** The evidence against Whitendale was unusually direct. Knight felt and saw his hand reaching for Springthorp's pocket, and Howell recovered coins hidden in his mouth, his shirt tail and his breeches. Whitendale's claim to have arrived penniless made the money on his person all the harder to explain. Two reals lay at his feet, the very coin type listed in the indictment. Unlike the case against Carr, this prosecution did not depend on a confession drawn out by promises. The places where Whitendale hid the money show a practised sense of concealment. The mouth, the loose shirt tail tucked into the breeches and the space against the thigh were all spots a hasty search might miss. His denial that the coins in his mouth belonged to Springthorp, while offering no other source, left him with no credible account. Knight referred to Springthorp as his messmate. Soldiers were grouped into messes of a few men who pooled rations, ate together and often shared sleeping space. The bond was close, and a theft from a messmate was regarded as a serious breach of trust among soldiers. That Knight and Springthorp shared a single cot reflects the cramped conditions in which the garrison's men lived and drank. Howell's handling of the matter shows a corporal acting as the first investigator, much as the sergeants did in Carr's case. He called in a second corporal as witness, searched both victim and suspect and secured the money. Handing the money to Captain Kirkpatrick placed it in the custody of an officer, who then controlled when Springthorp might have it back.
137	127	Lake came; and on Searching the Prisoner, they found some Money upon him, but knows not how much. John Davis, Soldier, being sworn, Saith, that on the first Instant, Richard Knight, lying in a back Room belonging to Henry Howell's house called to him, and desired he would send in the said Howell, for he believed that John Springthorp was robbed; That he accordingly called the said Howell, who together with Corporal Lake went into the said Back room, and there searched the Prisoner, but knows not what Quantity of Money they found upon him. On swearing Corpl Lake, and hearing his Evidence, it agrees so directly with Henry Howell's, that it is thought unnecessary to take it down as it only corroborates the former. The Evidence for the Crown being closed, and the Prisoner being put upon his Defence, Saith, that at the time he is charged with committing the Robbery, he was so much in Liquor that he remembers Nothing of it; That, before that Time, he had been drinking for three or four Days, and, in all that While, was never	Knight added that Howell and Lake arrived and searched Whitendale. They found money on him, although Knight did not know how much. John Davis, a soldier, gave sworn evidence that on 1 October 1765 Richard Knight called to him from the back room of Howell's house. Knight asked him to send Howell in, since he believed Springthorp was being robbed. Davis fetched Howell, who went into the back room with Corporal Lake. The two searched Whitendale there, but Davis did not know how much money they found. Corporal Lake was sworn and heard. His account matched Howell's so closely that the clerk judged it unnecessary to record it, since it merely confirmed what Howell had already said. The prosecution closed its case, and Whitendale was called on for his defence. He stated that when the theft took place he was so drunk that he remembered nothing of it. He had been drinking for three or four days beforehand and had not been sober at any point in that time. Drunk or sober, he insisted, he had never done anything of the kind in his life. The evidence was summed up for the jury, which withdrew to deliberate. On its return, it found Whitendale guilty of theft to the value of £0 0s 10d, and he was taken from the dock. William Foster was next brought up to stand trial. The following 12 men made up his jury. George Bird William Seale junior Thomas Harper Isaac Harper

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		Sober, and that either drunk or Sober, he never in his Life was guilty of any thing of the Kind. The whole Evidence being summed up to the Jury, they retired to Consider: On their Return, they declared their Verdict, by which they found the Prisoner "Guilty to the Value of ten pence." He was removed from the Bar. William Foster, being set to the Bar, was put upon his Trial, and the twelve following Men: Viz. George Bird Willm Seale Junr Thos Harper Isaac Knipe Willm Beale Joseph Chamberlane Stephen Young Henry Corthope Willm Seale Senr Simon Whaley Jams Corthope and John Desfountain were	William Beale Joseph Chamberlain Stephen Young Henry Corthope William Seale senior Simon Whaley James Corthope John Desfountain **Interpretations** Whitendale's plea of drunkenness offered no defence in English law. The courts had long held that a man who made himself drunk could not use that condition to escape responsibility for what he did. His claim of good character, that he had never stolen before whether drunk or sober, could at most appeal to the jury's sympathy. On the evidence of Knight and Howell, the theft itself was hardly open to doubt. The clerk's decision not to record Lake's evidence reveals how the register was compiled. It was not a verbatim transcript but a working record, shaped by the clerk's judgement of what mattered. Corroborating testimony that added nothing new was noted but left out. The practice saved labour, but it also means that the surviving record sometimes reflects the clerk's view of the case rather than every word spoken in court. **Speculations** The jury found Whitendale guilty to the value of only £0 0s 10d, far below the £1 3s 3d or so in coins listed in the indictment and recovered from his clothing. The panel had twice before chosen £0 4s 10d, just under five shillings, to keep thieves from the gallows. Here it went further, setting the value below one shilling, the line separating grand larceny from petty larceny. Petty larceny was not a capital offence under any statute and usually led to a whipping. The only point in Whitendale's favour visible in the record was his plea that he had been drunk for days and remembered nothing, coupled with his claim never to have stolen before. The jurors evidently treated a drunken soldier's theft from a messmate as a lapse rather than a crime deserving the harshest penalty, and they reduced the charge as far as the law allowed.
138	128	Sworn upon his Jury. Then the Indictment was, a second time, read to him, and the Jury Charged. George Varney, Drummer, being duly sworn, Saith, that, on the Second Instant between the Hours of nine and ten at Night, as he lay asleep on his Cot in his Barrack, the Prisoner at the Bar came in, and Lay himself down on the same Cot. That he, the Deponent first Lay on his Side, and turning on his Back, he then discovered the Prisoner to be on the Cot; That soon after the Prisoner put his hand under the Blanket, and took hold of this Deponent's Yard, and rubb'd it for some time, then rubbed him on the Belly which rubbing of the Yard and Belly he repeated twice; That at length he, the Prisoner, took hold of him by the Thigh, and endea- -voured to turn him, on which he rose up, and cry'd out Murder. That the Prisoner standing up at the same time, he knocked him back on the Cot, and Corpl Roberts hearing him Cry out Murder, immediately came to his Assistance, and he informed him that the Prisoner was going to bugger him, whereupon the said Roberts hauled	The jury took the oath, the indictment was read to Foster for a second time and the jury received its charge. George Varney, a drummer, gave sworn evidence that he was asleep on his cot in his barracks between nine and ten o'clock on the night of 2 October 1765. Foster came in and lay down on the same cot. Varney was lying on his side at first and only noticed Foster when he rolled onto his back. Shortly afterwards Foster slipped his hand under the blanket and took hold of Varney's penis. He rubbed it for some time and then rubbed Varney's belly, and he did this twice. Finally Foster grasped him by the thigh and tried to turn him over. At that Varney jumped up and shouted "Murder!" Foster got up at the same moment, and Varney knocked him back down onto the cot. Corporal Roberts heard the shout and came straight to help. Varney told him that Foster had been trying to bugger him. Roberts dragged Foster off the cot and locked him up. The court asked whether Foster had ever shared his cot before. Varney said he never had, since the two men were quartered in different barracks. Corporal William Roberts gave sworn evidence that he heard someone in the barracks shout "Murder!" between nine and ten o'clock on the night of 2 October 1765. He went towards the noise and asked what was wrong. He met Varney, who asked him to take Foster away because Foster meant to bugger him. Roberts asked what Foster had done. Varney told him that Foster had handled his penis

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		him from off the Cot, and put him into Prison. Being asked if the Prisoner had, at any time before that, slept with him on the same Cot, Says, he never had, as they belong to different Barracks. Corpl William Roberts, being duly sworn, Saith, that, on the second Instant between nine and ten at Night, hearing some one in the Barrack cry out Murder, he proceeded to the place the Noise came from, and asked what was the Matter? That meeting George Varney, he desired him to take Foster (meaning the Prisoner) away, for he intended to Bugger him, on which he asked the said Varney what he, Foster, had done to him; That Varney informed him he had taken hold of his Yard, and had rubbed it also his Belly several times, and had even taken him by the Thigh with Intent to turn him: That, on such Information, he immediately laid hold of the Prisoner, and Carried him out into the Square, and there, in order to be well convinced who it was, he looked at his Face and discovered it was the Prisoner. The Witness being asked if Varney was Sober then, Says, he was Sensible, but can't aver he was Sober, as he had been drinking. Being asked if the Prisoner was then Sober, Says, he was drunk.	and rubbed it and his belly several times, and had even gripped his thigh to turn him over. On hearing this, Roberts seized Foster at once and took him out into the square. There he looked closely at his face to be certain of his identity and confirmed that it was Foster. The court asked whether Varney was sober at the time. Roberts said Varney was in full possession of his senses but could not swear he was sober, since he had been drinking. Asked about Foster, Roberts said he was drunk. **Interpretations** The court's questions pointed towards a possible innocent explanation for Foster's presence on the cot. Foster belonged to a different barracks, had never shared Varney's cot before and was drunk. A drunken soldier stumbling into the wrong quarters and lying down on the first cot he found was a familiar enough occurrence. The questions tested whether the episode could be explained as confusion rather than a deliberate advance. Varney's account of repeated touching and an attempt to turn him over made that explanation much harder to sustain. Both men had been drinking, and the court took care to establish their condition. Roberts would not vouch that Varney was sober, though he described him as clear-headed, and he said plainly that Foster was drunk. On an attempted offence, where intent was the heart of the charge, the state of mind of the accused mattered a great deal. Drunkenness did not excuse a crime in law, but it could raise doubt about what a man actually intended. The cry of "Murder!" was the standard alarm of the period, used to summon help for any violent assault rather than to report a killing. Roberts's step of taking Foster into the square to see his face reflects the darkness of the barracks at night. Positive identification of the man seized was essential, since the charge carried the risk of the pillory or worse.
139	129	The Prisoner, being put on his Defence, Saith, that he is not guilty of the Crime Laid to his Charge; That one Hill and others often Lay with him on the same Cot, and that he never attempted such a thing upon them or any one else; which, he believes, many of his Barrack Mates can attest. For the Prisoner. William Hill, Soldier, being sworn, Saith, that he knows the Prisoner, but remembers not that he ever Lay with him on the same Cot; That the Cot he Lyes on is the next to the Prisoner's, and never knew him to be guilty of, or even attempt any Indecency. Thomas Adams, Soldier, being sworn, Saith, that he knows the Prisoner, and lay with him three or four times on the same Cot: That he never knew him to attempt any thing indecent. The Evidence being closed, the Whole was summed up to the Jury who retired; On Coming back into Court, they declared their Verdict, by which they acquitted the Prisoner of "the Intention to Commit Buggery, and found him - "Guilty "of the Assault." He was removed from the Bar. Castor, being set to the Bar, was put upon his Trial, and the twelve following, Viz. George Bird Willm Seale Junr Thoms Harper Isaac Knipe William Beale	Foster was then called on for his defence. He denied the charge. A man named Hill and others, he said, often shared his cot, and he had never attempted anything of the sort with them or with anyone else. Many of the men in his barracks, he believed, could confirm this. Two witnesses spoke for the defence. William Hill, a soldier, gave sworn evidence that he knew Foster but could not remember ever sharing his cot. His own cot stood next to Foster's. He had never known Foster to commit or even attempt any indecency. Thomas Adams, a soldier, testified on oath that he knew Foster and had shared his cot three or four times. He had never known Foster to attempt anything improper. The evidence was closed and summed up for the jury, which withdrew. On returning to court, it cleared Foster of intending to commit buggery but convicted him of assault. He was taken from the dock. Castor was then brought up to stand trial, and 12 men took the oath as his jury. George Bird William Seale junior Thomas Harper Isaac Harper William Beale Henry Corthope William Seale senior Simon Whaley James Corthope Joseph Chamberlain John Desfountain John Warrick The indictment was read to Castor for a second time, and the jury received its charge.

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		Henry Corthope Willm Seale Senr Simon Whaley Jams Corthope Jo. Chamberlane John Desfountain and John Worrall were sworn upon his Jury. Then the Indictment was, a second time, read to him, and the Jury charged. Corpl William Bunn, being duly sworn, Saith, that, on Monday the seventh Instant, he and John Bakman walked higher up than Chubb's Spring, and on their Return, the said Bakman desired him to Look down, pointing towards the Water fall; That he did so, and a little above the said Spring, he saw a Cow in the Water Run, and	Corporal William Bunn gave sworn evidence that on Monday 7 October 1765 he and John Bakman walked up the valley beyond Chubb's Spring. On their way back, Bakman told him to look down and pointed towards the waterfall. Bunn did so. Just above the spring he saw a cow standing in the water run. **Interpretations** Stephen Young, Castor's owner, sat on almost every jury of the October sitting, including those for Jo, Frank, Whitendale and Foster. For his own slave's trial, however, his name disappeared from the panel and John Warrick took his place. The substitution shows the court observing the basic rule that no man should sit in judgment where he had a personal stake. Young stood to lose a slave if Castor was convicted of a capital crime, so his removal protected the verdict from challenge. Foster's witnesses gave mixed support. Adams confirmed that he had shared Foster's cot without incident, which lent weight to Foster's account of barrack life. Hill, however, could not remember ever sharing his cot, which contradicted the very example Foster had offered. Both men spoke to his character, and in a case turning on intent, such testimony could weigh heavily with a jury. The water run was the channel carrying spring water down James's Valley to supply the town and the ships at anchor. Clean water was one of St Helena's chief assets, since the island's value to the East India Company lay largely in watering and provisioning its fleets. A cow standing in the run above Chubb's Spring was already an intrusion on a protected supply. **Speculations** The jury declined to convict Foster as charged, though Varney gave a detailed account of repeated touching and an attempt to turn him over. It accepted that an assault took place but rejected the allegation that Foster meant to commit buggery. The reasons are visible in the evidence: Roberts described Foster as drunk, Foster was in a barracks not his own and two soldiers vouched that he had never behaved indecently. A drunken man groping in the dark fitted the jury's view of the facts better than a deliberate sexual attempt. The split verdict let the jurors punish the conduct while avoiding a finding of intent that carried grave moral and legal consequences.
140	130	Castor, the Prisoner at the Bar, Standing upright on a Bank behind her; That the Bank on which the Prisoner stood appeared to him to be two Feet higher than where the Cow stood, and that for the Space of five Minutes which he kept Looking at him, he, all that While, perceived the Center of his Body in Motion, holding the Cow's Tail in his hand; That the Prisoner at last Looked up, and on seeing the Deponent, his Motion ceased, and he Stoop'd down, seemingly to rub one of the Cow's Legs, and when he stood up again, he turned round, and button'd on his Breeches: That he Called to the Prisoner and asked him what he was doing with the Cow, and he replyed that he was, by his Master's Order, picking the Lice off her; That he then asked his Name, and he told him his Name was "James," on which he, suspecting he had told him a wrong Name, went a little lower down where he met	Bunn saw Castor standing upright on a bank behind the cow. The bank looked to him about two feet higher than the ground where the cow stood. He watched for some three minutes, and throughout that time he saw the middle of Castor's body moving, with the cow's tail held in his hand. Eventually Castor glanced up and saw Bunn. The movement stopped at once, and Castor bent down as though to rub one of the cow's legs. When he straightened up, he turned round and fastened his breeches. Bunn called out to Castor and asked what he was doing with the cow. Castor answered that his master had told him to pick the lice off her. Bunn then asked his name, and Castor said it was James. Suspecting a false name, Bunn went a little further down the valley. There he met a small black boy, who told him the other boy's name was Castor. The court asked Bunn whether he was sure the animal near Castor was a cow. He said he was and described it as red. He did not claim, however, that Castor had actually penetrated the animal. Asked how far away he was, he estimated the distance at about 60 yards. The court pressed Bunn on his account of the height of the bank. If Castor stood upright two feet above the cow, the court pointed out, the middle of his body would necessarily be too high, and he could

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		a little black Boy who told him his Name was Castor. The Witness being asked if he is certain it was a Cow he saw near the Prisoner, Says he is, and describes her Colour, which is red; he does not undertake to say that the Prisoner penetrated the Cow's Body. Being examined with regard to the distance then between him and the Prisoner, computes it to be about sixty Yards; And being further examined on that part of his Evidence where he seems to be particular in describing the Height of the Bank, on which the Prisoner stood behind the Cow, it appearing to the Court that, supposing the prisoner to stand two feet higher than the Cow with his Body erect, the Center thereof must of Course be above and consequently he Could not, from such Situation, have any Criminal Affair with her, he says that, as near as he Can Judge, the Bank was two feet higher, and that the Center of the Prisoner's Body did not seem to him to reach higher than the Cow's Loins. Being asked as to the Nature or Tendency of the Motion the Prisoner's Body seemed to him to be in, Says, he could form no other Idea of it, but his being in Action with the Cow; And being asked how or from what Circumstance he Could know the Prisoner's Breeches were down, Says, it was by seeing the Tail of his Shirt out, and his Breeches hanging down. John Beckman, Soldier, being sworn, Saith, that on the seventh Instant, he and Corpl Bunn took a Walk together, and	not have committed the act from that position. Bunn replied that the bank was about two feet higher as far as he could judge. Even so, the middle of Castor's body did not seem to reach above the cow's hindquarters. Asked what the movement of Castor's body suggested, Bunn said he could interpret it only as sexual activity with the cow. Asked how he knew Castor's breeches were unfastened, he said he saw his shirt tail hanging out and his breeches hanging down. John Bakman, a soldier, gave sworn evidence that on 7 October 1765 he and Corporal Bunn went for a walk together. **Interpretations** The prosecution faced a formidable legal hurdle. English law required proof of penetration to establish buggery, and Bunn expressly declined to swear to it. Everything else he described, the movement, the unfastened breeches and the tail held in the hand, was circumstantial. Without penetration, the most the evidence could support was an attempt, a lesser offence carrying no death penalty. For a capital charge against a boy, that gap was decisive. The court itself probed Bunn's evidence with unusual rigour. The justices worked through the geometry of his account and showed that, on his own description of the bank's height, the act he suggested was physically improbable. Bunn's attempt to reconcile the difficulty, by saying Castor's body did not reach above the cow's hindquarters, sat uneasily with his earlier estimate. The court's intervention reveals a bench unwilling to accept a capital accusation on imprecise testimony, particularly from a witness watching from 60 yards away. Castor's conduct when challenged told against him in some respects and for him in others. His explanation that he was picking lice from the cow on his master's orders was plausible for a slave boy tending livestock. His giving a false name, however, suggested he feared being identified. A frightened child caught by a soldier might lie about his name whether or not he had done anything wrong, and the jury would have to weigh which reading was more likely.
141	131	Went higher up than Chubb's Spring; That, on coming back, he happen'd to Look down towards the Water Run, and saw a Cow in the Run, and the prisoner Standing behind her; That he, the Prisoner, held the Cow's tail in his right hand, and that his Body was in Motion, on seeing which, the Deponent turned round to the said Bunn, and desired him to Look down towards the Sd Run: Saith, that the Prisoner stood on a Bank, but is not exact as to its Height, only could Judge that the Center of his Body was on a Level with the Upper Part of the Cow; That the Prisoner after Continuing his Motion for the Space of five Minutes, at last Looked up, and seeing this Deponent and the said Bunn, he took his Breeches which were down in his Left hand, and with his right, made as if he was Scratching the Cow's Legg, which he drove from him, turned his Back to the Deponent, and tied up his Breeches. That he called down to the Prisoner, and asked him what he was doing with the Cow; he made Answer, that his Master had sent him to pick the Lice off her. That then he asked him what his Name was, and he told him his Name was James;	Bakman stated that he and Bunn walked up beyond Chubb's Spring. On the way back he happened to glance down towards the water run. He saw a cow standing in it with Castor behind her. Castor was holding the cow's tail in his right hand, and his body was moving. At this sight Bakman turned to Bunn and told him to look down at the run. Castor, according to Bakman, was standing on a bank. Bakman could not say exactly how high it was but judged that the middle of Castor's body was level with the top of the cow. The movement went on for about five minutes before Castor looked up and saw the two soldiers. He then gathered up his lowered breeches in his left hand. With his right hand he made a show of scratching the cow's leg and drove her away. He turned his back to Bakman and fastened his breeches. Bakman called down to Castor and asked what he was doing with the cow. Castor replied that his master had sent him to pick lice off her. Asked his name, he said it was James. As the two soldiers went a little further, however, they met a black boy and asked him the name of the boy by the cow. He told them it was Castor. The court asked Bakman how far he was from Castor. He could not be precise but thought it was about a stone's throw. Asked how he knew Castor's breeches were down, he said he saw him pull them up. He did not know whether Castor was wearing a shirt. Castor was then called on for his defence. He stated that he went down to the water run and saw a

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		But he and the Sd Bunn proceeding a little farther, they Met a black Boy, of whom they asked the Prisoner's Name, and he told them his Name was Castor. Being examined as to the Distance then between him and the Prisoner, Says, he can't be exact, but thinks it a Stone's throw; and being asked how he Could know that his Breeches were down, Says, because he saw him take them up, knows not whether he wore a Shirt or not. The Prisoner, in his Defence, Saith that Bunn, he went down to the Water Run, and seeing a Calf sucking a Cow, he drove the Calf from her, and then began to pick the Lice off her: That Corpl Bunn and Beckman hollow'd to him, and asked him what he was doing with the Cow, to which he reply'd, that they may come down and Look; That they asked him his Name, and he, not caring a Curse about it, told them his Name was James; That the said Bunn and Beckman were at too great a Distance to know what he was doing with the Cow, and as they were going away, threatened to tell his Master, and said they would have him flogg'd, which made him run away. he also Saith, that it was impossible for them to see him put his Shirt in his Breeches, for that he had then no Shirt on.	calf suckling from a cow. He drove the calf away and began picking lice off the cow. Corporal Bunn and Bakman shouted down to ask what he was doing with her, and he told them to come down and see for themselves. When they asked his name, he gave it as James because he feared they would complain about him. The soldiers, he said, were too far off to tell what he was doing. As they left, they threatened to report him to his master and have him flogged, and that frightened him into running away. He added that they could not have seen him tuck his shirt into his breeches, since he was not wearing a shirt at the time. **Interpretations** The two soldiers' accounts diverged on points the court had already treated as critical. Bunn put the watching at three minutes and Bakman at five. Bunn placed the middle of Castor's body no higher than the cow's hindquarters, while Bakman set it level with the top of the animal, the very position the court had judged incompatible with the act alleged. Bunn claimed to see Castor's shirt tail hanging out, but Bakman could not say whether he wore a shirt at all. Their estimates of distance, 60 yards and a stone's throw, were also loose. On a capital charge, such inconsistencies between the only two eyewitnesses carried great weight. Castor's defence exploited these gaps with some skill. His claim to have worn no shirt directly contradicted Bunn's key detail about the shirt tail. His explanation of driving away a suckling calf and picking lice fitted the ordinary duties of a slave boy sent to tend cattle. His admission that he gave a false name for fear of a complaint offered a natural reason for a lie that might otherwise have suggested guilt. The threat to have Castor flogged, which he said made him run away, reveals how quickly punishment could descend on a slave. Any soldier could report a slave to his owner, and a flogging might follow on that word alone. A boy in Castor's position had strong reasons to hide his identity whether or not he had done wrong. His fear was part of the everyday texture of slavery on the island, not necessarily evidence of guilt.
142	132	Stephen Young, the Prisoner's Master being examined and sworn, Saith, that he knows not whether the Prisoner had a Shirt on that Day or not, but says that when he was taken and when brought home he had no Shirt; Saith it was not only customary with him to order the Prisoner to pick the Lice off his Cattle, but, that his Servants in general had orders to do so. The Evidence being Closed, the Whole was Summ'd up to the Jury, who, after having considered, acquitted the Prisoner. He was discharged. Jo, being brought to the Bar of the Court, was sentenced to be burnt in the Hand with the Impression of the Letter M. and Discharged; which Sentence was put in due Execution against him in Court before Ad--journment. He was Discharged. Frank, being set to the Bar was sentenced to be burnt in the Hand with the Impression of the Letter T., which Sentence was duly executed at the time above mentioned. He was Discharged. John Whitendale, being brought to the Bar of the Court, received Sentence to be whipp'd at the Stocks and Discharged, which was put in due Execution agt him immediately after Adjournment. He was discharg'd. William Foster, being brought to the Bar, was	Stephen Young, Castor's owner, was examined on oath. He did not know whether Castor wore a shirt that day. When the boy was caught and brought home, however, he had none on. Young added that he regularly told Castor to pick lice off his cattle, and that his servants in general were under orders to do the same. The evidence was closed and summed up for the jury. After considering the case, the jurors acquitted Castor, and he was released. Jo was brought before the court and sentenced to be branded on the hand with the letter M and then released. The branding was carried out in court before the sitting ended, and he was set free. Frank was brought up next and sentenced to be branded on the hand with the letter F. This too was carried out in court at the same time, and he was released. John Whitendale came before the court and was sentenced to be flogged at the stocks and then released. The flogging took place as soon as the court rose, and he was set free. William Foster was brought to the dock and sentenced to stand in the pillory in James's Valley for two hours in total, one hour on each of two separate occasions. He served the sentence on 11 October 1765 and 12 October 1765. **Interpretations** The brandings of Jo and Frank show that benefit of clergy was extended to slaves on St Helena. In England, a first offender convicted of a clergyable felony was branded on the brawny part of the thumb

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		sentenced to stand in and upon the Pillory in James's Valley by the Space of two hours at Different Times, each time an hour. The said Sentence was put in due Execution against the Sd Foster on the Eleventh and twelfth Days of this Instant October.	in open court and then released. The letter M marked a manslayer, so that a second offence could be recognised and punished with death. The F on Frank's hand marked him as a convicted felon, since the jury's verdict of £0 4s 10d still amounted to grand larceny. The punishment was painful and permanent but spared both men from the gallows. The sentences as a whole followed the grading that the jury's verdicts made possible. Whitendale's conviction for theft under one shilling was petty larceny, a non-capital offence that called for a whipping rather than a brand. Foster's conviction for assault, a misdemeanour, earned him the pillory. Each punishment matched the precise offence the jury had found, showing how the manipulation of values and charges translated directly into the penalty imposed. The pillory was a wooden frame on a post, with holes in which the offender's head and hands were locked. Standing in it exposed a man to public view and to whatever the crowd chose to throw. For an offence with a sexual element, the pillory could be brutal, since crowds often treated such offenders with particular hostility. Splitting the sentence across two days doubled the public humiliation while limiting the time spent exposed on each occasion. **Speculations** The jury acquitted Castor outright, even though it had shown in Foster's case that it could convict on a lesser charge. Finding him guilty of an attempt or an indecent act was an open course, given the soldiers' account of movement and lowered breeches. The reasons for full acquittal are visible in the record. Neither witness would swear to penetration, their accounts of the timing, height and shirt conflicted and the court itself had shown that Bunn's description made the act improbable. Young's evidence then confirmed that Castor wore no shirt and was routinely ordered to delouse the cattle, supplying an innocent reason for his presence. The owner's testimony, from the man most interested in keeping his slave, completed a defence that left the jurors with nothing firm to convict on.
143	133	The Business of the Court being now ended, the Grand and Petit Juries were dismissed, and the Court was, by procla- -mation, adjourned to the fifteenth Day of January next ensuing. John Skottowe Dan Corneille C Burling Thos Kirkpatrick	With the court's business concluded, the grand jury and the trial jury were discharged. A public proclamation adjourned the court until 15 January 1766. The record carried the signatures of the four justices. John Skottowe Daniel Corneille [...] Burling Thomas Kirkpatrick
144	134	On the tenth Day of October in the fifth Year of his Majesty's Reign, a Precept upon the Commission of the Peace was issued out and Delivered to the Sheriff. On the first Day of January following being in the sixth Year of his Majesty's Reign, a Precept upon the Commission of Oyer & Terminer was issued out to the Sd Sheriff. On the fifteenth Day of the above Month a Precept upon the Commission of Goal Delivery was issued out and delivered to the said Sheriff. Island of St Helena The General Quarter Sessions of the Peace, Sessions of Oyer and Terminer, and Sessions of Goal Delivery, holden at the Hall in James's Valley for the said Island of St Helena, the fifteenth Day of January, in the Sixth Year of the	The sheriff received a precept under the commission of the peace on 10 October 1765, in the fifth year of the King's reign. On 1 January 1766, by then the sixth year of the reign, he received a further precept under the commission of oyer and terminer. A third precept, under the commission of gaol delivery, reached him on 15 January 1766. The general quarter sessions of the peace, together with the sessions of oyer and terminer and of gaol delivery, sat at the Hall in James's Valley on 15 January 1766. The date fell in the sixth year of the reign of George III, King of Great Britain, France and Ireland and Defender of the Faith. Governor Skottowe presided alongside Daniel Corneille, Matthew Burling and Thomas Kirkpatrick. All four held royal commissions as justices of the peace for the island. They also sat as commissioners of oyer and terminer, with power to try felonies, trespasses and lesser offences committed there. The court opened under the commission of the peace, and a grand jury of 17 leading inhabitants was

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		Reign of our Sovereign Lord George the third, of Great Britain, France and Ireland King, Defender of the Faith, and so forth; Before John Skottowe, Daniel Corneille, Matthew Burling and Thomas Kirkpatrick Esquires, four of his Majesty's Justices, assigned to keep the Peace in and for the said Island, also Commissioners of Oyer and Terminer, authorized to hear and determine all Felonies, Trespasses and other Misdemeanors in the said Island Committed. The Court being opened upon the Commission of the Peace, a Grand Jury consisting of Seventeen of the principal Inhabitants of the said Island were impannelled and sworn; But no Business appearing upon that Commission, The Court of Oyer and Terminer was opened, a New Grand Jury empannelled	assembled and sworn. No business arose under that commission, however. The court therefore opened as a court of oyer and terminer, and a fresh grand jury was assembled.
145	135	And sworn, and the Bills of Indictment were preferred to them; They found the following Bills, and then the Court was opened upon the Goal Delivery. William Stedman, Corporal in the Company of Foot commanded by Captain John Howard, being set to the Bar, was arraigned upon the following Indictment, Viz. Island of St Helena ss. "The Jurors of our Sovereign Lord the King "upon their Oaths do Present that William Stedman late of James's "Valley within the Island of St Helena Corporal not having the Fear of "God before his Eyes but being moved and induced by a devilish In- "-stigation on the first Day of October in the fifth Year of the Reign "of our Sovereign Lord George now King of Great Britain &c. by force "and Arms in the Valley aforesaid within the Island aforesaid in and "upon one Evan Knowles in the peace of God and of our Sovereign Lord "the King then and there being feloniously and in his Rage did make "an Assault And that the said William Stedman with a certain piece "of Wood in the form of a Board which he the said William Stedman in "both his Hands then and there had and held in and upon the "Stomach of the said Evan Knowles feloniously and in his Rage "did Strike And with the said Piece of Wood in form of a Board as "aforesaid to the said Evan Knowles on his Stomach as aforesaid "did give three Violent Blows of which said Violent Blows so given "as aforesaid he the said Evan Knowles from the aforesaid first Day "of October in the Year aforesaid unto the twenty second Day of the said "Month of October in the said Valley within the said Island Languished "and lived in a Languishing Condition On which said twenty second Day of "October in the said Year the said Evan Knowles in the said Valley "within the said Island of the said three Violent Blows so given as	The new grand jury took the oath, and the draft indictments were placed before it. The jurors approved the charges that follow, and the court then opened for gaol delivery. William Stedman, a corporal in the infantry company under Captain John Howard, was brought to the dock and charged. The King's jurors stated on oath that Stedman, of James's Valley, attacked Evan Knowles there on 1 October 1765. The indictment described him as acting without fear of God and at the Devil's prompting. Knowles, it said, was going about his business under the protection of God and the King. Stedman, in a fit of rage, allegedly gripped a plank of wood in both hands and struck Knowles three violent blows to the stomach with it. Knowles lingered in a failing condition in the valley from 1 October 1765 until 22 October 1765, when the blows killed him. The jurors concluded that Stedman killed Knowles in a rage, calling the act murder, in breach of the King's peace, crown and dignity and contrary to the relevant statute. Stedman pleaded not guilty. **Interpretations** The indictment used the word "murder" but framed the killing as an act done in rage, without the phrase "malice aforethought". That phrase was the defining element of murder in English law, and every murder indictment in this register, including those against Winchester and Cupidore, contained it. A killing in sudden rage, without premeditation, was the classic definition of manslaughter. As drafted, the charge could probably not support a conviction for murder, whatever the evidence showed, and pointed the jury towards the lesser offence. The timing of the case explains why it came before the January sitting rather than the October one. The October court met on 9 October 1765, when Knowles was still alive and the matter was at most an assault. Only his death on 22 October turned it into a homicide, which then had to wait for the next quarter sessions. Stedman evidently spent the intervening months in custody, the very situation that required a precept for gaol delivery. Blows to the stomach from a plank could cause internal injuries whose effects unfolded slowly, such as a ruptured bowel or internal bleeding. A death three weeks later fitted such an injury, but it also left room for the defence to argue that some other cause intervened. As in York's case, the prosecution would need medical evidence linking the blows to the death.

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		"aforesaid Died. And so the Jurors aforesaid upon their Oaths "aforesaid do say that the said William Stedman the said Evan "Knowles in Manner and Form aforesaid feloniously and in "his Rage did kill and Murder against the Peace of our Sovereign "Lord the King his Crown and Dignity and also against the Form "of the Statute in that Case made and provided." To which he pleaded - "Not guilty."	
146	136	Henry Brown Soldier in the Company of Foot commanded by Captain Richard Beale, being set to the Bar, was arraigned upon the following Indictment, Viz. Island of St Helena ss. "The Jurors of our Sovereign Lord "the King upon their Oaths do Present that Henry Brown late of "the Island of St Helena Soldier on the sixteenth Day of November "in the sixth Year of the Reign of our Sovereign Lord George now King "of Great Britain &c. by force and Arms in James's Valley within "the Island aforesaid in and upon one Polly a Female Infant "in the Peace of God and of our Sovereign Lord the King then and there "being in the House of Sarah Walker did make an Assault with "an Intention the said Polly to ravish and carnally to know And "the said Polly then and there did beat and misuse and other Enormities "to the said Polly then and there by force and Arms did offer "to the great Damage of the said Polly and against the Peace of "our Sovereign Lord the King his Crown and Dignity." To the "above Indictment he pleaded - Not guilty." Sam and Frank, Menslaves belonging to Robert Barclay Surgeon of the said Island, being brought to the Bar, were arraigned upon the following Indictmt, Viz. Island of St Helena ss. "The Jurors of our Sovereign Lord "the King upon their Oaths do Present that Sam late of James's "Valley within the Island of St Helena Manslave and Frank late "of the said Valley within the said Island also a Manslave on the "first Day of December in the sixth Year of the Reign of our Sovereign "Lord George now King of Great Britain &c. about the Hour of "eleven in the Night of the same Day by force and Arms in the Valley "aforesaid within the Island aforesaid the Store Room of one James "Greentree there situated feloniously and burglariously did break "and enter and Nine Glass Case bottles containing four Gallons "and a half of Arrack of the Value of one pound and seven Shillings "twenty five pounds Weight of Bisket bread of the Value of Six	Henry Brown, a soldier in the infantry company under Captain Richard Beale, was brought to the dock and charged. The King's jurors stated on oath that on 16 November 1765 he attacked a young girl named Polly in Sarah Walker's house in James's Valley. The indictment accused him of assaulting her with intent to rape her. It further charged that he beat and wounded her and subjected her to other serious abuse, to her great harm and in breach of the King's peace, crown and dignity. Brown pleaded not guilty. Sam and Frank, two male slaves owned by Robert Barclay, the island's surgeon, were then brought to the dock. The King's jurors charged that the two men, both of James's Valley, broke into James Greentree's storeroom there at about eleven o'clock on the night of 1 December 1765. The indictment alleged that they committed burglary and took nine glass case bottles holding four and a half gallons of arrack, valued at £1 7s 0d. They also allegedly took 25 pounds of biscuit. **Interpretations** Frank had already been convicted of theft at the October sitting and branded on the hand with the letter F. That brand now served its intended purpose. Benefit of clergy could be claimed only once, and the mark on his hand showed the court that he had used it. If convicted of any further clergyable felony, he could no longer escape the gallows by that route. The charge of burglary was in any case excluded from benefit of clergy, so his position was doubly grave. The indictment against Brown charged an assault with intent, not the completed crime of rape. As with Foster's case, this framed the offence as a misdemeanour rather than a capital felony, which affected both the burden of proof and the punishment. The phrase "to her great damage" again borrowed the language of civil wrongs. Sarah Walker, in whose house the assault allegedly took place, was the woman who had prosecuted Thomas Jones in October. Polly may have been her daughter or a child in her care. Burglary in English law required the breaking of a dwelling house, and a detached storeroom did not normally qualify. The charge against Sam and Frank presupposed that Greentree's storeroom formed part of his dwelling or stood within its enclosure. Whether it did would matter greatly at trial, since without a dwelling the offence fell to housebreaking or simple theft. The same Greentree family appeared in Pegg's case, when she was found sitting at Thomas Greentree's door. Biscuit bread was ship's biscuit, a hard, dry bread baked to keep for months at sea. It formed the staple ration of sailors and soldiers alike and was stored in quantity on an island that provisioned passing fleets. The arrack in the storeroom was valued at about 6s a gallon, in line with the price seen in Dick Hector's case. Greentree's store of spirits and biscuit suggests he supplied ships or retailed goods to the garrison.

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147	137	"Shillings and three pence and fifteen pounds of Rice of the Value of two "Shillings of the Goods and Chattles of the said James Greentree in "the said Store Room then and there being found then and there feloniously "and burglariously did steal take and bear away against the Peace of "our Sovereign Lord the King his Crown and Dignity and also against "the form of the Statute in that Case made and provided." To which they severally pleaded Not guilty. Sam, Frank and Henry Brown being removed from the Bar, William Stedman was put upon his Trial, and the twelve following Men, Viz. George Bird Alisha Swacke Benjn Seale Robt Merchant Jo. Chamberlane Jn Desfountain Thos Townsend Robt Ballard Stephen Young Jams Colgrave John Robinson and William Seale were Sworn upon his Jury. Then the Indictment was, a second time, Read to him, and the Jury charged. Robert Barclay, Surgeon of the said Island, being called and sworn, Saith, that Evan Knowles, the Deceased, as near as he can recollect, was admitted into the Hospital on the tenth of October last, for pains in the side and Stomach occasioned, as he told this Deponent, by Blows he had received on the said Parts from William Stedman, the Prisoner now at the Bar: That on Looking on the injured Parts, he could discover no Marks of Blows, which made him Conclude that his present Pains were rather the Consequence of his Intemperance, than the Effects of any Blows. That after the said Knowles's death, the Coroner's Inquest then Sitting, he opened his Body, and found that Nothing either internally or externally indicated even a Suspicion of a Violent Death, but found in his right Side a Collection of Matter issued from a burst Abcess, which, in his Opinion, was the Cause of his Death. The Witness can't Judge whether the said Abcess broke before or after his Admittance into the Hospital.	Henry Brown, a soldier in the infantry company under Captain Richard Beale, was brought to the dock and charged. The King's jurors stated on oath that on 16 November 1765 he attacked a young girl named Polly in Sarah Walker's house in James's Valley. The indictment accused him of assaulting her with intent to rape her. It further charged that he beat and mistreated her and subjected her to other serious abuse, to her great harm and in breach of the King's peace, crown and dignity. Brown pleaded not guilty. Sam and Frank, two male slaves owned by Robert Barclay, the island's surgeon, were then brought to the dock. The King's jurors charged that the two men, both of James's Valley, broke into James Greentree's storeroom there at about eleven o'clock on the night of 1 December 1765. The indictment alleged that they committed burglary and took nine glass case bottles holding four and a half gallons of arrack, valued at £1 7s 0d. They also allegedly took 25 pounds of biscuit. **Interpretations** Frank had already been convicted of theft at the October sitting and branded on the hand with the letter F. That brand now served its intended purpose. Benefit of clergy could be claimed only once, and the mark on his hand showed the court that he had used it. If convicted of any further clergyable felony, he could no longer escape the gallows by that route. The charge of burglary was in any case excluded from benefit of clergy, so his position was doubly grave. The indictment against Brown charged an assault with intent, not the completed crime of rape. As with Foster's case, this framed the offence as a misdemeanour rather than a capital felony, which affected both the burden of proof and the punishment. The phrase "to her great damage" again borrowed the language of civil wrongs. Sarah Walker, in whose house the assault allegedly took place, was the woman who had prosecuted Thomas Jones in October. Polly may have been her daughter or a child in her care. Burglary in English law required the breaking of a dwelling house, and a detached storeroom did not normally qualify. The charge against Sam and Frank presupposed that Greentree's storeroom formed part of his dwelling or stood within its enclosure. Whether it did would matter greatly at trial, since without a dwelling the offence fell to housebreaking or simple theft. The same Greentree family appeared in Pegg's case, when she was found sitting at Thomas Greentree's door. Biscuit bread was ship's biscuit, a hard, dry bread baked to keep for months at sea. It formed the staple ration of sailors and soldiers alike and was stored in quantity on an island that provisioned passing fleets. The arrack in the storeroom was valued at about 6s a gallon, in line with the price seen in Dick Hector's case. Greentree's store of spirits and biscuit suggests he supplied ships or retailed goods to the garrison.
148	138	John Prichard, Surgeon's Mate being duly sworn saith, that Evan Knowles, the Deceased, was admitted into the Hospital the tenth of October last, and when he first examined him with regard to his Complaint, he, the Deceased, told him where they were, and that his pains proceeded from Blows he had received from William Stedman, the Prisoner now at Bar, and saith he was treated with Medicines accordingly till he died. That at the Coroner's Inquest, he help'd to open his Body, and found all the Parts in a	John Prichard, the surgeon's mate, gave sworn evidence that Evan Knowles was admitted to the hospital on 10 October 1765. When Prichard first examined him, Knowles showed him where the pain was. He said it came from blows William Stedman had given him. Prichard treated him with medicines on that basis until he died. At the coroner's inquest, Prichard helped to open Knowles's body. He found every organ healthy except the lungs. The right lung was entirely gangrenous, while the left was badly inflamed and starting to turn gangrenous too. Prichard believed this caused the death, since he found no signs of violence either on the surface of the body or within it. Knowles had been treated in the hospital several times before for similar complaints. Prichard had

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		healthy State, except his Lungs, the right Lobe whereof was perfectly mortifyed, and the Left much inflamed, tending also to a Mortification, which he thinks was the Occasion of his Death, as no Marks of Violence appeared either outwardly or inwardly. That the deceased had been at different Times before that treated in the Hospital for like Complaints; That he always considered his Case to be of a Consumptive Nature, from the following Symptoms, Viz. a Difficulty of breathing and Cough. Sarah Walker, being sworn, Saith, that on the first of October last Evan Knowles happening to be very Noisy in her back Yard, William Stedman, the Prisoner, came in and went into the Yard where the Deceased was; That he soon Came out again, and asked her for a Stick, but on her refusing to give him one, he jump'd up, and took a Board which served as a Shelf, and with it ran back to the Yard; That she then heard the Noise of three Blows but knows not who gave or received them, only saw the Prisoner drop the Board in the Room as he went out of her house. Saith, that since that time, she saw the Prisoner twice in her house but neither times spoke to him. The Court, thinking the Deceased's Deposition to be a Material part of the Evidence for the Crown, order'd the Clerk to read it to the Jury which he did as followeth, Viz.	always regarded his condition as consumption, judging by his breathlessness and cough. Sarah Walker gave sworn evidence that Knowles was making a great deal of noise in her back yard on 1 October 1765. Stedman came in and went out to the yard where Knowles was. He soon returned and asked her for a stick. When she refused, he leapt up, seized a board she used as a shelf and ran back out to the yard with it. She then heard the sound of three blows but could not say who struck them or who received them. She saw only that Stedman dropped the board in the room as he left her house. Since that day, she said, she had seen him in her house twice but had not spoken to him on either occasion. The court regarded Knowles's own sworn statement as an important part of the prosecution's case. It therefore ordered the clerk to read it to the jury. **Interpretations** Prichard's evidence struck at the heart of the prosecution. To prove homicide, the Crown had to show that the blows caused the death, and the surgeon who examined the body found no marks of violence at all. He attributed the death to gangrene of the lungs, following a long history of consumption for which Knowles had been treated before. The stomach blows described in the indictment left no trace. On this medical evidence, Knowles probably died of a disease he already had, and the charge of killing could scarcely stand. The opening of the body at the inquest was notable for its date. In England at this period, coroners' inquests rarely involved dissection, and juries usually relied on an external view of the corpse. On St Helena, the coroner had the Company's medical staff open the body and examine the organs. The practice gave the island's court a more exact basis for judging the cause of death than many English courts enjoyed. In this case it produced evidence that favoured the accused. The dead man's sworn statement, which the court ordered read aloud, was admissible under statutes dating from Mary I's reign. These allowed a justice of the peace to take the sworn examination of an injured person, which could be read at trial if that person later died. Such a deposition differed from a dying declaration, since it rested on an oath rather than the approach of death. Its value here was limited, however, because it could identify Stedman as the man who struck Knowles but could not prove that the blows killed him. Sarah Walker's house appeared once again at the centre of disorder. She had prosecuted Thomas Jones for assault in October, the attack on Polly took place in her house in November and now Knowles was beaten in her back yard. Her yard evidently drew soldiers and others, perhaps because she sold drink. Her evidence on this occasion was guarded: she heard the blows but would not say who struck whom. The hospital was the East India Company's establishment for treating the garrison and other servants on the island. A surgeon's mate was the assistant to the surgeon, responsible for much of the daily care of patients. Knowles's repeated admissions for breathing complaints show that the hospital kept track of chronic cases among the island's population.
149	139	The Deposition of Evan Knowles taken the Night before his Death, in Presence of Messieurs Robert Barclay and Jno Prichard, whose Names are thereto subscribed as Witnesses. This Deponent Saith, that on Muster Day in the Dusk of the Evening, being in Sarah Walker's back Yard, Corporal Stedman came	Knowles made his statement on the night before he died, in the presence of Robert Barclay and John Prichard, who signed it as witnesses. In it he declared that he was in Sarah Walker's back yard at dusk on muster day when Corporal Stedman came to him. Without any provocation, Stedman struck him three blows straight across the stomach with a board that looked like a shelf. The first blow knocked him down, and Stedman delivered the other two as he

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		there to him, and without any Provocation gave him three Blows with a Board which had the Appearance of a Shelf board right across his Stomach; That the first Blow knock'd him down, and as he was striving to rise, he gave him the other two; That he then crawled into his Room, which was in the said Yard, and there got upon his Cot, where he remained till the next Morning when the said Stedman came to him. Saith, that, as he was in perfect Health at that time (meaning the time of his receiving the Blows) he is certain that his present bad State of Health arises from them. (Signed) Evan Knowles Taken the 21st Day of Octr in the 5th year of his Majesty's Reign in presence of Robt Barclay Jno Prichard Surgeons The Prisoner, being put upon his Defence, Saith, that, on the first Day of October last, happening to go by Mrs Walker's house, he heard a Noise in the Yard of the said house, such as people make when fighting, which made him stop; That as he stood near the Door, the said Mrs Walker came to him, and desired him to take Evan Knowles out of her House, for he was drunk and very abusive, On which he went thro' the House, and coming into the Yard, he there saw the said Knowles stript to his Shirt, swearing bitterly, and making a Dark Noise: That he asked him what was the Matter, and he answered - Damn you! you have no "Business here." That on his threatening the Sd Knowles to carry him to the Guard house, he abused him very much: That then he thought to Carry him into his Room, and for that purpose attempted to take hold of him by the Arm, on which they both struggled, and the Deceased, falling upon the Chest, brought him also to the Ground: That they both got up, and as the prisoner was going away, the deceased pursued him, and taking hold of him by the Shoulder Knot, he tore it from his Coat, then struck	tried to get up. Knowles then crawled into his room, which opened off the yard, and lay down on his cot. He stayed there until the following morning, when Stedman came to see him. Knowles insisted that he was in perfect health when he received the blows. He was therefore certain that his present illness came from them. Knowles signed the statement, which was taken on 21 October 1765 in the presence of the two surgeons, Barclay and Prichard. Stedman was then called on for his defence. He stated that on 1 October 1765 he happened to pass Mrs Walker's house and heard sounds from the yard like people fighting, so he stopped. As he stood near the door, Mrs Walker came to him and asked him to get Knowles out of her house, since he was drunk and very abusive. Stedman went through the house into the yard. There he found Knowles stripped to his shirt, cursing furiously and making a great deal of noise. Stedman asked him what was wrong. Knowles swore at him and told him he had no business there. When Stedman threatened to take him to the guardhouse, Knowles hurled more abuse at him. Stedman then decided to take him to his room and tried to grab him by the arm. The two men struggled, and Knowles fell against a chest, pulling Stedman to the ground with him. Both got up, and Stedman began to leave. Knowles went after him, seized the shoulder knot of his coat, tore it off and then hit him. **Interpretations** Knowles's statement had a serious weakness as evidence. It was witnessed by the two surgeons, not taken before a justice of the peace, which was the formal requirement for a deposition to be read at trial under the old statutes. Its force therefore rested largely on its character as a dying declaration, made the night before his death. Its central claim, that he was in perfect health before the blows, was directly contradicted by Prichard's evidence of his repeated treatment for consumption. The statement could identify Stedman as the man who struck him but could not overcome the medical finding that the lungs, not the stomach, caused his death. Stedman's account cast him as a corporal restoring order rather than an aggressor. He claimed Mrs Walker asked him to remove a drunken, abusive man, which directly contradicted her own evidence that he demanded a stick and she refused. His version made Knowles the attacker, pursuing him and striking him after tearing his shoulder knot. As a non-commissioned officer, Stedman had authority to take a disorderly man to the guardhouse, and his defence relied on presenting the struggle as a lawful attempt to do so. The shoulder knot was a cord or braided ornament worn on the shoulder of a coat, used in the army to mark the rank of corporals and sergeants. Tearing it off was more than damage to clothing. It was an insult to Stedman's rank and authority, and his defence stressed it for that reason. Muster day was when the garrison assembled for inspection and roll call, often followed by the payment of wages. Soldiers flush with pay and freed from duty often turned to drink, which may explain Knowles's state and the disorder in Walker's yard. The date of the incident placed it squarely in the setting in which so many of the island's offences arose.
150	140	Him on the head which he cut in two places, and knock'd him down. That he rose again, and went home without his Knot, and informed some of his Barrack Mates of the ill treatment he had received, and	Knowles, Stedman continued, struck him on the head, cutting it in two places and knocking him down. Stedman got up and went back to his quarters without his shoulder knot. He told several of the men in his barracks how badly he had been treated and how he had lost the knot. The next morning he went

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		how he had been deprived of his Knot. That next Morning he returned to the Deceased's Room to Look for his Knot, which he found behind a Chest in the said Room, and was then desired by him to Say Nothing of their Quarrel the Night before, as he was much in Liquor, which the Prisoner promised to Comply with, and was the more willing to forgive, as it happened in Quarter time. For the Prisoner. The Court Judging the Proceedings of the Inquest held upon the View of the Deceased's Body to be a Guide to the Jury, and favourable to the Prisoner, order'd they may be read, and the Clerk read them Accordingly. Then Richd Morton, a Soldier, being called and sworn, Saith, that at Night when the Prisoner came home, he heard him say he had been ill used, and had his Head broke, and that next Morning he saw his Coat without the Knot. The whole Evidence being now Closed, and the Prisoner having no other Witness to produce in his Favour, it was summed up to the Jury, who retired to consider. On their Return, they declared their Verdict by which they acquitted him. he was discharged. Henry Brown, being set to the Bar, was put upon his Trial, and the twelve following Men, Viz. George Bird Alisha Swacke Benj: Seale Robt Merchant Jo: Chamberlane Jn Desfountain Thos Townsend Robt Ballard Stephen Young Saml Colgrave Jn Robinson and Willm Seale were sworn upon his Jury. Then the Indictmt was again read to him, and the Jury Charged.	back to Knowles's room to look for it and found it behind a chest. Knowles asked him to keep quiet about their fight, explaining that he had been very drunk. Stedman agreed, all the more readily because the quarrel had happened at muster time. The court judged that the findings of the coroner's inquest, held after the viewing of the body, would help guide the jury and told in Stedman's favour. It therefore ordered them read, and the clerk did so. Richard Morton, a soldier, was then called and sworn as a defence witness. He stated that when Stedman came back to quarters that night, he heard him say he had been badly treated and had his head broken. The next morning Morton saw Stedman's coat without its shoulder knot. The evidence was now complete, and Stedman had no further witnesses to call. The case was summed up for the jury, which withdrew to deliberate. On its return, it acquitted him, and he was released. Henry Brown was then brought up to stand trial, and 12 men took the oath as his jury. George Bird [...] Jacks Benjamin Sealy [...] Merchant Joseph Chamberlain John Desfountain Thomas Townsend Robert [...] Stephen Young James [...] John [...]son William Seale The indictment was read to Brown once more, and the jury received its charge. **Interpretations** The court's decision to have the inquest findings read shows the bench acting in the prisoner's interest. Prisoners on felony charges had no right to defence counsel at this period, and the judges were expected to guard the accused against an unfair conviction. Here the justices themselves introduced evidence they recognised as favourable to Stedman. The inquest, based on the opening of the body, had found no sign of violence and attributed the death to diseased lungs. Once the jury heard it, conviction for homicide was hardly possible. Stedman's account of the next morning offered a telling detail. Knowles asked him to say nothing about the fight because he had been drunk, which suggests Knowles recognised his own part in the quarrel. Morton's evidence supported Stedman's claim that he left the yard injured and without his shoulder knot. Together these points made Knowles the aggressor, or at least an equal party, in a drunken brawl. The acquittal completed a case in which the medical, documentary and witness evidence all pointed away from homicide. Knowles's own deposition claimed that he had been healthy before the blows, but the surgeon's records showed years of lung disease. His statement blamed Stedman for an unprovoked attack, yet Stedman's account, backed by Morton and the torn shoulder knot, described a struggle Knowles began. Faced with that combination, the jury had little choice. The jury for Brown's trial differed markedly from the panels of the previous year. New names such as Merchant and Jacks appeared alongside familiar ones like Desfountain, Chamberlain and Young. Jurors were summoned afresh for each sitting, and the sheriff drew on a wider circle of inhabitants for the January sessions.

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151	141	Sarah Walker, being sworn, Saith, that on the sixteenth of November last, her Maid Catherine called her to the Vault, where she saw Henry Brown, the Prisoner at the Bar, Lying on his Back with his Breeches down, and that Polly, a female Child was sitting upon him with her Clothes up; That she saw the Prisoner's private parts, and that the Attitude he was in Indicated he had some carnal Concerns with the said Polly. William Poulton, being duly sworn, Saith, that on the Sixteenth Day of November last, as he sat at Henry Harper's Door, Sarah Walker and her Maid Catherine came out, and desired him to go in, and said if he would go back to the Necessary house, he would there see some thing. That going thro' the Yard, he heard the Noise of a Child crying, which Noise proceeded from the Necessary house, the Door whereof was shut; That on pushing the Door open, he saw the Prisoner at the Bar lying flat on the floor with his Breeches down, and one Polly a black female Child lying upon him, whom he held with both his Hands by the Sides: That on the Deponent's pulling the said Polly away from him, he saw his Yard which to him appeared Standing, and he then raised him up, led him thro' the Yard into the House and pushed him out into the Street. Saith that, from Appearances, he Judges the Prisoner had some carnal Concerns with the said Polly; that he did not see the Child's private Parts, nor did he, on seeing the Prisoner's, observe any Blood or signs of Emission. Abigail, a Midwife, upon her Oath saith, that she examined and View'd the Private parts of the said Polly, and that she found them in a natural State without any Appearance of Ravage. The Prisoner, being put on his Defence, Saith, that as he lay asleep in Mrs Walker's Necessary house, William Poulton came and awaked him; That Poulton told him the Child, Polly, had been along with him, and asked him the Reason why his Breeches were down; to which he answered that he knew not, and thereon the Sd Poulton told him that he, himself, had taken her from off him, he said he had not seen her, but said it was probable that, while he lay asleep, she might have come and lain upon him, as it was Customary with her to play with him.	Sarah Walker gave sworn evidence that on 16 November 1765 her maid, Catherine, called her to the privy. There she found Henry Brown lying on his back with his breeches down and Polly, a young girl, on top of him with her clothing pulled up. From what she saw, she believed that Brown had sexually abused the child. William Poulton testified on oath that he was sitting at Henry Harper's door on 16 November 1765 when Walker and her maid came out. They asked him to go through to the privy at the back, where he would find something he needed to see. Crossing the yard, he heard a child crying behind the closed privy door. He pushed it open and found Brown lying flat on the floor with his breeches down. Polly, a black girl, was lying on top of him, and he was gripping her by the sides with both hands. Poulton pulled the child away. What he then saw left him in no doubt that Brown's intentions were sexual. He hauled Brown to his feet, marched him through the yard and the house and threw him out into the street. Poulton believed that Brown had abused the child. He admitted, however, that he did not examine her and saw no blood or other physical traces on Brown. Abigail, a midwife, gave sworn evidence that she examined Polly and found no sign of any injury. Brown was called on for his defence. He stated that he was asleep in Walker's privy when Poulton came in and woke him. Poulton told him the child had been with him and asked why his breeches were down. Brown replied that he did not know. When Poulton said he had himself pulled the girl off him, Brown answered that he had not seen her. He suggested that she might have come in and lain on him while he slept, since she often played with him. **Interpretations** The midwife's evidence was decisive in legal terms, though it did not answer the question of intent. Courts of the period routinely called midwives to examine girls in cases of sexual assault, and their findings carried great weight. Her report of no injury meant the evidence could not support the completed offence of rape. The indictment, however, charged only an assault with intent, and that turned on what Brown meant to do rather than on what physical harm resulted. The two eyewitnesses gave closely matching accounts of what they found in the privy. Walker and Poulton both described Brown with his breeches down and the child on top of him, and Poulton heard her crying behind a closed door and saw Brown holding her. Poulton was careful to limit his evidence to what he actually observed, conceding that he found no physical traces. That caution probably strengthened his credibility with the jury. Brown's defence placed the responsibility on the child. He claimed to have been asleep, to have no idea why his breeches were down and to have been approached by her while unconscious. The explanation required the jury to believe that a sleeping man was found gripping a crying child by the sides behind a closed door. His claim that she often played with him showed that he knew her well and had regular access to her in Walker's household. Polly was described as a black child, and her status, whether free or slave, went unrecorded. Her own account was never taken, and she did not give evidence. The case depended entirely on adult witnesses and a physical examination, which was typical of prosecutions involving young children at this period.
152	142	Compared with a Sample belonging to him is found to agree, on which he is asked if he has any other Reasons, besides the Likeness between the Rice and	Greentree stated that the rice and biscuit produced in court matched a sample of his own when compared. Asked whether he had any other reason to believe the goods were his and taken from his

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		Bisket so produced and his Sample, to think it his, and stolen out of his Store room, Says, he has, and assigns for Reason, the then Scarcity of such Provision upon the Island. Larry, a Manslave belonging to the Honble Company in Doctr Barclay's Service, upon his Oath, Saith, that on the second Day of December last about Noon he went into his Master the Sd Barclay's Stable in Order to give his Horse some Hay, and found hid in the Hay some Rice, Bisket, part of a Bottle of Arrack and some salt pork, which he acquainted his Master of, who ordered him to Lock them up in his Chest, and he did so; That then he went for Wood, and on his return home, he found his Chest open, and the Arrack drunk. That he thereon went to his Master and told him of it, then delivered to him the rest of the things. Saith, that the Sunday Night before that between the Hours of eleven and twelve, Sam and Frank, the two Prisoners, and one Lewis went out together, and did not return till two in the Morning: That after they had remained a little while at home, they intended to go out a second time, but on the Deponent's refusing to Lock the Stock Door after them, they declined it. Lewis, a Manslave belonging to the said Barclay, and an Accomplice with the Prisoners in the Felony and Burglary, being admitted as an Evidence in Consequence of a former Information by him spontaneously exhibited against them, and sworn, Saith, that on Sunday the first of December Last, Sam and Frank, the two Prisoners, and himself had been out a fishing, and after they came home towards eleven O'Clock at night he asked the Sd Sam if he had spoke to their Master for some Victuals and on his telling him he had not, he proposed to the Deponent an Expedient for getting Victuals by going on a Cruize to Look for some, which Expedient he also proposed to the Sd Frank, who reply'd he was willing to go any where to get something to eat. That all three having thereto agreed, they went out thro' the Back Door, got into Mr Beale's Yard, climbed up Mr Greentree's Chimney, and dropt down from thence into his Back Yard. That Frank found an Iron Crow in the Sd Yard, and gave it to Sam, who attempted to break the Store Room Door with it, but was not	storeroom, he said that he did. Such provisions, he explained, were scarce on the island at the time. Larry, a male slave owned by the East India Company and working for Dr Barclay, gave sworn evidence that he went into Barclay's stable at about midday on 2 December 1765 to give his master's horse some hay. Hidden in the hay he found some rice, biscuit, part of a bottle of arrack and some salt pork. He told his master, who ordered him to lock the items in his chest, and Larry did so. He then went off to fetch wood. When he returned, he found his chest open and the arrack drunk. He reported this to Barclay and handed over the remaining goods. Larry added that on the previous Sunday night, between eleven and twelve o'clock, Sam, Frank and a man named Lewis went out together and did not return until two in the morning. After a short time at home, they planned to go out again. Larry refused to lock the street door behind them, however, and they gave up the idea. Lewis, a male slave owned by Barclay, had taken part in the burglary with the two prisoners. He had earlier come forward of his own accord to inform against them, and on that basis the court admitted him as a witness. He was sworn and gave evidence that on Sunday 1 December 1765 he, Sam and Frank went fishing. After they returned home, at about eleven o'clock that night, Lewis asked Sam whether he had asked their master for any food. Sam said he had not. Sam then suggested to Lewis that they go out on a raid to find something to eat. He put the same idea to Frank, who said he would go anywhere to get food. All three agreed and slipped out through the back door. They crossed into Beale's yard, climbed up onto Greentree's chimney and dropped down from there into his back yard. Frank found an iron crowbar in the yard and handed it to Sam. Sam tried to force the storeroom door with it but could not break it open. **Interpretations** Hunger lay at the root of this burglary, according to the evidence. The three slaves came home after fishing with no food, and the raid began when Sam admitted he had not asked their master for rations. Frank's readiness to go anywhere for something to eat speaks to real want. Greentree's remark that rice and biscuit were scarce on the island at the time adds a wider context. St Helena depended heavily on imported food, and when supplies ran short, slaves were among the first to go without. Larry's position illustrates a common arrangement on the island. The East India Company owned many slaves and assigned some of them to work for its officials, in this case the surgeon Barclay. Larry thus lived in Barclay's household alongside Barclay's own slaves while remaining Company property. His refusal to lock the door behind the others suggests he was entrusted with the household's security and was unwilling to be implicated. The word "cruise", used for the planned raid, was sailors' slang for a foraging expedition or a search for plunder. Its use by the slaves shows how the language of the ships in the roads had filtered into everyday speech on the island. **Speculations** The court admitted Lewis as a witness instead of trying him alongside Sam and Frank, though he confessed to the same burglary. Prosecuting all three together was the obvious course, since Lewis was present from the planning to the break-in. The record states the reason for the choice: Lewis had earlier volunteered information against the others unprompted. Under the English practice of accepting an accomplice as a Crown witness, a man who turned informer could expect to escape prosecution himself.

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			The court admitted Lewis as a witness instead of trying him alongside Sam and Frank, though he confessed to the same burglary. Prosecuting all three together was the obvious course, since Lewis was present from the planning to the break-in. The record states the reason for the choice: Lewis had earlier volunteered information against the others unprompted. Under the English practice of accepting an accomplice as a Crown witness, a man who turned informer could expect to escape prosecution himself. The prosecution gained an insider's account of the entire enterprise, which it needed because no outsider had seen the burglary. The price was letting one guilty man go free, and on a capital charge against two slaves, the court judged that price worth paying.
154	144	Alone able, for which Reason they three Laid hold of the Crow, and with their united force were breaking the Door, when suddenly they heard a Noise, and the Deponent was sent to watch; That while he was away, Sam and Frank broke the Door; That they went in, and Frank found a Case which contained some Bottles of Arrack out of which he took one, and they had each of them a Dram. That then they conveyed Nine Case Bottles of Arrack out of the said Store Room, brought them out into the Yard, and Laid them down by the Oven. That Sam went back, and brought out of the Sd Store room a Napkin full of Bisket Bread which he also Laid down by the Oven; They then went in again and found some Rice, but having Nothing to put it in, the Deponent took off his Shirt in which they put the Rice. Which done, they pulled the Door after them, and carried away the Nine Case bottles of Arrack, the Rice and Bisket, and having got upon the Sd Greentree's Chimney and Crossed the said Beale's Yard, Frank and the Depont took eight of the Nine Bottles of Arrack, and hid them in a Mortar hole; That he then returned to the Sd Sam, and they both carried the Bisket, Rice and Remaining Bottle of Arrack into their Master's Stable. That he poured the Arrack which was in a Case Bottle into two round ones, and Sam threw the Empty Case bottle into the Necessary house. Frank, a Manslave belonging to Mr Jams Pouls; on his Oath, Saith, that as he was on a Certain Monday along with Frank, the Prisoner, in a Boat a fishing, he saw him eating some Bisket bread and asked him for some, but got none. The Evidence for the Crown being Closed, and the Prisoners being put on their Defence, Sam, on his part, Saith, that after he came home on Sunday from fishing, he found some boiled Rice, and eat it with his Fish, then went to Sleep; Says, he never went out that Night, consequently denies the whole Charge. Frank, in his Defence, Says, that he was not out of	The door would not yield to one man alone, Lewis continued, so all three took hold of the crowbar and together began forcing it. Suddenly they heard a noise, and Lewis was sent to keep watch. While he was away, Sam and Frank broke the door open. They went inside, where Frank found a case holding bottles of arrack. He took one out, and each of them had a drink. The three men then carried nine case bottles of arrack out of the storeroom and set them down in the yard beside the oven. Sam went back in and brought out a napkin full of biscuit, which he also put by the oven. They returned once more and found some rice. Having nothing to carry it in, Lewis took off his shirt, and they filled it with the rice. They pulled the door shut behind them and made off with the nine bottles, the rice and the biscuit. They climbed back over Greentree's chimney and crossed Beale's yard. There Frank and Lewis hid eight of the bottles in a mortar pit. Lewis then rejoined Sam, and together they carried the biscuit, the rice and the last bottle of arrack into their master's stable. Lewis poured the arrack from the case bottle into two round bottles, and Sam threw the empty case bottle into the privy. Frank, a male slave owned by John Poole and a different man from the prisoner of the same name, gave sworn evidence next. On a Monday he was out fishing in a boat with the prisoner Frank. He saw the prisoner eating ship's biscuit and asked him for some, but was refused. The prosecution closed its case, and the two prisoners were called on for their defence. Sam stated that when he came home from fishing on the Sunday, he found some boiled rice and ate it with his fish before going to sleep. He insisted that he never went out that night and so denied the whole charge. Frank then began his defence by denying that he had gone out. **Interpretations** Lewis's account placed him conveniently apart from the decisive act. He described being sent away to keep watch at the very moment the door gave way, so that Sam and Frank alone committed the breaking. Since the breaking was what made the offence burglary, this detail shifted the capital element onto the two men in the dock. An accomplice turned Crown witness had every reason to shape his story in this way, and the jury would have to weigh it accordingly. The handling of the stolen arrack showed an effort to hide its origin. Case bottles were square and distinctive, made to fit into a merchant's case, so they could easily be recognised as Greentree's. Pouring the spirit into ordinary round bottles and dumping the case bottle in the privy removed that link. Hiding the rest in a mortar pit, a hole where builders mixed lime mortar, kept the bulk of the loot away from the household.

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			Sam's defence cut across the story of hunger that Lewis had told. By claiming that he found boiled rice at home and ate it with his fish, Sam implied that the household was not without food that night. His aim was to deny any motive and any absence from the house. Larry's evidence that the three were seen going out and returning at two in the morning stood directly against him. The second Frank's evidence, about the prisoner eating biscuit in the fishing boat, supplied independent support for Lewis's account. Biscuit was not ordinarily part of a slave's diet, and seeing it in Frank's hands the next day tied him to the stolen goods. His refusal to share it with a fellow fisherman may also suggest he was anxious not to draw attention to it.
155	145	His Master's house that Night, nor could he go out, as his Sd Master always Locked the Stock door, and kept the Key. The Court, in order to be Clear in that Circumstance, orders Larry the prisoner's fellow servant to be called, who, appearing and being examined, Says, it was not customary with his Master to keep the Key, but that it was usually left on the Dresser in the Kitchen. The Prisoners having Nothing further to say in their Defence and no Witnesses to produce in their favour, the whole Evidence was summed up to the Jury, who retired to Consider. On their Return, they declared their Verdict, by which they found "Frank guilty of the Felony and Burglary, and acquitted Sam of the Burglary and found him guilty of the Felony only." they were taken from the Bar. Henry Brown, being set to the Bar, received Sentence to be whipped until his Body was bloody, at three seperate times, in three different places, first, on the Parade, secondly, at Southwark, and lastly, at Wapping. Sam and Frank, being brought to the Bar, the former was sentenced to be burnt in the Hand, and Frank received Judgment to be hanged by the Neck until his Body was dead at the usual Place of Execution. The Sentence against Sam was duly executed in the Face of the Court before Adjournment. The Business of the Sessions being now ended, the Grand and Petit Juries were dismissed, and the Court was, by Proclamation, adjourned to the Ninth Day of April next ensuing.	Frank claimed that he never left his master's house that night and could not have done so, because his master always locked the back door and kept the key. The court wanted to settle this point and ordered Larry, Frank's fellow servant, to be called. Examined on the matter, Larry said that his master did not usually keep the key. It was normally left on the dresser in the kitchen. The prisoners had nothing more to say in their defence and no witnesses to call on their behalf. The evidence was summed up for the jury, which withdrew to deliberate. On its return, it found Frank guilty of both theft and burglary. It cleared Sam of burglary but convicted him of theft. Both men were then taken from the dock. Henry Brown was brought to the dock and sentenced to be flogged until he bled on three separate occasions, each at a different place. The first flogging was to take place on the Parade, the second at Southwark and the last at Wapping. Sam and Frank were then brought up for sentence. Sam was to be branded on the hand. Frank was sentenced to hang by the neck until dead at the usual place of execution. Sam's branding was carried out in open court before the sitting ended. With the court's business concluded, the grand jury and the trial jury were discharged. A public proclamation adjourned the court until 9 April 1766. **Interpretations** The court again stepped in to test a prisoner's claim, as it had with Bunn's evidence in Castor's case. Frank's defence rested on a locked door and a key in his master's keeping. By calling Larry on its own initiative, the bench exposed that claim as false, since the key habitually lay in the kitchen where any of the household could take it. The episode shows justices actively examining facts rather than simply presiding while the parties made their cases. Brown's punishment was a severe public flogging, spread across three locations so that as much of the population as possible would see it. The Parade was the open ground in front of the castle and barracks in Jamestown. Southwark and Wapping were perhaps names given locally to districts of the town, borrowed from the riverside neighbourhoods of London familiar to the Company's seamen and soldiers. The order to flog until his body was bloody set a minimum severity, leaving no room for a light or token whipping. Frank's sentence was the same as that of Winchester and Cupidore, but without the order to hang the body in chains. His crime was burglary, not murder, and gibbeting was reserved for the gravest offences. The court nonetheless sent him to the gallows for a theft of food and spirits driven, on the evidence, partly by hunger. **Speculations** The jury drew a distinction between Sam and Frank that the evidence did not obviously support.

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			Lewis described the two men breaking the door together while he kept watch, and Sam had first tried to force it with the crowbar. Convicting both of burglary was the obvious course. The reason for the difference lies in Frank's record. He had been convicted of theft in October and branded, so benefit of clergy was no longer open to him. Any felony conviction would now send him to the gallows, whether or not the jury found burglary. For Sam, a first offender, the burglary finding alone stood between a branding and death. The jurors, unable to save Frank, used the one choice still open to them to spare Sam's life.
156	146	On Wednesday the twenty second of this Instant The Sentence of Death was put in due Execution against Frank. On the three following Mondays, Viz. On the twentieth Instant, and on the fourth and twentieth of February following, Henry Brown was whipped at the different Places, as directed by Sentence. John Skottowe Dan Corneille C Burling Thos Kirkpatrick	Frank's death sentence was carried out on Wednesday 22 January 1766. Henry Brown received his three floggings at the places named in his sentence on three Mondays: 20 January 1766, 4 February 1766 and 20 February 1766. The record carried the signatures of the four justices. John Skottowe Daniel Corneille [...] Burling Thomas Kirkpatrick **Interpretations** Brown's floggings were spaced out over a month rather than inflicted together. The gaps allowed his back to heal enough between beatings for each one to be carried out in full, since a sentence to flog until the body bled could not be repeated on raw wounds. The spacing also kept the punishment before the public for weeks, turning a single sentence into a series of reminders across different parts of the town.
157	147	On the fifteenth Day of January, in the sixth Year of his Majesty's Reign, a Precept upon the Commission of the Peace was issued out and Delivered to the Sheriff. On the twenty fifth Day of March following, a Precept upon the Commission of Oyer & Terminer was issued out and Delivered to the said Sheriff. On the Ninth Day of April following, upon finding the Bill of Indictment agt London, a Precept upon the Goal Delivery to return a Jury to try the said Indictment, was issued out to the said Sheriff in Court. Island of St Helena The General Quarter Sessions of the Peace, Sessions of Oyer and Terminer and Sessions of Goal Delivery, holden at the Hall in James's Valley within the said Island of St Helena, the Ninth Day of April, in the Sixth Year of the Reign of our Sovereign Lord George the third, of Great Britain, France and Ireland King, Defender of the faith, and so forth, Before John Skottowe, Daniel Corneille, Matthew Burling and Thomas Kirkpatrick Esquires, four of his Majesty's Justices, assigned to keep the Peace in and for the said Island, also Commissioners of Oyer and Terminer, authorized to hear and determine all Felonies, Trespasses and other Misdemeanors in the Sd Island committed. The Court being opened upon the Commission of the Peace, a Grand Jury consisting of Seventeen of the principal Inhabitants of	The sheriff received a precept under the commission of the peace on 15 January 1766, in the sixth year of the King's reign. A precept under the commission of oyer and terminer followed on 25 March 1766. On 9 April 1766, once a grand jury had approved an indictment against a man named London, the court issued a precept under the commission of gaol delivery in open session. It directed the sheriff to bring together a jury to try the charge. The general quarter sessions of the peace, together with the sessions of oyer and terminer and of gaol delivery, sat at the Hall in James's Valley on 9 April 1766. The date fell in the sixth year of the reign of George III, King of Great Britain, France and Ireland and Defender of the Faith. Governor Skottowe presided alongside Daniel Corneille, Matthew Burling and Thomas Kirkpatrick. All four held royal commissions as justices of the peace for the island. They also sat as commissioners of oyer and terminer, with power to try felonies, trespasses and lesser offences committed there. The court opened under the commission of the peace, and a grand jury of 17 leading inhabitants was assembled and sworn. No business arose under that commission. The court therefore opened as a court of oyer and terminer, and a fresh grand jury was assembled and sworn. **Interpretations** The entry on the precept for gaol delivery explains why earlier precepts of this kind so often bore the same date as the sitting. The court issued it only after the grand jury had found a true bill, since a trial jury was needed only once there was an indictment to try. The sheriff then summoned the jurors on the spot. The sequence shows the three commissions working as linked stages, each triggered by the outcome of the one before. The accused, London, may have been the male slave owned by John Whitchurch who gave evidence against Pegg in April 1765. The record here gives

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		the said Island were Impannelled and sworn; But no Business appearing upon that Commission, the Court of Oyer and Terminer was opened, a New Grand Jury Impannelled and Sworn, and the following Bill of Indictmt	only his name, so the identification cannot be certain. Single names of this kind were common among the island's slaves, and several men could have shared one.
158	148	Being preferred to, and found by, them, The Court was then opened upon the Goal delivery. London, a Manslave belonging to Simon Whaley, being set to the Bar, was arraigned upon the following Indictment, Viz. Island of St Helena ss. "The Jurors of our Sovereign Lord the "King upon their Oaths do Present that London late of Fisher's "Valley within the said Island Manslave not having the fear of God before "his Eyes but being moved and seduced by a Devilish Instigation On "the twenty seventh Day of December in the sixth Year of the Reign of "our Sovereign Lord George now King of Great Britain &c. by force "and Arms in James's Valley within the Island aforesaid in and upon "one Jenny a Female Child in the Peace of God and of our Sovereign Lord the "King then and there being feloniously and Voluntarily did make an "Assault And that the said London with a Certain Stick of Bamboo "which he the said London in his Hand then and there had and held "the said Jenny upon the Left side of her the said Jenny then and there "feloniously and Voluntarily did Strike and unto the said Jenny upon "the Left Side of her the said Jenny with a certain Stick of Bamboo "as aforesaid did give two Violent Blows Of which said two Violent Blows "the said Jenny from the said twenty seventh Day of December in the Year "aforesaid until the sixth Day of January in the Reign aforesaid within "the Island aforesaid did Languish and Languishingly did Live On "which said sixth Day of January in the Reign aforesaid in Fisher's "Valley aforesaid the said Jenny of the said two Violent Blows did die. "And so the Jurors aforesaid upon their Oaths aforesaid do say "that the said London the said Jenny in Manner and Form aforesaid "feloniously and Voluntarily did kill and Murder Against the "Peace of our Sovereign Lord the King his Crown and Dignity." To which Indictment he pleaded "Not guilty." Then the Prisoner being put upon his Trial, the twelve following Men, Viz.	The grand jury approved the indictment placed before it, and the court then opened for gaol delivery. London, a male slave owned by Simon Whaley, was brought to the dock and charged. The King's jurors stated on oath that London, of Fisher's Valley, attacked a young girl named Jenny in James's Valley on 27 December 1765. The indictment described him as acting without fear of God and at the Devil's prompting. Jenny, it said, was going about her life under the protection of God and the King. London allegedly struck her twice with great force on her left side with a bamboo cane he held in his hand. Jenny lingered in a failing condition on the island from 27 December 1765 until 6 January 1766, when she died of the two blows in Fisher's Valley. The jurors concluded that London deliberately killed Jenny, describing the act as murder in breach of the King's peace, crown and dignity. London pleaded not guilty. London was then put on trial before a jury of 12 men. **Interpretations** The indictment called the killing murder but, like the charge against Stedman, omitted the phrase "malice aforethought". It described the blows only as deliberate and unlawful. Without malice, the charge could hardly sustain a conviction for murder and pointed instead towards manslaughter. The pattern suggests that whoever drafted indictments on the island was framing cases of fatal beating in a form that left room for the lesser verdict. The timing shows that the case was not ready for the January sitting, even though Jenny died on 6 January 1766, nine days before the court met. The inquest, the gathering of evidence or the drafting of the charge evidently took longer, and London waited three months in custody for trial. The late issue of the precept for gaol delivery, only after the grand jury found the bill, fits a case brought forward at the last moment. London's owner, Simon Whaley, had sat on almost every jury of 1765, including those that tried Pegg, Winchester and Cupidore, Jo and Castor. The owner of the accused in this case had repeatedly judged the slaves of his neighbours. As with Stephen Young in Castor's trial, Whaley would have to stand aside from the panel for his own slave's case. Bamboo grew freely on St Helena, especially in the damp valleys, and its canes were used for fencing, tools and rods. A bamboo cane was a common instrument for beating slaves and children, which may explain how London came to have one in hand. Two blows to the side of a child could cause internal injuries, such as a ruptured spleen, whose effects might take days to kill. Jenny was perhaps herself a slave, since she was named by a single name with no parent or owner recorded.
159	149	Roderick Merchant Benj: Seale Saml Colgrave Robt Ballard Jno Desfountain Jo: Whitchurch Stephen Young Geo: Bird Jn Seale Jo: Shelley	The jury for London's trial consisted of the following men. Roderick Merchant Benjamin Seale James Colgrave Robert Bolland John Desfountain John Whitchurch Stephen Young George Bird

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		William Seale and Jn Worrall were sworn upon his Jury. The Indictment was, a second time, read to him, and the Jury charged. Dorinda, a Womanslave belonging to Jo: Chamberlain and Jenny the Deceased's Mother, on her Oath, Saith, that on the twenty seventh of December last London, the deceased's father, and the Prisoner now at Bar, beat her, the said Jenny, with a large Bamboo Stick, because she would not Lie Still, and that same Day took her into the Country to the House of John Robinson, where she sickened, and in a Short time after died; That she, the Deponent, came to the said Robinson's some time before, and was present at her Death. That one Nanny, a free black Woman laid her out, in doing which, she, the Depont saw a black Spot on one of the Deceased's Left Ribs, and on feeling it found the rib broke. Saith, that after the said Jenny's Death, the Prisoner declared to her that he would have no further Concerns with her, as he had killed the Child (meaning Jenny, the Deceased). John Hayes, being sworn, Saith, that on Sunday the Nineteenth of January last in the Evening, as he was going up towards the Barracks, he heard some one call him, and Looking up towards the side path, discovered it was London, the Prisoner, who, on seeing the Deponent look that way, desired him to wait, for that he had something to say to him. That he accordingly waited, and on the Prisoner's coming up, he asked him concerning Dorinda, the last Witness, and where she was: The Deponent, who lives in the same house with the said Dorinda, told him she was at home; The Prisoner further asked him if she intended to keep him any Longer for a Husband, to which he replyed that he believed she did not, and then the Prisoner said - "Her reason, I suppose, for not keeping me is, "because I killed the Child (meaning the said Jenny)" That the Depont, with surprize, thereto replyed - Surely, You have not killed the Child, to which the Prisoner said that he had, and added that he did not Care if they threw him into Prison, tried him for his Life, and hanged him on	John Seale Joseph Shuttley William Seale John Warrick The indictment was read to London for a second time, and the jury received its charge. Dorinda, a female slave owned by Joseph Chamberlain and the mother of the dead child, gave sworn evidence. On 27 December 1765, she said, London, who was Jenny's father, beat the girl with a large bamboo cane because she would not take her milk. That same day he carried her out into the country to John Robinson's house. There she fell ill and died a short time later. Dorinda had reached Robinson's some while before and was present when her daughter died. A free black woman named Nanny prepared the body for burial. While she did so, Dorinda noticed a dark mark over one of the ribs on Jenny's left side. When she felt it, she found that the rib was broken. After Jenny's death, Dorinda added, London told her he would have nothing more to do with her, since he had killed the child. John Hayes gave sworn evidence that he was walking up towards the barracks on the evening of Sunday 19 January 1766 when someone called to him. Looking up at the side path, he saw that it was London. London asked him to wait, as he had something to tell him, and Hayes did so. When London reached him, he asked about Dorinda and where she was. Hayes, who lived in the same house as Dorinda, said she was at home. London then asked whether she meant to keep him as her husband any longer. Hayes replied that he thought not. London said he supposed the reason was that he had killed the child. Astonished, Hayes told him he surely had not killed her. London insisted that he had. He added that he did not care if they threw him in prison, bound him for life or even hanged him. **Interpretations** The jury was notable for who was absent from it. Simon Whaley, London's owner, sat on nearly every jury of the previous year but did not sit here. Joseph Chamberlain, a regular juror, was also missing, and he owned Dorinda and so, by the rule that a child took the status of the mother, probably owned Jenny too. The court kept both the accused's owner and the dead child's owner off the panel. Each had a direct financial stake in the verdict, whether as the man who stood to lose a slave to the gallows or the man who had already lost one. The case against London rested heavily on his own admissions. He told Dorinda that he had killed the child and repeated the claim to Hayes without prompting, adding that he did not care what punishment followed. These statements came weeks after the event, apparently in anguish over the collapse of his relationship with Dorinda. A jury could read them as a genuine confession or as the bitter words of a grieving and rejected man, but they left him little room for denial. The only evidence of injury came from Nanny, the free black woman who laid out the body, and from Dorinda's own touch. The broken rib beneath a dark bruise on the left side matched the blows described in the indictment. No surgeon appears to have examined Jenny, unlike Harrold, York or Knowles. For the death of a slave child, the court relied on the observations of the women who prepared her for burial. The evidence reveals the fragile family life of slaves on the island. London and Dorinda had different owners and lived apart, he in Fisher's Valley and she in a house shared with Hayes. Their union was informal and had no standing in law, which is why London asked whether Dorinda would keep him as a husband rather than speaking of a marriage. Their daughter belonged to her mother's owner, not to either parent. London's authority over the child, exercised with a

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			bamboo cane, existed alongside the owner's legal claim to her body and labour.
160	150	That Hill (pointing to that on which the three Criminals convicted of Murder hung in Chains). That the Prisoner also asked him what Husband the said Dorinda then had, and he told him it was Mr Sample's Jack. The Witness being asked if the Prisoner seemed to be drunk at the time of the above Conversation, Says, he seemed a little in Liquor. Nanny, a Woman Slave belonging to Mr John Robinson, on her Oath, Saith, that, on the twenty sixth of December last, London, the Prisoner, came to her Master's house, and asked her Mistress's Leave to take Jenny, the Deceased, along with him to the Main fort, which having obtained, he took the said Jenny down, and in two Days afterwards brought her home again; That the next Day the Deceased complained of a Pain in her Belly, and in some time after, was taken with a Coughing, which brought on a Spitting of Blood, and in two or three Days more she died. That as one Nanny, a free black Woman was Laying her out, she perceived the Mark of a Bruise under her Left Arm, which looked black, and was of a round figure. Being examined as to the Age of the Deceased, Says, she was four or six years old, and could speak intelligibly. Nanny, a free black Woman, on her Oath, Saith, that she was at Mr Robinson's when Jenny died there; That in undressing her to Lay her out, she saw the Appearance of a Bruise under her Left Arm, of a round figure, and of the Size of an English Sixpence. That some time before the Sd Jenny's Death, she was seized with a Coughing, but saw her spit no blood, Says the Functions of her throat were obstructed so as to have the greatest Difficulty in Breathing, which, she is certain, was the Cause of her Death. The Prisoner, being put on his Defence, Saith, that he brought the Deceased from Mr Robinson's in the Country down to the Fort and back again harmless, that he never struck her, Denies the Charge. Mr Elisha Isacke, being duly sworn, Saith, that, at Mr Robinson's Desire, he went to see Jenny, the Deceased, and	London, according to Hayes, went on to say that they could hang him on that hill, and he pointed to the one where the three men convicted of murder hung in chains. He also asked who Dorinda's husband was now. Hayes told him it was Jack, a slave belonging to Mr Semple. Asked whether London seemed drunk during this conversation, Hayes said he appeared to have been drinking a little. Nanny, a female slave owned by John Robinson, gave sworn evidence that London came to her master's house on 26 December 1765. He asked her mistress for permission to take Jenny with him down to the main fort. Having received it, he took the girl down and brought her back two days later. The following day Jenny complained of a pain in her stomach. Some time afterwards she developed a cough, which led to her spitting blood, and two or three days later she died. While a free black woman, also named Nanny, was preparing the body for burial, this witness saw a round, black bruise under Jenny's left arm. Asked about the child's age, she said Jenny was four or six years old and could speak clearly. Nanny, a free black woman, testified on oath that she was at Robinson's house when Jenny died. As she undressed the child to lay her out, she saw what looked like a round bruise under the left arm, about the size of an English sixpence. Some time before her death, Jenny was seized with a cough, but this witness never saw her spit blood. Her throat, Nanny said, was so blocked that she could barely breathe. Nanny was certain this was what killed her. London was called on for his defence. He stated that he fetched Jenny from Robinson's house in the country, took her down to the fort and brought her back unharmed. He insisted he never struck her and denied the charge. Elisha Isacke gave sworn evidence that he went to see Jenny at Robinson's request. **Interpretations** The gibbet to which London pointed held the bodies of the men hanged for murder, among them Winchester and Cupidore, executed on 26 April 1765, and perhaps Lewis, hanged for killing Patt. Their bodies remained on public display in chains months later, as their sentences required. London's gesture shows that the warning worked as intended: a slave contemplating his own fate looked straight to the hill where others like him hung. His words suggest despair rather than defiance. The free woman Nanny's account undercut the prosecution's case on the cause of death. She described a throat so obstructed that the child could hardly breathe and was certain this, not any blow, killed her. Such symptoms fitted a throat infection, perhaps croup or a form of diphtheria, which could kill young children within days. The bruise she saw was small, the size of a sixpence, and she made no mention of the broken rib Dorinda described. The jury faced sharply conflicting accounts from the two women who handled the body. The witnesses also disagreed on the sequence of events. Dorinda said London beat Jenny on 27 December and took her to Robinson's the same day. Robinson's slave Nanny said London collected the child from Robinson's on 26 December, took her to the fort and returned her two days later, after which she fell ill. The second account placed Jenny at Robinson's before London ever took her anywhere. Such inconsistencies weakened the prosecution's attempt to tie the child's decline to a specific beating. The two women named Nanny illustrate the distinctions of status that the court recorded with care. One was a slave in Robinson's household, the other a

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			free black woman who apparently laid out the dead for the community. Both gave evidence on oath, and both saw the same bruise, yet their accounts of the illness differed. Their testimony shows free and slave women alike playing a role in the island's legal process, particularly in matters of death and the body where a surgeon did not attend.
161	151	Recommended to the said Robinson to give her some pounded Garlick with the Help of a Feather; That he repeated his Visit, and found her worse, and from the Symptoms of her Disorder, which was chiefly a Rattling in the Throat, he could Judge it to be Nothing else than a Quincy, to which he imputes her Death. The Evidence on both Sides being now closed, the Whole was impartially summed up to the Jury, who retired to consider. On their Return, they declared their Verdict, by which they acquitted the Prisoner. He was Discharged. The Business of the Sessions being ended, the Grand and Petit Juries were dismissed, and the Court was, by Proclamation, adjourned to the sixteenth Day of July next ensuing. John Skottowe Dan Corneille C Burling Thos Kirkpatrick	Isacke examined Jenny and advised Robinson to give her crushed garlic, applied with the help of a feather. On a second visit he found her worse. Her main symptom was a rattling in the throat, and from this he judged that she could only be suffering from quinsy. He attributed her death to that illness. The evidence for both sides was now complete and was summed up fairly for the jury, which withdrew to deliberate. On its return, it acquitted London, and he was released. With the court's business concluded, the grand jury and the trial jury were discharged. A public proclamation adjourned the court until 16 July 1766. The record carried the signatures of the four justices. John Skottowe Daniel Corneille [...] Burling Thomas Kirkpatrick **Interpretations** Quinsy was the period name for a severe inflammation of the throat, usually an abscess beside the tonsils, which could swell until it blocked breathing and swallowing. It was a recognised killer, especially of children, before antibiotics. Isacke's diagnosis matched the free woman Nanny's description of a throat so obstructed that the child could barely breathe. Crushed garlic swabbed onto the throat with a feather was a common household remedy, valued for its supposed power to draw out inflammation. Isacke, described only as "Mr", was perhaps a lay practitioner or a settler with medical knowledge rather than a Company surgeon. **Speculations** The jury acquitted London despite two separate confessions that he had killed his daughter. Conviction was the obvious outcome, since he had admitted the killing to both Dorinda and Hayes and a broken rib and bruise were found on the body. The reasons for rejecting it are visible in the evidence. Isacke, who attended the child while she was dying, and Nanny, who laid her out, both attributed the death to quinsy. The small bruise was far from the kind of wound that would explain a throat disease, and the witnesses disagreed about the beating and its timing. London's admissions came weeks later, from a grieving man who had lost his child and his partner and who had been drinking when he spoke to Hayes. The jurors judged that a father's guilt-ridden words could not outweigh medical evidence that the child died of illness.
162	152	On the Ninth Day of April, in the Sixth Year of his Majesty's Reign, a Precept upon the Commission of the Peace was issued out to Mr Samuel Alexander Sheriff of the Island of St Helena. On the thirtieth Day of June following, a Precept upon the Commission of Oyer and Terminer was issued out and directed to the Sd Sheriff. Island of St Helena The General Quarter Sessions of the Peace holden at the Hall of the said Island of St Helena, the Sixteenth Day of July, in the Sixth Year of the Reign of our Sovereign Lord George the third, of Great Britain, France and Ireland	Samuel Alexander, now sheriff of St Helena, received a precept under the commission of the peace on 9 April 1766, in the sixth year of the King's reign. A further precept, under the commission of oyer and terminer, went to him on 30 June 1766. The general quarter sessions of the peace sat at the Hall on St Helena on 16 July 1766. The date fell in the sixth year of the reign of George III, King of Great Britain, France and Ireland and Defender of the Faith. Governor Skottowe presided alongside Daniel Corneille, Matthew Burling and Thomas Kirkpatrick. All four held royal commissions as justices of the peace for the island. They also sat as commissioners of oyer and terminer, with power to try felonies, trespasses and lesser offences committed there. The court opened under the commission of the peace, and a grand jury of 17 leading inhabitants drawn

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		King, Defender of the Faith and so forth, Before John Skottowe, Daniel Corneille, Matthew Burling and Thomas Kirkpatrick Esquires, four of his Majesty's Justices, assigned to keep the peace in and for the said Island; And also Commissioners of Oyer and Terminer, authorized to hear and determine all Felonies, Trespasses and other Misdemeanors in the said Island committed. The Court being opened upon the Commission of the Peace, a Grand Jury consisting of Seventeen of the principal Inhabitants of the Body of the said Island were impannelled and Sworn; But no Business appearing upon that Commission, and no Prisoners being in his Majesty's Goal, as appeared by the Sheriff's Return,	from across the island was assembled and sworn. No business arose under that commission. The sheriff also reported that the King's gaol held no prisoners. **Interpretations** Samuel Alexander had been one of the three men the vestry nominated for sheriff on 8 April 1765, when John Desfountain, the first named, received the post. A year later Alexander held the office himself. The rotation suggests that the shortlist functioned as a pool from which sheriffs were drawn in successive years, spreading the burden of an unpaid and demanding office among the island's leading settlers.
163	153	The Court was, by Proclamation, adjourned to the eighth Day of October next ensuing. John Skottowe Dan Corneille C Burling Thos Kirkpatrick	With nothing to try, the court was adjourned by public proclamation until 8 October 1766. The record carried the signatures of the four justices. John Skottowe Daniel Corneille [...] Burling Thomas Kirkpatrick
164	154	On the Sixteenth Day of July, in the sixth Year of his Majesty's Reign, a Precept upon the Commission of the Peace was issued out to Mr Saml Alexander Sheriff of the Island of St Helena. On the twenty sixth Day of Septemr following, in the Sixth Year of his said Majesty's Reign, a Precept upon the Oyer and Terminer was issued out to the Sd Sheriff of the said Island. On the eighth Day of October following in the same Year of his said Majesty's Reign a Precept upon the Goal Delivery was issued out to the Sd Sheriff. Island of St Helena The General Quarter Sessions of the Peace, Sessions of Oyer and Terminer, and Sessions of Goal Delivery, holden at the Hall in James's Valley for the said Island of St Helena, the eighth Day of October in the sixth Year of the Reign of our Sovereign Lord George the third, of Great Britain, France and Ireland King, Defender of the Faith, and so forth, Before John Skottowe, Daniel Corneille, Matthew Burling and Thomas Kirkpatrick Esquires, four of his Majesty's Justices, assigned to keep the Peace in and for the said Island, also Commissioners of Oyer & Terminer authorized to hear and determine all Felonies, Trespasses and other Misdemeanors in the said Island committed. The Court being opened upon the Commission of the Peace, and a Grand Jury consisting of Seventeen of the principal Inhabitants of the Body of the said Island being impannelled and	Samuel Alexander, sheriff of St Helena, received a precept under the commission of the peace on 16 July 1766, in the sixth year of the King's reign. A precept under the commission of oyer and terminer followed on 26 September 1766. On 8 October 1766 he received a third precept, issued under the commission of gaol delivery. The general quarter sessions of the peace, together with the sessions of oyer and terminer and of gaol delivery, sat at the Hall in James's Valley on 8 October 1766. The date fell in the sixth year of the reign of George III, King of Great Britain, France and Ireland and Defender of the Faith. Governor Skottowe presided alongside Daniel Corneille, Matthew Burling and Thomas Kirkpatrick. All four held royal commissions as justices of the peace for the island. They also sat as commissioners of oyer and terminer, with power to try felonies, trespasses and lesser offences committed there. The court opened under the commission of the peace, and a grand jury of 17 leading inhabitants drawn from across the island was assembled and sworn.
165	155	Sworn, John Criswell Patron of the Honble Company's Long boat, who had been bound over to the good Behaviour, on a Complaint exhibited against him by Mary Burnham Widow, was called, and on his Appearance was upon a fresh Complaint	John Criswell, coxswain of the East India Company's longboat, had earlier been bound over to keep the peace following a complaint made against him by Mary Burnham, a widow. He was called and appeared before the court. Burnham then lodged a fresh complaint against him in open court, and he was

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		Lodged against him by the said Mary Burnham in Court, bound over again in a fresh Recognizance; And no other Business appearing upon that Commission, The Court was opened upon the Oyer and Terminer on which a New Grand Jury was impannelled and sworn, and two Bills of Indictment were preferred to, and found by, them: Then the Court was opened upon the Goal Delivery. William Phillips, Gunner in the Company of Artillery Commanded by Captn Archibald Mitchell, being set to the Bar, was arraigned upon the following Indictment, Viz. Island of St Helena ss. "The Jurors of our Sovereign Lord the King upon their "Oaths do Present that William Phillips late of James's Valley within "the Island of St Helena Gunner on the twelfth Day of September in the "sixth Year of the Reign of our Sovereign Lord George now King of Great "Britain &c by Force and Arms &c in the Valley aforesaid within the Island "aforesaid one Piece of coined Gold called a Six and thirty of the Value of one "pound and sixteen Shillings three pieces of coined Gold called Guineas "of the Value of three pounds and three Shillings twenty five pieces of "coined Silver called half Crowns of the Value of three Pounds two Shillings "and Six pence two Pieces of coined Silver called french Crowns of the Value "of ten Shillings one Silver Stock buckle of the Value of four Shillings "two Gold rings of the Value of eighteen Shillings and one Silk purse "of the Value of two pence numbered of the Goods Chattels and Money of "one Eustace White then and there being found in a Chest belonging to the "said Eustace White in the Old Barrack feloniously did steal take and "bear away against the Peace of our Sovereign Lord the King his Crown "and Dignity." To the above Indictment he pleaded "Not guilty." The Petit Jury being called the Sd William Phillips was put on his Trial, and the twelve following Men, Viz. John Bland Orl: Bagley Junr James Colgrave Ben: Seale Rodk Merchant Robt Ballard Stephen Young George Bird John Whitchurch John Worrall John Shelley and John Robinson were sworn upon his Jury. Then the Indictment was, a second	bound over again under a new recognisance. No other business arose under the commission of the peace. The court therefore opened as a court of oyer and terminer, and a fresh grand jury was assembled and sworn. Two draft indictments were placed before the jurors, who approved both. The court then opened for gaol delivery. William Phillips, a gunner in the artillery company under Captain Archibald Mitchell, was brought to the dock and charged. The King's jurors stated on oath that Phillips, of James's Valley, committed a theft there on 12 September 1766. The property belonged to Eustace White and was kept in White's chest in the Old Barracks. The items listed in the charge were as follows. 1 gold six-and-thirty piece, £1 16s 0d 3 gold guineas, £3 3s 0d 25 silver half-crowns, £3 2s 6d 2 silver French crowns, £0 10s 0d 1 silver stock buckle, £0 5s 0d 2 gold rings, £0 18s 0d 1 silk purse, £0 0s 2d The indictment declared that the theft breached the King's peace, crown and dignity. Phillips pleaded not guilty. The trial jury was called, and Phillips was put on trial before the following 12 men. John Bland Orlando Bagley junior James Colgrave Benjamin Seale Roderick Merchant Robert Bolland Stephen Young George Bird John Whitchurch John Warrick John Shuttley John Robinson The jurors took the oath, and the indictment was then read to Phillips a second time. **Interpretations** Binding over to keep the peace was one of the justices' most useful preventive powers. A person complained of entered into a recognisance, a formal bond promising good behaviour for a set period, often backed by sureties who pledged money of their own. If he broke the peace, the bond was forfeited and the sum became payable to the Crown. Criswell's renewed binding shows the machinery at work: Burnham's first complaint had not ended the trouble, and her second, made in open court, led the justices to impose a fresh bond. For a widow with no male protector, the recognisance offered a way to restrain a troublesome man without the expense and uncertainty of a prosecution. The coxswain of the Company's longboat was the man in charge of the heavy boat that carried water, provisions and cargo between the shore and ships at anchor in the roads. On an island without a harbour where ships could berth, this boat was vital to the Company's business, and its coxswain held a position of some responsibility. The stolen property shows how a soldier of the garrison might store his savings. The six-and-thirty was the Portuguese half-johannes, a gold coin minted from Brazilian gold and valued at 36 shillings, which circulated widely in Atlantic and eastern trade. French crowns, or écus, were large silver coins of France, rated here at five shillings each. A stock buckle fastened the stiff linen neckband, or stock, worn by soldiers and gentlemen, at the back of the neck, and silver ones were small items of display. With gold rings and a silk purse, the chest held more than £10 in total, a large fortune for a man in the Old Barracks and far more than the thefts of shirts and arrack seen in earlier cases.

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166	156	Time, read to him, and the Jury charged. Eustace White, the Prosecutor, being duly sworn, Saith that on the twelfth day of September last between the Hours of twelve and one, he had Occasion to go out of the Barracks, and that before two he re- -turned to it; That on his coming in, he perceived on the Table a small Box which he always kept locked in his Chest, and thinking suddenly on two Gold rings which he had in the Sd Box, he examined it, and missed them; On which he sat himself down to Consider if, thro' Mistake he had not left the Sd Box out of his Chest, and on intending to open the Chest he perceived it had been broke open; which so alarmed him that he ran to the Door, and asked the first Man he saw if he could give him any Tidings of John Satcher, who informed him he was in the Tea Shop. That he forgets who it was that told him so, but immediately proceeded to the Tea Shop, where, finding the said Satcher, he instantly enquired of him if any one, besides himself, had been in their Barracks since he, the Witness, had left it, to which Satcher replyed that a Man belong- -ing to the Main guard, whose Name he could not then recollect, had been there, On which they both repaired to the Sd Guard, but not finding him there, they went round the Barracks in Search, and Satcher then bethinking himself of his Name, told him it was Willm Phillips. That then he returned to his Barrack, whither he called Thomas Collier a Corporal of the same Company, and there informed him of his Misfortune, telling him he had been robbed of two gold rings, being in Apprehension also of having Lost all the Money he had in his Chest. That thereon the Sd Collier desired him to examine it, which he accordingly did, and then missed his Money; On which they both went out, and going up the Main Street, they then met the Prisoner at the Bar in Company with one James Pigott. That on Coming up to them, the Witness told the Prisoner he was the Man he wanted, That his Chest had been broke open, and that he was robb'd of two Gold rings and twelve pounds in Money. That on the said Collier's informing the Witness he had seen the Prisoner some time before in the Market house, and that probably he might have hid the Money there, they went directly thither, and began to search; But while they were so employed, One William Hodges came to them, saying he had found a Silver Stock Buckle behind the Barracks, and producing	The indictment was read to Phillips for a second time, and the jury received its charge. Eustace White, who brought the prosecution, gave sworn evidence that on 12 September 1766 he left his barracks between twelve and one o'clock and returned before two. On coming in, he noticed on the table a small box that he always kept locked in his chest. He remembered that two gold rings were inside it, checked and found them gone. He sat down to think whether he might have left the box out of the chest by mistake. When he went to open the chest, however, he found that it had been forced. Alarmed, he ran to the door and asked the first man he saw whether he knew where John Scotcher was. He was told Scotcher was in the tap shop, though he could no longer remember who told him. White hurried to the tap shop and found Scotcher there. He asked at once whether anyone else had been in their barracks since he left. Scotcher said a man from the main guard had been there but could not recall his name. The two went to the guardhouse, did not find the man and then searched around the barracks. Scotcher then remembered the name: it was William Phillips. White returned to his barracks and called in Thomas Collier, a corporal of the same company. He told Collier about the loss of the two gold rings, not yet realising that all the money in his chest had gone too. Collier urged him to check, and White found the money missing. The two men went out and walked up the main street, where they met Phillips in the company of James Bazett. White told Phillips he was the man they wanted. His chest had been broken open, he said, and two gold rings and £12 0s 0d in money had been taken. Collier then told White that he had seen Phillips in the market house a little earlier and that he might have hidden the money there. They went straight to the market house and began searching. While they were at it, a man named William Hodges came up and said he had found a silver stock buckle behind the barracks. **Interpretations** White told Phillips on the street that he had lost £12 0s 0d in money, but the coins listed in the indictment came to £8 11s 6d. The indictment named only items that could be described and valued with some precision, and it may have been limited to what was recovered or could be sworn to. White's first figure, given in the heat of the moment, may also have been an estimate. The gap mattered, since the prosecution could convict only for the property specified in the charge. The forcing of White's chest did not make the crime a burglary. Burglary required breaking into a dwelling house at night, and this theft took place in a barracks in the middle of the day. Breaking open a chest was simply part of the theft, though it showed deliberate intent. The indictment accordingly charged simple larceny, with no mention of breaking. Phillips's post on the main guard gave him a reason to be moving about the barracks area, which may explain how he entered White's quarters without drawing attention. The main guard was the principal guardhouse, manned by soldiers from different companies in rotation. James Bazett, found with Phillips on the main street, shared a surname with Matthew Bazett, one of the three men nominated for sheriff in April 1765. The market house, the building where provisions were sold in Jamestown, offered many corners in which a thief might hide money briefly.
167	157	It, asked the Witness if it was his, who knew it was, tho' he was at that	Hodges produced the buckle and asked White whether it was his. White recognised it as his own, although until then he had not realised it was missing.

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		time ignorant he had lost it. That then they went along with the said Hodges to see where he had found the Buckle, and on the Witness's Lifting up a Parcel of Hoops which Lay there, he found a Knife and a Piece of black Ribband. That the Prisoner being present, Confessed the Hoops were his, but denied any Property in the Knife or Ribband. That in some time after One Lawrence Hall came to him on the Parade, and brought him his Purse and Money, which, on his acknowledging a Property in them, he, Hall, delivered to him. The Witness, being examined by the Court as to the Distance of time between his missing and finding his Money, Says it was an Hour and a Quarter; and being asked if he recollects the Different Species of Money stolen from him says he does, and informs the Court and Jury thereof in manner following, Viz. One Six and thirty or Portugal piece, three Guineas, twenty four half Crowns, two french Crowns, three Shillings and Six pence in English Money, one Rupee, and either Seven or eight Sequins. Being asked if his Chest was locked when he went to Look for the said Satcher and the Prisoner, Says it was not; And being examined as to the Space of time between his going to Look for the said Satcher and his Return to the Barrack, Says it could not exceed a Minute. John Satcher, Matross, being duly sworn, Saith that, on the twelfth Day of September last about the Hour of twelve at Noon, he went to his Barrack to get some Dinner, which while he was eating, the Prisoner at Bar came in, took two or three turns in the Room, and then went out. That having eat his Dinner, he went up to Mr Robinson's, and on his Return to the Barrack, he found the Front door which he had left only on the Latch so fastened on the Inside by a Bit of Tin, that he could not open it, till, by a good Deal of Shaking, the Bit of Tin fell down, and then the Door opened. That when he entered the Barrack, he perceived the Back door, which was shut when he went out, wide open, and while he was busy in bolting it, the Prisoner came in, and asked him for a Piece of Bread, on which he gave him his Loaf, and desired him to Cut as much as he wanted. That then he observed to the Prisoner that a Box lay on the Table which contained something like Money, and on the Prisoner's putting his Hand into it, he, the Witness, desired him not to Meddle with it, as he suspected it had been left there as a trap to try his Honesty; on	They went with Hodges to see where he had found it. There White lifted a bundle of hoops lying on the ground and found a knife and a length of black ribbon beneath. Phillips, who was present, admitted the hoops belonged to him but denied that the knife or the ribbon were his. Some time later, a man named Lawrence Hall came to White on the Parade with his purse and money. White confirmed they were his, and Hall handed them over. Questioned by the court, White said that an hour and a quarter passed between his discovering the loss and recovering the money. Asked whether he could recall the different coins taken, he said he could and listed them for the court and jury. 1 Portuguese six-and-thirty piece 3 guineas 24 half-crowns 2 French crowns 3s 6d in English silver 1 rupee 7 or 8 sequins Asked whether his chest was locked when he went looking for Scotcher and Phillips, White said it was not. He estimated that no more than a minute passed between his leaving to find Scotcher and his return to the barracks. John Scotcher, a matross, gave sworn evidence that he went to his barracks for his midday meal at about noon on 12 September 1766. While he was eating, Phillips came in, paced up and down the room two or three times and then left. After finishing his meal, Scotcher went up to Robinson's. On returning, he found that the front door, which he had left on the latch, was jammed shut from inside by a piece of tin. He had to shake the door hard before the tin fell away and it opened. Inside, he noticed that the back door, which had been closed when he left, now stood wide open. While Scotcher was bolting the back door, Phillips came in and asked for some bread. Scotcher handed him his loaf and told him to cut as much as he wanted. He then pointed out to Phillips a box lying on the table that seemed to hold money. When Phillips put his hand into it, Scotcher told him to leave it alone. He suspected, he said, that it had been left out as a trap to test his honesty. **Interpretations** White's own list of stolen coins differed from the indictment in telling ways. He named a rupee and seven or eight sequins, which the charge omitted entirely, and gave 24 half-crowns where the indictment listed 25. Sequins were Venetian gold coins, the zecchino, prized across the Levant and India for their pure gold and brought to St Helena by ships returning from the East. The rupee came from the same trade. Their absence from the indictment suggests that it was drafted from the money actually recovered and returned by Hall, rather than from White's full account of his loss. Scotcher's evidence built a detailed case against Phillips from circumstances. Phillips was in the barracks while Scotcher ate, the front door was then wedged shut from inside and the back door was left open, suggesting someone had secured one entrance while working and left by the other. Phillips reappeared just as Scotcher returned, with an excuse to ask for bread. His willingness to put his hand straight into a box of money, even as Scotcher warned him off, sat oddly with innocence. A matross was the lowest rank in the artillery, a soldier who assisted the gunners in loading, aiming and moving the guns. Scotcher and White were evidently barrack companions, sharing quarters as many soldiers did. Scotcher's remark that the box might be a trap to test his honesty shows that soldiers on the island were well aware of the dangers of theft in shared barracks. It

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			also suggests a culture in which officers or comrades might deliberately set such tests.
168	158	Which they both went out, the Witness going directly to the Tea Shop. Being asked if Eustace White had acquainted him with the Robbery, Says he had, and that he moreover asked him if any one who had been in their Barrack since he left it, to which he replyed in the Affirmative, and altho' he could not, at that Instant, recollect the Name of that Person, on Acct of his Surprize, yet when it subsided, he remember'd his Name, and told him it was Phillips. William Hodges, Matross, being sworn, Saith that, on the twelfth Day of September last about one in the afternoon, as he Lay on his Cot in the Barrack, Eustace White and Thomas Collier came into the same Barrack, and that the said Eustace White then charged the Prisoner at the Bar with knowing some thing concerning the Robbery committed upon him, which Charge the Prisoner denied, and offered to suffer himself to be personally searched, or to have his Chest searched, the Key whereof he said he would give for that purpose, threatening at same time to Complain to his Captain for having been wrongfully and shamefully charged. That the said White and Collier went away without Searching, and the Prisoner went as far as the Door, then came back, and unlocked his Chest & Cupboard. That he took a Purse out of his Chest, which he put under his Coat, and carried it out backwards; That the Purse seemed to him to be green, and when he returned to the Barrack, he went out soon after, and on his returning a second time, he shut the Back Door after him, and went out the Front door. Saith that, in a Quarter of an hour after, there was a Search for the Money in the Market house, whither he also went to Search, but thinking that an improper Place to Search for the Money, he left it, and went back of the Barracks, and there close to a Parcel of Iron hoops near the Prisoner's Barrack, he found a Silver Stock buckle. That he brought the Buckle so found to the Sd White, who knew it to be his, and then they went to see the Place he had found it in, and on tossing the Sd Parcel of Hoops aside, a Knife and a Piece of black Ribban were found under them. That in some time afterwards, as Lieut Sample & the Sd White stood together near the Prison, Lawrence Hall deliver'd either to the Sd White or Sample a green Purse with Money in it, and on their going along with the Sd Hall to the Place where he	Scotcher and Phillips then both left the barracks, and Scotcher went straight to the tap shop. The court asked Scotcher whether White had told him about the theft. He said White had, and had also asked whether anyone else had been in their barracks since White left. Scotcher said someone had. In his surprise he could not at first recall the man's name, but once he had collected himself he remembered it and told White it was Phillips. William Hodges, a matross, gave sworn evidence that he was lying on his cot in the barracks at about one o'clock on the afternoon of 12 September 1766. White and Collier came in, and White accused Phillips of knowing something about the theft. Phillips denied it. He offered to let them search him in person or to hand over the key so that they could search his chest. At the same time he threatened to complain to his captain about being falsely and disgracefully accused. White and Collier left without searching him. Phillips followed them as far as the door, then turned back and unlocked his chest and cupboard. He took a purse from the chest, hid it under his coat and carried it out through the back. The purse looked green to Hodges. Phillips came back into the barracks, went out again soon afterwards and on his second return shut the back door behind him before leaving by the front door. About a quarter of an hour later, a search for the money began in the market house, and Hodges went along to help. He thought the market house an unlikely hiding place, so he left and went round to the back of the barracks. There, beside a pile of iron hoops close to Phillips's quarters, he found a silver stock buckle. He took it to White, who identified it as his. They went together to where Hodges had found it, and when they pushed the pile of hoops aside, they found a knife and a length of black ribbon beneath. Some time later, while Lieutenant Sampson and White were standing together near the prison, Lawrence Hall came up and handed one of them a green purse with money inside. They then went with Hall to the place where he had found it. **Interpretations** Hodges's evidence was the most damaging to Phillips because it described his conduct immediately after he was accused. Phillips publicly offered to have himself and his chest searched, yet the moment White and Collier left, he took a green purse from that same chest and carried it out of the back door. The purse Hall later returned to White was also green. The offer to be searched, made in the confident belief that nobody would accept it, became evidence of calculation rather than innocence once Hodges described what followed. The accumulating details formed a chain linking Phillips to the stolen property. The stock buckle lay near the iron hoops outside his barracks, and he had admitted that the hoops were his. The knife and ribbon beneath them may have been used to force the chest or to tie up the stolen goods. The green purse matched the one Hodges saw him remove. No single witness saw the theft itself, but each piece of evidence fitted the others. Phillips's threat to complain to his captain reflects a genuine right within the military community. A soldier falsely accused of theft by his comrades could seek redress from his officer, and such accusations could damage a man's standing in his company. The threat may explain why White and Collier backed away without searching him. Their hesitation gave Phillips the chance to move the purse, although it failed to save him because Hodges was watching.

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169	159	Had found the Money, he, the Witness, stoop'd down, and saw a Gold ring, and Searching farther he found under some Dirt in a blue Paper an other Gold ring, both which he delivered to the Sd White. The Purse being produced, and the Witness being asked if it is the same he saw the Prisoner take out of his Chest and put under his Coat, Says, he can't be positive as to that, but is certain the Purse so produced to him is the same that Lawrence Hall found and delivered to the said White. Then being examined as to the Quality of the Rings he had found, Says that one was a plain, the other a Stone ring: And the two rings being produced to him, Says that, tho' he took no particular Notice of them yet he is certain they are the same rings he found and delivered to the Sd White. Being also examined in regard to the Make or form of the Stock buckle and asked whether it was a Wrought or a plain One, Says it was a Wrought Stock buckle; then the same being produced to him, he believes it to be the very one he found and delivered to the said White. Lawrence Hall, Matross, on his Oath, Saith that on the twelfth Day of September last, having Dismounted Guard he lay himself down to Sleep, where he remained till after twelve at noon, then Got up, went back of the Barracks where he saw the Prisoner at the Bar and Hangman together. That in the space of twenty Minutes after his Return to his Barrack, [...] and told him that Eustace White had been robbed of fifteen Pounds wanting a Shilling of a Pair of Silver Knee buckles and of two Gold rings. That in some time afterwards, Lieut Sample came to the Barracks, and began to Search in the Barrack he belongs to, and that being over, he, the Witness, Joined some others who were then searching behind the said Barracks, and having searched for some time, he, in removing a large flat Stone, saw a Purse with Money in it, and with some Emotion cryed out - Here it is, which he repeated before he had Power to take it up: That he at length took it up, and carried it thro' the Prison, still crying out - Here it is - And perceiving Lieut Sample and the said White together as he came out on the Parade, he went up to them, and delivered the Purse and Money unto the Sd White. That then he went back along with them to Shew them the Place he had found the Purse in, and while he was shewing it, one Hodges cryed out he had found a Gold ring. The Purse being produced to the Witness, and he being asked if it is the same he found, Says it is of the same Size and Make, but can't swear	Hodges continued that when they reached the spot where Hall had found the money, he bent down and saw a gold ring. Searching further, he found a second gold ring wrapped in blue paper beneath some dirt. He handed both to White. The purse was produced in court, and Hodges was asked whether it was the one he saw Phillips take from his chest and hide under his coat. He could not be sure of that. He was certain, however, that it was the purse Lawrence Hall found and handed to White. Asked to describe the rings, he said one was plain and the other set with a stone. When they were shown to him, he admitted he had not examined them closely at the time, but he was sure they were the rings he found and gave to White. Questioned about the stock buckle, and whether it was plain or decorated, he said it was an ornamented one. When it was shown to him, he said he believed it was the same buckle he had found and handed over. Lawrence Hall, a matross, gave sworn evidence that he came off guard duty on 12 September 1766 and lay down to sleep. He stayed in bed until after noon, then got up and went round to the back of the barracks. There he saw Phillips together with a man called Hangman. About 20 minutes after Hall returned to his barracks, Scotcher came in and told him that White had been robbed. The loss, Scotcher said, amounted to one shilling short of £15, along with a pair of silver knee buckles and two gold rings. Some time later Lieutenant Sample arrived and began searching Hall's barracks. When that search ended, Hall joined others who were searching behind the barracks. After a while he lifted a large flat stone and found a purse with money in it underneath. In his excitement he shouted "Here it is!" and repeated it several times before he could bring himself to pick it up. He finally lifted it and carried it through the prison, still calling out. Coming onto the Parade, he saw Lieutenant Sample and White standing together. He went up to them and handed the purse and money to White. He then took them back to show where he had found it. While he was pointing out the spot, Hodges shouted that he had found a gold ring. The purse was produced, and Hall was asked whether it was the one he found. He replied that it matched it in size and style. **Interpretations** The value of the loss grew with each telling, and this weakened the precision of the prosecution. White first told Phillips on the street that he had lost £12 0s 0d. Scotcher, reporting to Hall, put it at £14 19s 0d and added a pair of silver knee buckles that appeared nowhere else. The indictment listed £8 11s 6d in coin. Rumour evidently inflated the figures as the story spread through the barracks. The jury could rely only on the items actually produced in court and identified by witnesses. Much of the identification evidence was cautious. Hodges could not swear that the purse Hall found was the one he saw Phillips carry out, and Hall would say only that it matched in size and style. Hodges believed, rather than knew, that the buckle was the one he found. The prosecution's case therefore depended on the combined weight of circumstances rather than on any single positive identification linking Phillips to a specific stolen item. The recovery of the goods from different hiding places behind the barracks, the purse under a flat stone and a ring wrapped in blue paper under dirt, suggests a thief who scattered his loot quickly once suspicion fell on him. This fitted Hodges's account of Phillips carrying the purse out of the back of the barracks immediately after being challenged. It also explains why some of the coins White listed, such as the sequins and the rupee, were never found.

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170	160	To its Identity, as it appeared to him, when found, to be of a green Colour. John Osburn, Matross, being duly sworn, Saith that on the same Day the aforesaid Robbery was committed, a Quarter before two of the Clock in the Afternoon, being in his Barrack, Hodges came there, and he, himself, went out; That the said Hodges followed him, and began to Search under a Parcel of Hoops that lay behind the Barracks, where he found a Silver Stock buckle, a Knife and a Piece of black Ribbon; That on his shewing the Things so found to the Witness, he knew them, and told the said Hodges that the Stock buckle belonged to Eustace White, the Knife to the Pri- -soner at the Bar, but knew not whose the Ribbon was. The Witness being asked by the Court if he thinks he should know the Stock buckle again, Says he is of Opinion he would, and being asked what kind of Stock buckle it was, whether a plain, wrought or Set Buckle, Says it was a plain one. Thereon the Buckle which is a wrought one being produced to him, affirms it to be the same found by the Sd Hodges; and being examined with regard to his Manner of describing of it, assigns his Reason for describing it so, as it was not set with Stones, alluding from thence it must be plain. Then being examined as to the Knife, he describes it justly, and on its being produced to him, knows it, and says it is the same that the Sd Hodges found, and believes it belongs to the Prisoner, as he often saw him use it. Richard Waterhouse, Matross, being duly sworn and examined relatively to the Knife, describes it exactly, and on producing the said Knife to him, he not swears, but only believes it belongs to the Prisoner, as he frequently used the same in the Barracks. No other Witnesses appearing on the Crown's side, the Prisoner is put on his Defence, and Saith that, being on Duty at the Main Guard, he relieved Sentries at Noon (meaning the Day the Robbery was committed) after which he went to Jack Knuff the Hangman, with whom he tarried for the Space of three or four **Margin Notes:** X	Hall added that he could not swear to the purse's identity, although when he found it, it had seemed green. John Osburn, a matross, gave sworn evidence that he was in his barracks at a quarter to two on the afternoon of the theft. Hodges came in, and Osburn went out. Hodges followed him and began searching beneath a pile of hoops behind the barracks. There he found a silver stock buckle, a knife and a length of black ribbon. When Hodges showed him the finds, Osburn recognised them. He told Hodges that the buckle belonged to White and the knife to Phillips, but he did not know whose the ribbon was. The court asked Osburn whether he would know the buckle again, and he thought he would. Asked whether it was plain, ornamented or set with stones, he said it was plain. The buckle, which was in fact ornamented, was then shown to him, and he confirmed that it was the one Hodges found. Pressed on his description, Osburn explained that he had called it plain only because it had no stones in it. He then described the knife in detail and recognised it when it was produced. He said it was the knife Hodges found and believed it belonged to Phillips, since he had often seen him using it. Richard Waterhouse, a matross, was sworn and questioned about the knife. He described it precisely. When it was shown to him, he said he could not swear to it but firmly believed it was Phillips's, since he had often seen him use it in the barracks. No further witnesses appeared for the prosecution, and Phillips was called on for his defence. He stated that he was on duty at the main guard and relieved the sentries at noon on the day of the theft. After that he went to the hangman and spent some time with him. **Interpretations** The court's handling of Osburn's description of the buckle shows the bench testing witnesses closely on detail. Osburn called the buckle plain, yet the one produced in court was ornamented. Rather than let the discrepancy pass, the justices pressed him until he explained that by "plain" he meant only that it bore no stones. The exchange reveals how carefully the court weighed identification evidence, especially where a conviction depended on linking recovered objects to the accused. The knife carried particular weight because two soldiers independently identified it as Phillips's. Found under the hoops together with White's stock buckle, it tied Phillips to the spot where stolen property was hidden. Neither Osburn nor Waterhouse could swear absolutely, but both had seen him use it often. Combined with Phillips's own admission that the hoops were his, the knife placed him at the hiding place. Phillips's defence placed him in the company of the island's hangman, the man who carried out executions and floggings. The earlier reference in Hall's evidence to Phillips being seen with the hangman behind the barracks now took on meaning. Phillips sought to use this companion as an alibi for the time of the theft. The hangman's standing in the community, however, was low, and his word might carry little weight with a jury of the island's settlers.
171	161	Minutes, and then returned to his Guard where he remained about a Quarter of an hour. That coming across the Parade in his Way to the Barracks, he met James Pigott and asking him where he was going, he told him he was going up the Valley: That it was then two or three and twenty Minutes after twelve, and he, the Prisoner, went into Eustace White's Barrack, where he	Phillips said he stayed with the hangman for a few minutes and then went back to his guard post, where he remained for about a quarter of an hour. Crossing the Parade on his way to the barracks, he met James Bazett and asked where he was heading. Bazett said he was going up the valley. By then it was 22 or 23 minutes past twelve. Phillips went into White's barracks and found Scotcher eating his meal. White was also there when Phillips arrived but left shortly afterwards. Phillips said he left about two minutes after White,

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		found John Satcher eating his Dinner; That the Sd White was also there when he Came in, but left it soon after. That he, himself, left the Barrack soon or in two Minutes after White but that Satcher stay'd there, and then he went up to the uppermost Barrack, where he met with Serjt Watson and one Dennis, a Gunner, and that he remained near the Door of the last mentioned Barrack, from the time he left White's Barrack, till he went there again to ask the said Satcher for a Bit of Bread. He Denies the whole Charge. James Pigott, Bombardier, being sworn, Saith that, on the Day Eustace White's Chest was broke open, he and the Prisoner were on Guard together. That at half an Hour after twelve he saw the Prisoner sitting near the Palisadoes, to whom he told he was going up the Valley: That about ten Minutes after one, he met the Prisoner near the Widow Beale's, and asked him where he was going, to which he reply'd that he was going to have a Sneaker of Punch, and that he was wel- -come to Share of it, to which he agreed, and they both went to the White Lyon, where they tarried, as he believes, a Quarter of an Hour. That on their Coming from thence, they met Eustace White and Thomas Collier, and that the Sd White accosted the Prisoner by telling him he was the Man he was Looking for, that he had been robb'd of fifteen pounds wanting a Shilling in Cash, and of two Gold rings, and that he could not avoid sus- -pecting him of the robbery. That thereon the Prisoner offered the Sd White the Key of his Chest, and desired him to Search it, or to Search himself, if he entertain'd such Suspicion of him. The Evidence on both Sides being now closed, the Whole was summed up to the Jury who retired to Consider. On their Return, they declared their Verdict, by which they found the Prisoner "Guilty of the Value of "thirty Nine Shillings." Agreeable to the said Verdict, he received Sentence to be burnt in the Hand and Discharged, which Sentence was put in due and immediate Execution agt him in the Face of the Court.	while Scotcher stayed behind. He then went up to the highest barracks, where he met Sergeant Watson and a gunner named Dennis. He stayed near the door of that barracks from the moment he left White's until he went back to ask Scotcher for some bread. He denied the whole charge. James Bazett, a bombardier, gave sworn evidence that he and Phillips were on guard together on the day White's chest was forced. At half past twelve he saw Phillips sitting near the palisade and told him he was going up the valley. At about ten past one he met Phillips again near the Widow Beale's house and asked where he was going. Phillips said he was off to have a tankard of punch and invited Bazett to share it. Bazett agreed, and the two went to the White Lion, where he believed they stayed about a quarter of an hour. As they came out, they met White and Collier. White confronted Phillips, saying he was the man he was looking for. He had been robbed, he said, of one shilling short of £15 in cash and two gold rings, and he could not help suspecting Phillips. Phillips responded by offering White the key to his chest and inviting him to search it, or to search Phillips himself, if he really suspected him. The evidence for both sides was now complete and was summed up for the jury, which withdrew to deliberate. On its return, it found Phillips guilty of theft to the value of £1 19s 0d. In accordance with that verdict, he was sentenced to be branded on the hand and released. The branding was carried out immediately in open court. **Interpretations** Phillips's own account placed him in White's barracks at the very time of the theft. He admitted entering after twenty past twelve, while White was there, and returning later for bread. His claim that he spent the intervening time by the door of another barracks rested on witnesses, Sergeant Watson and the gunner Dennis, who were never called. Bazett's evidence did little to help him. It confirmed Phillips's offer to be searched, but Hodges had already shown what Phillips did once that offer was declined. The White Lion was a tavern in Jamestown, one of several drinking houses serving the garrison and the crews of visiting ships. A tankard of punch shared between two soldiers in the early afternoon was typical of the drinking culture seen throughout these cases. Bazett's account suggests that Phillips, soon after the theft, had money to spend and was offering to treat a comrade. **Speculations** The jury valued the theft at £1 19s 0d, although the gold rings, stock buckle and coins produced in court were worth close to £10. Accepting the indictment's valuation was the obvious course, since the property was recovered and identified by several witnesses. The figure chosen was precisely one shilling short of 40 shillings. Parliament had removed benefit of clergy from thefts of 40 shillings or more committed in a dwelling house, and a barracks where men lived and slept could be treated as such. Pitching the value just below that line kept the offence clergyable and allowed the court to brand Phillips rather than hang him. The jury used the same device it had applied to Dick Hector and Frank, but adjusted to a different statutory threshold. The case against Phillips was entirely circumstantial, and the jurors evidently judged it strong enough to convict but not to justify a death sentence.
172	162	A second Indictment of Felony being found against William Phillips at this Sessions, he was, upon a fresh Commitment, remanded to Prison. The Business of the Sessions being now ended, the Grand and Petit Juries were dismissed, and the Court	The grand jury had also found a second indictment for felony against William Phillips at this sitting. He was therefore committed afresh and returned to prison. With the court's business concluded, the grand jury and the trial jury were discharged. A public

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		was, by Proclamation, adjourned to the fourteenth Day of January next ensuing. John Skottowe Dan Corneille C Burling Thos Kirkpatrick	proclamation adjourned the court until 14 January 1767. The record carried the signatures of the four justices. John Skottowe Daniel Corneille [...] Burling Thomas Kirkpatrick **Interpretations** The second indictment placed Phillips in grave danger. He had just been branded, which meant he had used up his one claim to benefit of clergy. If convicted of any further felony, however small the value, he could no longer escape the gallows by that route. The jury's careful choice of £1 19s 0d had saved his life only for the moment. This was the second of the two bills the grand jury approved at the opening of the sitting, and holding it over to January left Phillips in custody for three months facing a trial on which his life would depend.
173	163	On the eighth Day of October, in the Sixth Year of his Majesty's Reign, a Precept upon the Commission of the Peace was issued out to Mr Saml Alexander Sheriff of the said Island. On the twenty Ninth Day of December following, in the seventh Year of his Majesty's Reign, a Precept upon the Commission of Oyer and Terminer was issued out to the said Sheriff. On the fourteenth Day of January following, a Precept upon the Goal Delivery was issued out and delivered to the Sd Sheriff. Island of St Helena. The General Quarter Sessions of the Peace, Sessions of Oyer and Terminer, and Sessions of Goal Delivery, Holden at the Hall in James's Valley on the said Island of St Helena, the fourteenth Day of January, in the seventh year of the Reign of our Sovereign Lord George the third, of Great Britain, France and Ireland King, Defender of the Faith and so forth; Before John Skottowe, Daniel Corneille, Matthew Burling and Thomas Kirkpatrick Esquires, four of his Majesty's Justices, assigned to keep the Peace in and for the said Island, also Commissioners of Oyer and Terminer, authorized to hear and determine all Felonies, Trespasses and other Misde- -meanors in the said Island committed. The Court being opened upon the Commission of the Peace, a [...] Grand Jury consisting of Seventeen of the	Samuel Alexander, sheriff of St Helena, received a precept under the commission of the peace on 8 October 1766, in the sixth year of the King's reign. On 29 December 1766, by then the seventh year of the reign, he received a precept under the commission of oyer and terminer. A third precept, under the commission of gaol delivery, reached him on 14 January 1767. The general quarter sessions of the peace, together with the sessions of oyer and terminer and of gaol delivery, sat at the Hall in James's Valley on 14 January 1767. The date fell in the seventh year of the reign of George III, King of Great Britain, France and Ireland and Defender of the Faith. Governor Skottowe presided alongside Daniel Corneille, Matthew Burling and Thomas Kirkpatrick. All four held royal commissions as justices of the peace for the island. They also sat as commissioners of oyer and terminer, with power to try felonies, trespasses and lesser offences committed there. The court opened under the commission of the peace, and a grand jury of 17 leading inhabitants was assembled.
174	164	Principal Inhabitants of the Body of the Sd Island were sworn, and John Criswell was called to appear to his Recognizance. On the said Criswell's Appearance, Mary Burnham, the Complainant, was called, but by her Default, the Recognizance was voided, and the Recognizor discharged. No other Business appearing upon that Commission, the Court of Oyer and Terminer was opened, a New Grand Jury impannelled and Sworn, and the Bills of Indictment were preferred to them. They found the following Bills, and then the Court was opened	The grand jury was sworn, and John Criswell was called to answer to his recognisance. When he appeared, Mary Burnham, who had made the complaint against him, was called in turn. She failed to appear, so the recognisance was cancelled and Criswell was released from it. No other business arose under the commission of the peace. The court therefore opened as a court of oyer and terminer, and a fresh grand jury was assembled and sworn. The draft indictments were placed before the jurors, who approved those that follow. The court then opened for gaol delivery. William Phillips, the artillery gunner under Captain Archibald Mitchell who had been awaiting trial on an indictment since the previous sitting, was brought to the dock and charged. The King's jurors stated on oath

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		upon the Goal delivery. William Phillips, Gunner in the Company of Artillery commanded by Captn Archd Mitchell, who stood indicted since the Last Quarter Sessions, being set to the Bar, was arraigned upon the following Indictment, Viz. Island of St Helena ss. "The Jurors of our Sovereign Lord the King upon "their Oaths do Present that William Phillips late of James's Valley "within the Island of St Helena Gunner on the twenty second Day of "June in the sixth Year of the Reign of our Sovereign Lord George now "King of Great Britain &c. about the Hour of seven in the Night of "the same Day by force and Arms in the Valley aforesaid within the "Island aforesaid the House of Matthew Burling Esquire there situate "feloniously did enter and fifty four Bottles containing thirteen Gallons "and a half of Wine of the Value of five pounds and eight Shillings "of the Goods and Chattles of the said Matthew Burling in the House "then and there being found feloniously did steal take and bear "away against the Peace of our Sovereign Lord the King his Crown "and Dignity." To the above Indictment he pleaded "Not guilty." Frank and Billy, Boy slaves belonging to the Widow Burnham, being brought to the Bar, and arraigned upon An Indictment of Felony and Burglary found agt them; the Court examining into their respective Ages, and Judging them under the Age of Discretion, inhibited the Prosecution, and they were Discharged. **Margin Notes:** [...]	that at about seven o'clock on the evening of 22 June 1766, Phillips entered the house of Matthew Burling in James's Valley. He allegedly took 54 bottles holding thirteen and a half gallons of wine, valued at £5 8s 0d, which belonged to Burling and were in the house at the time. The charge declared that the theft breached the King's peace, crown and dignity. Phillips pleaded not guilty. Frank and Billy, two slave boys owned by the Widow Burnham, were then brought to the dock. They were charged under an indictment for theft and burglary that the grand jury had approved. The court inquired into the age of each boy and judged both too young to be held responsible for their actions. It therefore halted the prosecution, and the two boys were released. **Interpretations** The victim of the theft now charged against Phillips was Matthew Burling, one of the four justices sitting on the bench. A man who had lost wine worth over £5 was therefore among those presiding at the trial of the accused. The record gives no sign that Burling stood down, and the island had too few qualified justices to make that easy. The stakes for Phillips were already extreme: having been branded in October, he had no remaining claim to benefit of clergy, so conviction for any felony would mean death. The theft of the wine took place on 22 June 1766, before the July sitting, yet the charge came forward only in October and was then held over to January. The delay suggests that suspicion fell on Phillips only after he was caught for the theft from White. A soldier already in custody and already convicted made an obvious suspect for earlier unsolved thefts, and the prosecution may have assembled its evidence once he was in prison. Mary Burnham's failure to appear ended her case against Criswell, since a recognisance lapsed if the complainant did not come forward to pursue it. The same widow owned the two boys charged with burglary, whose case the court halted at the same sitting. Her absence may reflect a reconciliation with Criswell or a wish to avoid the court while her own slaves faced prosecution. **Speculations** The court stopped the prosecution of Frank and Billy on its own authority, even though a grand jury had approved the indictment for burglary. The obvious course was to let the trial go ahead and leave the jury to weigh the boys' ages alongside the evidence. English law presumed that a child under seven could not commit a crime and that one between seven and fourteen could not, unless the prosecution proved otherwise. The justices, having examined the boys themselves, judged them clearly below the age of discretion and ended the case before it reached a jury. A capital charge against children, however strong the evidence of the act, could not stand where the law denied them the capacity to commit it, and the bench chose to settle the matter at the outset rather than risk a verdict it would have had to overturn.
175	165	March, a Man slave belonging to Mr Matthew Bazett, being brought to the Bar, was arraigned upon the following Indictment, Viz. Island of St Helena ss. "The Jurors of our Sovereign Lord the King upon their "Oaths do Present that March late of Sharks Valley within the Island "of St Helena Manslave on the twenty seventh Day of July in the sixth Year "of the Reign of our Sovereign Lord George now King of Great Britain &c. "about the Hour of eleven in the Night of the same Day by force and Arms	March, a male slave owned by Matthew Bazett, was brought to the dock and charged. The King's jurors stated on oath that March, of Shark's Valley, committed a theft in James's Valley at about eleven o'clock on the night of 27 July 1766. He allegedly took 20 pounds of beef, valued at £0 6s 8d, from the slaughterhouse of the United Company of Merchants of England Trading to the East Indies. The beef belonged to the Company. The charge declared that the theft breached the King's peace, crown and dignity. March pleaded not guilty. March was taken down, and William Phillips was put on trial. The following 12 men took the oath as his jury.

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		"in James's Valley within the Island aforesaid twenty pounds Weight "of Beef of the Value of six Shillings and eight pence of the Goods and "Chattles of the Honorable the United Company of Merchants of England "trading to the East Indies then and there being found in the Slaughter house "of the said Honorable United Company feloniously did steal take and bear "away against the Peace of our Sovereign Lord the King his Crown & Dignity." To the above Indictment he pleaded "Not guilty." March being taken from the Bar, William Phillips was put on his Trial, and the twelve following Men, Viz. John Bland Stephen Young Rodk Merchant William Hayes John Robinson Willm Seale Senr Jno Smith John Whitchurch John Shelley John Worrall Isaac Knipe and Jo: Chamberlane were sworn upon his Jury. Then the Indictment was, a second time, read to him, and the Jury charged. Thomas Yates, being duly sworn, Saith that some time in the latter End of May last, going into a Room in Mr Burling's Warehouse, and happening to Walk over some Hay that was in the said Room, he felt something hard, which, on examining, he found to be	John Bland Stephen Young Roderick Merchant William Hayes John Robinson William Seale senior John Smith John Whitchurch John Shuttley John Warrick Isaac Harper Joseph Chamberlain The indictment was read to Phillips for a second time, and the jury received its charge. Thomas Yates gave sworn evidence that towards the end of May 1766 he went into a room in Burling's wash house. As he walked across some hay lying on the floor, he felt something hard beneath it and stopped to examine it. **Interpretations** The theft from the Company's slaughterhouse touched one of the most tightly controlled resources on the island. The East India Company kept close control over cattle, since fresh beef was essential for provisioning its homeward-bound fleets and for feeding the garrison. Settlers could not freely slaughter or sell cattle, and the Company's own slaughterhouse supplied meat under regulation. Stealing from it was therefore a theft from the island's ruling authority, not merely from a private owner. The valuation of the beef at £0 6s 8d for 20 pounds, or four pence a pound, reflects the controlled price of meat on St Helena. At that rate, beef was not cheap for a slave with no wages of his own. March's theft at eleven at night, from a guarded Company building, suggests that hunger or the chance of resale drove him, much as with Sam and Frank's raid on Greentree's store. William Hayes, who sat on this jury, was the same man the vestry had chosen as constable in April 1765 and at whose house Thomas Jones was drinking punch in July of that year. His presence on the panel shows how the island's officers of the peace also served as jurors, further concentrating the work of justice in a small circle of settlers.
176	166	A Bottle of Liquor; That he searched farther, and found one or two more Bottles, all which he carried to the said Mr Burling, where one of the Bottles being uncorked it was found the Liquor they contained was White Wine; On which the said Mr Burling ordered him to Lock them up in a Chest. That in examining the House to know if it was secure, he discovered a Window so loose as to be easily opened, which he made fast by a Nail, to prevent its being slid up or down. That about the tenth of June following, intending to go out upon some Business, he gave one White, who was then his Messmate, the Key of his Room, and on his return, the Sd White asked him if he had been at home since he gave him the Key; That on his Answering in the Negative, the Sd White told him he came to the Front Door, and not being able to open it, was obliged to go round to the Back door, which he found open; Which Circumstance together with the Discovery of the Wine in the Hay Room made him so suspicious of being robbed,	The hard object under the hay, Yates continued, turned out to be a bottle of liquor. Searching further, he found one or two more. He took them all to Burling, and when one was uncorked, it proved to hold white wine. Burling told him to lock the bottles away in a chest. Yates then checked the building to see whether it was secure. He found a window so loose that it could easily be opened, and he nailed it fast so that it could be neither raised nor lowered. At about 10 June 1766, Yates had business elsewhere and left the key of his room with White, who at the time shared his mess. When Yates returned, White asked whether he had been home since handing over the key. Yates said he had not. White then explained that he had gone to the front door, found he could not open it and had to go round to the back door, which he found standing open. This, together with the wine he had already found in the hay room, made Yates suspect a theft. He began searching at once. Under a gunny sack he found six bottles of wine, one broken bottle and one empty bottle. Yates went to Burling and reported what he had found. Burling told him to remove all the wine still in the building at once and put it somewhere safe. He was also to establish exactly how much had been lost. At first Yates reckoned the loss at four dozen and eleven bottles. On closer checking, however, he found that only three dozen were missing. He added that the room where the wine was kept had been locked and that he held the key.

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		that he immediately began to Search, and under a Gunny bag, he found six Bottles of Wine, one broken Bottle and an empty one. That he thereon went to the Sd Burling, and informed him of the Discovery he had made, who gave him Orders immediately to remove the Wine that yet remained in the said House and secure it, also to examine and found out the certain Quantity of Wine that was Lost. That on his first examining the Wine, he concluded he had Lost four Dozen and eleven Bottles, but upon a closer Enquiry, he found only three Dozen gone. Saith, that the Door of the Room, which had the Wine in it, was locked, and that he kept the Key. Daniel Timm, Matross, an Accomplice being admitted as an Evidence, in Consequence of a free Confession by him previously made before a Magistrate of the Felony wherein he was concerned with the Prisoner at the Bar, is sworn: He saith that, some time in June, (he knows not the Day of the Month) the Prisoner asked him to go along with him, and on his assenting, he also asked him to be true to him which he promised; That the Prisoner desired him to get a Bag, but on his saying he had none, the Prisoner, himself, procured one; That as soon as the Bag was procured, they both proceeded to	Daniel Timm, a matross, had taken part in the theft with Phillips. He had earlier made a voluntary confession before a magistrate, and on that basis the court admitted him as a witness. He was sworn and gave evidence that some time in June 1766, on a day he could not recall, Phillips asked him to come along with him. Timm agreed, and Phillips made him promise to stay loyal. Phillips told him to find a bag. When Timm said he had none, Phillips got one himself. As soon as they had it, the two set off together. **Interpretations** The prosecution again relied on an accomplice turned Crown witness, as it had with Lewis in the burglary by Sam and Frank. Timm's voluntary confession before a magistrate earned him immunity in exchange for his evidence. For Phillips, the testimony of a man who took part in the theft was far more damaging than the circumstantial case built against him in October. Timm's account of Phillips demanding a promise of loyalty and fetching the bag himself cast Phillips as the organiser. Yates's own figures for the loss were unstable. He first thought 59 bottles were gone, then settled on 36, while the indictment charged 54. The discrepancy may reflect bottles already recovered, those found hidden in the hay and under the sack, or simply confusion in counting a large store. The jury would weigh the value of what was actually proved to be taken, and on Phillips's record even the smallest felony now carried the death penalty. A gunny sack was a coarse bag woven from jute, produced in Bengal and shipped across the East India Company's trade network in vast quantities to pack rice, sugar and other goods. Empty gunny sacks were common on St Helena as a by-product of the provisions landed from Company ships. Using one to hide stolen wine made practical sense on an island where such sacks lay about in every storehouse. White, Yates's messmate, may have been Eustace White, the gunner whose chest Phillips broke into in September. If so, White had already encountered signs of a theft at Burling's months before he himself became Phillips's victim. The small world of the garrison meant that the same men appeared as witnesses, victims and suspects across different cases.
177	167	The Back door of Mr Burling's Warehouse, and being come there, the Prisoner Lifted up a Window, thro' which he entered, opened the Door on the Inside, and desired the Witness to Come in. That then he saw the Prisoner take six or eight Bottles of Wine out of a Chest, and put them into the Bag; which done, he desired him to take the Bag, and carry it out. That he, the Witness, carried the Bag as far as the Room door, and the Prisoner carried it from thence to the Garden gate, where he gave it to the Witness, and then returned into the House. That he, the Witness, carried the Bag from the Garden gate to the Market house where he deposited it, then went to the Prisoner, to whom he told where he had left it, and afterwards went home. That next Morning as he was going to work, he went to the Prisoner, and desired him to give him some Drink, whereupon he told him to go out the Back door, and there under the Head of a Cask he would find some: That accordingly he went out, and found a full Bottle of Wine, which he put up for that time, and in the Evening drank along with one Hodges. William Hodges, Matross, being duly sworn,	Timm continued that he and Phillips went to the back door of Burling's wash house. On arrival, Phillips raised a window, climbed in and opened the door from inside for Timm to enter. Timm then watched Phillips take six or eight bottles of wine from a chest and put them in the bag. Phillips told Timm to carry the bag out. Timm took it as far as the door of the room. Phillips then carried it to the garden gate, handed it back to Timm and went back into the house. Timm carried the bag from the garden gate to the market house and left it there. He then went back to Phillips, told him where he had put it and went home. The next morning, on his way to work, Timm went to Phillips and asked for something to drink. Phillips told him to go out through the back door, where he would find some under the head of a cask. Timm did so and found a full bottle of wine. He put it aside for the time being and drank it that evening with a man named Hodges. William Hodges, a matross, gave sworn evidence that he shared a bottle of wine with Timm. When he asked Timm where it came from, Timm said that he and Phillips had taken it from Burling's wash house. The prosecution closed its case. Phillips denied the whole charge and called on Robert Ballard and John Whitchurch to speak to his character. Robert Ballard told the court that he knew Phillips. Phillips had lived in his house for three months with everything in his care, and Ballard did not

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		Saith that he drank Share of a Bottle of Wine along with Timm, the Last Witness, and that, on asking him how he came by it, he said he and the Prisoner had taken it out of Mr Burling's Warehouse. The Evidence for the Crown being closed, The Prisoner in his Defence denies the Whole Charge; and in Vindication of his Character, applies to Robert Ballard and John Whitchurch. Robert Ballard appearing before the Court, declares that he knows the Prisoner; That he lived for three Months at his House when he had every thing in his Charge, and thinks he never wronged him of the Value of a Farthing. John Whitchurch Says he knows the Prisoner, that he kept a Tea Shop for him for the space of eight or nine Months, and behaved himself very honestly. The Prisoner having no more to Alledge in his Defence, the whole Evidence was impartially summed up to the	believe he had ever cheated him of so much as a farthing. John Whitchurch said that he knew Phillips, who had run a tap shop for him for eight or nine months and behaved very honestly. Phillips had nothing further to add in his defence, and the evidence was summed up fairly for the jury. **Interpretations** The character evidence came from men of standing who had trusted Phillips with property. Ballard had left his household in Phillips's care, and Whitchurch, the artillery sergeant who owned Pegg, had employed him to run a tap shop. Character testimony of this kind could weigh heavily with a jury deciding whether to convict or to find a way to mercy. Its force, however, was blunted by Phillips's recent conviction in October for stealing from White, which the jurors at this sitting included several men who had also sat on that earlier panel. Whitchurch's evidence reveals a common arrangement on the island. An artillery sergeant owned a tap shop and employed a gunner to run it, drawing profit from the drink sold to the men of the garrison. Soldiers and non-commissioned officers who ran drinking places appear repeatedly in these records, from Corporal Howell's house to Dove's tap shop. The system gave men like Phillips access to money and liquor and placed them at the centre of barrack life. Timm's account supplied the details that made the crime more than a simple theft. Phillips raised a window to get in, which in law counted as breaking, and the theft took place at about seven in the evening in June, when darkness had fallen in the southern winter. The indictment nonetheless charged only entry and theft, not burglary. For Phillips, the distinction no longer mattered, since his branding meant that any felony conviction now carried a death sentence. Hodges, who shared the stolen wine with Timm, was the same matross who had found White's stock buckle behind the barracks and watched Phillips carry the green purse from his chest. He now appeared as a witness against Phillips a second time. His evidence confirmed that Timm had spoken of the theft soon after it happened, which lent support to the accomplice's story.
178	168	Jury, who retired to Consider. On their Return, they declared their Verdict, by which they acquitted the Prisoner. He was Discharged. March being brought to the Bar of the Court, was put on his Trial, and the twelve following Men, Viz. John Bland Stephen Young Robt Merchant Willm Hayes John Robinson Willm Seale Senr Jams Smith John Whitchurch John Shelley John Worrall Isaac Knipe and Jo: Chamberlane were sworn upon his Jury. Then the Indictment was, a second time, read, and the Jury charged. May, a Manslave belonging to Mr Benjamin Mason, on his Oath, Saith that, on the twenty first Day of November last, he took the Prisoner at the Bar at a Place called Bennet's point, and brought him Prisoner to his Master the Sd Mason; That he, Mason, searched him, and in his Trousis Pocket found a Knife,	The jury withdrew to deliberate and, on its return, acquitted Phillips. He was released. March was then brought up to stand trial, and the following 12 men took the oath as his jury. John Bland Stephen Young Roderick Merchant William Hayes John Robinson William Seale senior James Smith John Whitchurch John Shuttley John Warrick Isaac Harper Joseph Chamberlain The indictment was read a second time, and the jury received its charge. May, a male slave owned by Benjamin Mason, gave sworn evidence that on 21 November 1766 he caught March at a place called Bennett's Point and brought him as a prisoner to Mason. Mason searched March and found a knife in his trouser pocket, which he gave to May. May saw that it was a butcher's knife and the next day showed it to Frank, the East India Company's butcher. Frank recognised it as the knife he had left stuck in the carcass of a bullock in the slaughterhouse on the night beef was stolen from it. The knife was produced in court, and May confirmed it

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		which he gave to him, the Witness, who, finding it to be a Butcher's Knife, shewed it next Day to one Frank, the Honble Company's Butcher. That the Sd Frank on seeing it, knew it to be the same Knife he had left in the Slaughter house sticking in the Carcase of a Bullock the same Night some Beef had been stolen out of the Sd Slaughter house. The Knife being pro- -duced to the Witness, he says it is the same that was found upon the Prisoner by his Master, and afterwards shewn by him to the said Frank Butcher. Frank Butcher, on his Oath, Saith that, on Sunday the twenty third of November last in the Evening, May, the foregoing Witness, shewed him a Knife, and asked him if he knew it, to which he answered, Yes: That then he asked the said May where he had got it, and he replyed that his Master had found it on the Prisoner, and gave it to him in Care. That the particular Mark, by which he knew it, was a Crack in the Handle, and says positively it was the	was the one Mason found on March and that he later showed to Frank. Frank, the Company's butcher, testified on oath that May showed him a knife on the evening of Sunday 23 November 1766 and asked whether he knew it. Frank said he did. He asked May where he had got it, and May said his master had found it on March and handed it to him for safekeeping. Frank knew the knife by a particular mark, a crack in the handle, and he spoke with certainty about it. **Interpretations** March was caught at Bennett's Point nearly four months after the theft from the slaughterhouse, and he was seized by another slave and brought in as a prisoner. The circumstances suggest that March had run away and was living rough in a remote part of the island. Runaway slaves on St Helena hid in the ravines and cliffs of the interior and coast, surviving by theft. Owners and the Company relied on other slaves, like May, to track down and capture them, which set slaves against one another in the policing of their own community. The knife was the key to the case against March. Frank identified it by a crack in its handle as the knife he left in a bullock's carcass on the night of the theft. Finding it in March's pocket months later linked him to the slaughterhouse, although it did not prove that he took the beef. A knife could pass through several hands in four months, and a runaway might have acquired it in many ways. **Speculations** The jury acquitted Phillips, even though an accomplice described in detail how he broke into Burling's wash house and took the wine. Conviction was the obvious course, since Timm's account was specific and Hodges confirmed that Timm spoke of the theft soon afterwards. The reasons for acquittal are visible in the record. Timm's evidence stood uncorroborated by any independent witness to the theft itself, since Hodges repeated only what Timm had told him. Yates could not settle how much wine was missing. Two respectable men vouched for Phillips's honesty with their own property. Above all, Phillips had already been branded, so any conviction would have sent him to the gallows for a theft of wine. The jurors were unwilling to hang a man on the word of a self-confessed accomplice who had bought his own immunity with that evidence.
179	169	Same Knife he left sticking in the Flank of a Beast which belonged to the Honble Company. That he killed the Sd Beast on a Saturday Night, and after he had dressed it, left the Knife sticking in the Carcase which hung in the Slaughter house, the Door whereof he made fast when he went out. That, next Morning, returning to the Sd Slaughter house, he saw the Inside Door open, and Looking thro' it, could see some of the Brisket of the Carcase cut away, on which he went to acquaint some people that the Slaughter house had been robbed; And when he returned found not only the Brisket cut and carried away, but also some of the Buttocks on either Leg, and part of the Other. Mr Benjamin Mason, being duly sworn, Saith that, on Friday Evening May his Servant, brought the Prisoner to his House whom he ordered to the Kitchen there to be taken Care of, and about Nine O'Clock at Night he went thither himself. That asking the Sd May if the Prisoner had a Knife about him, and being answered in the Affirmative, he search'd him,	Frank added that the knife was the one he had left stuck in the flank of a bullock belonging to the Company. He slaughtered the animal on a Sunday night and, after dressing the carcass, left the knife in it where it hung in the slaughterhouse. He locked the door when he left. Returning the next morning, he found the inner door open. Looking through, he could see that part of the brisket had been cut away. He went to tell some people that the slaughterhouse had been robbed. When he came back, he found that not only the brisket but also part of the rump, one whole leg and part of the other leg had been cut off and carried away. Benjamin Mason gave sworn evidence that on a Friday evening his servant May brought March to his house. Mason sent March to the kitchen to be looked after and went there himself at about nine o'clock that night. He asked May whether March had a knife on him, and May said he did. Mason searched March and found a knife in his trouser pocket. He handed it to May with instructions to keep it safe until he delivered March to his master and then to give the knife to the master. Mason said he would not recognise the knife again, since he had not looked at it closely. The prosecution closed its case, and March was called on for his defence. He stated that the knife found on him had a buckhorn handle and denied that

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		and in his Trousis Pocket he found a Knife, which he delivered to the said May, enjoined him at same time, to take Care of it till he delivered the Prisoner up to his Master, and then to deliver the Knife to him; Saith, he should not know the Knife again, as he took no Particular Notice of it. The Evidence being closed, the Prisoner in his Defence, Saith that the Knife found upon him was a Buck handled Knife, denies it to be same produced in Court: Says he never had such a Knife in his Pos- -session. He totally Denies the Charge. The whole Evidence being distinctly summed up to the Jury, they retired to Consider. On their Return, they declared their Verdict, by which they acquitted the Prisoner. He was discharged. The Business of the Sessions being now ended, the Grand and Petit Juries were Dismissed, and the Court was, by Proclamation, adjourned to the twenty ninth Day of April next ensuing. John Skottowe Dan Corneille C Burling Thos Kirkpatrick	the knife produced in court was the same one. He said he had never owned a knife like it and denied the whole charge. The evidence was summed up clearly for the jury, which withdrew to deliberate. On its return, it acquitted March, and he was released. With the court's business concluded, the grand jury and the trial jury were discharged. A public proclamation adjourned the court until 29 April 1767. The record carried the signatures of the four justices. John Skottowe Daniel Corneille [...] Burling Thomas Kirkpatrick **Interpretations** The chain of custody for the knife broke at the crucial point. Mason, a free settler, found a knife on March but admitted he would not know it again. Only May, a slave, linked the knife from Mason's hand to the one Frank identified and the one produced in court. March's claim that his own knife had a buckhorn handle, made from deer antler as many working knives were, offered a direct alternative. With Mason unable to confirm which knife he found, the identification rested entirely on May, and the jury was evidently unwilling to convict on that alone. The butcher's account shows that the theft was far larger than the indictment admitted. He described the brisket, part of the rump, one whole leg and part of another all cut away, which amounted to much more than 20 pounds of beef. The indictment's modest figure of £0 6s 8d may reflect a deliberate choice by the grand jury or the drafter to keep the value low. As in the cases of Dick Hector, Frank and Phillips, a reduced valuation limited the penalty a conviction could bring.
180	170	On the fourteenth Day of January, in the seventh Year of his Present Majesty's Reign, a Precept upon the Commission of the Peace was issued out and Delivered to Mr Samuel Alexander, Sheriff of the Island of St Helena. On the fourteenth Day of April following, a Precept upon the Commission of Oyer and Terminer was issued out to the said Sheriff of the Sd Island. On the twenty ninth Day of the said Month of April, a Precept upon the Commission of Goal Delivery was issued out and Delivered to the said Sheriff of the said Island. Island of St Helena. The General Quarter Sessions of the Peace, Sessions of Oyer and Terminer and Sessions of Goal Delivery, holden at the Hall in James's Valley for the said Island of St Helena, the twenty ninth Day of April in the seventh Year of the Reign of our Sovereign Lord George the third of Great Britain, France and Ireland King, Defender of the Faith and so forth, Before John Skottowe, Daniel Corneille, Matthew Burling and Thomas Kirkpatrick Esquires, four of his Majesty's Justices, assigned to keep the Peace in and for the said Island. Also Commissioners of Oyer and Terminer, authorized to hear and determine all Felonies, Trespasses and other Misdemeanors in the said Island committed. The Court being opened upon the Commission of the Peace, a Grand Jury consisting of Seventeen of the principal	Samuel Alexander, sheriff of St Helena, received a precept under the commission of the peace on 14 January 1767, in the seventh year of the King's reign. A precept under the commission of oyer and terminer followed on 14 April 1767. On 29 April 1767 he received a third precept, issued under the commission of gaol delivery. The general quarter sessions of the peace, together with the sessions of oyer and terminer and of gaol delivery, sat at the Hall in James's Valley on 29 April 1767. The date fell in the seventh year of the reign of George III, King of Great Britain, France and Ireland and Defender of the Faith. Governor Skottowe presided alongside Daniel Corneille, Matthew Burling and Thomas Kirkpatrick. All four held royal commissions as justices of the peace for the island. They also sat as commissioners of oyer and terminer, with power to try felonies, trespasses and lesser offences committed there. The court opened under the commission of the peace, and a grand jury of 17 leading inhabitants drawn from across the island was sworn. No business arose under that commission. The court therefore opened as a court of oyer and terminer, and a fresh grand jury was assembled.

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		Inhabitants of the Body of the said Island were sworn; But no Business appearing upon that Commission, the Court was opened upon the Oyer and Terminer, a New Grand Jury was impannelled **Margin Notes:** [...]	
181	171	And sworn, and the Bills of Indictment were preferred to them. They found the following Bills, and then the Court was open'd upon the Goal Delivery. William Carr, Soldier in the Company of Foot commanded by Captn Richard Beale, being brought to the Bar, was arraigned upon the following Indictment, Viz. Island of St Helena ss. "The Jurors of our Sovereign Lord the King "upon their Oaths do Present that William Carr late of James's "Valley within the Island of St Helena Soldier on the twenty ninth "Day of January in the seventh Year of the Reign of our Sovereign "Lord George now King of Great Britain &c. by force and Arms "in the House of Elizabeth Moore in the Valley aforesaid within "the Island aforesaid two Pieces of coined Silver called Dollars of "the Value of ten Shillings and seven Pieces of coined Silver called "Rupees of the Value of fifteen Shillings and nine pence of the "Money of one John Dove privately secretly and without the "Knowledge of the said John Dove feloniously did steal take "and bear away against the Peace of our Sovereign Lord the King "his Crown and Dignity And also against the Form of the "Statute in that Case made and provided." To the above Indictmt he pleaded - Not guilty. John Pinchback, late belonging to the Good Ship the Asia Mariner, being brought to the Bar, was arraigned upon the following Indictment, Viz. Island of St Helena ss. "The Jurors of our Sovereign Lord the King upon "their Oaths do Present that John Pinchback late of the good Ship "the Asia Mariner not having God before his Eyes but being moved "and seduced by the Instigation of the Devil on the twenty fourth	The grand jury took the oath, and the draft indictments were placed before it. The jurors approved the charges that follow, and the court then opened for gaol delivery. William Carr, a soldier in the infantry company under Captain Richard Beale, was brought to the dock and charged. The King's jurors stated on oath that Carr, of James's Valley, committed a theft in the house of Elizabeth Moore there on 29 January 1767. He allegedly took money belonging to John Dove, stealthily and without Dove's knowledge. The coins listed were as follows. 2 silver dollars, £0 10s 0d 7 silver rupees, £0 15s 9d The indictment declared that the theft breached the King's peace, crown and dignity and also broke the relevant statute. Carr pleaded not guilty. John Pinchback, a sailor from the *Asia*, was then brought to the dock. The charge against him accused him of acting at the Devil's prompting and without fear of God. **Interpretations** The accused and his alleged victim had met in this court before. A soldier named William Carr of Beale's company was acquitted in April 1765 of stealing shirts and shoes from a comrade. John Dove, the man he was now accused of robbing, was the soldier who kept the tap shop where Carr was said to have offered a shirt for sale, and whose evidence then helped secure his acquittal. Elizabeth Moore, in whose house this theft took place, was the widow who changed a gold coin for the slave Frank in September 1765. If this was the same Carr, a jury acquittal had not ended his troubles, and the small circle of the garrison had brought him back before the bench. The phrase describing the theft as done privately, secretly and without Dove's knowledge pointed to a particular statute. Parliament had removed benefit of clergy from anyone who stole privately from another person's pocket or body goods worth more than a shilling. The wording suggests that Carr was accused of picking Dove's pocket, perhaps while both were in Moore's house, rather than taking money from a chest or drawer. At £1 5s 9d, the value comfortably exceeded the threshold, placing Carr's life in danger if the jury accepted the charge as drawn. The two coins show the mixed currency again at work. The dollar was the Spanish piece of eight, here rated at five shillings. The rupee, the silver coin of India, passed at two shillings and three pence. A soldier carrying both suggests how much eastern silver circulated through the tap shops and barracks of the island.
182	172	"Day of February in the seventh Year of the Reign of our said "Sovereign Lord the King about the Hour of Six in the Evening of "the same Day with force and Arms within James's Valley within "the Island of St Helena aforesaid in and upon one Cornelius "Ingles then and there being in the Peace of God and of the said "Lord the King feloniously voluntarily and of his Malice forethought	The charge stated that at about six o'clock on the evening of 24 February 1767, Pinchback attacked Cornelius Inglis in James's Valley. According to the indictment, he acted deliberately and with malice aforethought. Using both hands, he allegedly shoved Inglis violently off a wharf onto the rocks lying below. The fall cracked Inglis's skull with a fracture three-quarters of an inch long and severely bruised his left shoulder near the neck. Other parts of his body were also badly hurt. Inglis lingered in a failing condition from 24 February 1767 until 1 March 1767, when the fracture and bruises killed him. The jurors concluded that Pinchback murdered Inglis with malice

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		"did make an Assault and that the said John Pinchback then and "there with both his Hands the said Cornelius Ingles over a Wharf "upon certain Rocks then Lying under the said Wharf violently "feloniously voluntarily and of his Malice forethought did push "and throw and that the said Cornelius Ingles so pushed and thrown "over the Wharf as aforesaid upon the Rocks aforesaid did fall "into the Sea by which fall so given as aforesaid a Fracture "was made in the Skull of the said Cornelius Ingles of the Length "of three Quarters of an Inch. And that by the fall aforesaid the "Left Shoulder near the Neck of the said Cornelius Ingles was "violently bruised and other Parts of the Body of the Sd Cornelius "Ingles much injured and hurt Of which said Fracture so "made in the Skull of the said Cornelius Ingles by the Fall "as aforesaid upon the Rocks aforesaid And of the Bruises "and other Damages done to the Body of the Sd Cornelius "Ingles in the Fall as aforesaid He the said Cornelius Ingles "languished and Lived in a Languishing Condition from the "said twenty fourth Day of February in the Year aforesaid unto "the first Day of March in the said Year On which said first "Day of March in the Year aforesaid the Sd Cornelius Ingles "of the Sd Fracture and Bruises so made as by the Fall aforesd "in the Valley aforesaid within the Island aforesaid Died. "And so the Jurors aforesaid upon their Oaths aforesaid do "say that the said John Pinchback the Sd Cornelius Ingles "in Manner and Form aforesaid then and there feloniously "voluntarily and of his Malice forethought did kill and Murder "against the Peace of our Sovereign Lord the King his Crown "and Dignity and also against the form of the Statute in "that Case made and provided." He thereunto pleaded Not guilty.	aforethought, in breach of the King's peace, crown and dignity and contrary to the relevant statute. Pinchback pleaded not guilty. **Interpretations** Unlike the charges against Stedman and London, this indictment included the phrase "malice aforethought", the defining element of murder. The drafter evidently judged that pushing a man deliberately off a wharf onto rocks showed an intention to kill or cause grave harm. As framed, the charge left the jury free to convict of murder, with a sentence of death and dissection or gibbeting, or of manslaughter if it found the act sudden and unplanned. The wharf was the island's landing place at Jamestown, where boats brought passengers, water casks and cargo ashore from ships anchored in the roads. Beneath it lay the rocks of the shoreline, exposed or awash depending on the tide. A fall onto them from the height of the wharf could easily crack a skull. Sailors from visiting ships crowded this area whenever a vessel lay at anchor, and quarrels among them, often fuelled by drink from the town's tap shops, were a constant hazard. A sailor from a visiting ship faced trial on the island because the killing took place on land within its jurisdiction. The *Asia* was probably an East India Company ship on its homeward or outward voyage. Detaining a crewman for trial posed practical difficulties, since the ship could not wait indefinitely and its sailors were often the only witnesses. The Company's control over both the island and its shipping allowed the authorities to hold Pinchback ashore while the vessel sailed on, but the witnesses among his shipmates may have departed with it.
183	173	[Insect damage in the lower half of the page, centre, running through the John Dove entry.] John Pinchback being taken from the Bar, William Carr was put on his Trial, and the twelve following Men, Viz. George Bird Ben: Seale Robt Ballard Willm Hayes Stephen Young Jo. Chamberlane John Desfountain John Worrall Jas Smith George Young Henry Corthope and Isaac Knipe were sworn upon his	John Pinchback was taken down, and William Carr was put on trial. The following 12 men took the oath as his jury. George Bird Benjamin Seale Robert Bollard William Hayes Stephen Young Joseph Chamberlain John Desfountain John Warrick James Smith George Young Henry Corthope Isaac Harper The indictment was read to Carr a second time, and the jury received its charge.

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		Jury. Then the Indictment was, a second time, read, and the Jury charged. John Dove, Soldier, being duly sworn, Saith that, on the twenty ninth Day of January last between the Hours of four and five in the Evening, being at Mrs Moore's, he happened to lay his Head on a Table, and fell asleep; That he was awoke by one Willm Phillips, who told him he had either dropt or lost some thing, on which he immediately examined his Lefthand waist coat Pocket, in which he usually keeps his Money, and found he had Lost two Dollars. That the Sd Phillips then told him some thing Lay upon the Window which, he believed, belonged to him, and on looking towards the Window, he saw one Dollar and seven Rupees Lying on it. That he thereon applyed to the Prisoner at the Bar, and asked him for the other Dollar, who made no Answer, only turned out both his Breeches Pockets, in one whereof he had in a kind of Purse a Shilling a sixpence and some half pence. That he put his Purse back into his Pocket, and sat down, but on his getting up again, a Dollar dropt close by him on the Floor, which the Witness took up, as his property. William Phillips, Matross, being duly sworn, Saith that, on the twenty ninth of Jany last, one Jo: Fellows asked him to go up the Valley, and take Share of a Bowl of Punch along with him, which he agreed to, and they both went to the Widow Moore's: That they found no Company in the Room they went into, except John Dove who lay asleep there with his Head on a Table; which made them call the Maid of the House, and desiring her to make them a Bowl of Punch, she did so. That while they were drinking it, the Prisoner came in, and sat himself down close by the Sd Dove yet asleep, and reclining a little on his right side, he put his Left hand into the Sd Dove's Lefthand Pocket, which hand	John Dove, a soldier, gave sworn evidence that he was at Mrs Moore's house between four and five o'clock on the afternoon of 29 January 1767. He happened to rest his head on a table and fell asleep. A man named William Phillips woke him and told him he had either dropped or lost something. Dove at once checked the left pocket of his waistcoat, where he usually kept his money, and found two dollars missing. Phillips then said that something lying on the window ledge probably belonged to him. Looking over, Dove saw one dollar and seven rupees there. Dove turned to Carr and asked him for the other dollar. Carr said nothing but turned out both his breeches pockets. In one of them was a small purse, along with a shilling, a sixpence and a few halfpennies. Carr put the purse back in his pocket and sat down. When he stood up again, however, a dollar fell to the floor right beside him. Dove picked it up as his own. William Phillips, a matross, gave sworn evidence that on 29 January 1767 a man named Joseph Deleau invited him up the valley to share a bowl of punch. Phillips agreed, and the two went to the Widow Moore's house. The only person in the room they entered was Dove, asleep with his head on a table. They called the maid and asked her to make them a bowl of punch, which she did. While they were drinking it, Carr came in and sat down close beside the sleeping Dove. Leaning slightly onto his right side, Carr slipped his left hand into Dove's left pocket. **Interpretations** Phillips's evidence described exactly the act that the statute on pickpocketing targeted: a hand slipped secretly into the pocket of a sleeping man. The indictment's wording, that the theft was done privately and without Dove's knowledge, matched this account. A sleeping victim satisfied the requirement that he be unaware of the theft, and the value far exceeded the shilling threshold. On this evidence, a conviction as charged would carry a death sentence with no benefit of clergy. The key witness was himself a man with a criminal record, if he was the William Phillips branded in October 1766 and acquitted of the wine theft only months earlier. He was now described as a matross rather than a gunner, which may reflect a demotion after his conviction. A branded thief testifying to another man's theft carried obvious problems of credibility. The jury would have to weigh his account against Carr's silence and the dollar that fell from near his seat. Elizabeth Moore's house evidently served as a drinking place, where soldiers could order a bowl of punch from her maid. Earlier she was the widow who changed coins for the slave Frank, which suggests she handled a steady flow of cash from customers. Her house joined the network of widows' and soldiers' drinking houses that appear throughout these records as the settings for thefts, brawls and quarrels.
184	178	When he pulled out of the Pocket he saw him put under his Arm; That on seeing this, he struck the Sd Dove with a Stick in order to wake him, but the Stroke having no Effect, as he, Dove, was fast asleep, he went up to the Prisoner, and told him he had some thing that did not belong to him; On which he, the Prisoner, immediately rose up, opened his Arm, and let seven Rupees and a Dollar drop out of it on the Window. That at last he awoke the Sd Dove, and told him he had lost something, on which he, Dove, examined his Pockets and said he lost two Dollars.	When Carr pulled his hand out of the pocket, Phillips continued, he saw him tuck something under his arm. Phillips struck Dove with a stick to wake him, but the blow had no effect, since Dove was sound asleep. Phillips then went up to Carr and told him he had something that was not his. Carr at once stood up, lifted his arm and let seven rupees and a dollar fall onto the window ledge. Phillips finally managed to wake Dove and told him he had lost something. Dove checked his pockets and said two dollars were missing. Phillips told him to look around, pointing out the seven rupees and the dollar on the window ledge. Dove looked and immediately demanded the other dollar from Carr, who said nothing. The court asked Phillips whether Dove had claimed the seven rupees as his. Phillips replied that when Dove checked his pockets, he found only four or

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		That then he desired him to look round and that on the Window he would see seven Rupees and one Dollar, which he did and instantly challenged the Prisoner for the other Dollar, who made no Reply. The Witness being asked if the Sd Dove laid Claim to the seven Rupees as his Property, Says, that when he, Dove, examined his Pockets, he only found four or five Rupees out of seventeen or thereabouts which he had, he said, when he fell asleep. Joseph Fellows, Matross, being produced by the Prosecutor as a Witness, and sworn, Saith he knows Nothing of the Charge against the Prisoner; but being examined by the Court in relation to the Cause of his knowing or not knowing any thing of the Matter in Issue; And it appearing by the Testimony of Willm Phillips as well as by that of one James Drake that he was present and in Company with them at the Time the Prisoner was first charged with the Robbery, in the House of the Widow Moore, that he was not then in Liquor, nor visibly affected by any natural Impediment, so as not to know what was trans- -acted in his Presence: The Court, therefore, considering his Silence as Stubborn, contumacious and dis- -respectful, ordered him to Prison, there to be kept for the Space of two Months. James Drake, Matross, being duly sworn, Saith that, on the twenty Ninth of January last, he went to the Widow Moore's in Company with William Phillips and Jo: Fellows in	five rupees left out of about 17 he said he had when he fell asleep. Joseph Fellows, a matross, was called by the prosecution and sworn. He stated that he knew nothing about the charge. The court then questioned him about how he could know nothing of the matter. The evidence of Phillips and of a man named James Drake showed that Fellows was present in their company at the Widow Moore's when Carr was first accused. It also appeared that he was sober at the time and suffered from no disability that would prevent him from understanding what happened in front of him. The court therefore treated his silence as obstinate, defiant and disrespectful. It ordered him sent to prison for two months. James Drake, a matross, gave sworn evidence that he went to the Widow Moore's on 29 January 1767 with Phillips and Fellows. **Interpretations** The dispute over the rupees exposed a gap in the prosecution's figures. Dove first said only that two dollars were missing and mentioned no rupees. Phillips's evidence that Dove later found only four or five of about 17 rupees suggested a larger loss, which matched the seven rupees on the window ledge. The indictment claimed both the two dollars and the seven rupees. Dove's hazy account, given after waking from a drunken sleep, left room for doubt about exactly what he had in his pocket. Carr's silence when challenged, and the dollar that fell from near his seat, weighed heavily against him. Turning out his pockets to show only a purse and small change was a gesture of innocence, but the stray dollar undid it. Phillips's account of seeing him drop the rupees and a dollar onto the window ledge, if believed, placed the stolen money in Carr's hands. **Speculations** The court sent Fellows to prison for two months rather than simply accepting his claim to know nothing. Letting an uninformative witness stand down was the obvious course, since a court could not compel a man to remember what he said he had not seen. The reason for the punishment is visible in the record. Two other witnesses placed Fellows in the room, sober and fully able to observe, at the moment Carr was accused. His professed ignorance was therefore not a gap in memory but a refusal to speak, perhaps from loyalty to a fellow soldier or fear of reprisal in the barracks. The justices treated this as contempt of their authority. The penalty warned the garrison that the code of silence among comrades would not be allowed to defeat the court's inquiries.
185	175	Order to have a Bowl of Punch; That while they were drinking it, the Prisoner at the Bar came in, and sat down close by John Dove, who then lay asleep with his Head on a Table in the same Room. That in some time afterwards, he saw the Sd Phillips get up, and lay hold of the Prisoner by the Collar, and heard him, at same time, say to him that he had some thing that did not belong to him. That he then looked on the Prisoner, whom he observed to raise his Hand off the Window, and as he raised it, saw seven Rupees and a Dollar lying on that Part of the Window from whence he had raised his Hand. Saith that when the Sd Dove examined his Pockets, he heard him say he missed an other Dollar, and when the Prisoner got up, he saw a Dollar drop out of his Pocket.	The three men went there to order a bowl of punch, Drake continued. While they were drinking it, Carr came in and sat down right beside Dove, who lay asleep with his head on a table in the same room. Some time later Drake saw Phillips get up and seize Carr by the collar, telling him that he had something that was not his. Drake then looked at Carr and saw him lift his hand from the window ledge. Where the hand had been lay seven rupees and a dollar. When Dove checked his pockets, Drake heard him say another dollar was missing. As Carr stood up, Drake saw a dollar fall from his pocket. The prosecution closed its case, and Carr was called on for his defence. He stated that he was so drunk at the time of the alleged theft that he could remember nothing about it. Carr had nothing further to offer, and the evidence was summed up for the jury, which withdrew to deliberate. On its return, it found him guilty. The court then pointed out to the jury that the nature of the offence allowed the verdict to be softened. Carr had stood trial in this court before, it explained, but on a charge that was not capital, so he

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		The Evidence for the Crown being closed, the Prisoner in his Defence, Saith that he was so much in Liquor at the time he is charged with the Robbery, that he totally forgets any one Circumstance relating to it. The Prisoner having no more to offer in his Defence, the Whole was summed up to the Jury, who retired to consider. On their Return, they declared their Verdict, by which they found the Prisoner "Guilty." The Court considering the Nature of the Offence which admitted of Mitigation in the Verdict, represented to the Jury that, altho' the Prisoner had already undergone a Trial in this Court, yet the Crime for which he had been tried was not of a Capital Nature, consequently had not had the Benefit of his Clergy; But as no Jury had it in their Power to give any Prisoner his Clergy twice, they therefore desired the Jury to reconsider. On which they retired a second time, and on their Return, declared by their Foreman that they had well considered the Matter, and could not deviate from their first Verdict as the Oath they had severally taken could not be safely discharged, without finding the Prisoner Guilty. Their Verdict was recorded, and the Prisoner taken from the Bar.	had never received benefit of clergy. Since a jury had the power to allow any prisoner the benefit of clergy once, the court asked the jurors to reconsider. They withdrew a second time. On their return, their foreman announced that they had considered the matter carefully but could not depart from their first verdict. The oath they had taken, he said, could not be properly honoured unless they found the prisoner guilty. The verdict was recorded, and Carr was taken from the dock. **Interpretations** The court's intervention laid bare the mechanism of mercy that juries on the island had used repeatedly. The justices openly invited the jurors to find a lesser offence, one that would allow Carr benefit of clergy and spare him the gallows. In effect, the bench asked the jury to do for Carr what earlier juries had done unprompted for Dick Hector, Frank, Whitendale and Phillips. The request confirms that everyone in the courtroom understood such verdicts as a deliberate tool for avoiding the death penalty, not as honest findings of value. The earlier trial the court referred to was probably Carr's prosecution in April 1765 for stealing shirts and shoes from John Wiburt. The jury then acquitted him, so he had never been convicted or branded. The court's point was that his record, although it included a prior appearance, did not bar a merciful verdict now. The exchange shows that the justices kept track of each prisoner's history and weighed it in deciding how to steer the outcome. Carr's defence of drunkenness, like Whitendale's before him, offered nothing in law. The evidence of Phillips and Drake, two witnesses who saw the money beneath his hand and a dollar fall from his pocket, left little doubt about the act. The jurors therefore faced no uncertainty about guilt. Their decision turned solely on whether to use their power of mitigation. **Speculations** The jury refused the court's express invitation to show mercy, even though juries on the island had routinely reduced values to save thieves from the gallows. Following the bench's lead was the obvious course, especially when the justices themselves suggested it. The foreman's stated reason was the jurors' oath to give a true verdict, which they felt they could not honour by finding anything less than the full charge. This amounted to a rejection of the very practice of pious perjury that the bench was now openly promoting. Several of the same men had joined earlier verdicts reducing values, so conscience alone does not explain the change. Carr was a pickpocket who robbed a sleeping comrade, caught in the act by two witnesses, and the jurors perhaps judged that such a crime deserved no indulgence. Their refusal left the court with a capital conviction and placed the decision on Carr's life in the hands of the justices alone.
186	176	John Pinchback, being set to the Bar, was put on his Trial, and the twelve following Men, Viz. George Bird Ben: Seale Robt Ballard William Hayes Stephen Young Jo: Chamberlane John Desfountain John Worrall Jas Smith George Young Henry Corthope and Isaac Knipe were sworn upon his Jury. Then the Indictment was, a second time, read, and the Jury charged. Captain John Howard, being duly sworn,	John Pinchback was brought to the dock and put on trial before the same 12 men who had tried Carr. George Bird Benjamin Seale Robert Bollard William Hayes Stephen Young Joseph Chamberlain John Desfountain John Warrick James Smith George Young Henry Corthope Isaac Harper The indictment was read to Pinchback a second time, and the jury received its charge. Captain John Howard gave sworn evidence that between five and six o'clock on the evening of 24

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		Saith that, on the twenty fourth Day of February last between the Hours of five and six in the Evening, he and several other Gentlemen walked down to the Waterside; That when he came so far as the Crane, he saw Captn Ingles, the Deceased, talking to some Sailors belonging to his Ship, and from one of the Sd Sailor's Answers to him, he could infer that he was bringing them to Account for Leaving the Long boat. That he, at same time, heard one of the Sd Sailors, but not the Prisoner at the Bar, tell the Deceased that, while a certain Person was in the Boat (meaning, as he supposes, the Officer) he would not go in her. That the Deceased, not seeming to pay any Regard to what the Sailor said, turned about, and ordered the Men in the Boat to bring her close in. That he heard, but could not understand, the Prisoner say some thing to the Deceased, but that he heard the Latter distinctly reply - "Dare you talk so to me?" To which the Prisoner made Answer, that he would as soon talk him so as to any Man in the Ship; On which the Deceased with both his Hands lifted up his Stick, seemingly with Design to Strike him; But the Prisoner seeing the Stick so lifted against him, seized it also with both his Hands, and a Struggle ensued: That while they struggled for the Stick, which lasted not above a Minute, he heard the Prisoner say - Damn you, Let it go - That he saw the Prisoner in the Struggle first push the	February 1767, he and several other gentlemen walked down to the waterside. On reaching the crane, he saw Captain Inglis, the dead man, speaking with some sailors from his ship. From one sailor's reply, Howard gathered that Inglis was taking them to task for leaving the longboat. Another of the sailors, not Pinchback, told Inglis he would not go in the boat while a certain person was in it. Howard took this to mean the officer in charge. Inglis ignored the remark, turned away and ordered the men in the boat to bring it in close to the shore. Howard then heard Pinchback say something to Inglis, though he could not make out the words. He clearly heard Inglis's reply, however, in which the captain demanded to know how Pinchback dared speak to him like that. Pinchback answered that he would speak to Inglis in exactly the same way as to any other man aboard. At this Inglis raised his stick in both hands, apparently intending to strike him. Seeing the stick raised against him, Pinchback grabbed it with both hands, and a struggle followed. It lasted no more than a minute. During it, Howard heard Pinchback curse and shout at Inglis to let go. Howard saw that it was Pinchback who first pushed Inglis in the struggle. **Interpretations** Howard's evidence revealed that the dead man was the commander of Pinchback's own ship, Captain Inglis of the *Asia*. The quarrel arose from a breakdown of shipboard discipline, with sailors refusing to return to the longboat while a particular officer was aboard it. Pinchback's retort that he would speak to his captain as he would to any other man aboard was a direct challenge to the hierarchy of command. On a ship at sea, such insolence could be met with a flogging. Ashore on the island, the captain's authority was far less secure. The testimony undermined the charge of murder with malice aforethought. Howard described Inglis raising his stick first, as if to strike, and Pinchback seizing it only in response. The struggle lasted less than a minute. A killing that arose from resisting an attack, in the heat of a sudden quarrel, pointed towards manslaughter or even self-defence rather than murder. The prosecution's case would now turn on what happened at the end of the struggle and how Inglis came to fall from the wharf. The crane stood on the wharf at Jamestown, used to hoist casks and cargo in and out of the boats that plied between ships and shore. The longboat was the largest boat carried by a ship, used for heavy work such as fetching water and stores. Sailors deserting it at the landing place left the ship unable to complete its business at the island, which explains why the captain came down in person to deal with them.
187	177	[Insect damage in the centre of the page, running through the Captain Archibald Mitchell entry.] Stick towards him, then from him, and at last, in attempting to wrench it out of his Hands, he, the Deceased, fell over the Wharf into the Sea. That he afterwards saw him floating on the Water, and observed at the same time a Cut in the Back part of his Head. The Stick being produced to the Witness, he says that, in his Opinion, it is the same Stick the Deceased had in the Struggle with the Prisoner. And being asked by the Prisoner if the Deceased was then in Liquor, says he did not appear to him to be so. Captain Archibald Mitchell, being duly sworn, Saith, that, on the twenty fourth Day of Febry last in the Afternoon, he went down to the Landing place upon some Business relative to the	Pinchback, Howard continued, pushed the stick first towards Inglis and then away from him. In the end, as Inglis tried to wrench it from Pinchback's hands, the captain fell backwards off the wharf into the sea. Howard later saw him floating in the water and noticed a cut on the back of his head. The stick was produced in court, and Howard said he believed it was the one Inglis held during the struggle. Pinchback asked him whether Inglis had been drunk at the time, and Howard said he did not seem so. Captain Archibald Mitchell gave sworn evidence that on the afternoon of 24 February 1767 he went down to the landing place on business concerning the Company's longboats. On his way back he saw Captain Affleck and some other gentlemen standing near the crane. He also saw Inglis standing a little way from the edge beside the crane, with Pinchback on the opposite side. Mitchell watched the two men talking but could not hear what either said. Inglis then crossed to where Pinchback stood and raised his stick, apparently to strike him. Pinchback grabbed the stick at once. In the

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		Honble Company's Long boats, and returning he saw Captn Affleck and some other Gentlemen standing near the Crane. That he, at the same time saw Captn Ingles, the Deceased, standing at some Distance from the Edge of the Crane, and the Prisoner at the Bar on the Opposite Side of it. That he observed the Deceased in some Discourse with the Prisoner, but could not hear what either of them said; On which he saw the Deceased cross over to the Place where the Prisoner stood, and Lift his Stick up seemingly with Intention to strike him: That the Prisoner immediately seized the Stick, and a Struggle ensuing, the Deceased fell backwards over the Wharf; On which he, the Witness, ran to the Prisoner, seized him, and with some Difficulty wrenched the Stick, which remained in his Hands, upon the Deceased's falling, from him, and got him down. That in some Seconds after that, Captn Affleck came up to the Prisoner in a Rage, and hit him a Blow with his Foot on the Face, which occasioned a considerable Effusion of Blood, and he the Prisoner immediately thereon, in a Passion, swore if he had not then done for the Captain (meaning the Deceased) he would do for him an other time, or Words to that Effect. The Stick being produced to the Witness, Says it is the same Stick the Deceased had in the Struggle with the Prisoner; and being asked by the Prisoner if Captn Ingles was then in Liquor, Says he did not Appear to him to be so. Captain Henry Bakett, being duly sworn, Saith that, on the twenty fourth of February last, in the Evening, he went down	struggle that followed, Inglis fell backwards off the wharf. Mitchell ran to Pinchback and seized him. With some effort he wrenched away the stick, which had stayed in Pinchback's hands when Inglis fell, and pinned Pinchback to the ground. A few seconds later Captain Affleck came up in a fury and kicked Pinchback in the face, drawing a great deal of blood. Pinchback at once flew into a rage. He swore that if he had not finished off the captain this time, he would do so another time, or words to that effect. The stick was produced, and Mitchell confirmed it was the one Inglis held during the struggle. Pinchback asked him whether Inglis had been drunk, and Mitchell said he did not seem so. Captain Henry Bazett gave sworn evidence that he went down to the waterside on the evening of 24 February 1767. **Interpretations** Both eyewitnesses so far agreed that Inglis raised his stick first and that Pinchback seized it only in response. The struggle ended with Inglis losing his footing as he tried to pull the stick free. On these accounts, Pinchback did not push him off the wharf but resisted an assault in which the captain overbalanced. The indictment's claim that Pinchback deliberately threw Inglis over with both hands found little support in what Howard and Mitchell described. Pinchback's furious threat, that if he had not finished the captain this time he would another time, was the most damaging evidence against him. It could suggest an intention to kill, supporting the charge of malice. Yet he spoke those words moments after being pinned down and kicked bloody in the face by Captain Affleck. A jury could readily treat them as the outburst of a man in pain and rage, not as proof of a settled purpose formed before the struggle began. Pinchback conducted his own questioning of the witnesses, asking each whether Inglis had been drunk. Prisoners on felony charges had no counsel to speak for them and had to cross-examine witnesses themselves. His line of questioning sought to show that the captain was the aggressor, perhaps inflamed by drink. Both witnesses denied it, but the question itself signalled the defence he meant to rely on. Howard described Inglis falling into the sea and floating in the water with a cut to the back of his head. The indictment, by contrast, spoke of a fall onto rocks. The two need not conflict, since a man falling from the wharf might strike the rocks before landing in the water, which could explain both the fracture and the wound. Several ship's captains, including Affleck and Bazett, were present on the wharf, which reflects how many vessels lay in the roads at once and how often their commanders came ashore together.
188	178	[Insect damage in the centre of the page, running through the Robert Barclay entry.] To the Crane in Company with some other Gentlemen, where he saw Captn Ingles, the Deceased, talking to some of his Seamen, and seem'd to be bringing them to Account for their not being on Duty in the Long boat. That he heard one of the Sd Seamen (not the Prisoner) say he would not go in the Boat while some one (meaning, as he supposes, the Cockswain) was in her. That he saw the Deceased go from the Man who spoke to him, turn towards the Wharf, and order the Men who were in the Boat to haul her in closer. That he then observed the Prisoner say some thing to the Deceased which he could	Bazett stated that he walked down to the crane with some other gentlemen. There he saw Captain Inglis talking to some of his sailors and apparently reprimanding them for failing to report for duty in the longboat. One of the seamen, not Pinchback, said he would not go in the boat while a certain person was in it, whom Bazett took to be the coxswain. Inglis left the man who had spoken, turned towards the wharf and ordered the men in the boat to pull it in closer. Bazett then saw Pinchback say something to Inglis that he could not hear clearly. Inglis turned to him and asked how he dared say such a thing. Pinchback replied that he would say it to Inglis as readily as to any man aboard the ship. Inglis then went up to him and raised his stick, apparently to strike him. Pinchback grabbed it at once, and a struggle followed. Bazett ran straight to help Inglis, but before he could reach him, the captain had gone over the wharf. Bazett later saw him floating in the water. Inglis's wig had come off, and Bazett noticed a cut on his head.

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		not distinctly hear, on which the Deceased turn'd towards him, Saying - Dare you talk me so? To which the Prisoner replyed - I would talk you so as soon as to any Man in the Ship; On which the Deceased went up to him, and raised his Stick seemingly with Intention to Strike him, but he immediately seizing it, a Struggle ensued. That he, the Witness ran directly to the Deceased's Assistance, but before he could come up to him, he was over the Wharf. That he afterwards saw him as he floated, and his Wigg being off, observed a Cut in his Head. Robert Barclay, Surgeon of the Island, being sworn, Saith that, on the first of March last, at the Desire of Mr James Beck Coroner, he made an Incision in the Head of the Late Captn Ingles, by which Means he found that a Fracture had been made in his Skull. That near the Fracture he discovered a Wound which he must have received by the Fall: That he also found a Contusion on his Right Shoulder, which he supposed him to have received by his falling backwards. That the Fracture in his Skull, the Wound in his Head and the Contusion on his Shoulder were, in his Opinion, the Cause of his Death. The Prisoner, in his Defence, Saith that he had no Intention to hurt Captn Ingles, nor even to Speak to him at that time; That, when knocked down, he was so stunned with the Blow that he was for some time deprived of his Senses, and consequently can't be answerable for what he said then: And as to the Struggle he had with the Deceased, it was the Natural Effect of preserving himself from the Blow of a Stick already lifted up to Strike him.	Robert Barclay, the island's surgeon, gave sworn evidence that on 1 March 1767, at the request of James Beck, the coroner, he cut open the head of the late Captain Inglis. He found that the skull was fractured. Near the fracture he found a wound that Inglis must have received in the fall. He also found a bruise on the right shoulder, which he believed came from Inglis falling backwards. In Barclay's opinion, the fractured skull, the head wound and the bruised shoulder together caused the death. Pinchback was called on for his defence. He stated that he had no intention of hurting Inglis and had not even meant to speak to him at the time. When he was knocked to the ground, he said, the blow so stunned him that he lost his senses for a while, so he could not be held responsible for anything he said then. As for the struggle, he had simply done what any man would do to protect himself from a stick already raised to strike him. **Interpretations** Pinchback's defence was framed squarely as self-defence. In English law, a man attacked could lawfully resist, and if his assailant died in the struggle without any intent to kill on his part, the killing might be excused altogether or reduced to manslaughter. Three witnesses had now confirmed that Inglis raised his stick first. Pinchback's explanation of his later threat, as the words of a man dazed by a kick to the face, directly addressed the one piece of evidence suggesting malice. Barclay's post-mortem examination was carried out at the coroner's request, as in the case of Evan Knowles. Here, however, the findings supported the prosecution's account of the cause of death. The fractured skull and head wound tied the death firmly to the fall from the wharf, and the bruised shoulder fitted a backward fall onto rocks. The medical evidence settled how Inglis died, leaving the jury to decide only whether Pinchback was to blame for the fall. Bazett's detail that Inglis's wig had come off shows the dress of a ship's captain of the period, who wore a wig as a mark of rank even when ashore on business. The coxswain whom the sailors refused to serve under was the petty officer in charge of the boat and its crew. The sailors' refusal suggests a grievance against him that brought them into open conflict with their captain.
189	179	[Insect damage in the lower part of the page, left of centre, running from the last entry towards the foot.] The Evidence being closed, the Whole was summ'd up to the Jury, who retired to consider; On their Return they declared their Verdict by which they found the Prisoner "Guilty of Manslaughter only." for which he received Sentence to be burnt in the Hand and Discharged. The above Sentence was put in Due and immediate Execution against John Pinchback in the Face of the Court, and he was Discharged. William Carr being brought to the Bar, and having Nothing to move in Stay of Judgment, the President, after a Short but pathetic Exhortation, pronounced his Sentence as follows. William Carr, "You shall go to the Place from whence you Came, "and from thence to the Place of Execution; And there you shall be hanged "by the Neck, until your Body is dead, and God have Mercy on your "Soul." The Business of the Sessions being now ended the Grand	The evidence was closed and summed up for the jury, which withdrew to deliberate. On its return, it found Pinchback guilty of manslaughter only. He was sentenced to be branded on the hand and released. The branding was carried out at once in open court, and he was set free. William Carr was then brought to the dock. He offered no reason why judgment should be delayed. The presiding justice addressed him briefly but movingly and then pronounced sentence. Carr was to be returned to the place he had come from and then taken to the place of execution. There he was to hang by the neck until dead, and the court asked God to show mercy to his soul. With the court's business concluded, the grand jury and the trial jury were discharged. A public proclamation adjourned the court until 15 July 1767. Carr was hanged in accordance with his sentence on 16 May 1767. The record carried the signatures of the four justices. John Skottowe Daniel Corneille [...] Burling Thomas Kirkpatrick **Interpretations** The outcomes of the two trials set side by side expose the logic of eighteenth-century criminal law.

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		and Petit Juries were dismissed, and the Court was, by Proclamation, adjourned to the fifteenth Day of July next ensuing. On the sixteenth Day of May following, William Carr was duly executed pursuant to the above Sentence. John Skottowe Dan Corneille C Burling Thos Kirkpatrick	Pinchback caused the death of a ship's captain and walked free after a branding. Carr picked £1 5s 9d from a sleeping man's pocket and went to the gallows. The law treated a killing in a sudden quarrel as a lesser wrong than a stealthy theft from the person, because statute had removed benefit of clergy from pickpocketing but not from manslaughter. The distinction rested on the method of the crime and its threat to property rather than on the harm done. The bench had tried to save Carr's life by asking the jury to reduce the charge, but once the jurors held to their verdict, the justices passed the death sentence and saw it carried out. Governor Skottowe and his council held the power to reprieve on the island, and no reprieve came. Having appealed openly to the jury for mercy, the justices evidently felt bound by the verdict once it was confirmed under oath. The delay of about two and a half weeks between sentence and execution was longer than in earlier capital cases, which may suggest some hesitation before the sentence was finally enforced. **Speculations** The jury convicted Pinchback of manslaughter rather than acquitting him outright on grounds of self-defence. Acquittal was an open course, since Howard, Mitchell and Bazett all testified that Inglis raised his stick first and Pinchback seized it only to protect himself. The reasons the jurors stopped short are visible in the evidence. Howard saw Pinchback push the stick towards Inglis before the fall, which suggested that Pinchback went beyond simply fending off the blow. Pinchback's threat to finish off the captain another time, however much provoked by Affleck's kick, hinted at a hostility that the jury could not ignore. The jurors rejected the charge of murder but held Pinchback responsible for a death that his resistance had caused. The manslaughter verdict let them mark the gravity of a sailor's violence against his captain while sparing him the gallows.
190	180	[Insect damage in the lower part of the page, centre-left, running through the opening lines of the Quarter Sessions entry.] On the twenty ninth Day of April, in the Seventh Year of his Majesty's Reign, a Precept upon the Commission of the Peace was issued out to the Sheriff of the Island of St Helena. On the first Day of July following, a Precept upon the Commission of Oyer & Terminer was issued out to Mr Matthew Bazett Sheriff of the Sd Island. On the fifteenth Day of the above Month a Precept upon the Commission of Goal Delivery was issued out to the Sd Sheriff. Island of St Helena. The General Quarter Sessions of the Peace, Sessions of Oyer & Terminer and Sessions of Goal Delivery, Holden at the Hall in James's Valley for the Sd Island of St Helena, the fifteenth Day of July, in the Seventh Year of the Reign of our Sovereign Lord George the third, of Great Britain, France and Ireland King, Defender of the Faith, and so forth, Before John Skottowe, Daniel Corneille, Matthew Burling and Thomas Kirkpatrick Esqrs four of his Majesty's Justices assigned to keep the Peace in and for the said Island; Also Commissioners of Oyer & Terminer authorized to hear and determine all Felonies, Trespasses and other Misdemeanors in the said Island committed.	The sheriff of St Helena received a precept under the commission of the peace on 29 April 1767, in the seventh year of the King's reign. On 1 July 1767 a precept under the commission of oyer and terminer went to Matthew Bazett, by then the island's sheriff. A third precept, under the commission of gaol delivery, reached him on 15 July 1767. The general quarter sessions of the peace, together with the sessions of oyer and terminer and of gaol delivery, sat at the Hall in James's Valley on 15 July 1767. The date fell in the seventh year of the reign of George III, King of Great Britain, France and Ireland and Defender of the Faith. Governor Skottowe presided alongside Daniel Corneille, Matthew Burling and Thomas Kirkpatrick. All four held royal commissions as justices of the peace for the island. They also sat as commissioners of oyer and terminer, with power to try felonies, trespasses and lesser offences committed there. **Interpretations** Matthew Bazett's appointment completed a clear pattern. On 8 April 1765 the vestry nominated John Desfountain, Matthew Bazett and Samuel Alexander for the office of sheriff. Desfountain served first, Alexander held the post by April 1766 and Bazett now took it up in 1767. The three names on a single shortlist thus supplied the island's sheriffs for three successive years, suggesting the vestry's nomination set the order of service well in advance.
191	181	The Court being opened upon the Commission of the Peace, a Grand Jury consisting of Seventeen of the Principal Inhabitants of the Body of the said Island were Sworn:	The court opened under the commission of the peace, and a grand jury of 17 leading inhabitants drawn from across the island was sworn. When asked whether they knew of any business under that commission, the

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		And being asked if they knew of any Business upon that Commission, they tendered by their Foreman the following Presentment, Viz. Island of St Helena July the 15th 1767. At the last Quarter Sessions, the Grand Jury of the said Island, having considered the general Utility of a Horse Road from Lemon tree Gutt over the Main Ridge, to Join that in Sandy Bay, agreed to Lay it before the Honble Bench of Justices then Sitting; And as the said Grand Jury were unacquainted with the Form of Presentments, they ima- -gined a Verbal Representation of such their Resolution, delivered by their Foreman would be sufficient to have it passed into a Rule of Court. But having had the Honorable Bench's Advice thereon, importing that Verbal Presentments were not admissible, and that they must be delivered in Writing, in Conformity thereto, and in pursuance of the Former Resolution, We the present Grand Jury beg Leave humbly to Present to this Honble Bench that the Road as above mentioned would be of infinite Advantage to the Generality of People, as it much Shortens the Way from the two other Divisions to Sandy Bay; And as it answers so useful a purpose, We hope our Presentment thereon will meet with Approbation, and receive the Sanction of this Honble Court. The above Presentment being read, and the Court taking it into Consideration, made a Rule that a Sufficient Number of Labourers be added, according to the usual Assessments made towards repairing the High Ways, and inserted in the Warrants directed to the Overseers of the Different Divisions, in Order to Carry the said Road into Execution.	jurors handed in a written presentment through their foreman, dated 15 July 1767. The presentment explained that at the previous quarter sessions the grand jury had weighed the general benefit of a bridleway running from Lemon Tree Gut over the Main Ridge to join the road in Sandy Bay. That jury decided to put the proposal to the justices then sitting. Being unfamiliar with the proper form of a presentment, the jurors assumed that a spoken statement by their foreman would be enough to have the proposal made an order of the court. The bench advised them, however, that spoken presentments could not be accepted and had to be submitted in writing. In line with that advice, and to carry forward the earlier jury's decision, the present grand jury respectfully laid the matter before the bench. The proposed road, it stated, would benefit most of the island's inhabitants, since it would greatly shorten the journey to Sandy Bay from the other two districts. The jurors expressed the hope that the court would approve so useful a proposal and give it the authority of an order. The court read the presentment and considered it. It then ordered that enough labourers be added to the usual assessments for repairing the highways to build the road. The additional labour was to be written into the warrants sent to the overseers of each district so that the work could be carried out. **Interpretations** The presentment shows the grand jury acting in its administrative role, which in English practice extended well beyond criminal accusations. Grand juries at quarter sessions routinely presented the need for roads, bridges and repairs, as well as nuisances such as blocked ways or unsafe buildings. The justices then turned these presentments into orders binding on the community. On St Helena, the same body of leading settlers that indicted criminals also shaped the island's public works, bringing local knowledge of which routes mattered to those who farmed and travelled across it. The means of building the road followed the English system of statute labour for the highways. Under the Highway Acts, each parish had to maintain its roads, and landholders were assessed to supply labour, carts or money in proportion to their holdings. On St Helena the island was divided into districts, each with an overseer who received warrants specifying the labour required. In practice, the labour assessed on landholders was probably supplied largely by their slaves. The court's order simply enlarged the existing assessment rather than creating a new charge. The presentment explains an apparent gap in the record of the April sitting. The minutes for 29 April 1767 noted that no business arose under the commission of the peace. The grand jury had in fact raised the road, but only by word of mouth, and because an oral presentment had no legal standing, it left no trace in the record. The episode shows how the formal requirements of the court governed what counted as business at all. Lemon Tree Gut was one of the deep ravines, known locally as guts, that cut through the island's terrain. The Main Ridge formed the spine of St Helena, dividing its northern valleys from Sandy Bay in the south. A bridleway over the ridge would open a direct route for riders and pack animals across country where travel was otherwise slow and roundabout. **Speculations** The bench declined to act on the grand jury's spoken proposal in April, though it evidently approved the road in principle and could simply have ordered it then. The reason is stated in the record: the justices held that presentments had to be made in writing. Insisting on the proper form delayed a useful public work by three months. The choice reveals a bench determined to keep the island's court within the

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			procedures of English quarter sessions, even in routine administrative matters. A written presentment created a record that justified the demand for extra labour from the island's landholders, who bore the cost of the work.
192	182	No other Business appearing upon that Com- -mission, the Court of Oyer and Terminer was opened, a New Grand Jury impannelled and Sworn, and the Bills of Indictment were preferred to them. They found the following Bill, and the Court was Opened upon the Goal Delivery. Harry Rammer, a Manslave belonging to the Honble Company, being brought to the Bar, was arraigned upon the following Indictment, Viz. Island of St Helena ss. "The Jurors of our Sovereign Lord the King "upon their Oaths do Present that Harry Rammer Late of "Sandy Bay within the Island of St Helena Manslave on the "twenty first Day of June in the seventh Year of the Reign of our "Sovereign Lord George now King of Great Britain &c about the "Hour of ten in the Night of the same Day by force and Arms "in James's Valley within the Island aforesaid One Blanket of "the Value of three Shillings three Pairs of Stockings of the Value "of four Shillings and Six pence two Shifts of the Value of four "Shillings One Gown of the Value of three Shillings numbered of the "Goods of one Sarah Lake and one Shirt numbered of the Goods "of One Thomas Tyler then and there being found in the Dwelling "house of the said Sarah Lake feloniously did steal take "and bear away against the Peace of our Sovereign Lord the King "his Crown and Dignity And also against the Form of the Statute "in that Case made and provided." To the above Indictment he pleaded "Not guilty." The said Harry Rammer being put on his Trial	No other business arose under the commission of the peace. The court therefore opened as a court of oyer and terminer, and a fresh grand jury was assembled and sworn. The draft indictments were placed before the jurors, who approved the charge that follows. The court then opened for gaol delivery. Harry Rammer, a male slave owned by the East India Company, was brought to the dock and charged. The King's jurors stated on oath that Rammer, of Sandy Bay, committed a theft in James's Valley at about ten o'clock on the night of 21 June 1767. The goods were in the house of Sarah Lake at the time. The items listed in the charge were as follows. 1 blanket, belonging to Sarah Lake, £0 3s 0d 3 pairs of stockings, belonging to Sarah Lake, £0 4s 6d 2 shifts, belonging to Sarah Lake, £0 4s 0d 1 gown, belonging to Sarah Lake, £0 3s 0d 1 shirt, belonging to Thomas Tyler, value not stated The indictment declared that the theft breached the King's peace, crown and dignity and also broke the relevant statute. Rammer pleaded not guilty. Rammer was then put on trial. **Interpretations** The charge against Rammer was theft from a dwelling house at night, but it did not allege that he broke in. Without a breaking, the offence fell short of burglary, the capital crime charged against Sam and Frank. The value of Sarah Lake's goods, £0 14s 6d, was also well below the 40-shilling threshold that removed benefit of clergy from thefts in a dwelling house. The reference to a statute signalled that the prosecution relied on the law governing such thefts, but as framed, the charge left room for a clergyable verdict if the evidence did not carry it further. The stolen goods were ordinary household linen and clothing: a blanket, stockings, shifts and a gown, the everyday possessions of a woman of modest means. Such items held real value on an island where cloth was imported from England or India and was expensive to replace. Thefts of clothing and bedding were common among slaves and soldiers, since the goods could be worn, bartered or sold with little risk of identification. Rammer's surname was unusual for a slave on St Helena, where most bore single names. A rammer was the long staff used to drive the charge and shot down the barrel of a cannon. The name may have been given because he worked with the Company's artillery, perhaps hauling and serving guns at the island's batteries. Such names tied a slave's identity to the tasks set for him by his owner.
193	183	The twelve following Men, Viz. Rodk Merchant Stephen Young Robert Ballard William Hayes Jno Robinson Jeremiah Smith Jno Whitchurch Jno Shelley Joseph Chamberlane John Seale Thoms Harper and Willm Beale were sworn upon his Jury. Then the Indictment was, a second time, read to him, and the Jury charged. Sarah Lake being duly sworn, deposeth that,	The following 12 men took the oath as Rammer's jury. Roderick Merchant Stephen Young Robert Ballard William Hayes John Robinson Jeremiah Smith John Whitchurch John Shuttley Joseph Chamberlain John Seale Thomas Harper William Beale The indictment was read to Rammer a second time, and the jury received its charge.

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		on the twenty second Day of June last about the Hour of ten at night, One Bartley came to her Door, and asked her for a drink of Water. That she opened her Door, and let him in, and then gave him some Water to drink, which he drank and went away. That she, in some time after, was informed by her Maid that a Blanket was missing, and she thereon went to a Chest that was in the Front Room to Look for the Blanket, and not finding it on the Chest, she open'd it, and when she had examined it, found that a Gown, three Shifts, some small Things belonging to her Child, as also some things belonging to Soldiers she washes for, were taken out of the said Chest and that the Blanket, which lay on it, was also taken away. The Witness being asked if she gave Bartley the Water in the Room out of which the Things were stolen, Says she did not, but that he had it in the Back room. And being farther asked if the Sd Bartley came in thro' the Front Room, Says he not only Came in, but went out thro' it; That she knows not if her Street Door was lock'd either after he came in or when he went out. Benjamin Bartley, being duly sworn, Saith that about ten O'Clock at night (he remembers not the Day of the Month) as he was going home to his Barracks, being in Want	Sarah Lake gave sworn evidence that at about ten o'clock on the night of 22 June 1767 a man named Bartley came to her door and asked for a drink of water. She opened the door, let him in and gave him some water, which he drank before leaving. Some time later her maid told her that a blanket was missing. Lake went to look for it on a chest in the front room. The blanket was gone, so she opened the chest and searched it. She found that a gown, three shifts and some small items belonging to her child had been taken. Some clothing belonging to soldiers whose washing she took in was also missing, along with the blanket that had been lying on top of the chest. The court asked whether she gave Bartley the water in the room from which the goods were taken. She said no, he drank it in the back room. Asked whether Bartley passed through the front room, she said he walked through it both on his way in and on his way out. She did not know whether her street door was locked after he came in or when he left. Benjamin Bartley gave sworn evidence that one night at about ten o'clock, on a date he could not recall, he was walking home to his barracks. **Interpretations** Sarah Lake earned a living by washing clothes for soldiers of the garrison, which explains why Thomas Tyler's shirt was among the stolen goods. Laundresses were a familiar presence in any garrison, and on St Helena such work offered women, especially widows or those without other means, a steady if modest income. The chest in her front room held both her own belongings and the laundry entrusted to her. Its loss exposed her to claims from the soldiers whose clothes had vanished, which gave her a strong reason to pursue the prosecution. Lake's evidence cast suspicion on Bartley as much as on Rammer. Bartley came to her door late at night, walked through the very room where the chest stood both coming and going and left before the loss was noticed. Yet he appeared as a witness, not a defendant. The prosecution evidently had other grounds for charging Rammer, which Bartley's own evidence was presumably meant to supply. The indictment named only some of the missing items. It listed two shifts where Lake spoke of three and omitted her child's belongings and the other soldiers' clothing altogether. Indictments often confined themselves to goods that could be positively identified and valued. Drafting the charge narrowly reduced the risk that uncertain items would weaken the case at trial.
194	184	Of a Drink of Water, he knocked at Mrs Lake's Door, and as he stood there, he saw the Prisoner at the Bar standing at the Window of the House. That the Door was opened, and as he went in, he observed the Prisoner move from the Window and come towards the Door, but knows not whether he entered the House or not. That he, himself, went into the Back room, then got a Drink of Water, and went away, and as he went out, left the Street Door on the Latch, and believes he did not stay above two Minutes in the House. Tuesday, a Manslave belonging to the Honble Company, on his Oath, Saith that about twelve of the Clock on the Monday following, being stationed at the Company's Fortifications at Sandy bay, he saw the Prisoner bring into a Room there where the Blacks sleep a Blanket	Bartley stated that he wanted a drink of water, so he knocked at Mrs Lake's door. While waiting, he saw Rammer standing by a window of the house. The door opened, and as Bartley stepped inside, he noticed Rammer leave the window and move towards the door. He could not say whether Rammer came into the house. Bartley went through to the back room, had a drink of water and left, leaving the street door on the latch. He believed he was in the house no more than two minutes. Tuesday, a male slave owned by the East India Company, gave sworn evidence that he was stationed at the Company's fortifications in Sandy Bay. At about noon on the following Monday, he saw Rammer bring a rolled-up blanket and a bundle into a room there where the black workers slept. Suspecting they were stolen, Tuesday waited until Rammer was away and took the blanket and bundle to the commanding officer. The officer told him to open the bundle, which he did. It held three shifts, three pairs of stockings and a gown. Mrs Lake was called to describe her stolen goods, which were then produced in court. She said her blanket had oil spilt across the middle. When the

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		rolled up and a Bundle: That, suspecting he had stole them, he took an Opportunity, during the Prisoner's Absence, to carry the said Blanket and Bundle to the Commanding Officer. That the said Officer ordered him to open the Bundle, which he did, and saw it contained three Shifts, three Pair of Stockings and a Gown. Mrs Lake is called to describe the Things stolen from her, and they being produced, Says the Blanket had some Oyl spilt on the Middle of it, but on opening it, and it appearing otherwise, she denies it to be hers. She describes the Gown and proves her property in it. Then being asked if the Prisoner had been at her House the Day she was robb'd, Says he had been a drinking there that Evening. The Evidence for the Crown being closed, the Prisoner, in his Defence, Saith that, one Sunday night he was a drinking very late at Mrs Lake's, and that she, herself, made the Punch for him; That he brought a Bundle into her House, but getting much in Liquor could not recollect where he had left it, but thinks it was in the Outer Room. That as he was leaving the House, he (thro' Mistake) took the Bundle produced in Court instead of his own, and carried it to Sandy bay. That one Tuesday	blanket in court was unfolded, however, it showed no such stain, and she denied that it was hers. She described the gown and established that it belonged to her. Asked whether Rammer had been at her house on the day of the theft, she said he had been drinking there that evening. The prosecution closed its case, and Rammer was called on for his defence. He stated that one Sunday night he was drinking very late at Mrs Lake's house, where she herself mixed his punch. He had brought a bundle of his own into the house. Being very drunk, he could not remember where he left it, though he thought it was in the outer room. As he was leaving, he said, he picked up the bundle now produced in court by mistake instead of his own and carried it off to Sandy Bay. **Interpretations** Lake's failure to recognise the blanket weakened the prosecution. The indictment listed it first among her stolen goods, yet when it was produced in court she denied it was hers because it lacked the oil stain she remembered. Only the gown could she positively identify. The charge therefore rested on a smaller set of goods than first claimed, and the unexplained blanket raised the question of whether the bundle Rammer carried was really the one taken from her house. Rammer's defence of mistaken bundles turned on details that the prosecution's own evidence confirmed. Lake admitted he had been drinking at her house that evening and that she served him herself, which made his presence there innocent enough. His story that a drunken man grabbed the wrong bundle on leaving was not impossible, especially in a room where a laundress kept piles of clothing. It sat less easily, however, with Bartley's evidence of Rammer lingering at the window and moving towards the door as others entered. Lake, like the Widow Moore and several soldiers, evidently sold drink from her house as well as taking in washing. Many women on the island combined such trades to make a living, turning their homes into places where soldiers and slaves could drink late into the night. Such houses mixed the free and the enslaved, the garrison and the settlers, and they recur throughout these records as the settings for thefts and quarrels. The slave Tuesday, named after a day of the week, reflects a common practice of naming slaves by days, months or seasons, often the day of birth or purchase. The Company kept its own slaves at the fortifications in Sandy Bay, housed together in rooms set aside for them. The discovery of the goods there came about through one Company slave informing on another to the commanding officer, a pattern of surveillance among slaves seen also in the case of March.
195	185	Took and Carried it to Lieut Bazett which when he found out, his Heart failed him, and he ran away. The whole Evidence being summ'd up to the Jury, they retired to consider. On their Return, they declared their Verdict, by which they found the Prisoner - Guilty of ten pence; Pursuant to which, Sentence was passed on him to be whipp'd at the Stocks till his Body was bloody and discharged. The Business of the Sessions being now ended, the Grand and Petit Juries were dismissed, and the Court was, by Proclamation, adjourned to the seventh Day of October next ensuing. The above Sentence was put in due Execution against Harry Rammer immediately after Adjourn- -ment of the Court. John Skottowe Dan Corneille	Rammer continued that Tuesday took the bundle and handed it to Lieutenant Bazett. When Rammer learned of this, he lost his nerve and ran away. The evidence was summed up for the jury, which withdrew to deliberate. On its return, it found Rammer guilty of theft to the value of £0 0s 10d. In accordance with that verdict, he was sentenced to be flogged at the stocks until he bled and then released. With the court's business concluded, the grand jury and the trial jury were discharged. A public proclamation adjourned the court until 7 October 1767. Rammer's flogging was carried out immediately after the court adjourned. The record carried the signatures of the four justices. John Skottowe Daniel Corneille [...] Burling Thomas Kirkpatrick **Interpretations**

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		C Burling Thos Kirkpatrick	Rammer's flight when he learned that the bundle had reached Lieutenant Bazett undercut his defence of an honest mistake. A man who had simply picked up the wrong bundle while drunk had little reason to run. For a slave, however, fear of punishment could drive flight whatever the truth, since an officer's suspicion alone might bring a flogging. The jury evidently took his running as a sign of guilt without treating it as proof of the full charge. **Speculations** The jury valued the theft at £0 0s 10d, below even the £0 3s 0d set on the gown, the one item Lake positively identified. Convicting at the value of the gown alone was the obvious course, since the evidence left no doubt that it was hers and that Rammer carried it off. The reason for going lower is visible in the case: the blanket proved not to be Lake's, the rest of the goods were never clearly identified and Rammer offered a plausible drunken mistake. By setting the value under a shilling, the jury reduced the offence to petty larceny, which spared Rammer a branding and the permanent loss of his claim to clergy. The punishment remained a severe flogging, but it left him without a felony mark that would have made any future conviction fatal.
196	186	On the fifteenth Day of July, in the seventh Year of his Majesty's Reign, a Precept upon the Commission of the Peace was issued out to the Sheriff of the Island of St Helena. On the twenty fourth Day of September fol- -lowing, a Precept upon the Commission of Oyer and Terminer was issued to the Sd Sheriff. On the Seventh Day of October following, a Precept upon the Commission of Goal Delivery was issued to the Sd Sheriff. Island of St Helena. The General Quarter Sessions of the Peace, Sessions of Oyer and Terminer and Sessions of Goal Delivery holden at the Hall in James's Valley for the said Island of St Helena, the seventh Day of October in the seventh Year of the Reign of our Sovereign Lord George the third of Great Britain, France and Ireland King, Defender of the Faith and so forth, Before John Skottowe, Daniel Corneille, Matthew Burling and Thomas Kirkpatrick Esquires, four of his Majesty's Justices, assigned to keep the Peace in and for the	The sheriff of St Helena received a precept under the commission of the peace on 15 July 1767, in the seventh year of the King's reign. A precept under the commission of oyer and terminer followed on 24 September 1767. On 7 October 1767 he received a third precept, issued under the commission of gaol delivery. The general quarter sessions of the peace, together with the sessions of oyer and terminer and of gaol delivery, sat at the Hall in James's Valley on 7 October 1767. The date fell in the seventh year of the reign of George III, King of Great Britain, France and Ireland and Defender of the Faith. Governor Skottowe presided alongside Daniel Corneille, Matthew Burling and Thomas Kirkpatrick. All four held royal commissions as justices charged with keeping the peace on the island.
197	187	said Island, Also Commissioners of Oyer and Terminer, authorized to hear and determine all Felonies, Trespasses and other Misdemeanors in the said Island committed. The Court being opened upon the Commission of the Peace, a Grand Jury consisting of Seventeen of the principal Inhabitants of the Body of the Sd Island were Sworn; And on their being asked if they knew of any Business upon that Commission, The Constable tendered unto them a Paper, whereon they retired to consider. On their Return to Court, the Foreman laid the following Presentment before the Bench. Island of St Helena 7th Octr 1767. To the Gentlemen of the Grand Jury for the said Island. The Constable begs Leave humbly to Present "that the Punch house, as it is now circumstanced, is a Nuisance "productive of every kind of Immorality and Profaneness, which the "strictest Vigilance of an Officer can't prevent. "He makes bold to Inform you, Gentlemen, that, from the	The court also held its commission of oyer and terminer, with power to try felonies, trespasses and lesser offences committed on the island. The court opened under the commission of the peace, and a grand jury of 17 leading inhabitants drawn from across the island was sworn. When the jurors were asked whether they knew of any business under that commission, the constable handed them a written paper. They withdrew to consider it. On their return to court, the foreman laid the following presentment before the bench. The paper, dated 7 October 1767 and addressed to the gentlemen of the grand jury, set out the constable's complaint. In its present state, he wrote, the punishment house was a nuisance that bred every kind of immorality and blasphemy, which no officer, however watchful, could prevent. The building was so insecure and in such poor repair that anyone intent on causing disorder or riot could get in. Men entered it at any hour of the night, and the women held inside did much to encourage them. **Interpretations** The punishment house appears to have been the island's house of correction, the institution modelled on the English Bridewell where petty offenders, vagrants and disorderly women were confined and set to work. Its purpose was to reform conduct through

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		"Condition the House is in, Access can't be denied to any Person "who is willing to interrupt Order, and promote Lewdness, as the Sd "House is perfectly insecure, and for the Want of repairs, gives "Admission to Men, who are but too much encouraged by the Women "therein confined to enter the House at any Hour of the Night. "That he, the Sd Constable, Notwithstanding his Utmost	discipline and labour. The constable's complaint reveals that on St Helena it had become the opposite, a place of night-time revelry where the women held there received male visitors. The poor state of the building made confinement meaningless and turned the institution into a source of the very disorder it was meant to suppress. The constable used the grand jury as the channel to bring his complaint before the court. Presenting a building as a nuisance was a standard function of grand juries at quarter sessions, and it obliged the justices to consider remedies such as repairs or new orders. By writing to the jurors rather than directly to the bench, the constable secured the backing of the island's leading inhabitants. This lent his complaint a weight that a lone officer's report might have lacked. The phrase describing the women as confined suggests they were held for offences such as prostitution, drunkenness or disorderly behaviour. In a garrison island with many soldiers and sailors and relatively few women, such offences were common and hard to police. The constable's account implies that men of the garrison or the ships sought out the women in their place of confinement, and that neither walls nor watch could keep them out.
198	188	"Endeavours to keep Order and prevent Disorders, has been fre- "quently obliged to repair thither upon the Cry of Murder, and has "found Fellows in the greatest Disorder, rioting and abusing the "Women; And that, to quell these Disorders, he has been frequently "exposed to the Rage and Brutality of Drunken Sailors, at a "time of Night when Assistance could not be had. "That as the Women confined in the said [...] "the Worst kind, addicted and abandon'd to every [...] "Corrupt, seduce and, rob, and as Security in [...] "that can be apply'd to prevent the Continuance [...] "Scenes of Debauchery, he hopes his Presentment [...] "will be taken into Consideration by the Gentlemen [...] "Grand Jury, and forwarded by them to the Honble Bench "of Justices for Sanction." We the Grand Jury having considered the above Presentment are unanimous in our Opinion in presenting it to the Honble Board of Justices. [...] Presentment being read together with [...] Opinions thereon, a Rule was made [...] relating to the Punch house should [...] into Execution; and that, to which [...] Honble Company's Mason and Carpenter shall take a Survey thereof, and make a proper Estimate of the Expences attending such Repair, the Work to be carried on under the Management of the Church Wardens, and the Expences to be proportionably assessed by them upon the Island. No other Business appearing upon that Com- -mission, the Court of Oyer and Terminer was opened, a	Despite his best efforts to keep order and prevent trouble, the constable continued, he was often forced to hurry to the house when someone raised a cry of murder. On arriving he had repeatedly found sailors in the wildest disorder, rioting and abusing the women. In trying to put an end to these disturbances, he had often faced the fury and violence of drunken sailors, late at night when no help could be had. The women confined in the house were, he said, [...] of the worst kind, given over to every [...] and ready to corrupt, seduce and rob. [...] Since security [...] could be applied to stop these scenes of debauchery from continuing, he hoped the grand jury would consider his presentment and pass it to the justices for their approval. The grand jury stated that it had considered the constable's presentment and was unanimous in submitting it to the justices. The presentment was read together with the grand jury's opinion. The court then made an order that [...] concerning the parish house should [...] be carried out. [...] the East India Company's mason and carpenter were to survey the building and draw up a proper estimate of the cost of repairs. The churchwardens were to oversee the work and to assess the cost proportionately on the island's inhabitants. No other business arose under the commission of the peace, and the court opened as a court of oyer and terminer. **Interpretations** The building at the centre of the complaint was the parish house, placed under the management of the churchwardens and repaired at the expense of the island's inhabitants. In England, parishes maintained poorhouses and workhouses to lodge the destitute, and disorderly or vagrant women were often confined in them alongside the poor. The arrangement on St Helena followed that model, with the vestry and its churchwardens responsible for the house and for raising a rate to maintain it. The court's order to have the Company's mason and carpenter survey the building shows the Company supplying the technical skill while the settlers bore the cost. The constable's account identified sailors from visiting ships as the chief source of trouble. Crews ashore after months at sea sought drink and women, and the parish house, insecure and poorly guarded, became a target. The constable, a single unpaid officer, had no force to call on at night. His plea for the building to be made secure was as much a plea for his own safety as for the moral order of the house.

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			Several passages on this page are obscured on the image, which is why portions of the constable's account, the heading of the court's order and part of its wording appear as gaps. The surviving text is nonetheless sufficient to show the nature of the complaint and the court's response.
199	189	New Grand Jury impannelled and sworn. On their finding the following Bill of Indictment, the Court were opened upon the Great Felony. Enea, a Man Slave belonging to Mr. [...] Wrangham, being brought to the Bar, was arraigned upon the following Indictment, Viz. Island of St. Helena ss. "The Jurors of our Sovereign Lord the King upon their Oaths (do) present that Enea late of James's Valley "within the Island of St. Helena Man slave on the first Day of "July in the seventh year of the Reign of our Sovereign Lord George "now King of Great Britain &c. by force and Arms in the Valley "aforesaid within the Island aforesaid the Dwelling house of one "Stephen Young then situated feloniously and burglariously did "break and enter And one blue Sattin Shape for a Waistcoat "of the Value of Seventeen Shillings two [...]pint [...] bottles "containing one Gallon of Arrack of [...]illings "and six pence two Pieces of black [...] and "Trimmings of the Value of one pound [...] "Cloath of the Value of three Shillings [...]king "Tackling of the Value of two Shillings [...] of "the Value of two Pounds numbered of the [...]oney "of the said S[...] and there being found [...] did steal, take and [...]eign Lord the King [...] [...]ity." E[...] the Trial the	A new grand jury was chosen and sworn in. Once the jurors found the bill of indictment set out below to be a true bill, the Court opened its hearing of the serious felony charge. Eneas, a male slave owned by William Wrangham, was brought before the Court and formally charged under the following indictment, which was headed with the Island of St Helena as the place of jurisdiction. The jurors, acting for the King and under oath, charged that Eneas, a slave living in James's Valley, used force to break into the house of Stephen Young in the valley on 1 July in the seventh year of the reign of King George. The charge described this as a felonious burglary. He was accused of taking a number of goods, each given a value in the indictment. These were a blue satin waistcoat panel worth £0 17s 0d and two [...] case bottles holding a gallon of arrack worth £0 [...]s 6d. The list continued with two pieces of black [...] with trimmings, worth £1 [...]s [...]d, and [...] cloth worth £0 3s 0d. It also included [...] tackle worth £0 2s 0d and [...] worth £2 [...]s [...]d, numbered [...] of Stephen [...]. The indictment stated that these goods were found [...] and that Eneas stole and carried them off [...] in breach of the King's peace [...]. **Interpretations** The prosecution followed the full English procedure for a capital crime. A grand jury first had to accept the bill as true before Eneas could be tried, and only then was he arraigned before a trial jury. Burglary meant breaking into a dwelling with intent to commit a felony, and it carried the death penalty whatever the goods were worth. Recording a value for each item still mattered, because it separately established the offence of grand larceny, which covered any theft over one shilling. That gave the Court a second capital charge to fall back on if the burglary itself was not proved. Eneas was charged in the same form that would have been used against a free Englishman. His owner William Wrangham was named only to identify him, and he took no part in the charge. In practice this set the Company's criminal law between owner and slave in the most serious cases. A satin "shape" for a waistcoat was a length of fabric with the outline of the waistcoat fronts marked or woven on it. It was often embroidered in advance, and a tailor then cut it out and made it up to fit the buyer. Items like this were sent out ready-made to colonies where skilled needlework was scarce, and a blue satin one was a fashionable luxury. Case bottles were square-sided glass bottles designed to pack tightly into a wooden case for shipping. Arrack was a strong spirit distilled in India, Ceylon and Batavia from palm sap, rice or molasses. East India ships landed it at St Helena, where it was the island's main strong drink and its sale was closely controlled. The regnal date could not be fixed from this page alone. The seventh year of George II ran from June 1733 to June 1734, which would place the offence on 1 July 1733. The seventh year of George III ran from October 1766 to October 1767, which would place it on 1 July 1767.
200	190	Twelve following Men, Viz. Jeremiah Smith John Shelley Robt. Ballard Jno. Defountain Rodk. Merchant Jno. Shale William Harper Jo: Chamberlane Henry Harper Simon Whaley and Isaac Harper Thos. Wrangham were	The trial jury consisted of the twelve men named below, who were sworn in to hear the case against Eneas. Jeremiah Smith Robert Ballard Roderick Merchant William Hayes

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		sworn upon his Jury. Then the Indictment was, a second time, read to him, and the Jury charged. Stephen Young, being duly sworn, Saith that, in the Night between the first and second of July last, his House in James's Valley was broke open. That, on the second of the sd. Month, in the Morning, he Came from the Country to his said House in the Valley, and found the Door which opens from the Passage into the Bar broke open, and going into the Bar, he, on examining, missed two fourpint Bottles of Arrack and some Cash, a Shape for a Waistcoat of light blue Sattin embroidered in Various Colours, two Pieces of black [...] Stocking Breeches with all suitable Trimmings, One Piece of Nankeen Cloath and a small Bag that had some fishing Tackling in it. That he heard no more of the Robbery till informed on the fifteenth of Septemr. following, that Mr. Willm. Wrangham had in his Possession some pieces of Stocking breeches and a Shape for a Waistcoat, which Pieces and Shape, he was told, he had taken from one of his Slaves. That he went to the sd. Wrangham, and desired he would let him see the Shape, that he may, by seeing it, be able to Judge if it was the same that had been stolen from him: That the sd. Wrangham told him he was, at that time, engaged, but if he would Call next Morning, he would Shew it to him: That he called next Morning, and the said	Henry Harper Isaac Knipe John Shelley John Defountain John Shale Jo. Chamberlane Simon Whaley Thomas [...]ham The indictment was then read to Eneas a second time, and the jury received its instructions. Stephen Young gave evidence on oath. He stated that someone broke into his house in James's Valley during the night of 1 to 2 July. On the morning of 2 July he returned to the house from his country property. He found the door from the passage into the bar forced open. On checking the bar, he discovered that several things were gone. These were two four-pint bottles of arrack and [...], a light blue satin waistcoat panel embroidered in several colours, two pieces of black knitted breeches fabric with all the matching trimmings, a piece of nankeen cloth and a small bag containing fishing tackle. Young heard nothing further about the theft until 15 September. On that day someone told him that William Wrangham had some pieces of breeches fabric and a waistcoat panel. According to this informant, Wrangham had taken them from one of his own slaves. Young went to Wrangham and asked to see the waistcoat panel so that he could judge whether it was the one stolen from him. Wrangham replied that he was busy just then. He told Young to come back the next morning, when he would show him the panel. Young returned the following morning as arranged. **Interpretations** Young's account showed that his house contained a bar, which suggests he kept a punch house or licensed drinking room in the valley. That explained why arrack headed his list of losses. Retailing spirits at St Helena needed a licence from the Company, and much of the island's arrack passed through a small number of such houses. Young also mentioned coming in "from the country." Like many valley householders, he evidently kept a second holding in the interior, and he left the town premises unattended overnight. That arrangement gave a thief an easy opening. The testimony described the stolen goods in fuller trade terms than the indictment had used. The two four-pint bottles together made up exactly the gallon of arrack charged, and the embroidered satin panel matched the waistcoat "shape" charged earlier. Stocking breeches were made from fabric knitted on a stocking frame, which gave a close-fitting, elastic cloth. It was sold by the length, with matching buttons and binding, so that a tailor could make up a fashionable pair of breeches. Nankeen was a hard-wearing cotton cloth from the Nanjing region of China, naturally buff or yellowish in colour. It reached St Helena on the China ships and was widely used for breeches and summer clothing. The case came to light because Wrangham himself found the goods and took them from his slave, and not through any official search. At St Helena an owner was expected to police his own household first. The disclosure came from an informant who knew what Wrangham held, and it was not reported by Wrangham to the authorities. It is unclear whether he meant to settle the matter privately. His request that Young come back the next day gave him time to decide how to present the goods before any identification was made.
201	191	Wrangham shewed it to him, also two Pieces of black Stocking Breeches. That, he can Swear to the Property of the Shape, but	When Young returned the next morning, Wrangham showed him the waistcoat panel along with two pieces of black knitted breeches fabric. Young told the Court he was certain the panel belonged to him. He could not be sure about the breeches fabric, though its

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		can't to the Pieces of Stocking, only Judges them to be his from Circumstances and Resemblance. The Shape, being produced in Court, answers exactly to the description given by the Witness in his Evidence; And by being examd. as to the Species of Money stolen from him, Says, he can't ascertain the different Pieces, but that the whole chiefly consisted in small Money, among which were, very probably, three or four Rupees. Being also asked how the Door had been broke open, Says it was violently thrown open by wrenching the Staple. Willm. Wrangham, being duly sworn, Saith that, about the latter End of August last, having Occasion to search some Boxes belonging to the Prisoner, who is his Slave, he in the Presence of one Sarah, one of his Women Slaves, took out of one of the sd. Boxes two Pieces of black Stocking breeches, and a blue Sattin Pattern for a Waistcoat wrought with various coloured Silks, which Things he ordered her, the said Sarah, to send to him to the Fort. That, on the fifteenth of Septemr. following in the Evening, Stephen Young came to him, and said he heard that he had some things in his Possession taken from One of his Slaves, and wanted to beg to[...] to see them: That he told the sd. Young he was then engaged, but if he called in the Morning, he should see them, Which he accord ingly did, and the Things were Shewn to him: That the said Young on Seeing the Waistcoat pattern, said he could swear it was his. The Witness also Saith that, when he took the sd. Pattern, and Stocking pieces out of the Prisoner's Box, he saw in it some Money and (to the best of his Memory) a Piece of Nankeen Cloath. The Shape being Shewn to the Witness, he Says it is the Same he took out of the Prisoner's Box, and being asked if he recollects the Quantity or kind of Money he saw in the Box,	appearance and the surrounding facts led him to believe it was also his. The waistcoat panel was then produced in court, and it matched exactly the description Young had given in his evidence. Asked what coins had been stolen, Young said he could not identify the individual pieces. Most of the money had been small change, and he thought it very probably included three or four rupees. Asked how the door had been forced, he explained that someone had wrenched out the staple and thrown the door violently open. William Wrangham then gave evidence on oath. Towards the end of August he had reason to search some boxes belonging to Eneas, who was his slave. With Sarah, one of his female slaves, present as a witness, he took from one of the boxes two pieces of black knitted breeches fabric. He also removed a blue satin waistcoat panel worked in silks of several colours. He told Sarah to have these items sent on to him at the Fort. On the evening of 15 September, Young came to Wrangham. He said he understood that Wrangham held some goods taken from one of his slaves, and he asked to see them. Wrangham told him he was busy at that moment but could see them if he came back in the morning. Young returned the next day as agreed and was shown the goods. On seeing the waistcoat panel, he declared that he could swear it was his. Wrangham added that, when he removed the panel and the breeches fabric from the box, he also saw some money in it. As far as he could remember, there was a piece of nankeen cloth there as well. When the waistcoat panel was shown to him in court, he confirmed it was the same one he had taken from the box. He was then asked whether he could remember how much money he had seen in the box and what kind of coins it was. **Interpretations** Wrangham's evidence showed that he found the stolen goods in late August but had them sent to the Fort and said nothing. Young raised the matter himself on 15 September. For about three weeks, then, an owner held property he had reason to think was stolen without informing either the victim or the authorities. His sworn account presented the search as a routine household matter. That framing protected him from any suggestion that he had knowingly received or concealed stolen goods, and the Court did not press him on the delay. The search itself showed how much an owner controlled a slave's private possessions. Eneas kept boxes of his own holding cloth and coin, which shows that slaves at St Helena could accumulate small savings and goods. Even so, Wrangham could open those boxes at will and remove whatever he chose. Having Sarah present gave him a witness to what was taken and where from. Since a slave's own evidence carried little weight against a free person, her role was probably meant to protect Wrangham's account more than to protect Eneas. Young's mention of rupees reflected the mixed coinage used on the island. Sterling was always short there. Indian silver, together with Spanish dollars and other foreign coin brought by the East India ships, circulated alongside English money in everyday dealing. The staple he described was the iron loop fixed to the doorpost to receive a hasp or bolt. Wrenching it out, rather than picking a lock, left clear evidence of force, which supported the charge of breaking and entering needed for burglary. Wrangham's instruction to send the goods "to the Fort" suggests his duties kept him at the Castle in James's Valley, perhaps as a Company servant or officer. It also suggests that his slaves lived and kept their belongings at a separate household elsewhere on the island.

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202	192	Says, he can't ascertain it, only remembers there were some Rupees. Sarah, a Woman Slave belonging to the last Witness, On her Oath, Saith that, about the latter End of August last her Master came from the Fort to his Country house, and there called to her for the Keys of the Prisoner's Boxes, and on her telling him she had them not, he said he must open them, and he accordingly did so: That, in her Presence, he took out of one of them two Pieces of Stocking breeches and a blue Sattin Shape for a Waistcoat, which Pieces and Shape were afterwards carried down to the Fort: That she saw in the Prisoner's Box at the time her Master opened it two Rupees, two Shillings and one fifteen penny piece, also a Piece of Nankeen. The Evidence on the Crown side being closed, the Prisoner, in his Defence, Saith that he never broke Mr. Young's house, nor ever Stole any thing out of it: That being one Evening, employed by some Sailors, who were going on board to help them down to the Landing place with some things, as he was coming back he found a Bundle, the Contents of which the Darkness of the Night hindered him from knowing; But coming home, he examined, and found it contained two Pieces of Stocking breeches, a Piece of Nankeen, a Shape for a Waistcoat and some other things, which he locked up without taking any further Notice of. The Prisoner having Nothing more to urge in his Defence; the whole Evidence was summed up to the Jury who retired to Consider. On their Return, they declared their Verdict, by which they acquitted the Prisoner of the Burglary, and found him Guilty of Felony only to the Value of thirty nine Shillings.	Wrangham told the Court he could not say exactly how much money had been in the box, though he remembered that it included some rupees. Sarah, a female slave owned by Wrangham, then gave evidence on oath. Towards the end of August, she said, her master came from the Fort to his country house and asked her for the keys to Eneas's boxes. She told him she did not have them, so he said he would have to force them open, and he did. In her presence he removed two pieces of knitted breeches fabric and a blue satin waistcoat panel from one of the boxes. These were later taken down to the Fort. When her master opened the box, she saw inside it two rupees, two shillings and a coin worth fifteen pence, along with a piece of nankeen cloth. With the prosecution's evidence complete, Eneas spoke in his own defence. He denied breaking into Young's house and denied taking anything from it. His account was that some sailors returning to their ship one evening had hired him to help carry their belongings down to the landing place. On his way back he came across a bundle, but in the darkness he could not tell what was in it. Once he got home he looked inside and found two pieces of breeches fabric, a piece of nankeen, a waistcoat panel and a few other items. He said he locked them away and gave them no more thought. Eneas had nothing further to offer in his defence. The evidence was summed up for the jury, who withdrew to consider it. When they came back, they cleared Eneas of burglary. They found him guilty only of theft, and they set the value of the goods stolen at £1 19s 0d. **Interpretations** The value the jury set had legal weight. Under a 1713 statute, stealing goods worth 40 shillings or more from a dwelling house was a capital offence, and benefit of clergy was not allowed. Burglary carried the death penalty on its own. By clearing Eneas of the burglary and valuing the goods at one shilling below that threshold, the jury took both capital charges off the table in a single verdict. What remained was a clergyable felony, which in practice meant branding, whipping or transportation rather than hanging. English juries at the same date routinely used this device, known as a partial verdict, and St Helena's jurors evidently understood it and applied it to a slave. Sarah's evidence was taken on oath, so the Court treated a slave as a competent witness at this trial. Her account also added detail that her master's did not give. She placed the search at the country house, not at the Fort, and said the boxes were forced because she had no keys. She listed the coins exactly: two rupees, two shillings and a fifteen-penny piece. That mix of coins reflected the island's currency, in which Indian silver and other foreign coin changed hands at fixed local ratings next to English money. It also showed that Eneas had a small cash income of his own. His defence explained where that income came from, since he described hiring himself out to carry sailors' baggage to the landing place. Slaves at St Helena did this kind of casual portering whenever ships were in the road. **Speculations** The obvious verdict was guilty of burglary. Young's staple had been wrenched out, the waistcoat panel was sworn to by both Young and Wrangham, and Eneas's story of a bundle found in the dark explained nothing about the forced door. The indictment's own valuations, including £0 17s 0d for the panel, more than £1 for the breeches fabric and trimmings and £2 in money, came to well over 40 shillings. The jury therefore rejected both the burglary charge and the prosecution's figures, and replaced them with a total of £1 19s 0d that kept Eneas alive. The record suggests their reason. Only the panel was

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			positively identified, since Young himself would not swear to the breeches fabric. Wrangham had also held the goods for three weeks before anything was said. That gave the jury grounds to doubt the full list, and perhaps to leave room for Eneas's claim that he found the goods rather than broke in for them.
203	193	The Verdict being recorded, and affirmed to the Jury, the Prisoner received Sentence to be burnt in the Hand and discharged, which Sentence was put in due Execution agst. him in the Face of the Court. The Business of the Sessions being now ended, the Grand and Petit Juries were dismissed, and the Court was, by Proclamation, adjourned to the thirteenth Day of January next ensuing. John Skottowe Dan Corneille Bruling	After the verdict was entered in the record and read back to the jurors, the Court sentenced Eneas to be branded on the hand and then released. The branding was carried out at once, in open court. With all the cases for this sitting heard, both the grand jury and the trial jury were sent home. A formal proclamation then adjourned the Court until 13 January of the following year. The record was signed by John Skottowe, Daniel Corneille and [...] Burling. **Interpretations** Branding on the hand was the standard punishment for a first offender granted benefit of clergy. The brand, usually a T for thief, was burned into the base of the left thumb. The mark showed that the person had used the privilege once, so a second capital conviction could not be escaped in the same way. The jury's valuation of £1 19s 0d made the offence clergyable, and the sentence followed directly from that. Carrying it out "in the face of the Court" was standard English procedure. It ensured that the punishment was seen to be done and that a court officer confirmed the mark before the prisoner was released. The sentence differed from what was then usual in England. From 1718 onwards, English courts sent most thieves convicted of clergyable felonies to the American colonies for seven years, and branding alone had become the lighter alternative. St Helena had no practical means of transporting a convict, and Eneas was also someone else's property. By branding him and then releasing him, the Court returned him directly to Wrangham. The island thus kept a working slave while still imposing a permanent, visible penalty. The signatures settled the dating of the whole case. John Skottowe was Governor Skottowe, who held office from 1764 under George III. The seventh year of that reign placed the burglary on 1 July 1767, with the trial held later that year and the adjournment to 13 January 1768. As Governor, Skottowe presided over the island's criminal court with members of his council, including Daniel Corneille. This reflected the Company charter, which combined executive and judicial authority in the same small group of men.
204	194	On the seventh Day of October in the seventh year of the Reign of our Sovereign Lord the King, a Precept upon the Commission of the Peace was is sued out to the Sheriff. On the twenty sixth Day of December following, in the eighth year of his Majesty's Reign, a Precept upon the Oyer and Terminer was issued to the sd. Sheriff. On the thirteenth Day of Janry. following, a Precept upon the Goal Delivery was issued out, and delivered to the sd. Sheriff. Island of St. Helena. The General Quarter Sessions of the Peace, Sessions of Oyer and Terminer, and Sessions of Goal Delivery holden at the Hall in James's Valley for the said Island of St. Helena the thirteenth Day of January, in the eighth year of the Reign of our Sovereign Lord George the third of Great Britain, France and Ireland King, Defender of the Faith and so forth, Before John Skottowe, [...] Matthew Bruling and Thomas Kirkpatrick Esquires three of his Majesty's Justices assigned to keep the Peace in and for the sd. Island, (the Com mission of Oyer and Terminer, authorized to hear	The sheriff received a precept under the commission of the peace on 7 October 1767, in the seventh year of the King's reign. A second precept, this time under the commission of oyer and terminer, went to him on 29 December 1767, by which point the eighth year of the reign had begun. A third precept, under the commission of gaol delivery, was issued and handed to him on 13 January 1768. The island's three criminal courts sat together at the Hall in James's Valley on 13 January 1768, in the eighth year of the reign of King George III. These were the general quarterly court of the peace, the court of oyer and terminer and the court of gaol delivery. The bench consisted of Governor Skottowe, Matthew Burling and Thomas Kirkpatrick, three of the King's justices appointed to keep the peace on the island. They also held a commission of oyer and terminer, which gave them authority to hear and decide serious criminal cases. **Interpretations** Each precept was a written order from the justices telling the sheriff to act under one of the court's commissions. In practice, the sheriff had to summon grand and trial jurors, notify witnesses and prosecutors

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			and bring every prisoner held in the island's gaol before the court. The three commissions divided the criminal work among them. The commission of the peace covered the regular quarterly business of the justices. Oyer and terminer, from the French for "to hear and to determine," gave power to try treasons and felonies. Gaol delivery required the court to try, or else release, everyone currently held in custody. Issuing all three and sitting under them together at one hearing reproduced the structure of an English county assize and quarter session. On an island this small, the same three men carried out all of those functions. The dates confirmed the chronology of the Eneas case. The first precept of 7 October 1767 fell within the seventh year of George III, which ended on 24 October 1767. The court that tried Eneas adjourned to 13 January 1768, and this sitting opened on exactly that day. Matthew Burling's full name appeared here, so he was the third signatory of the earlier record, whose first name had been unreadable. The Company governed St Helena, but its courts sat and acted in the King's name. The Company's charter allowed it to hold courts following the forms of English law. That was why the justices were described as the King's justices, and why the regnal year of George III, rather than any Company date, fixed the legal calendar of the court.
205	195	and Determine all Felonies, Trespasses and other Misdemeanors in the said Island committed. The Court being opened upon the Commission of the Peace, a Grand Jury consisting of the seventeen of the principal Inhabitants of the Body of the said Island was sworn. Then Willm. Holebrooke, the Honble. Company's Mason, was called to appear to a Recognizance by him entered into and acknowledged before Thomas Kirkpatrick Esqr. upon a Complaint exhibited against him by Jane Holebrooke, his Wife, for having beat, bruised and battered her, so as to put her Life in Danger. On the sd. Willm. Holebrooke's appearing, The sd. Jane prayed the Court may please to continue her Husband under Bail, and her Request was complyed with. No other Business appearing upon that Commission, the Court of Oyer and Terminer was opened, a New Grand Jury im panneled and sworn; And a Bill of Indictment was preferred to them. They found the Bill, and then the Court was opened upon the Goal Delivery. March, a Man slave belonging to Lieut. Solomon St. Maurice, being brought to the Bar, was arraigned upon the following Indictment, Viz. Island of St. Helena ss. "The Jurors of our Sovereign Lord the King "upon their Oaths (do) Present that March late of St. Francis "Valley within the said Island of St. Helena Man slave on the "twenty sixth Day of December in the eighth year of the Reign	The commission of oyer and terminer gave the justices power to try and decide every felony, trespass and lesser offence committed on the island. The Court first opened under the commission of the peace. A grand jury of 17 leading inhabitants of the island was sworn in. William Holebrooke, the Company's mason, was then called to answer a bond he had entered into before Thomas Kirkpatrick. His wife, Jane Holebrooke, had complained that he beat, bruised and battered her so badly that her life was at risk. Holebrooke appeared as required. Jane then asked the Court to keep her husband bound on the same terms, and the Court agreed. No further business came before the Court under that commission, so it opened under the commission of oyer and terminer. A new grand jury was chosen and sworn, and a bill of indictment was placed before it. The jurors found the bill to be true. The Court then turned to the business of gaol delivery. Marck, a male slave owned by Lieutenant Solomon St Maurice, was brought before the Court and formally charged under an indictment headed with the Island of St Helena as the place of jurisdiction. The jurors, acting for the King and under oath, named Marck as a slave from Francis Valley on the island. They fixed the date of his alleged offence as 26 December 1767, in the eighth year of the King's reign. **Interpretations** Holebrooke's bond, called a recognizance, was the standard way English justices dealt with violence within a household. A husband who beat his wife formally acknowledged a debt to the Crown before a justice, often with sureties. The debt would be forfeited only if he broke the peace or failed to appear in court. The bond worked as a suspended financial penalty. It gave the wife some protection without putting the husband on trial. English law of the time allowed a man to correct his wife physically in moderation, so complaints of this kind normally depended on proving that the violence was so extreme it endangered her life. Jane's complaint was framed in exactly those terms. As the Company's mason, Holebrooke was one of the salaried artisans the Company kept to maintain the Castle, the fortifications and its other buildings. His wages came directly from the Company. This meant his household's income depended entirely on his keeping that position. **Speculations**

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			Jane had complained that her husband's violence put her life at risk. That was grounds for an indictment for assault, and a grand jury was sworn and sitting in court that very day. Instead of taking that course, she asked only for the existing bond to stay in force. Her reason was probably her dependence on Holebrooke's wage as the Company's mason. A conviction could have brought a fine, imprisonment or the loss of his post, all of which would have hurt her as much as him. Keeping the bond in force held a financial penalty over him while leaving the household's income untouched. The Court's willingness to go along with this showed that the justices also treated the matter as one of keeping the peace, not of punishment.
206	196	"Of our Sovereign Lord George now King of Great Britain "&c. by force and Arms in the Valley aforesaid the Dwelling "house of one Solomon St. Maurice there situated feloniously "did break and enter and five Quarts of Arrack of the Value "of three Shillings and nine pence four Pounds of Flour of "eight pence four Pounds of Sugar of the Value of one Shilling "and two pence and one Loaf of Bread of the Value of four "pence of the Goods and Chattels of the said Solomon St. Maurice "in the said Dwelling house then and there being found then and "there feloniously did steal take and bear away against "the Peace of our Sovereign Lord the King his Crown and "Dignity." To which Indictment he pleaded "Not guilty." The sd. March being put on his Trial, the twelve following Men, Viz. Rodk. Merchant Robt. Ballard Jams. Colguner Jerh. Smith Stephen Young Jno. Whitchurch John Robinson John Shelley William Harper John Seale and Henry Harper Henry Rowell were sworn upon his Jury. Then the Indictment was, a second time, read to him, and the Jury charged. Andrew Connor, a Soldier, being duly sworn, Saith that, on Saturday the twenty sixth Day of December last, One Sarah, a Woman slave belonging to Lieut. St. Maurice intending to go down to the Fort, and having some Flour, Sugar and Arrack to Leave out for the Servants, left the Sugar and	The indictment charged that Marck, acting in the reign of King George, used force to break into the house of Solomon St Maurice in the valley. Once inside, he was accused of taking goods belonging to St Maurice, each given a value in the charge. These were five quarts of arrack worth £0 3s 9d, four pounds of flour worth £0 0s 8d, four pounds of sugar worth £0 1s 2d and a loaf of bread worth £0 0s 4d. The charge described this as a felonious theft in breach of the King's peace. Marck pleaded not guilty. Marck then went on trial before a jury of the following twelve men, who were sworn in to hear his case. Roderick Merchant J[...] Edgcombe Stephen Young John Robinson William Hayes Henry Harper Robert Ballard Jeremiah Smith John Whitchurch John Shelley John Seale Henry Nodell The indictment was read to Marck a second time, and the jury received its instructions. Andrew Connor, a soldier, gave evidence on oath. On Saturday 26 December 1767, he said, Sarah, a female slave owned by Lieutenant St Maurice, was planning to go down to the Fort. Before leaving, she had some flour, sugar and arrack to set out for the household servants. Connor then began to describe where she had put the sugar and the rest of the provisions. **Interpretations** Everything taken was worth only £0 5s 11d, and all of it was food or drink. Even so, the charge was framed as burglary, a capital offence however little was stolen. The prosecution could have charged simple theft instead. Charging burglary meant the jury had to consider the death penalty for five quarts of spirits and a few pounds of household stores. The previous case showed how a St Helena jury could avoid that outcome. This case depended less on the value of the goods, which already fell well within the clergyable range, and more on whether a break-in could be proved. The listed values gave a picture of what household provisions cost on the island at the end of 1767. Arrack worked out at about 9d a quart, flour at 2d a pound and sugar at about 3½d a pound. Arrack was so cheap because it arrived in bulk on the East India ships. At that price it was a basic household supply, bought in quantity and handed out to servants along with flour and sugar. Stephen Young, the victim in the Eneas case earlier the same year, now sat on the jury trying another slave for burglary. The same small group of householders appeared again and again as grand jurors, trial jurors, prosecutors and witnesses. Several names

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			from the Eneas jury, including Merchant, Ballard, Hayes, Harper, Shelley and Smith, were back on this panel. On an island this size, the men judging a case often had a direct personal stake in the kind of crime being tried.
207	197	Arrack in the Hall, but, thro' Mistake, left the Flour locked up in the Closet: That she and Dobson went away together, and in some time afterwards the Prisoner at the Bar came in: That enquiring for the sd. Sarah, and being told by the Witness that she and Dobson were Just gone to the Fort, he Looked out, and saw them as they were going towards Peak hill: That he called after them, and Dobson returned, who, on meeting the Prisoner, gave him the Key of the Closet: That when the Prisoner came back to the House, he went up Stairs, and attempted to Lock his Master's Bed chamber Door with the Closet Key, which not able to do, he came Down, and then went out: That he, the Witness, went out some time after him, and saw him first going up a Ladder, and then saw him Lift the Window, and go into his Master's Room thro' the Window so Lifted: That when he returned to the Kitchen, he brought along with some Eggs, and a Quantity of Sugar: That he went out a second time, and brought two Case bottles of Arrack and some flour, which flour he Dressed in the Kitchen. Being asked by the Court how the Prisoner got in thro' the Window, Says he got at by a Ladder; And being asked if he knew or heard Lieut. St. Maurice say that he intended to Leave any thing extraordinary for his Servants, Says, he heard him say he intended to give them some Arrack, Sugar and Flour. The Witness adds that the sd. Sarah, as she was going down to the Fort, Left a Case bottle full of Arrack and some Sugar in the Buffett for the Servants, which they accordingly made Use of. The Prisoner, in this part of the Evidence, being told that he had Liberty to examine the Witness, wants to know of him, if he, the Prisoner, had not asked him, when he came home, if Sarah had Left any thing out for them, to which the Witness replys that he never asked him any such Question; but says that when he (meaning the Prisoner) returned with the Key of the Closet, he went up Stairs, called him up along with him, and attempted	Connor said Sarah left the sugar and the arrack in the hall, but by mistake she left the flour locked in the closet. She then went off with Dobson. A little later Marck, the prisoner, came in and asked where Sarah was. Connor told him she and Dobson had just set out for the Fort. Marck looked out and saw the pair heading towards [...]. Marck called after them, and Dobson came back and handed him the closet key. Back in the house, Marck went upstairs and tried to lock his master's bedroom door with the closet key. When it did not fit, he came down and went outside. Some time later Connor followed him out. He saw Marck climb a ladder, raise a window and get into his master's room through it. Marck came back to the kitchen with some eggs and a quantity of sugar. He then went out a second time and returned with two case bottles of arrack and some flour. He cooked the flour in the kitchen. The Court asked Connor how Marck had got in through the window, and Connor said he had climbed a ladder. The Court also asked whether he had heard Lieutenant St Maurice say he meant to give his servants anything special. Connor replied that St Maurice had said he intended to give them some arrack, sugar and flour. Connor added that Sarah, before leaving for the Fort, had left a case bottle full of arrack and some sugar in the sideboard for the servants. The servants had duly helped themselves to it. At this point Marck was told he could question the witness. He asked Connor whether, on coming home, he had not asked Connor if Sarah had left anything out for them. Connor denied that Marck had ever asked him this. He said instead that when Marck came back with the closet key, he went upstairs and called Connor to come up with him. **Interpretations** The theft took place on 26 December, the day after Christmas, and the "something special" St Maurice had promised his servants was clearly a holiday allowance of spirits, sugar and flour. The Court's own question shows it recognised a possible defence. If the goods were already meant for the servants, taking them looked less like theft and more like helping himself to a gift that Sarah had failed to hand out because she locked the flour away by mistake. Even so, Marck's attempt to use the closet key on his master's bedroom door, and his entry through the window, fitted a deliberate break-in far more readily. Those details made the burglary charge difficult to set aside. Marck questioned the witness himself because English felony trials of the period did not allow defence counsel to address the jury. A prisoner had to cross-examine the witnesses and argue his own case. At St Helena, the same rule meant a slave faced a garrison soldier in open court without an advocate. Marck's question aimed to show that he had asked in good faith whether provisions had been left for the servants. Connor's flat denial left that line of defence resting on Marck's word against a free witness. A case bottle was a square glass bottle designed to pack tightly into a wooden chest, and it was the usual container for arrack landed from the East India ships. Cooking the flour in the kitchen suggests that the servants intended to use it at once for a holiday meal, since it was not being hidden away.

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208	198	But could not, unlock his Master's Room Door with the said Key. John Terry, a Soldier, being duly sworn, Saith that the day after Christmas Day last, he was at Lieut. St. Maurice's Country house, and going out of the sd. House in order to take a Walk as far as Mr. Dowton's, he saw the Prisoner at the Bar going up a Ladder, and getting into an upper Room of the said House thro' a Window. That he saw no other Person than the Prisoner near to, or going up, the Ladder, and that when he came back to the House, he saw on One of the Windows two Case bottles, one whereof was full of Arrack, and the other about half full. The Evidence for the Crown being closed, The Prisoner, in his Defence, Saith that as No one was present at the time he is charged with having gone into his Master's Room, except the two foregoing Witnesses, he can produce no One in his favour. He desires his Master may be called. Lieut. St. Maurice being called and appearing, on his Oath, Saith that, the Day preceding Christmas Eve, before he came down to the Fort whither his Duty called him, he told the Prisoner at the Bar that, as he had behaved well to him in his Building, he should have the Holy days to himself, told him not to go from home, but to ask his Acquaintance, and that should not want for Victuals nor Drinks. That having dis mounted Guard on Saturday Morning, he left the Fort in order to Dine at his House in the Country, and in his Way thither, he met Sarah his Maid Servant, who gave him the Key of his Room: That when he came to his House in the Country, Some there informed him of his having been robbed, tho' so he has	Connor added that Marck then tried to unlock his master's bedroom door with the closet key but could not open it. John Terry, a soldier, also gave evidence on oath. On the day after Christmas he was at Lieutenant St Maurice's country house. As he left for a walk over to Mr Doveton's, he saw Marck climb a ladder and enter an upstairs room of the house through a window. Terry saw no one except Marck near the ladder or climbing it. When he came back to the house, he noticed two case bottles on one of the window ledges. One was full of arrack and the other was about half full. That concluded the prosecution's evidence, and Marck spoke in his own defence. He told the Court that nobody but the two soldiers who had just testified was present when he was said to have entered his master's room. He therefore had no one of his own to call. He asked instead that his master be called as a witness. Lieutenant St Maurice then appeared and gave evidence on oath. The day before Christmas, before leaving for duty at the Fort, he told Marck that he had done good work on his building project and could have the holidays free. He told Marck to stay at home and invite his friends. He also promised that Marck would have enough to eat and drink. St Maurice came off guard duty on the Saturday morning, 26 December 1767, and left the Fort to have dinner at his country house. On the way he met Sarah, his maidservant, and she gave him the key to his room. When he reached the country house, the people there told him he had been robbed. **Interpretations** St Maurice's evidence gave Marck the strongest support he had. The master confirmed that, as a reward for good work on his building, he had released Marck from work for the holidays. He had also told him to entertain his friends at home and promised him plenty of food and drink. The arrack, sugar and flour at the heart of the charge therefore fell within a promised holiday allowance. Sarah's mistake in locking the flour away, together with St Maurice's own absence on duty, left the promise unfulfilled at the house. Marck's entry through the window remained unexplained, but the case for felonious intent was now much weaker. St Maurice was a garrison officer, so he spent days at a time at the Fort on guard duty while his country household ran without him. Coming off guard was a routine shift change, and it explained why he reached home only on the Saturday afternoon to find the theft already reported. His praise of Marck's "building" work suggests he was using his slave's skills on construction at his own property. Slaves with building skills were valuable at St Helena, where masonry and carpentry were always in demand. **Speculations** A slave on trial for his life would normally call no witnesses, and Marck admitted he had none of his own. Instead of leaving his defence at that, he asked the Court to call the man who owned the house he was accused of burgling and whose property he was said to have stolen. He probably did this because only St Maurice could confirm the holiday promise of food, drink and company. That promise turned Marck's account from a slave helping himself to his master's stores into a servant collecting what he had been told was his. The risk was that St Maurice might deny it. His sworn confirmation suggests Marck judged his master's honesty, and perhaps his goodwill after the building work, correctly.
209	199	since found out (the Robbery had been committed before that: That he remained at his House for the Space of an hour, and then went along	St Maurice told the Court that nobody at the country house mentioned the robbery when he arrived, although he later discovered it had already taken place. He stayed at the house for about an hour. He then

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		with Mr. James Greentree Jun. to his father's, where he stayed till Sunday the following Day, and then came home. That then and not sooner, the sd. Sarah informed him of the Robbery. He further saith that, on Saturday Morning, he intended, before he set out from his House, to leave some Arrack, Sugar and flour for the Use of the Servants, but forgot it, which gave him some Concern. The Prisoner, in the Continuance of his Defence, says it was Andrew Connor who got into the Room thro' the Window, and that he himself, only stood on the Ladder, and received the things from him. The Evidence, on both Sides, being closed, the whole was summed up to the Jury, who retired to consider. On their Return, they declared their Verdict, by which they found the Prisoner Guilty of the whole Indictment. The Verdict was recorded. The Prisoner having Nothing to Say for himself in Stay of Judgment, the Chairman, after a Short Exhortation, gave him Sentence as followeth, Viz. "You shall go to the Place from whence you came, "and from thence to the Place of Execution, and there "you shall be hanged by the Neck, until your Body "is dead; And God have Mercy upon your Soul." The Business of the Sessions being now	went with James Greentree the younger to the Greentree family home and remained there until the next day, Sunday 27 December 1767, before returning. Only then did Sarah tell him about the robbery. He added that on the Saturday morning he had meant to leave some arrack, sugar and flour for the servants before setting out. He forgot to do so, and this troubled him. Marck continued his defence with a new claim. He said Andrew Connor had climbed through the window into the room. According to Marck, he himself had only stood on the ladder and taken the goods as Connor passed them out. With all the evidence on both sides heard, the case was summed up for the jury, who withdrew to consider their verdict. When they came back, they found Marck guilty on every count in the indictment, and the verdict was entered in the record. Asked whether he had any reason to give why judgment should not be passed, Marck said nothing. The chairman spoke to him briefly and then passed sentence. Marck was to be returned to custody and taken from there to the place of execution. There he was to be hanged by the neck until dead, and the chairman commended his soul to God's mercy. The Court then turned to closing its business. **Interpretations** The same jurors reached opposite results in two cases that looked much alike. In the Eneas case, the jury rejected the burglary charge and valued the stolen goods just below the capital limit, keeping him alive. Here the stolen goods were worth only £0 5s 11d, and the owner himself testified that he had promised Marck food and drink for the holidays. Even so, the jury convicted Marck of burglary in full, which carried a mandatory death sentence. The difference lay in the proof of entry. In the Eneas case no witness saw anyone break in. Here two soldiers independently saw Marck climb the ladder and go through the window, and his failed attempt to use the closet key on the bedroom door pointed to a deliberate plan to get into the room. The chairman who passed sentence was the presiding justice. With Governor Skottowe on the bench, that was almost certainly the Governor, since he headed the island's judicial authority in the same way as its executive government. The sentence followed the fixed English form for a capital conviction. Once the jury had found burglary proved, the Court had no discretion over the penalty, and any mercy could come only through a later reprieve.
210	200	Ended, the Grand and Petit Juries were dismissed, and the Court was, by Proclamation, adjourned to the thirteenth Day of April next ensuing. On Monday the twenty fifth of the same Month, a Warrant for the Execution of the said March was issued out to the Sheriff; And on the Friday follow ing being the twenty ninth, he was executed conformably to the above Sentence. John Skottowe Bruling Thos. Kirkpatrick	Once the Court had finished its business, both the grand jury and the trial jury were sent home. A formal proclamation then adjourned the Court until 13 April 1768. On Monday 25 January 1768, the sheriff received a warrant for the execution of Marck. Four days later, on Friday 29 January 1768, Marck was hanged in accordance with the sentence passed on him. The record was signed by John Skottowe, Matthew Burling and Thomas Kirkpatrick. **Interpretations** Marck was hanged 16 days after his trial opened on 13 January 1768. In England at that date, the period between sentence and execution was used to petition for mercy. A large share of those condemned for burglary had their sentences commuted, usually to transportation. At St Helena, the power to make that decision lay thousands of miles away, and the island had no settled means of sending a convict elsewhere. The warrant issued to the sheriff by Governor Skottowe and his fellow justices therefore made the sentence final. Neither St Maurice's evidence of the promised holiday allowance nor the small value of the goods stopped it.

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			The execution warrant was a separate order from the justices to the sheriff, and without it the hangman could not act. The sentence only declared the penalty in law, while the warrant authorised the sheriff to carry it out on a stated day. Recording the date of the warrant and the date of execution below the justices' signatures closed the case formally in the court's own register. It showed that the gaol delivery commission had been fully carried out before the court met again in April.
211	201	On the thirteenth Day of January in the eighth year of his Majesty's Reign, a Precept upon the Com mission of the Peace was issued out to the Sheriff. On the twenty ninth Day of March following, a Precept upon the Oyer and Terminer was issued to the sd. Sheriff. On the thirteenth Day of April following, a Precept upon the Goal Delivery was issued to the sd. Sheriff. Island of St. Helena The General Quarter Sessions of the Peace, Sessions of Oyer and Terminer, and Sessions of Goal Delivery holden at the Hall in James's Valley for the said Island of St. Helena, the thirteenth Day of April in the eighth year of the Reign of our Sovereign Lord George the third of Great Britain, France and Ireland King, Defender of the Faith and so forth, Before John Skottowe, Daniel Corneille and Matt. Bruling, Esquires, three of his Majesty's Justices assigned to keep the Peace in and for the said Island, Also Commissioners of Oyer and Terminer, authorized to hear and Determine all Felonies, Trespasses and other Misdemeanors in the said Island committed.	The sheriff received a precept under the commission of the peace on 13 January 1768, in the eighth year of the King's reign. A precept under the commission of oyer and terminer followed on 29 March 1768. A third, under the commission of gaol delivery, was issued to him on 13 April 1768. The island's three criminal courts sat together at the Hall in James's Valley on 13 April 1768, in the eighth year of the reign of King George III. These were the general quarterly court of the peace, the court of oyer and terminer and the court of gaol delivery. The bench consisted of Governor Skottowe, Daniel Corneille and Matthew Burling, three of the King's justices appointed to keep the peace on the island. They also held a commission of oyer and terminer, which gave them power to try and decide every felony, trespass and lesser offence committed on the island. **Interpretations** The precept dates set out a fixed quarterly routine. The peace precept for each coming sitting was issued on the day the previous court met, which here was 13 January 1768. The precept for oyer and terminer followed about two weeks before the next sitting. The gaol delivery precept was issued on the opening day itself, so that every prisoner held at that moment had to be brought to trial. Only three justices were needed for a quorum, and the bench rotated from sitting to sitting. Corneille now replaced Kirkpatrick, while the Governor and Burling remained. This allowed a council of just a handful of men to run a full English criminal calendar alongside their executive duties.
212	202	The Court being opened upon the Commission of the Peace, and a Grand Jury consisting of Seventeen of the Principal Inhabitants of the sd. Island being sworn, Willm. Holebrooke was called to appear to his Recogni zance; He thereto appeared; But as Jane, the Wife of the sd. Holebrooke, and the Complainant, not appearing either to renew her Complaint or Void the Recognizance, The Court thought proper, till they could be better informed therein, to continue the said Holebrooke under Bail. No other Business appearing upon that Com mission, the Court of Oyer and Terminer was opened, a New Grand Jury impanelled and sworn; And a Bill of Indictment was preferred to them. They found the Bill, and then the Court was opened upon the Goal Delivery. Arraignments. John Beeckmans, a Soldier in the Company commanded by Captn. Thos. Kirkpatrick, being brought to the Bar, was arraigned upon the following Indictment, Viz. Island of St. Helena ss. "The Jurors of our Sovereign Lord the King "upon their Oaths (do) Present that John Beeckmans late "of Bankes's within the Island of St. Helena Soldier, on "the fifth Day of April in the eighth Year of the Reign of our	The Court opened under the commission of the peace, and a grand jury of 17 leading inhabitants of the island was sworn in. William Holebrooke was then called to answer the bond he had entered into, and he appeared. His wife Jane, who had brought the complaint against him, did not come to court. She neither renewed her complaint nor asked for the bond to be cancelled. The Court therefore decided to keep Holebrooke bound under the same penalties until it had better information. No further business came before the Court under that commission, so it opened under the commission of oyer and terminer. A new grand jury was chosen and sworn, and a bill of indictment was placed before it. The jurors found the bill to be true. The Court then turned to the business of gaol delivery and the arraignment of prisoners. John Beeckmans, a soldier in the company commanded by Captain Thomas Kirkpatrick, was brought before the Court and formally charged under an indictment headed with the Island of St Helena as the place of jurisdiction. The jurors, acting for the King and under oath, named Beeckmans as a soldier from Banks's on the island. They fixed the date of his alleged offence as 5 April 1768, in the eighth year of the reign of King George III. **Interpretations** Beeckmans was tried by the civil criminal court, not by a court martial. That placed a Company soldier under the same indictment and jury procedure as a slave or a free inhabitant whenever the charge was a felony. The arrangement created an overlap of roles. Thomas Kirkpatrick commanded Beeckmans's

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		"Sovereign Lord George now King of Great Britain &c. by	company and had also sat as a justice on the bench at the January sitting. On an island this small, the officer responsible for a soldier's discipline could also be one of the magistrates who judged him. Banks's was one of the fortified batteries guarding the landing places on the north-west coast, and a detachment of the garrison was stationed there. Jane Holebrooke's absence would normally have ended the matter, since the bond existed only because of her complaint and she did not come to press it. The Court kept Holebrooke bound anyway, on the grounds that it needed more information first. It evidently did not take her silence as proof that the danger had passed. The justices probably recognised that a wife living with a violent husband might stay away out of fear or dependence, and not because she was reconciled. Keeping the bond in force protected her without requiring her to face him again in open court.
213	203	"Force and Arms &c. in James's Valley within the Island aforesaid "nine Shillings in Money numbered of the Money of one William "Luke then and there being found in a Chest belonging to the said "William Luke feloniously did Steal take and bear away "Against the Peace of our Sovereign Lord the King his Crown "and Dignity &c." (To the above Indictment, he pleaded "Not guilty.") Trial The Prisoner being put on his Trial, the twelve following Men, Viz. Rodk. Merchant William Harper Thomas Jacke Henry Harper Orlando Bagley John Shelley Jams. Colguhoun Jo: Chamberlane Stephen Young John Seale and Robert Ballard Simon Whaley were sworn upon his Jury. Then the Indictment was, a second time, read to him, and the Jury charged. William Luke, Matross, being duly sworn, Saith, that on Tuesday the fifth Instant in the Morning, he got up so to do his Business as usual, and being a little fatigued after he had finished it, went to get himself some Drink, and then came back to his Room. That having pulled off his Waistcoat, he Lay himself down on his Cot, and fell fast asleep: That the Key of his Chest, wherein he kept his Money was in one of the Pockets of the Waistcoat he had pulled off: Does not know how long he slept, but remained asleep till one James Wilson, his Partner, pulled and awoke him, Saying, "Luke why will you stay there, and suffer yourself to be robbed."	The indictment charged that Beeckmans used force in James's Valley to take £0 9s 0d in coin from a chest belonging to William Luke. The charge described this as a felonious theft in breach of the King's peace. Beeckmans pleaded not guilty. Beeckmans then went on trial before a jury of the following twelve men, who were sworn in to hear his case. Roderick Merchant Nicholas Ja[...] Orlando Bagley J[...] Edgcombe Stephen Young Robert Ballard William Hayes Henry Harper John Shelley Jo. Chamberlaine John Seale Simon Whaley The indictment was read to Beeckmans a second time, and the jury received its instructions. William Luke, a matross, gave evidence on oath. On the morning of Tuesday 5 April 1768 he rose early and carried out his usual duties. Tired afterwards, he went to get himself a drink and then returned to his room. He took off his waistcoat, lay down on his cot and fell into a deep sleep. The key to the chest where he kept his money was in one of the pockets of that waistcoat. Luke could not say how long he slept. His comrade James Wilson eventually shook him awake and asked why he was lying there letting himself be robbed. **Interpretations** A matross was the lowest rank in the artillery. He assisted the gunners in loading, firing and moving the guns, and he was paid slightly more than an infantry private. St Helena's defence depended heavily on its batteries, so matrosses made up a large part of the garrison. Luke's "partner" was the comrade he shared quarters and rations with. Soldiers were normally paired or grouped in messes in this way. Mess partners often knew where each other's valuables were kept, which also made them the obvious people to look at first when something went missing. The charge brought against Beeckmans was only grand larceny. That was the theft of goods worth more than one shilling, and it did not include breaking into a dwelling. Unlike the charges against Eneas and Marck, this offence allowed benefit of clergy from the start. The Court's ordinary penalty would therefore have been branding or whipping and not death. Soldiers' quarters were not treated as a private dwelling house in the same way. A theft from a comrade's chest in barracks did not bring into play the capital law that protected householders.

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214	204	"That he immediately Jumped up, looked round, and perceived the Prisoner at the Bar leaning over his Chest, which was then open, with one of his Hands in the Corner of it, being directly the Place where his Money was: That then the said Wilson was speaking to the Prisoner abusively, and he, himself, called out to him, and asked what Business or by whose Authority he was there? To which he replyed (whether in Answer to him the Witness, or to the said Wilson he knows not) that Luke had given him the Key, and had ordered him to examine his Chest, and he answered, he was a false Man for so saying. That he went and Searched his Chest for his Money, but found none in it, altho' he had, as he should have received, (to the Best of his Recollection) five and twenty Shillings and six pence. He is positive as to nine Shillings, which he had received of Mr. Richd. Bagley, and deposited in the said Chest the preceding Day, which was Monday. Saith that the Prisoner, finding himself Detected, fell down upon his Knees, and beg'd his and the said Wilson's Pardon for what he had Done, and that he, some time before that, locked the sd. Chest, and laid the Key on the Cot which the Witness lay on. James Wilson, Soldier, being duly sworn, Saith that, on Tuesday the fifth Instant, seeing the Prisoner at the Bar go into a Room which he and William Luke live together, he followed him thither to know what he wanted, and before he had entered the said Room, he heard a Noise like the Gingling of Money; And when he came in he saw the Prisoner's Hand in a Chest belonging to the said Luke that was in the Room: That the Prisoner put his Hand twice into the said Chest, and, the second time, he	Luke said he sprang up at once and looked about him. He saw Beeckmans bent over the open chest, with one hand in the corner where the money was kept. Wilson was shouting abuse at Beeckmans. Luke demanded to know what business Beeckmans had there and on whose authority. Beeckmans claimed that Luke himself had handed over the key and told him to go through the chest. Luke could not tell whether this answer was meant for him or for Wilson. He told Beeckmans he was lying. Luke then searched the chest and found no money in it at all. As far as he could remember, it ought to have held about £1 5s 6d. He was certain of £0 9s 0d, which Richard Bagley had paid him and which he had put in the chest the day before, Monday 4 April 1768. Luke also told the Court that Beeckmans, realising he had been caught, dropped to his knees and begged both Luke and Wilson to forgive him. Before that, Beeckmans had locked the chest again and thrown the key onto the cot where Luke was lying. James Wilson, a soldier, then gave evidence on oath. On Tuesday 5 April 1768 he saw Beeckmans go into the room that Wilson shared with Luke. Wilson followed to find out what he wanted. Just before entering, he heard what sounded like coins clinking. Once inside, he saw Beeckmans with his hand in Luke's chest. Wilson said that Beeckmans reached into the chest twice. **Interpretations** The indictment named only £0 9s 0d, although Luke believed he had lost more than twice that sum. English practice required each part of a theft charge to be supported by sworn evidence of both ownership and value. Luke could swear to the nine shillings because he remembered receiving them from Richard Bagley and putting them away the day before. For the rest he could offer only his best recollection. Limiting the charge to the sum he could prove protected the prosecution from failing on a disputed figure. The amount still easily exceeded the one-shilling threshold for grand larceny. Beeckmans's kneeling plea for forgiveness was admissible evidence. English courts treated an accused person's spontaneous words or conduct at the moment of discovery as a confession that witnesses could repeat on oath. His claim that Luke had given him the key conflicted with that plea. It was also contradicted by the fact that the key lay in Luke's waistcoat pocket while Luke slept. Once he had locked the chest and returned the key to the cot, the obvious explanation was that he had been trying to cover his tracks.
215	205	Saw him with some Money in it, particularly Rupees which he put, seemingly to him into his Breeches Pockets: That, having so secured the Money, he overhauled the sd. Chest, and overturned some Linen that was in it, which made him believe he was still searching for more. That he asked him what Business he had there, and he answered he had Luke's Liberty for it: On which the Witness went to the said Luke, who then lay asleep on his Cot, pulled him and awoke him. That being awake, he asked him if he had given the Prisoner Liberty to overhaul his Chest, and he replying in the Negative, he desired him to get up and examine it, which he did, and having searched it, Said he missed his Money, for that	Wilson said he saw Beeckmans take money from the chest, including a number of halfpennies. Beeckmans appeared to put this money into his breeches pocket. Having pocketed it, he then rummaged through the chest and turned over some linen stored inside. Wilson took this to mean that he was still hunting for more. Wilson asked what he was doing there, and Beeckmans replied that Luke had given him permission. Wilson went over to Luke, who was still asleep on his cot, and shook him awake. He asked Luke whether he had given Beeckmans permission to go through his chest. Luke said he had not. Wilson urged him to get up and check it. Luke did so, searched the chest and said all his money was gone, down to the last farthing. Beeckmans then fell to his knees and begged them to say nothing about it. Wilson added that Beeckmans locked the chest and either handed the key to Luke or put it down on his cot. The Court asked Wilson why he had not seized Beeckmans on the spot after catching him in the act. Wilson answered that he considered it Luke's affair more than his own. He had gone to the officer of the

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		he had not a farthing. That then the Prisoner fell down on his Knees, and beg'd he would say Nothing about it. Saith, that the Prisoner locked the Chest, and gave the Key [...] to the said Luke, or laid it down on his Cot. The Witness being asked by the Court why he did not directly seize on the Prisoner having detected him in the Fact, Says, he was of Opinion it was more immediately the said Luke's Business: That he [...] went to the Officer of the Guard and acquainted him with it. Being also asked if before that time, the Prisoner had been often at his Apartments, Says he had, but that he never missed any thing which he could say to his Charge and that he never heard, till then, the [...] Charge him with any thing. Some [...] arising with regard to Time, the Prisoner alledging it was [...] in the Afternoon when he left the sd. Room, and the last Witness affirming it was about Noon, and not later; the Court, in Order to [...] that Circumstance, ordered the Officer who was then on Guard, and to whom the Witness had applyed to be called. Lieut. [...] St. Maurice appearing before the Court and being sworn, Saith that James Wilson came to him on Tuesday the fifth [...] Instant about Noon, to acquaint him of a Robbery	guard and reported the matter. Asked whether Beeckmans had often visited their quarters before, Wilson said he had. He added that he had never missed anything he could blame on Beeckmans. Until then he had never heard of anyone accusing him of anything. A dispute arose over the time. Beeckmans claimed that he left the room at two o'clock in the afternoon. Wilson insisted it was about noon and no later. To settle the point, the Court called the officer who had been on guard that day and to whom Wilson had made his report. Lieutenant St Maurice then came before the Court and gave evidence on oath. He said Wilson came to him at about noon on Tuesday 5 April 1768 to report a robbery. **Interpretations** The Court's question about why Wilson had not seized Beeckmans reflected an English legal expectation. Anyone who witnessed a felony was expected to arrest the offender or raise the alarm. Failing to do so could raise doubts about a witness's account, or even suggest collusion. Wilson's answer showed how things worked in the garrison. A soldier did not take action against a comrade himself but reported the matter up the chain of command to the officer of the guard. The officer's own record of when the report reached him then provided an independent fix on the time. The quarrel over the hour mattered because Beeckmans was apparently trying to build a defence around timing. If he could show he was still in the room at two o'clock, long after Wilson said he had reported the theft, then Wilson's story of catching him in the act would fall apart. St Maurice's evidence that Wilson came to him at about noon supported the prosecution's account. The lieutenant who had been the victim in the Marck case the previous December now appeared in his official role as officer of the guard. The same few officers kept reappearing in the island's courts in different capacities.
216	206	That had been committed by one Beeckmans, the Prisoner now at the Bar, and that the said Wilson then seemed to him much in Liquor. The Prisoner, being put on his Defence, Saith that on Tuesday Morning, Willm. Luke and he had been taking a Walk together and, having had half a Pint of Arrack at Serjt. Burnham's they came home: That the sd. Luke, being very Dirty, in great Hurry, Shifted himself, Left his Dirty Shirt on the Floor, as he had often done before, and then went out: That when he returned home, being much in Liquor, he laid himself down on the Cot, and left the Lock of his Chest on the Floor: That he, the Prisoner, was then in the Room employed in putting the Things to rights, and when James Wilson came in, he happened to be leaning over the sd. Luke's Chest, and looking behind it. That the sd. Wilson immediately said to him "Well, Mr. Beeckmans, have I caught you "overhauling the Chest?" that he thereunto replyed that he was not robbing him or any one else. Saith, he had lived some time with the sd. Wilson, and that he had, were he so inclined, several Opportunities of robbing him, as he kept his Money	St Maurice said Wilson reported that Beeckmans, the prisoner, had carried out the robbery. He added that Wilson seemed to him very drunk at the time. Beeckmans then gave his defence. He said that on the Tuesday morning he and Luke had gone for a walk together and drunk half a pint of arrack at Mrs Burnham's before coming home. Luke was very dirty, so he quickly changed, dropped his dirty shirt on the floor as he often did and went out again. When Luke came back, he was very drunk. He lay down on his cot and left the key of his chest on the floor. Beeckmans said he was in the room tidying up. When Wilson came in, Beeckmans happened to be bending over Luke's chest and looking behind it. According to Beeckmans, Wilson immediately accused him of being caught going through the chest. Beeckmans replied that he was not robbing Luke or anyone else. He told the Court that he had shared quarters with Wilson for some time. If he had wanted to steal, he said, he had had plenty of chances to rob Wilson, who often left his money in a shagreen case without locking it. Wilson was recalled and questioned on this last point. He agreed that Beeckmans visited their room often, though never for more than a fortnight at a stretch. He admitted that he kept his money in a shagreen case and that he might sometimes have forgotten to lock it. Beeckmans added that he had money of his own on the Saturday night, 2 April 1768, when he came back from Banks's. He said he gave Wilson sixpence as his share of the cost of some punch. Wilson admitted this was true. Daniel Corneille, one of the justices sitting on the bench, then gave evidence on oath about events on Wednesday 6 April 1768.

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		in a Sugar case often without Lock. James Wilson being called, and examined as to the last Circumstance of the Prisoner's Defence, Says that he much resorted his Room, never stayed there above fourteen Days at a time; That it was true, he kept his Money in a Sugar case, and believes he might have left it, thro' forgetfulness, some time unlocked. The Prisoner farther saith that he had Money on Saturday Night when he came from Bankes's, and that he gave Wilson Sixpence towards paying for some Punch, which Wilson confesses to be true. Daniel Corneille Esquire, one of the Justices on the Bench, on his Oath, Saith that, on Wednesday the sixth	**Interpretations** Beeckmans built his defence in three ways. He blamed the missing money on the fact that both Luke and Wilson were drunk. He said he had been bending over the chest only to tidy up. He also pointed to his own honest record and to money he already had, which would explain any coins found on him. St Maurice's remark that Wilson was drunk when he made his report gave real weight to the first point. The Court was clearly weighing whether an account of a theft given by a drunk witness could be relied on. Wilson's admission that Beeckmans had money on the Saturday also weakened the suggestion that halfpennies in his pocket could only have come from Luke's chest. Shagreen was a hard, grainy leather made from the rough skin of a horse or donkey, or from sharkskin or rayskin. It was dyed, often green, and used for small cases, sword grips and instrument boxes because it was very tough. A soldier keeping his money in a shagreen case owned a small but good-quality item. Beeckmans used Wilson's habit of leaving it unlocked to argue that a would-be thief had no need to pick a sleeping man's pocket for a key. Corneille's appearance as a sworn witness while sitting as one of the three justices hearing the case showed how far the island's small governing group combined different roles. In England, a magistrate who had investigated a case would normally give evidence and step down from the bench. At St Helena there were too few qualified men for that. The same justice could gather evidence, testify to it and then join in directing the jury.
217	207	Instant about the Hour of ten in the Morning, William Luke came before him with a Complaint of his having been robbed: That having related his Story to him in a confused Manner, and he, being obliged to go down, and attend the Governor, desired the said Luke to retire, and that he should take Cognizance of his Complaint when he returned. That the said Luke appeared to him at that time so much in Liquor, as not to be in a Capacity of giving a clear Account of his Cause of Complaint. That, in the Afternoon, he sent one of his Servants for him, who brought him for Answer from the said Luke that he could not come; and enquiring of the Servant what Situation he had found him in, he said, he found him on his Cot so drunk that he knew not what he said, and unable to Stir, which made him put off taking the Information to Thursday being the next Day. Thomas Payne, one of the Honorable Company's Work Overseers, being sworn to the Prisoner's Character, Says he knows him. That he Lived for a considerable time along with him at Sandy Bay, and that he frequently left him alone in the Room, where the Workmen's Liquor was kept. That, during the whole time, he never missed any thing; and thinks he behaved honestly while along with him. The Evidence, on both Sides, being closed, the Whole was summed up to the Jury, who retired to Consider. On their Return, they declared their Verdict by which they found the Prisoner	Corneille told the Court that William Luke came to him at about ten o'clock on the morning of Wednesday 6 April 1768 to complain that he had been robbed. Luke's account was muddled. Corneille had to go down to attend on Governor Skottowe, so he sent Luke away and said he would deal with the complaint on his return. In Corneille's view, Luke was too drunk at that point to explain clearly what his complaint was. That afternoon, Corneille sent one of his servants to fetch Luke. The servant came back with the message that Luke could not come. Asked what state Luke was in, the servant said he had found him lying on his cot so drunk that he did not know what he was saying and could not get up. Corneille therefore put off taking Luke's formal statement until the next day, Thursday 7 April 1768. Thomas Payne, one of the Company's work overseers, then gave evidence on oath about Beeckmans's character. Payne said he knew Beeckmans and had lived with him for a considerable time at Sandy Bay. He had often left Beeckmans alone in the room where the workmen's liquor was stored. In all that time nothing ever went missing, and Payne believed Beeckmans had behaved honestly throughout. With all the evidence on both sides heard, the case was summed up for the jury, who withdrew to consider it. When they came back, they found Beeckmans guilty but valued what he had stolen at only £0 0s 10d. **Interpretations** A value of tenpence brought the offence below one shilling, the line that separated grand larceny from petty larceny. Petty larceny was not a felony in the full sense. It carried no death penalty and no benefit of clergy, and it was normally punished by whipping or a short term of imprisonment. By this single figure, the jury took Beeckmans out of the felony system altogether. He escaped branding as well as any risk of worse punishment. Payne's evidence was the only character testimony heard in these trials, and it came from a Company overseer. He was in a position to vouch for Beeckmans's conduct while Beeckmans was employed on public works at Sandy Bay. Soldiers of the garrison

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		"Guilty, ten pence."	were often lent out as labourers on the Company's building and road projects, working under civilian overseers. Leaving Beeckmans alone with the workmen's liquor was exactly the kind of trust that tested a man's honesty. Payne's account directly answered the charge that Beeckmans was a thief when the chance arose. **Speculations** Luke had sworn to £0 9s 0d that he could positively identify, and the indictment charged exactly that sum. The obvious verdict was guilty of grand larceny as charged, since Wilson claimed to have caught Beeckmans with his hand in the chest and Beeckmans had begged for forgiveness on his knees. The jury instead valued the theft at tenpence. That figure perhaps matched the halfpennies Wilson saw him pocket, not the missing silver. The record shows why the jury was reluctant to accept the rest. Corneille and St Maurice both said on oath that the prosecutor and his main witness were drunk that day. Luke could not even give a coherent complaint until the following morning. Beeckmans had shown he had money of his own, and Payne vouched for his honesty. The jury accepted that Beeckmans had taken something, but it would not rely on two drunk men's accounts of how much.
218	208	The Verdict being recorded, the Chairman pronounced Sentence by which he ordered that the Prisoner be whipped until his Body is bloody, and discharged: The Sentence was put in due Execution against him after Adjournment of the Court. The Business of the Sessions being now ended, the Grand and Petit Juries were dismissed, and the Court was, by Proclamation, adjourned to the thirteenth Day of July next ensuing. John Skottowe Dan Corneille Bruling	With the verdict entered in the record, the chairman passed sentence. Beeckmans was to be whipped until he bled and then released. The whipping was carried out once the Court had adjourned. With all the business of this sitting complete, both the grand jury and the trial jury were sent home. A formal proclamation then adjourned the Court until 13 July 1768. The record was signed by John Skottowe, Daniel Corneille and Matthew Burling. **Interpretations** Whipping until the body was bloody was the standard English penalty for petty larceny, and the jury's valuation of £0 0s 10d made it the natural sentence. The formula required the lash to break the skin, so the punishment could not be carried out as a token. It was normally done in public, either at a whipping post or behind a cart moving through the streets. This explained why it took place after the Court rose and not in the courtroom, where Eneas had been branded. Once whipped, Beeckmans was released with no loss of rank recorded. He would then have returned to Kirkpatrick's company, since the island could not easily spare a soldier. Corneille signed the judgment as one of the three justices, even though he had given sworn evidence about the drunkenness of the prosecutor. His evidence helped to bring the value down to tenpence. The same man had investigated the complaint, testified to its weaknesses and then joined in passing the reduced sentence that followed.
219	209	Island of St. Helena. The General Quarter Sessions of the Peace, Sessions of Oyer and Terminer and Sessions of Goal Delivery holden at the Hall in James's Valley, for the said Island of St. Helena, the thirteenth Day of July, in the eighth year of the Reign of our Sovereign Lord George the third, of Great Britain, France and Ireland King, Defender of the Faith and so forth, Before John Skottowe, Dan. Corneille and Matt. Bruling Esquires, three of his Majesty's Justices, assigned to keep the Peace in and for the said Island; Also Commissioners of Oyer & Terminer, authorized to hear and Determine all Felonies, Trespasses and other Misdemeanors in the said Island committed. The Court being opened upon the Commission	The island's three criminal courts sat together at the Hall in James's Valley on 13 July 1768, in the eighth year of the reign of King George III. These were the general quarterly court of the peace, the court of oyer and terminer and the court of gaol delivery. The bench consisted of Governor Skottowe, Daniel Corneille and Matthew Burling, three of the King's justices appointed to keep the peace on the island. They also held a commission of oyer and terminer, which gave them power to try and decide every felony, trespass and lesser offence committed on the island. The Court first opened under the commission of the peace, and a grand jury of 17 leading inhabitants of the island was sworn in. William Holebrooke was called to answer his bond, and he appeared. This time the Court cancelled the bond. The grand jurors were then

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		of the Peace, a Grand Jury consisting of seventeen of the Principal Inhabitants of the Body of the said Island was sworn; And Willm. Holebrooke was called to appear to his Recognizance: The sd. Holebrooke appearing, the Recognizance was Voided; and the Grand Jury was asked if they knew of any Business upon that Commission. No other Business relative to the Peace being then offered, the Court was opened upon the Oyer and Terminer, and a New Grand Jury was impanelled and sworn; On their finding a single Bill of Indictments, the Court was opened upon the Goal Delivery.	asked whether they knew of any matter that should come before the Court under that commission. Nobody raised any further matter concerning the peace. The Court therefore opened under the commission of oyer and terminer, and a new grand jury was chosen and sworn. The jurors found a single bill of indictment to be true, and the Court then turned to the business of gaol delivery. **Interpretations** Holebrooke's bond was finally cancelled after he had appeared at three successive sittings, in January, April and July 1768. In April the Court kept it in force because Jane had not come to court and the justices wanted more information. Six months of good behaviour under threat of forfeiture evidently satisfied them that the danger had passed. The recognizance had done its work. A violent husband was kept under a financial penalty through two quarters without ever being tried, and then released once the household had stayed peaceful. The question put to the grand jury reflected its role as the voice of the local community, not merely a body that examined indictments brought by others. Under English practice, grand jurors could themselves present offences they knew about, such as nuisances, neglected roads, disorderly houses or breaches of the peace. Such a presentment required the justices to act even without a private prosecutor. On an island where the 17 leading inhabitants could know nearly everything that happened, this gave the Court a way of gathering information about local wrongdoing four times a year.
220	210	Cupid, a Man slave belonging to Mr. Matt. Bazett, being brought to the Bar was arraigned upon the following Indictment, Viz. Island of St. Helena ss. "The Jurors of our Sovereign Lord the King "upon their Oaths (do) Present that Cupid late of Stark's "Valley within the Island of St. Helena Man slave on the Twenty "fourth Day of June in the eighth year of the Reign of our "Sovereign Lord George now King of Great Britain &c. by "force and Arms in James's Valley within the Island afore "said the Shop of one John Whitchurch then situated "feloniously did break and enter And one Cheese weighing "twenty Pounds of the Value of fifteen Shillings twenty "Pounds Weight of Bisket Bread of the Value of seven "Shillings and six pence One new Pair of Nankeen Cloath "Breeches of the Value of four Shillings and six pence "One new Checker Shirt of the Value of four Shillings "One new Blue Jacket of the Value of four Shillings One "small Hat of the Value of one Shilling and nine pence "And one Canvas bag of the Value of six pence of the Goods "and Chattles of the said John Whitchurch then and there being "found privately and feloniously did steal take and bear away "against the Peace of our Sovereign Lord the King his Crown "and Dignity." To which he pleaded "Not guilty." The Prisoner being put on his Trial, the twelve following Men, Viz. Robert Ballard George Bird James Colgrave John Robinson Thomas Jacke Jerh. Smith Rodk. Merchant Jno. Shelley William Harper Henry Rowell and	Cupid, a male slave owned by Matthew Bazett, was brought before the Court and formally charged under an indictment headed with the Island of St Helena as the place of jurisdiction. The jurors, acting for the King and under oath, charged that Cupid, a slave from Shark's Valley, used force to break into John Whitchurch's shop in James's Valley on 24 June 1768. Once inside, he was accused of secretly taking a number of goods belonging to Whitchurch, each given a value in the charge. These were a cheese weighing 20 pounds worth £0 15s 0d and 20 pounds of ship's biscuit worth £0 7s 6d. The list continued with a new pair of nankeen breeches worth £0 4s 6d, a new checked shirt worth £0 4s 0d and a new blue jacket worth £0 4s 0d. The last items were a small hat worth £0 1s 9d and a canvas bag worth £0 0s 6d. The charge described this as a felonious theft in breach of the King's peace. Cupid pleaded not guilty. Cupid then went on trial before a jury of the following twelve men. Robert Ballard James Colgrave Nicholas Ja[...] Roderick Merchant William Hayes Henry Harper George Bird John Robinson Jeremiah Smith John Shelley Henry Nodell John Defountain the younger **Interpretations** The indictment was carefully drafted to fit two capital statutes of William III. One made it a capital offence, without benefit of clergy, to break into a shop and steal goods worth five shillings or more. The other did the same for anyone who "privately" stole goods of that value from a shop, even without breaking in. The charge alleged both the forced entry and the private taking, and several single items were valued above five shillings. As a result, a finding of shop-breaking under

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		Henry Harper John Defountain Junr.	either statute meant death. Unlike the Eneas case, where the jury could bring the value below 40 shillings, the threshold here was only five shillings. The cheese alone was valued at three times that. A merciful jury would have to value the whole theft below five shillings, or find no breaking and no secret taking at all. Whitchurch's stock showed what a small retail shop in James's Valley sold in 1768. It combined food and ready-made clothing, and it served sailors, soldiers and slaves as well as householders. Ship's biscuit was hard, twice-baked bread made to keep on long voyages. It was bought from passing ships or baked locally and sold by the pound as a cheap, lasting food. The checked shirt and blue jacket were the standard working clothes of seamen and labourers. Such garments were cut from coarse linen check and woollen cloth, and they were sold ready-made in shops of this kind. Cheese at 9d a pound was a comparatively costly import brought from England or the Cape. It was the most valuable single item taken and the one most useful for feeding someone quickly. Whitchurch himself had sat on the jury that convicted Marck in January. Once again, a householder who had judged one slave's burglary now appeared as the victim of another.
221	211	were Sworn upon his Jury. Then the Indictment was, a second time, read to him, and the Jury charged. John Whitchurch, the Prosecutor, being duly sworn, Saith that, on Saturday the twenty fifth of June last in the Morning he found the Front Door of his Shop open, the Staple of the Lock on the said Door being burst out of the Case: That, going into his Shop, he missed a Cheshire Cheese weighing twenty Pounds, and the like Quantity or Weight of Bread, also a Canvas Bag, which he had Left on some Cheese that lay out on the Counter: That he perceived some Slops lying tumbled about the Shop, and imagined some had been taken away, but what kind or Quantity could not be clear in. That, on Wednesday the twenty ninth of the same Month, Mr. Matt. Bazett sent for him, and asked if he had been robbed; he replyed he had, and that his Shop had been broke open; On which the said Bazett took him back to his Kitchen where the Prisoner then was, and shewed him some things the Prisoner had about him when taken, (he being some time before that run away.) That the things so found upon him, when taken, and shewn to the Witness consisted of some Cheese weighing about ten Pounds twelve Pounds Weight of Bread one pr. of Nankeen Breeches, one blue Check Shirt, one Serge Jacket and a small red bound Hat, all which the Prisoner then Confessed he had stolen out of the Prosecutor's Shop. That his Master, the said Mr. Bazett asking the Prisoner how he had got into the Shop, he replyed he had burst the Door open with a Small Crow; And being asked what he had done with the sd. Crow, Said he had hid it under the Bridge.	The twelve jurors were sworn in to hear Cupid's case. The indictment was then read to him a second time, and the jury received its instructions. John Whitchurch, who brought the prosecution, gave evidence on oath. On the morning of Saturday 25 June 1768, he found the front door of his shop open, with the staple of the lock torn out of its housing. Inside, he found that a Cheshire cheese weighing 20 pounds was gone, along with the same weight of bread. A canvas bag he had left on some cheese on the counter was also missing. Some of his ready-made seamen's clothing lay scattered about the shop. He assumed some of it had been taken but could not say exactly what or how much. On Wednesday 29 June 1768, Matthew Bazett sent for Whitchurch and asked whether he had been robbed. Whitchurch said he had and that his shop had been broken into. Bazett then took him to his kitchen, where Cupid was being held. Cupid had run away some time before and had just been caught. Bazett showed Whitchurch the things found on Cupid when he was taken. These were about 10 pounds of cheese, 12 pounds of bread, a pair of nankeen breeches, a blue checked shirt, a [...] jacket and a small [...] hat. Cupid then admitted that he had stolen all of these things from Whitchurch's shop. His master asked how he had got in. Cupid said he had forced the door with a small crowbar. Asked what he had done with the crowbar, he said he had hidden it under the bridge. The Court asked Whitchurch whether he could swear that the goods found on Cupid were his and had come from his shop. Whitchurch said he could not, since one item often looked much like another. He added that the breeches found on Cupid were exactly like a pair of nankeen breeches he still had in stock. **Interpretations** Cupid's theft was the theft of a runaway. He had absconded from Bazett some time before the break-in, and the goods taken were almost all things a man hiding out would need. They included cheese and bread to eat, a bag to carry them in and a shirt, jacket, breeches and hat to replace worn clothing. By the time he was caught four days later, he had eaten about half the cheese. Runaway slaves at St Helena could hide in the ravines and uplands, but they could not easily feed themselves there. Raids on stores and shops in James's Valley were a common result. Cupid's confession was made to his own master, in his master's kitchen, immediately after he was recaptured. Under English law, a confession was

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		Being asked by the Court if he can Swear to the Property of the Things so found upon the Prisoner, and that they were stolen out of his Shop, Says he cannot, as one thing often resembles an Other: That the Breeches found upon the Prisoner exactly resemble a quantity of the same kind he then had, and yet have in his Shop, being Nankeen	admissible only if it was given freely and not obtained through threats or promises of favour. A slave just brought back from running away and questioned by the man who had full power to punish him was hardly in a free position. The Court's question to Whitchurch showed that it did not want to rely on the confession alone. Whitchurch's honest admission that he could not positively identify his goods left the prosecution depending heavily on what Cupid had said under his owner's questioning. Slops were the cheap, ready-made clothing sold to seamen: checked shirts, jackets, trousers and similar items cut in standard sizes and stocked in bulk. A shopkeeper in James's Valley sold them to sailors from ships in the road, to soldiers and to slave owners buying clothing for their slaves. Because the garments were identical, Whitchurch could not swear to any single piece. Cheshire cheese was a hard, long-keeping cheese that travelled well and was widely exported. Along with biscuit, it was a staple provision of shipping in the period.
222	212	Cloth, the Waist band Buttons covered with the same kind of Cloth and the small Buttons all Mohair, which answers in every degree to those he has: That the Cheese he lost was well scraped, and of a yellow Colour directly correspondent with the Cheese found upon the Prisoner. The Staple as mentioned by the Prosecutor, being produced in Court, appears broke at one End, but does not appear to have been broke by the Bursting it out of the Door case. The Bag mentioned in the Beginning of the Evidence, being also produced, and the Things being examined, answer exactly to the Description thereof already given. The Prosecutor being also asked if the Crow had been looked for where the Prisoner said he had hid it, answers, that the Constable & Prisoner went to look for, but could not find it. The Prosecutor's Evidence resting here, and having no other Witnesses to produce, the Prisoner is put on his Defence, who therein Saith, that he never broke open the sd. Whitchurch's Shop. The Whole being summed up to the Jury, the Lenity of English Laws, and the Latitude given to that means in favour of Prisoners when the Proof is only presumptive, as in the Case now before them, was pathetically set forth: Then they retired to consider. On their Return, they declared their Verdict, by which they found the Prisoner Guilty, four Shillings and ten pence. The above Verdict being recorded, the Prisoner received Sentence to be burnt in the Hand and discharged; Which Sentence was put in Due and immediate Execution against him in the Face of the Court. The Business of the Sessions being now ended, the Grand and Petit Juries were dismissed, and the Court was, by Proclamation, adjourned to the fifth Day of October next ensuing. John Skottowe Dan Corneille Bruling	Whitchurch described the nankeen breeches in detail. The waistband buttons were covered in the same cloth, and the small buttons were all mohair, matching his own stock in every respect. The cheese he lost had its rind well scraped and was yellow in colour, just like the cheese found on Cupid. The staple Whitchurch had mentioned was produced in court. It was broken at one end, but it did not look as though it had been broken by being forced out of the doorframe. The canvas bag was also produced, and on inspection it matched the description Whitchurch had already given. Asked whether anyone had looked for the crowbar where Cupid said he had hidden it, Whitchurch replied that the constable had gone with Cupid to search for it but could not find it. Whitchurch had no further witnesses, so the prosecution closed its case. Cupid then spoke in his own defence and denied breaking into Whitchurch's shop. In summing up the case for the jury, the bench spoke movingly about the mercy of English law. It stressed the freedom jurors had to favour a prisoner when, as here, the proof rested only on inference. The jury then withdrew. When they returned, they found Cupid guilty but valued the theft at £0 4s 10d. With the verdict entered in the record, Cupid was sentenced to be branded on the hand and released. The branding was carried out at once, in open court. With the business of this sitting complete, both the grand jury and the trial jury were sent home. A formal proclamation then adjourned the Court until 13 October 1768. The record was signed by John Skottowe, Daniel Corneille and Matthew Burling. **Interpretations** A value of £0 4s 10d was twopence below the five-shilling line that made shop-breaking and private theft from a shop capital offences. It was well above the one-shilling line for grand larceny. The jury thus found Cupid guilty of a felony, but only of one that allowed benefit of clergy. That meant branding and not hanging, even though the cheese alone had been valued at £0 15s 0d in the indictment. Three verdicts in these records now showed the same practice. The jury set the value just below whichever threshold would otherwise require a death sentence: 39 shillings for Eneas, tenpence for Beeckmans and four shillings and tenpence for Cupid. The only exception was Marck, whose break-in had been seen by eyewitnesses. Mohair was a fabric woven from the hair of the Angora goat and imported through Turkey. It was used to cover buttons because it held dye well and wore hard. Whitchurch's close description of the breeches and the scraped, yellow cheese was an attempt to

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			identify his goods by their features, since he could not swear to them outright. The staple told against the prosecution. It was broken, but not in the way Cupid had described, and the crowbar Cupid claimed to have hidden could not be found. Both points threw doubt on the forced entry needed for shop-breaking. **Speculations** The ordinary course would have been for the bench to sum up the evidence neutrally and leave the verdict to the jury. Instead, it appealed directly to the mercy of English law and to the jury's freedom to give the prisoner the benefit of the doubt. In effect, this invited a merciful partial verdict. The record itself shows why. The only proof that Cupid had broken into the shop was a confession made to his master straight after his recapture. The staple did not match the account of forcing, the crowbar was never found and Whitchurch would not swear positively to any of the goods. The justices had sent Marck to the gallows six months earlier on eyewitness evidence of a break-in. Faced with a case built on inference, they perhaps saw an execution resting on a slave's words to his owner as a step too far. They used their summing-up to make sure the jury had room to avoid it.
223	213	On the thirteenth Day of July, in the eighth year of his Majesty's Reign, a Precept upon the Commission of the Peace was issued out to the Sheriff. On the twentieth Day of September following, a Precept upon the Commission of Oyer and Terminer was issued out to the said Sheriff. On the fifth Day of October following, a Precept upon the Commission of Goal Delivery was issued out to the sd. Sheriff. Island of St. Helena. The General Quarter Sessions of the Peace, Sessions of Oyer and Terminer, and Sessions of Goal Delivery, holden at the Hall in James's Valley for the said Island of St. Helena, the fifth Day of October, in the eighth year of the Reign of our Sovereign Lord George the third of Great Britain, France and Ireland King, Defender of the Faith and so forth; Before John Skottowe and Matthew Bruling Esquires, two of his Majesty's Justices, assigned to keep the Peace in and for the said Island; Also Com missioners of Oyer and Terminer, authorized to hear and Determine all Felonies, Trespasses and other Misdemeanors in the sd. Island Committed. The Court being opened upon the Commission of the Peace, a Grand Jury consisting of seventeen of the principal Inhabitants of the Body of the sd. Island were sworn; But	The sheriff received a precept under the commission of the peace on 13 July 1768, in the eighth year of the King's reign. A precept under the commission of oyer and terminer followed on 20 September 1768. A third, under the commission of gaol delivery, was issued to him on 5 October 1768. The island's three criminal courts sat together at the Hall in James's Valley on 5 October 1768, in the eighth year of the reign of King George III. These were the general quarterly court of the peace, the court of oyer and terminer and the court of gaol delivery. The bench consisted of Governor Skottowe and Matthew Burling, two of the King's justices appointed to keep the peace on the island. They also held a commission of oyer and terminer, which gave them power to try and decide every felony, trespass and lesser offence committed on the island. The Court first opened under the commission of the peace, and a grand jury of 17 leading inhabitants of the island was sworn in. **Interpretations** The Court sat on 5 October 1768, eight days before the date of 13 October set at the July adjournment. The precept for gaol delivery was issued on the same day the Court opened, which kept the usual practice of tying that commission to the opening day. The earlier sitting date was therefore a deliberate change of timetable, not a clerical slip. The bench was also reduced to two justices, as Corneille was absent. Two commissioned justices were evidently enough to hold all three courts. This gave the Governor room to bring the court forward when his council could not all attend.
224	214	No Business appearing upon that Commission, the Court of Oyer and Terminer were opened, a New Grand Jury impanelled and Sworn; and the Bills of Indictment were preferred to them. They found, besides the following Bill, an other Bill of Indictment against three Principals and two Accessaries for feloniously killing and Stealing a Yearling Bull, the Property of Matthew Bruling Esquire, one of the sitting Justices. And as the Court, composed only of two, did not hold it proper that the sd. Mr. Bruling	No business came before the Court under the commission of the peace, so it opened under the commission of oyer and terminer. A new grand jury was chosen and sworn, and the bills of indictment were placed before it. Besides the bill that follows, the jurors found a second true bill. It charged three principal offenders and two accessories with feloniously killing and stealing a yearling bull belonging to Matthew Burling, one of the two justices on the bench. With only two justices present, the Court decided it would be wrong for Burling to sit as judge in a case in which he was the injured party. As no other justices were available, the trial of the five accused men was postponed. Because they had already been held in custody for a long time, the Court ordered that the three principals should be allowed more freedom and that the two accessories

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		should sit as Judge, in a Cause wherein he was Party, The Trials of the above five Delinquents, for the Want of more Justices, was adjourned; And an Order made, in Consideration of their long Confine ment, that the Principals be put more at large, and that the Accessaries be admitted to Bail. They were accordingly bailed; And then the Court were opened upon the Goal Delivery. Arraignments. John Fish, Serjeant, and Stephen Pepper, Soldier, being brought to the Bar of the Court, were arraigned upon the following Indictment, Viz. Island of St. Helena ss. "The Jurors of our Sovereign Lord the King upon "their Oaths (do) Present that John Fish of James's Valley "within the Island of St. Helena Serjeant not having the fear "of God before his Eyes nor respecting the Order of Nature but "being moved and seduced by a Devilish Instigation on the thirtieth "Day of August in the eighth year of the Reign of our Sovereign "Lord George now King of Great Britain &c. by force and Arms &c. "in and upon one Stephen Pepper a Male about the Age "of twenty years feloniously (did) make an Attempt and with "the said Stephen Pepper then and there wickedly, Devilishly "feloniously and against Nature (did) intend to have a Venereal "Affair and the said Stephen Pepper then and there did Attempt "carnally to know And the most Detestable abominable and	should be released on bail. Bail was duly granted. The Court then turned to the business of gaol delivery and the arraignment of prisoners. John Fish, a sergeant, and Stephen Pipper, a soldier, were brought before the Court and formally charged under an indictment headed with the Island of St Helena as the place of jurisdiction. The jurors, acting for the King and under oath, charged that Fish, a sergeant of James's Valley, assaulted Stephen Pipper, a young man of about 20, on 30 August 1768. The indictment said Fish acted without fear of God, against the natural order and at the prompting of the Devil. It accused him of attacking Pipper with the intention of having sex with him and of attempting to do so. The indictment then went on to describe the act in strongly condemning terms. **Interpretations** Killing and stealing cattle had been a capital offence without benefit of clergy since a statute of 1741. On St Helena, where beef was scarce and the Company guarded its herds closely, the loss of a yearling bull was a serious matter. The distinction between principals and accessories carried legal weight. Principals were those who actually killed and took the animal. Accessories were those who helped before the act or who received the carcass or sheltered the offenders afterwards. Bail was generally not available to principals accused of a capital felony, which explained why the three principals were only allowed "more freedom" while the accessories were fully bailed. Loosening their custody at all showed how long they had already been held awaiting trial. The charge against Fish was attempted buggery, framed as an assault with intent. Buggery itself was a capital felony under a Tudor statute, but conviction required proof that penetration had taken place. Where that could not be shown, English prosecutors charged the attempt as a misdemeanour, punished by fine, imprisonment and often the pillory. The indictment's religious language, with its references to the Devil and to acting against nature, was the standard English formula for this offence. Pipper was named in the indictment as the victim of the assault, but he was also arraigned alongside Fish. The prosecution therefore seems to have treated him as a participant and not only as the person attacked. **Speculations** Two commissioned justices were legally enough to hold the court, as this sitting showed, and the grand jury had already found the bill. The default course was to try the cattle case at once. The Court instead postponed it, stating that Burling should not judge a case about the loss of his own bull. Proceeding would have left the Governor effectively sitting alone with a man who was both judge and victim. Any capital conviction would then have rested on a bench that no one could call impartial. The justices recognised that the delay would keep five men in prison longer. They therefore paired the postponement with an order easing the custody of the principals and bailing the accessories. The postponement kept the proceedings fair, and the relief measures softened the cost of waiting for the prisoners.
225	215	"(Sodomitical) Sin called Buggery not to be named among Christians "wickedly and Devilishly Voluntarily and against Nature (did) Attempt to "Commit and perpetrate in great Displeasure of Almighty God and "Disgrace of all human Kind against the Peace of our Sovereign "Lord the King his Crown and Dignity and also against the Form "of the Statute in that Case made and provided. And the Jurors	The indictment charged that Fish attempted to commit buggery with Pipper, an act described as a grave offence against God and a disgrace to mankind. It declared the offence a breach of the King's peace and of the statute that governed it. The jurors also brought a second charge against Pipper, a soldier from the same valley. They accused him of unlawfully and willingly allowing Fish to lay hands on him on 30 August 1768 so that the same act could be committed. This too was described as a breach of the King's peace and of the statute. Each man pleaded not guilty.

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		"aforesaid upon their Oaths aforesaid (do) further Present that the "said Stephen Pepper of the Valley aforesaid within the Island "aforesaid Soldier on the Day aforesaid that is to say the sd. thirtieth "Day of August in the Year aforesaid (did) unlawfully voluntarily "wickedly and feloniously permit and Suffer the said John Fish "to Lay Hands on him the sd. Stephen Pepper with an Intent to "Commit the sd. Detestable and Sodomitical Sin of Buggery against "the Peace of our sd. Sovereign Lord the King his Crown and Dignity "and also against the form of the Statute in that Case made and "provided." To which they severally pleaded "Not guilty." Trial The above Prisoners being put on their Trial, the twelve following Men, Viz. Rodk. Merchant Henry Harper Benj: Seale George Bird Orl. Bagley John Whitchurch Jams. Colgrave Jerh. Smith Stephen Young Robt. Ballard and Willm. Harper John Shelley were sworn upon their Jury. Then the Indictment was, a second time, read to them, and the Jury charged. William Fullwood, Soldier, being duly sworn, Saith that, on Monday the thirtieth of August last, he went into Barrack number 19. belonging to Captn. Bazett's Company, and there saw Serjt. Fish, one of the Prisoners now at the Bar, sitting on a Cot holding in his Hand a Bottle of Liquor but knows not what kind, and that Stephen Pepper, the other Prisoner was in the	Fish and Pipper then went on trial before a jury of the following twelve men, who were sworn in to hear their case. Roderick Merchant Benjamin Seale Orlando Bagley James Colgrave Stephen Young William Hayes Henry Harper George Bird John Whitchurch Jeremiah Smith Robert Ballard John Shelley The indictment was read to both prisoners a second time, and the jury received its instructions. William Fullwood, a soldier, gave evidence on oath. On Monday 30 August 1768 he went into Barrack 19, which belonged to Captain Bazett's company. There he saw Sergeant Fish sitting on a cot with a bottle of drink in his hand, though Fullwood could not say what it contained. Pipper was also in the barrack room. **Interpretations** The second count made Pipper a defendant in his own right and not simply a victim. It charged that he willingly allowed Fish to handle him for the purpose of buggery. The statute of Henry VIII made both partners in the act equally guilty, and the attempt charge followed the same logic. Consent brought no protection. It turned the consenting partner into a joint offender. The first count, framed as an assault, sat awkwardly with the second, which charged consent. The prosecution had evidently framed the charges so that the jury could convict on whichever account of the encounter the evidence supported. The standard wording, which described the offence as one not to be named among Christians, reflected a legal and religious taboo. That taboo kept the details of such charges vague in English records. Barrack 19 belonged to the company of Captain Bazett, perhaps the same Matthew Bazett whose slave Cupid had been tried in July. If so, he was another of the island's leading men who served both as a garrison officer and as a slave-owning householder.
226	216	same Barrack, and sat on a Form. That he went out, leaving the Door open, and in the Space of ten Minutes returned again to the same Barrack, and found the door Shut, on which he went to the Window to look for the Key, imagining Serjt. Fish was gone out. That he Looked in thro' the Window, and Saw the sd. Serjt. Fish and the sd. Pepper lying on the same Cot together, Fish on the Right, and Pepper on the Left, Side: That instigated to a further Curiosity by some indecent Appearances which on a Sudden struck him, he Looked closer, and plainly saw the sd. Fish unbuttoning the sd. Pepper his Breeches, and pulling his Shirt out, and that he then put his Hand between the sd. Pepper's Thighs, and opened them, Which Done, he got upon his Body, and put himself in Motion, in same Manner as a Man does in the Act of Copulation with a Woman: That Fish's Motion on the Body of the said	Fullwood said Pipper was sitting on a bench in the same barrack room. Fullwood went out, leaving the door open. When he came back about ten minutes later, he found the door shut. Thinking Fish had gone out, he went to the window to look for the key. Through the window he saw Fish and Pipper lying together on the same cot, Fish on the right side and Pipper on the left. Something he saw made Fullwood suspicious, so he looked more closely. He saw Fish unbutton Pipper's breeches and pull out his shirt. Fish then put his hand between Pipper's thighs and parted them. He climbed on top of Pipper and moved as a man does during sex with a woman. After about half a minute he got off, but within another half minute he was on top of Pipper again. At that point Fullwood left the window to fetch Corporal Hillard, who was standing at the door of the next barrack. When the two of them came back to the window, they saw Fish still on top of Pipper and still moving. Questioned about Pipper's position, Fullwood said Pipper was lying on his back. Asked whether he knew if Fish had penetrated Pipper to any degree, Fullwood said he did not. Corporal Thomas Hillard then gave evidence on oath. On 30 August 1768, he said, Fullwood called him out of his barrack to show him how Fish and Pipper were lying together on a cot. At the barrack

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		Pepper lasted about half a minute, and he then got off; but in half a Minute more he got up again, which Position he was in when the Witness Left the Window in Order to Call one Corpl. Hillard who stood at an Adjacent Barrack Door. That when he, the Witness, and the sd. Hillard came to the Window they looked in, and Saw the sd. Fish still on the Body of the sd. Pepper continuing his Motion. The Witness being examined as to the Position Pepper was in, whether he lay on Back or Belly, Says he Lay on his Back; and being further examined as to Penetration, if he knows whether Fish had in any Degree penetrated the Body of Pepper, Says, he does not. Thomas Hillard, Corporal, being duly sworn, Saith that, on the thirtieth of August last, William Fullwood called him out of his Barrack to see him the Posture in which Serjt. Fish and Stephen Pepper lay on a Cot together, and Coming to the Window of the Barrack where they lay, he saw the Prisoners on the same Cot, Fish acting on the Body of Pepper in the Manr. a Man does on that of a Woman when he has her in Bed with him. That he then went back to his Barrack and Called Joseph Cummins, who came along with him to the Barrack the Prisoners were in, and there desired him to Look in thro' the	window he saw both men on the same cot, with Fish on top of Pipper and moving as a man does with a woman in bed. Hillard then went back to his own barrack and fetched Joseph Cummins. He brought Cummins to the barrack where the two prisoners were and asked him to look in through the window. **Interpretations** The Court's questions about Pipper's position and about penetration went to the legal heart of the case. Buggery was a capital felony only if penetration was proved, and the English courts demanded strict evidence of it. Fullwood's admission that he could not say whether penetration had occurred, together with his statement that Pipper lay on his back, meant the evidence could not support the full offence. The prosecution had already charged only the attempt. These questions confirmed that the case would go no further than that, so the prisoners faced a misdemeanour penalty and not death. The prosecution built its case through a chain of witnesses. Fullwood fetched Hillard, and Hillard in turn fetched Cummins. Each man looked through the same window, so that the account did not depend on a single observer. A conviction for an offence carrying such heavy disgrace was unlikely to rest on one soldier's word. Bringing in a corporal also gave the evidence the weight of a non-commissioned officer against a sergeant, who outranked every witness. The questions about Pipper's position also bore on the second count. If he lay passive on his back and made no resistance, that supported the charge that he willingly allowed what was done to him.
227	217	Window. That they both looked in, and he, the Witness, then saw Serjt. Fish lying on his Left Side, holding Pepper's Yard in his Hand, and Shaking it; On which he asked the sd. Fullwood if there were any of the Petit Officers in the Barracks, and being told there were none, he waited till Hopkinson, the Orderly Serjeant, came home, to whom he told the Affair immediately on his Coming into the Square, and he, Hopkinson, went into the Barrack, and turned Pepper out of it. Josiah Cummins, Soldier, being duly sworn, Saith that, on the thirtieth of August last, happening to be in the Barracks belonging to Captn. Howard's Company, Corpl. Hillard called him saying he wanted to speak to him: That, on his going to the sd. Hillard, he took him over to a Corner Barrack, belonging to Captn. Bazett's Company, and desired him to look in, which he did, and in the Barrack saw Serjt. Fish and Stephen Pepper, the Prisoners at the Bar, lying on a Cot, Fish on his Left Side, with his Arm over Pepper's Body, holding his the said Pepper's Yard, and Shaking it in an indecent Manner. That he	Hillard said that he and Cummins both looked in through the window. This time Hillard saw Fish lying on his left side, holding Pipper's penis in his hand and moving it. Hillard asked Fullwood whether any of the company's non-commissioned officers were in the barracks. Told that none were, he waited until Hopkinson, the orderly sergeant, came back. As soon as Hopkinson entered the square, Hillard reported what he had seen. Hopkinson went into the barrack and ordered Pipper out of it. Josiah Cummins, a soldier, then gave evidence on oath. On 30 August 1768 he happened to be in the barracks of Captain Howard's company when Corporal Hillard called him over, saying he wanted a word. Hillard took him to a corner barrack belonging to Captain Bazett's company and asked him to look inside. Cummins did so and saw the two prisoners lying on a cot. Fish lay on his left side with his arm across Pipper's body, holding Pipper's penis and moving it indecently. Cummins told Hillard it was shameful for such things to be going on. Hillard answered that he did not know what to do about it, since none of that company's non-commissioned officers were present. That concluded the prosecution's evidence, and each prisoner spoke in his own defence. Fish said he knew nothing whatever about the matter. Pipper gave a fuller account. He said that he and Fish had sent Cummins out for a bottle of beer. When it arrived, they gave Cummins and Corporal Hillard a drink from it and finished the rest themselves. Having emptied the bottle, they wanted more, so Fish said he would go down and try to get another one. Fish went out and shut the door behind him.

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		told the sd. Hillard it was a Shame to see such Things going on, and Hillard replyed he knew not what to do in it, as none of the Petit Officers belonging to that Company were then at home. The Evidence for the Crown being closed the two Prisoners were put on their Defence. Serjt. Fish, on his Part Says he knows Nothing at all about it. Stephen Pepper, in his Defence, Says that Serjt. Fish and himself had sent by Cummins for a Bottle of Beer, and when it came they gave him and Corpl. Hillard a Drink of it, and they, themselves, drank the Remainder. That, having Drunk it out, they thought of getting some more, and Fish said he would go Down, and Strive to get an other Bottle, on which he went out, and shut the Door after him; in which Time he, Pepper, lay himself down on the Cot, and fell asleep. That he remained asleep, as he believes, for a Quarter and awoke as he thinks from the Disturbance Fish gave him in attempting to tread him, as he found, on his awaking, that he had him by the Yard, perceiving	While Fish was away, Pipper lay down on the cot and fell asleep. He believed he slept for about a quarter of an hour. He thought he was woken by Fish trying to turn him over. When he came to, he found Fish holding his penis. **Interpretations** Pipper's defence was aimed squarely at the second count, which charged him with willingly allowing Fish's advances. By saying he had fallen asleep while Fish was out and woke only when Fish was already handling him, he denied any consent. His account also cast him as the victim of the assault described in the first count. It also changed the picture of the prosecution witnesses. By his account, Cummins had fetched the beer, and both Cummins and Hillard had drunk from the bottle with the two prisoners shortly beforehand. The men who watched through the window were therefore drinking companions, not bystanders who happened on the scene. That may explain why none of them went in and why they waited for an officer to act. Hillard's and Cummins's reluctance to intervene showed how discipline worked in the barracks. A corporal could not act against a sergeant, who outranked him. The matter had to wait for another sergeant, here Hopkinson, the orderly sergeant of the day, who was responsible for barrack order and duty rosters. Hopkinson's first action was to put Pipper out of the room. That separated the two men, but it also suggested that the barracks treated Pipper as an intruder in Fish's quarters.
228	218	Which, he asked the sd. Fish why he did so, who replyed he intended to cover his Nakedness, as his Shirt was out of his Breeches, and he thereto said he did not approve of it. The Prisoners having no more to urge in Defence, the whole Evidence was summ'd up to the Jury, who retired to consider. On their Return they declared their Verdict, by which they found the Prisoners Guilty of the Attempt as laid Down in the Indictment. Pursuant to wch. Verdict, they received Sentence each of them to Stand in and upon the Pillory by the Space of three Hours; One hour upon the Parade, one hour in the Main Street, one hour in Southwark, and then Discharged. The Business of the Sessions being now ended, the Grand and Petit Juries were Dismissed, and the Court was, by Proclamation, adjourned to the eleventh Day of January next ensuing. On the Saturday following, being the eighth Day of the same Month, the above Sentence was put in Due Execution by the Sheriff against John Fish and Stephen Pepper. John Skottowe Bruling	Pipper said that when he woke and saw what Fish was doing, he asked him why. Fish replied that he had only meant to cover Pipper, whose shirt had come loose from his breeches and left him exposed. Pipper said he told Fish he did not approve of this. Neither prisoner had anything more to say in his defence. The evidence was summed up for the jury, who withdrew to consider their verdict. When they came back, they found both men guilty of the attempt as set out in the indictment. Following the verdict, each man was sentenced to stand in the pillory for three hours in all. They were to spend one hour on the Parade, one hour in the Main Street and one hour in Southwark, and were then to be released. With the business of this sitting complete, both the grand jury and the trial jury were sent home. A formal proclamation then adjourned the Court until 11 January 1769. On Saturday 8 October 1768 the sheriff carried out the sentence on John Fish and Stephen Pipper. The record was signed by John Skottowe and Matthew Burling. **Interpretations** The pillory was the standard English punishment for attempted sodomy, and it was feared far more than its short duration suggests. The offender stood with head and hands locked in a wooden frame, fully exposed to the crowd. Onlookers were free to pelt him with mud, rotten food, stones and dead animals. In London at this date, men pilloried for this offence were sometimes badly injured or killed by the crowd. Moving the prisoners through three separate sites spread the exposure across the whole settlement. The Parade was the garrison's own ground, and the Main Street was the civilian heart of James's Valley. Southwark was presumably a named quarter of the town. Every section of the island's small population, soldiers and civilians alike, would see the two men punished. The jury convicted Pipper on the second count despite his account of being asleep. The fact that he had spent the afternoon drinking alone with Fish in his quarters perhaps outweighed his claim of

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			innocence. So did the evidence that he lay passively on his back while the witnesses watched. For an ordinary soldier, conviction alongside a sergeant carried the same public disgrace, and the Court drew no distinction between them in sentencing. The sentence was carried out within three days of the trial. Fish and Pipper then had to return to a garrison in which every man had seen them in the pillory.
229	219	On the Fifth Day of October in the eighth year of his Majesty's Reign, a Precept upon the Commission of the Peace was issued out to the Sheriff. On the twenty second Day of December following in the ninth year of his Majesty's Reign, a Precept upon the Commission of Oyer and Terminer was issued out to the sd. Sheriff. On the eleventh Day of January following, being the Day the Sessions was held upon, a Precept on the Goal Delivery was issued out to the sd. Sheriff. Island of St. Helena. The General Quarter Sessions of the Peace, Sessions of Oyer and Terminer and Sessions of Goal Delivery holden at the Hall in James's Valley, for the sd. Island of St. Helena, the eleventh Day of January in the ninth Year of the Reign of our Sovereign Lord George the third, of Great Britain, France and Ireland King, Defender of the Faith and so forth, before John Skottowe and Matthew Bruling Esquires, two of his Majesty's Justices, assigned to keep the Peace in and for the said Island; Also Commissioners of Oyer and Terminer, authorized to hear and Determine all Felonies, Trespasses and other Misdemeanors in the said Island committed. The Court being opened upon the Commission of the Peace, a Grand Jury consisting of seventeen of the principal Inhabitants of the Body of the said Island was sworn; But no Business appear ing upon that Commission, the Court of Oyer and Terminer was opened,	The sheriff received a precept under the commission of the peace on 5 October 1768, in the eighth year of the King's reign. A precept under the commission of oyer and terminer followed on 22 December 1768, by which point the ninth year of the reign had begun. A third, under the commission of gaol delivery, was issued to him on 11 January 1769, the same day the Court sat. The island's three criminal courts sat together at the Hall in James's Valley on 11 January 1769, in the ninth year of the reign of King George III. These were the general quarterly court of the peace, the court of oyer and terminer and the court of gaol delivery. The bench consisted of Governor Skottowe and Matthew Burling, two of the King's justices appointed to keep the peace on the island. They also held a commission of oyer and terminer, which gave them power to try and decide every felony, trespass and lesser offence committed on the island. The Court first opened under the commission of the peace, and a grand jury of 17 leading inhabitants of the island was sworn in. No business came before it under that commission, so the Court opened under the commission of oyer and terminer. **Interpretations** The bench was again made up of only the Governor and Burling. This was the same pair that, on 5 October 1768, had postponed the trial of the five men accused of killing and stealing Burling's yearling bull, because Burling could not properly judge his own case. With no third justice present, that case was still blocked at this sitting. The three principals and two accessories had already spent a long time in custody before October. They now faced at least another quarter held under eased conditions or out on bail, while the island waited for a bench that could hear them.
230	220	A new Grand Jury impanelled and sworn, and John Cook and Charles Phelps who had been indicted at last Sessions, as Accessaries in Felony, and bailed, were called: On their Appearance, their Bail acknowledged fresh Recognizances; and they were put at large. Then two Bills of Indictment were preferred to the Grand Jury; On finding which, the Court was opened upon the Goal Delivery. Arraignment. Toney, a Man slave belonging to Mr. Isaac Dowton, being brought to the Bar of the Court, was arraigned upon the following Indictment, Viz. Island of St. Helena ss. "The Jurors of our Sovereign Lord the King upon "their Oaths (do) Present that Toney late of Putty Hill "within the Island of St. Helena Man slave on the twentieth Day "of April in the eighth Year of the Reign of our Sovereign Lord	A new grand jury was chosen and sworn. John Cooke and Charles [...], who had been indicted at the October sitting as accessories to a felony and released on bail, were then called. They appeared, and their sureties entered into fresh bonds for them, so the two men remained at liberty. Two bills of indictment were then placed before the grand jury. Once the jurors had found them to be true, the Court turned to the business of gaol delivery and the arraignment of prisoners. Toney, a male slave owned by Isaac Doveton, was brought before the Court and formally charged under an indictment headed with the Island of St Helena as the place of jurisdiction. The jurors, acting for the King and under oath, charged that Toney, a slave from [...] Hill, used force on the night of 20 April 1768 in a pasture belonging to Matthew Burling. There he was accused of killing and carrying off a sheep worth £0 15s 0d, which belonged to [...]. The charge described this as a felony in breach of the King's peace and of the statute that governed it. Toney entered a general plea of not guilty. Solomon, a male slave owned by the widow B[...], was then brought before the Court and

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		"George now King of Great Britain &c. in the Night of the same "Day by force and Arms in a certain Pasture belonging to Matthew "Bruling within the Island aforesaid One Sheep of the Value of "fifteen Shillings of the Goods and Chattles of one Bruling then "and there being found feloniously did steal take and bear away "against the Peace of our Sovereign Lord the King his Crown and Dignity "and also against the Form of the Statute in that Case made and "provided." To which Indictment he pleaded the General Issue "Not guilty." Solomon, a Man slave belonging to the Widow Beardy being brought to the Bar, was arraigned upon the following Indictment, Viz. Island of St. Helena ss. "The Jurors of our Sovereign Lord the King upon their "Oaths (do) Present that Solomon of James's Valley within the "Island of St. Helena Man slave on the nineteenth Day of December "in the ninth Year of the Reign of our Sovereign Lord George now King	formally charged under a second indictment headed with the Island of St Helena as the place of jurisdiction. The jurors, acting for the King and under oath, named Solomon as a slave from James's Valley. They fixed the date of his alleged offence as 19 December 1768, in the ninth year of the reign of King George III. **Interpretations** Sheep stealing, like the killing of cattle, had been a capital felony without benefit of clergy since 1741. The indictment's reference to "the statute that governed it" pointed to that act. Killing the animal in the field and carrying away the carcass was the classic form of the offence the statute targeted. The sheep was grazing in Burling's pasture, but the indictment gave its owner as a different person. That drafting mattered. In October the Court had postponed the bull case because Burling could not judge the loss of his own animal. Here the sheep belonged to someone else, so the bench of the Governor and Burling could try Toney without the same objection. Burling's link to the case was only that he owned the land. Cooke and Charles [...] were evidently the two accessories in the yearling bull case, bailed on 5 October 1768 and still unable to be tried. When they appeared, their sureties renewed their bonds, carrying their liberty forward for another quarter. Nothing was said about the three principals, who remained in the looser custody the Court had ordered in October. The five men were still charged with a capital offence, and the case against them was still stalled for lack of a third justice.
231	221	"Of Great Britain &c. by force and Arms on the High Way "within the Island aforesaid two Pounds Weight of Tea of the Value of "two Shillings four Pounds Weight of Candy of the Value of one Shilling "six pounds Weight of Sugar of the Value of one Shilling six pounds "Weight of Flour of the Value of one Shilling and three pence twelve "pounds Weight of Rice of the Value of one Shilling one piece of salted "Pork of the Value of two Shillings and one Piece of Nankeen Cloath "of the Value of three Shillings of the Goods and Chattles of one John "Defountain Also two ruffled Shirts of the Value of four Shillings "two Stocks of the Value of one Shilling one Night Cap of the Value "of six pence and two Sheets of the Value of four Shillings numbered "of the Goods and Chattles of one Thomas Lambert then and there "being found on the High way aforesaid within the Island aforesaid "from one Betty privately secretly and without the Knowledge of "the said Betty feloniously did steal take and bear away against "the Peace of the Sovereign Lord the King his Crown and Dignity "and also against the Form of the Statute in that Case made and "provided." To which he pleaded "Not guilty." Trials The said Solomon being moved from the Bar, Toney was put on his Trial, and the twelve following Men, Viz. George Bird Thos. Watts Orl. Bagley Junr. Thos. Burnham Jams. Colgrave John Seale John Whitchurch Robt. Beale	The indictment charged that Solomon, acting in the reign of King George, used force on the highway to take a number of goods from a woman named Betty. He was accused of taking them secretly and without her knowledge. The charge described this as a felonious theft in breach of the King's peace and of the statute that governed it. Some of the goods belonged to John Defountain and were each given a value. 2 pounds of tea, £0 2s 0d 4 pounds of sugar candy, £0 1s 0d 6 pounds of sugar, £0 1s 6d 6 pounds of flour, £0 1s 3d 12 pounds of rice, £0 1s 0d 1 piece of salt pork, £0 2s 0d 1 piece of nankeen cloth, £0 3s 0d The rest of the goods belonged to Thomas Lambert. 2 ruffled shirts, £0 4s 0d 2 neckcloths, £0 1s 0d 1 nightcap, £0 0s 6d 2 sheets, £0 4s 0d Solomon pleaded not guilty. Solomon was then taken from the bar, and Toney went on trial before a jury of the following twelve men, who were sworn in to hear his case. George Bird Orlando Bagley the younger James Colgrave John Whitchurch Henry Nodell Thomas Harper Thomas Watts Thomas Burnham John Seale Robert Beale Henry Harper Roderick Merchant The indictment was read to Toney a second time, and the jury received its instructions. Matthew Burling, one of the justices on the bench, gave evidence on oath. On or about 21 March 1768, he said, Captain Vincent, commander of the

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		Henry Rowell Henry Harper and Thos. Harper Rodk. Merchant were sworn upon his Jury. Then the Indictment was, a second time, read to him, and the Jury charged. Matthew Bruling Esqr. one of the Justices on the Bench, being duly sworn, Saith that, on or about the twenty first day of March last, Captn. Vincent, Commander of the Ship Osterley, Left some Cape Sheep in his Care for One Mr. Rhode, a Dutch	*Osterley*, left some Cape sheep in his care for a Dutchman named Mr [...]. **Interpretations** The charge against Solomon was framed under the Elizabethan statute that removed benefit of clergy from anyone who stole goods worth more than a shilling from a person "privately", that is, without the victim knowing. The statute was aimed at pickpockets and cutpurses. Here it was applied to goods taken on the open road from Betty. She was evidently carrying groceries and linen for two different owners, perhaps as a slave or servant sent on errands. Several items were each worth more than a shilling. Proof that Solomon took them without Betty noticing would therefore make the theft a capital offence, however small the total. The groceries show what imported goods cost on the island at the end of 1768. Tea was valued at 1s a pound, far below the price of several shillings a pound that English buyers paid for taxed tea at the same date. That gap came from St Helena's position on the return route of the China ships. The ships landed tea there directly, outside the English customs system. Sugar candy was sugar crystallised slowly on strings into large, hard lumps. It was imported from India and China and used as a sweet and in medicine. Stocks were the stiffened neckcloths worn fastened at the back of the neck. Together with ruffled shirts and a nightcap, they made up the linen of a man of some standing, not of a labourer. Burling's evidence explained why the sheep Toney was accused of killing belonged to someone else, even though it grazed on Burling's land. Cape sheep were the fat-tailed breed of the Cape of Good Hope. East India captains brought them to St Helena as fresh meat for ships and for private sale. Captain Vincent of the *Osterley* had left the animals with Burling to be kept for a Dutch buyer. This meant Burling was a trustee of the flock, not its owner. He could therefore sit as a justice and also give evidence, although he was a witness in the case he was helping to judge.
232	222	Supracargo who was expected to touch at this Island, which Sheep he ordered up to the Pasture near his Dwelling house in the Country. Frank, a Man slave belonging to Matthew Bruling Esqr. on his Oath, Saith that, immediately after the sailing of the Ship Osterley he, by his Master's Orders, drove some Cape sheep into the Country, and Left them in the Pasture near his Master's house. That in about a Fortnight afterwards, he missed one of the said Sheep, and in looking for her, he found a Gate at Marshes belonging to Mr. Isaac Dowton thrown off the Hinges, which made him suspect the lost Sheep had been caught there. Being asked if he saw or found any of the Blood, Skin or other Marks of the Sheep's being killed there, Says, he did not. Simon Whaley, a Planter, being duly sworn, Saith that, on the twenty sixth of April last in the Evening, he was informed that a Gunny Bag containing part of a Sheep was seen in a Furze bush on Francis Plain: That as soon as he rose next Morning, he took the Person who had seen the Bag along with him	Burling said that the sheep were being kept for Mr [...], a Dutch supercargo who was expected to call at the island. Burling had the animals sent up to the pasture near his country house. Frank, a male slave owned by Burling, then gave evidence on oath. Right after the *Osterley* sailed, he said, his master ordered him to drive some Cape sheep inland, and he left them in the pasture near his master's house. About two weeks later he found that one of them was missing. While searching for her, he found that a gate at Marshes, on Isaac Doveton's land, had been lifted off its hinges. This made him suspect the sheep had been caught there. Asked whether he had found blood, a skin or any other sign that the sheep had been killed at that spot, Frank said he had not. Simon Whaley, a planter, gave evidence on oath. On the evening of 26 April 1768 he learned that someone had seen a sack of coarse jute cloth holding part of a sheep hidden in a gorse bush on Francis Plain. Early the next morning, he took the person who had seen it to show him the place. There he found the sack, which held a whole hindquarter of mutton and part of another quarter. Judging by the size of the joints, he took it to be sheep. Soon afterwards, one of Whaley's slaves, named Anthony, ran away. Whaley suspected that Anthony had a hand in stealing the meat, so he offered a reward for his capture. Anthony was caught and brought home that same night. Whaley questioned him closely about the meat. Anthony admitted that six days earlier Toney, the prisoner, had come to his house at night with two hindquarters and part of a

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		to shew him the Place, and on their coming there, he found the Bag with an Entire Hinder Quarter of a Sheep and Part of an other Quarter in it; from the Largeness of the Meat he supposes it was a Sheep. That soon after one of his Slaves, named Anthony ran away, which made him suspect he was concerned in stealing the Meat so found in the Gunny bag, wherefore he offered a Reward for apprehending him, and he was accordingly apprehended and brought home to him the same Night: That he examined him very strictly concerning the Meat, and he, Anthony, confessed to him that Toney, the Prisoner now at the Bar, came six Days ago in the Night time to his House, where he brought two hinder Quarters and Part of a fore Quarter of a Sheep, some whereof they Dressed; and that he, himself, put the Remainder in a Bag, and hid it in the Furze on Francis Plain. Anthony, a Man slave, on his Oath, Saith that, on a	forequarter of a sheep. The two of them had cooked some of it. Anthony had then put the rest into a sack and hidden it in the gorse on Francis Plain. Anthony, a male slave, then gave evidence on oath. **Interpretations** A supercargo was the merchant on board a trading ship who managed its cargo and business dealings, separate from the captain who commanded the vessel. The Dutch East India Company's ships often called at St Helena. A Dutch supercargo buying Cape sheep there would have wanted them as fresh meat for the rest of his voyage or for his table ashore. That made the flock valuable. It also explains why Burling kept the animals carefully near his own house and not on open ground. The prosecution rested on an accomplice. Anthony had eaten the stolen meat with Toney and hidden what was left, and on his own admission he was guilty of receiving it at the least. Yet he was not charged. He was sworn instead as a witness against Toney. English courts regularly allowed an accomplice who gave evidence against his confederates to escape prosecution, but juries were warned to treat such evidence with caution unless other proof supported it. Anthony's account came first from a confession extracted by his own master after a reward had brought him back as a runaway. The same pattern had already appeared in Cupid's case. A gunny bag was a sack of coarse jute cloth made in Bengal. It reached St Helena as packing for rice, sugar and other Indian cargoes, and it was then reused for general carrying. Gorse, or furze, had been introduced to the island. By this date it had spread across Francis Plain and the upland pastures thickly enough to give ready hiding places.
233	223	Certain Wednesday (not knowing the Day of the Month or Month) between eleven and twelve O'Clock at Night, the Prisoner at the Bar came to his Master's house, whither he brought two hinder Quarters and Part of a fore Quarter of a Sheep, as he takes it to be from the Largeness of the Meat: That having Let him in, he, the Prisoner, took part of the Meat, dressed and eat it, but that he, himself, did not help to Dress it. That the Prisoner left a little of the Dressed also a Quarter and a half of the undressed Meat in the House, and desired that he (meaning the Witness) would put it out of the Way: On which he put the Raw Meat in a Bag, carried it on Francis Plain, and there hid it in a Furze bush near the Path: That he had asked the Prisoner where he had got the Meat, and he told him he stole it, not mentioning whence or from whom. Saith the Meat looked fresh, as if killed the Day before, was large, and that the Kidneys were covered with Fat. No other Witnesses appearing on the Crown Side, the Prisoner is put on his Defence, and he therein Saith that he is perfectly innocent as to the Crime laid to his Charge. That he never saw Anthony since last Easter till now; he desires that one Jo, a free black Man may be called. The said Jo appearing, on his Oath, Saith that he saw a	Anthony said that on a Wednesday night, between eleven o'clock and midnight, Toney came to Anthony's master's house. Anthony could not say which month or day it was. Toney brought two hindquarters and part of a forequarter of what Anthony took to be sheep, judging by the size of the joints. Anthony let him in. Toney cooked some of the meat and ate it, though Anthony said he took no part in preparing it. Toney left a little of the cooked meat in the house, along with about a quarter and a half of raw meat, and asked Anthony to get rid of it. Anthony put the raw meat in a sack, carried it up to Francis Plain and hid it in a gorse bush near the path. Anthony said he had asked Toney where the meat came from. Toney told him he had stolen it but did not say where or from whom. Anthony described the meat as fresh, as if the animal had been killed the day before. He said it was large, and the kidneys were thickly covered in fat. The prosecution had no further witnesses, so Toney spoke in his own defence. He declared himself entirely innocent of the charge. He said he had not seen Anthony at all between Christmas and the day of the trial. He asked that Jo, a free black man, be called as a witness. Jo appeared and gave evidence on oath. He said he had seen a small quantity of mutton kept in Anthony's chest. One morning Anthony gave him a piece of mutton, and the two of them ate it together. Jo thought it was part of a shoulder, and he described it as fairly large and very fat. Toney had nothing further to add in his defence. The evidence was summed up for the jury, who withdrew to consider their verdict. When they came back, they found Toney not guilty, and he was released. Solomon was then brought before the Court and put on trial before a jury of the following twelve men.

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		little Mutton sault in Anthony's Chest; And that, one Morning, the sd. Anthony gave him a Piece of Mutton, which they both eat together; believes it was Part of the Shoulder: That it was pretty large and very fat. The Prisoner having no more to say or urge in his Defence, the whole was summed up to the Jury, who retired to Consider. On their Return, they declared their Verdict, by which they acquitted the Prisoner, and he was Discharged. Solomon being brought to the Bar and put on his Trial, the twelve following Men, Viz. George Bird Thos. Watts Orl. Bagley Junr. Thos. Burnham Jams. Colgrave John Seale Jno. Whitchurch William Beale Henry Rowell Henry Harper and Thos. Harper Rodk. Merchant were sworn upon	George Bird Orlando Bagley the younger James Colgrave John Whitchurch Henry Nodell Thomas Harper Thomas Watts Thomas Burnham John Seale William Beale Henry Harper Roderick Merchant The same twelve jurors who had tried Toney were sworn in to hear Solomon's case. **Interpretations** The acquittal followed from the weakness of the prosecution's only direct evidence against Toney. Frank had found no trace of the killing at the broken gate. Whaley could connect the meat to Toney only through Anthony's confession. Anthony was a runaway accomplice, questioned under pressure by his own master, and he could not even say which month the visit took place. Jo's evidence then turned suspicion back onto Anthony. It showed that mutton had been kept in Anthony's own chest and that he had been freely sharing it. The jury could fairly conclude that Anthony had every reason to name someone else. Nothing independent confirmed that Toney had ever been at the house. English practice held that an uncorroborated accomplice was not safe evidence for a capital conviction, and sheep stealing carried the death penalty with no benefit of clergy. Jo's appearance as a sworn witness showed that St Helena had a free black population in 1768, whose evidence was accepted in the criminal court. A free black man could be called by a slave defendant and was treated as competent to testify under oath. His status placed him outside the owner-controlled confessions that shaped Anthony's evidence. That made his account an independent source the jury could weigh against the prosecution's main witness.
234	224	his Jury. Then the Indictment was, a second time, read to him, and the Jury Charged. Bettey, a Woman Slave belonging to Jno. Defountain Junr. on her Oath, Saith that, in the nineteenth of last December in the Evening, as she was going home to her Master's in the Country, having had some Things out of the Honble. Company's Stores for him, which with other Things she was carrying home, being much tired, she sat herself Down to Rest on the Road between Putty Hill and two Gun Ridge, and there fell asleep. That about nine O' Clock she awoke, and missed her Bundle of Things. That next Morning she went before Mr. Bruling who, having heard her Complaint, sent some of his Servants to the Place where she said she had been robbed to see if they could find any of the Things she had lost. That they found none of the Things, but found a Cap there which, they Judged belonged to Solomon, the Prisoner at the Bar: On finding which Mr. Bruling gave her a Note to the Constable, also the Cap so found, in Order that he, the Constable, should make the strictest Enquiry into the Matter. Saith that the Bundle	The same jurors were sworn in to try Solomon. The indictment was then read to him a second time, and the jury received its instructions. Betty, a female slave owned by John Defountain the younger, gave evidence on oath. On the evening of 19 December 1768, she said, she was walking home to her master's country property. She had collected some goods for him from the Company's stores and was carrying them home along with other things. Worn out, she sat down to rest by the road between [...] Hill and [...], and there she fell asleep. She woke at about nine o'clock and found her bundle gone. The next morning she took her complaint to Burling. He sent some of his servants to the spot where she said she had been robbed, to see whether any of the goods could be found. They found none of her things. They did find a cap, which they judged belonged to Solomon, the prisoner. Burling then gave Betty a written note for the constable, together with the cap, so that the constable could investigate the matter thoroughly. Betty listed what had been in the stolen bundle. There were two pounds of tea, four pounds of sugar candy, six pounds of sugar, six pounds of flour and 12 pounds of rice. There was also a piece of nankeen cloth and a piece of meat. The clothing and linen were two shirts, two neckcloths, two pairs of stockings, a pair of sheets, a pair of drawers and a cap. The bundle also held a silk handkerchief with a little tea and some rice tied up in it. Joseph Chamberlain, the constable, then gave evidence on oath. On 20 December 1768, he said, he received a written order from Burling telling him to

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		taken from her consisted of two pounds of Tea, four lb. of Candy, six pounds Sugar, six pounds Flour, twelve pounds Rice, one Piece of Nankeen Cloth, one Piece of Meat, two Shirts, two Stocks, two Pair of Stockings, one Pair of Sheets, one Pair of Drawers and One Cap, also a Silk Handkerchief having a little Tea and some Rice tied up in it. Joseph Chamberlane, the Constable, being duly sworn, saith that on the twentieth of December last, he received a written Order from Mr. Bruling, by which he was directed to make diligent Search about some Things stolen from one Bettey, a Woman Slave, which Order was sent to him by the sd. Bettey, who brought him at same time a Dutch Cap, supposed to belong to Solomon, the Prisoner now at the Bar; That, on Receipt of the said Order, he	search carefully for goods stolen from Betty, a female slave. Betty herself brought him the order. At the same time she handed him a Dutch cap that was thought to belong to Solomon. **Interpretations** Betty's account explained why the charge was brought under the statute against stealing from the person "privately." She was asleep by the roadside when the bundle was taken, which met exactly the statute's test of a theft carried out without the victim's knowledge. Because some single items were worth more than a shilling, Solomon faced a capital charge for goods taken from a sleeping woman on an errand. The fact that she was a slave carrying her master's goods did not affect the charge. The statute protected the property, and Betty counted as the person in charge of it. Burling handled the complaint in the ordinary way for an English justice of the peace. He heard Betty's complaint, sent his own servants to search the spot, received the evidence they found and sent a written warrant to the constable. He now sat on the bench judging a case that he had already investigated and helped to prosecute. Chamberlain, the constable carrying out Burling's order, had himself served as a juror at the April and June trials in 1768. On an island this small, the same few men acted in turn as jurors, constables, prosecutors and judges. A Dutch cap was a knitted woollen cap of the kind worn by seamen and labourers. It was cheap and common, and many men on the island would have owned one. Solomon's servants attributed the cap to him because they judged it to be his, not because anyone had positively proved ownership. The prosecution's first link between the prisoner and the crime scene rested on that judgement.
235	225	went to Mrs. Kennedy's, the Prisoner's Mistress, and asked her where he was; That on her telling him he was, she believed, in the Kitchen, he went and found him there asleep, and having awaked him, took him out, and questioned him concerning the Robbery. That he then denied knowing any thing about it, and having asked him where his Cap was, said he had lost it the Night before as he was going in the Country which Circumstance made him greatly suspect he knew something of the Matter, and for that Reason told him he must go to Prison. That as he was taking him down to the Goal, he again examined him, and he then confessed to him that he alone had done it, (meaning that he alone had taken the Things from Bettey.) That he asked him if he had any Confederate, he said, "No"; That One of Mr. Bruling's Slaves, named Caesar, and himself were going up together, and in the Road found the sd. Bettey Drunk and asleep, whom they strove to awake but could not. That they left her, proceeded a little farther together, and then parted each to go his own Way home: The Prisoner added that, when the sd. Caesar was out of sight, he, himself, returned to the Place where Bettey lay, and took a Bundle of Things from her, which he had hid, he said, in the Country, and if he, the Constable,	On receiving the order, Chamberlain went to the house of Mrs Kennedy, who owned Solomon, and asked where he was. She told him she thought he was in the kitchen. Chamberlain found him asleep there, woke him, took him outside and questioned him about the robbery. Solomon denied knowing anything about it. Asked where his cap was, he said he had lost it the night before on his way up into the country. That answer made Chamberlain strongly suspect him, so he told Solomon he would have to go to gaol. On the way down to the gaol, Chamberlain questioned him again. This time Solomon admitted that he alone had taken the goods from Betty. Asked whether anyone else was involved, he said no. He explained that he and Caesar, one of Burling's slaves, had been walking up the road together when they came upon Betty lying drunk and asleep. They tried to wake her but could not. They left her, walked a little further together and then went their separate ways home. Once Caesar was out of sight, Solomon said, he went back to where Betty lay and took her bundle. He claimed he had hidden it up in the country. He offered to show Chamberlain the place if Chamberlain went with him. The two of them went to Rupert's Gut, where they found part of the goods. Solomon said the rest lay beyond the Hutts, so they set off in that direction. On the way Chamberlain asked how far beyond the Hutts the goods were hidden. Solomon then admitted he had not hidden them there at all but had left them at Mr Sample's. When they reached the Ridge House, Chamberlain left Solomon there under guard and took the goods from Rupert's Gut to Burling's house. On arriving, he found that the goods Solomon said he had left at Mr Sample's had already been brought to Burling. Chamberlain examined everything and found that it matched the description in Burling's

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		would go along with him, he would shew him the Place. That they went together to Rupert's Gut and there found a Part of the Things, the Remainder, he said, were beyond the Hatts, whither they steered their Course. That in the Way, the Witness asked him how far beyond the Hatts he had hid them; to which he answered, that he had not at all hid them there, but that he left them at Mr. Sample's. That, coming so far as the Ridge house, he left the Prisoner there in Care of the Guard while he went to Mr. Bruling's with the Things found in Rupert's Gut, and when he came there, found the Things which the Prisoner said he had left at Mr. Sample's were already brought to Mr. Bruling's: And on examining them, found they answered the Description given to him in Mr. Bruling's Order taken from the sd. Bettey. That from thence he had the Things in his Custody, and now produces them in Court.	order, which had been taken from Betty's account. He had kept the goods in his custody ever since, and he now produced them in court. **Interpretations** Solomon's confession described Betty as drunk and asleep, not simply exhausted as she herself had told the Court. The difference mattered for the statute under which he was charged. Theft from a person asleep met the test of stealing "privately" whether the sleep came from tiredness or drink. Betty's drunkenness did not weaken the capital charge. It could, however, affect how much weight the jury gave to her account of what the bundle held and where she had been. Solomon's confession was made to the constable while he was being taken to gaol, and it changed as the search went on. He first claimed the goods were hidden in the country. Then he said part of them lay beyond the Hutts. Finally he admitted he had left them at Mr Sample's. By the time the constable reached Burling's house, Sample had already delivered those goods there independently. That suggests word of the robbery had spread and Sample handed them in to the justice. The recovery of goods that matched Betty's list, from places Solomon himself had pointed to, gave the prosecution the independent confirmation that had been missing in the cases of Cupid and Toney. The goods' whereabouts were proved by what was found, not only by what the prisoner said. Rupert's Gut was the steep ravine leading down to Rupert's Bay, east of James's Valley. The Hutts lay on the high central ridge of the island. The Ridge House was evidently a guard post on the route between them, where a prisoner could be held securely while the constable went on. The route Solomon led Chamberlain along crossed the length of the island's interior. It showed how easily stolen goods could be scattered in the country beyond the valley.
236	226	Jenny, a Woman slave belonging to Mr. Sample, on her Oath, saith that some time after nine O'Clock on a certain Monday Night Solomon, the Prisoner came to her Master's House much in Liquor, and having quarrelled with his Wife, he took her Clothes and went away: That he returned some time the same Night, for that she heard him speak, and next Morning she was informed by her Husband that Bettey had been robbed the Night before, and that Solomon, (meaning the Prisoner) was suspected of having robbed her, and also of having brought the stolen Things to Mr. Sample's, as he had a Wife there. That his Wife not being then at home, she waited till she returned, and then desired her to open her Chest, which she refused, but being told that if she had Nothing in it that was stolen, she need not fear opening it, she then complyed: That as soon as it was opened, the first thing she laid hold of was a Bundle of stolen Things, which she took out of the Chest, left it in the Kitchen, and went to inform her Master of the Discovery she had made, who, on hearing it, desired her to take the Things she had so found in the Chest, and carry them to Mr. Bruling, which she accordingly did.	Jenny, a female slave owned by Mr Sample, gave evidence on oath. She said that sometime after nine o'clock on a Monday night, Solomon came to her master's house very drunk. He quarrelled with his wife, took the clothes and left. Jenny heard his voice again later that night, so he must have come back. The next morning her husband told her that Betty had been robbed the night before. Solomon was suspected of the robbery and also of bringing the stolen goods to Sample's house, where his wife lived. Solomon's wife was not at home just then, so Jenny waited for her to return and asked her to open her chest. The wife refused at first. Jenny told her that if nothing stolen was inside, she had no reason to fear opening it, and she then agreed. As soon as the chest was open, the first thing Jenny found was a bundle of stolen goods. She took it out and left it in the kitchen. She then went to tell her master what she had found. Sample told her to take the goods from the chest to Burling, and she did so. The bundle was produced in court and shown to Betty. She was certain that everything in it had been taken from her, except for Mr Lambert's linen, the piece of nankeen and the piece of pork. She could not swear to those three items. With the prosecution's evidence complete, Solomon spoke in his own defence. He said that on a Monday night he was very drunk and on his way up to Sample's when he caught up with Caesar, one of Burling's slaves. The two walked together until they reached a point below the Ridge House. There they came upon Betty asleep and too drunk to be woken, so they left her and went their separate ways. Solomon said he then began to worry that Betty might be robbed as she lay by the road. He went back

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		The Bundle of Things being produced in Court and shewn to the sd. Bettey, she is positive that all the Things so produced and shewn to her, were taken from her except Mr. Lambert's Linen, the piece of Nankeen Cloth and the piece of Pork, which last mentioned Articles she can't swear to. The Evidence for the Crown being heard, the Prisoner, in his Defence, Saith that on a Monday Night, being much in Liquor, as he was going up to Mr. Sample's he overtook one Caesar belonging to Mr. Bruling in Company with whom he travelled till they came below the Ridge house. That there they found Bettey asleep and so drunk they could not awake her, then passed her and parted. That he ap prehending she may be robbed, as she lay on the Road, returned to the Place, and took some Things away from her that lay by her which he carried to Mr. Sample's. That he left a Part of the Things there, and the other Part he carried as far as Rupert's Gut, with Intention to bring them	and picked up some of the goods lying beside her, which he took to Sample's. He left part of them there. He carried the rest as far as Rupert's Gut, intending to bring them [...]. **Interpretations** Solomon's wife lived at Sample's house while he belonged to Mrs Kennedy. Marriages between slaves on different estates were common at St Helena, and husbands regularly walked between households at night. That is why Solomon was on the road late and why the goods ended up in his wife's chest. The same arrangement also exposed the wife to suspicion and search. Jenny's pressure on her to open the chest, followed by the master's order to hand the goods to the justice, shows how a slave household policed itself on its owner's behalf once a theft was known. Betty's refusal to swear to Lambert's linen, the nankeen and the pork mattered for the value that could be proved. What she could identify was Defountain's groceries. These included tea at £0 2s 0d, sugar at £0 1s 6d and flour at £0 1s 3d, each worth more than a shilling. That still kept the capital charge under the statute on private theft within reach. Her caution also meant that the goods she could not identify could not count against Solomon. This gave the jury a ready basis for any reduction in value. Solomon's defence recast the taking as a rescue. He claimed he had picked up the goods only to keep them safe from thieves while Betty slept. Theft required an intention to deprive the owner permanently. A man who took goods intending to return them had, in law, committed no felony. His account was weakened by his first denial to the constable, by his changing story about where the goods were hidden and by the concealment of part of them in his wife's chest. It was, however, the one argument that could defeat the charge completely, and not merely reduce it.
237	227	Down to Mr. John Seale's, but considering it would be better to bring the Whole together, he left that Part in Rupert's Gut till he could have an Opportunity of bringing the rest; but before he could do so was taken up by the Constable. That he had no Intention of robbing the sd. Bettey. The Prisoner having Nothing further to urge in his Defence, the whole Evidence was summ'd up to the Jury, who retired to Consider. On their Return, they declared their Verdict, by finding the Prisoner "Guilty of Petit Larceny only "to the Amount of ten pence." Which being recorded, he received Sentence to be whipped till his Body was bloody and discharged. The Business of the Sessions being now ended, the Grand and Petit Juries were dismissed, and the Court was, by Proclamation, adjourned to the fifth Day of April next ensuing. Immediately after Adjournment of the Court, the above Sentence was put in Due Execution against Solomon, and he was Discharged. John Skottowe Bruling	Solomon said he had intended to take the goods down to Mr John Seale's. He then decided it would be better to bring everything together, so he left part of the goods at Rupert's Gut until he had a chance to fetch the rest. Before he could do so, the constable arrested him. He insisted he had never meant to rob Betty. Solomon had nothing further to say in his defence. The evidence was summed up for the jury, who withdrew to consider their verdict. When they came back, they found him guilty only of petty larceny and valued the theft at £0 0s 10d. Once the verdict had been entered in the record, Solomon was sentenced to be whipped until he bled and then released. With the business of this sitting complete, both the grand jury and the trial jury were sent home. A formal proclamation then adjourned the Court until 5 April 1769. As soon as the Court had adjourned, Solomon was whipped as ordered and then released. The record was signed by John Skottowe and Matthew Burling. **Interpretations** The value of tenpence did more than lower the penalty. It removed the legal basis of the charge. The statute on private theft from the person applied only to goods worth more than a shilling. A finding below that figure took Solomon out of the capital statute and out of felony altogether, and left only petty larceny. The jury did not accept Solomon's claim that he had taken the goods merely to protect them, since it convicted him. But it also declined to convict on a value that would have required a death sentence. The goods recovered were worth several shillings, and Betty had sworn positively to groceries valued at more than a shilling apiece. The tenpence verdict was therefore a deliberate choice, not a finding supported

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			by the evidence of value. It matched the valuation reached in the Beeckmans case in April 1768. Solomon's defence named John Seale as the person he had meant to take the goods to, and John Seale was sitting on the jury trying him. If the juror was the same man, Solomon's story invited a juror to judge a claim about himself. That juror could have contradicted Solomon from personal knowledge, but he could not give evidence while sitting as a juror. The record shows no challenge to the jury and no comment from the bench. The episode was another sign of how closely the island's few householders were tied to the cases they tried.
238	228	On the eleventh Day of January in the ninth year of his Majesty's Reign, a Precept upon the Commission of the Peace was issued out to the Sheriff of the Island of St. Helena. On the twenty first Day of March following, a Precept upon the Oyer and Terminer was issued out to the sd. Sheriff. On the fifth Day of April following, a Precept upon the Goal Delivery was issued out to the said Sheriff. Island of St. Helena. The General Quarter Sessions of the Peace, Sessions of Oyer and Terminer and Sessions of Goal Delivery, holden at the Hall in James's Valley for the sd. Island of St. Helena, the fifth Day of April, in the ninth Year of the Reign of our Sovereign Lord George the third of Great Britain, France & Ireland King, Defender of the Faith and so forth, before John Skottowe and Matthew Bruling Esquires, two of his Majesty's Justices, assigned to keep the Peace in and for the sd. Island; Also Commissioners of Oyer and Terminer authorized to hear and Determine all Felonies, Trespasses and other Misdemeanors in the sd. Island committed.	The sheriff received a precept under the commission of the peace on 11 January 1769, in the ninth year of the King's reign. A precept under the commission of oyer and terminer followed on 21 March 1769. A third, under the commission of gaol delivery, was issued to him on 5 April 1769. The island's three criminal courts sat together at the Hall in James's Valley on 5 April 1769, in the ninth year of the reign of King George III. These were the general quarterly court of the peace, the court of oyer and terminer and the court of gaol delivery. The bench consisted of Governor Skottowe and Matthew Burling, two of the King's justices appointed to keep the peace on the island. They also held a commission of oyer and terminer, which gave them power to try and decide every felony, trespass and lesser offence committed on the island. **Interpretations** This was the third sitting in a row at which only the Governor and Burling formed the bench. Daniel Corneille had last sat on 13 July 1768, and no other justice had taken his place. A two-man bench had become the island's normal court. That meant any case touching the interests of either justice could not be heard at all. The trial of the five men accused of killing Burling's yearling bull, first postponed on 5 October 1768, was therefore still waiting for a bench able to try it.
239	229	The Court being opened upon the Commission of the Peace, a Grand Jury consisting of seventeen of the principal Inhabitants of the Body of the said Island were sworn; But no Business appearing upon that Commission, the Court of Oyer and Terminer was opened, a new Grand Jury impanelled and sworn, and John Cook and Charles Field who stood indicted (as Accessaries) in a certain Felony, upon Bail, were called: On their Ap pearance, their Bail acknowledged fresh Recognizances, and they were put at large. Then a Bill of Indictment was preferred to the Grand Jury, which found, the Court was opened upon the Goal Delivery. Arraignment William Fullwood, Soldier, being brought to the Bar of the Court, was arraigned upon the following Indictment, Viz. Island of St. Helena ss. "The Jurors of our Sovereign Lord the King upon "their Oaths (do) Present that William Fullwood of James's Valley "within the Island of St. Helena Soldier not having the Fear of God "before his Eyes nor respecting the Order of Nature but being moved "and seduced by a Devilish Instigation on the eighteenth Day of	The Court first opened under the commission of the peace, and a grand jury of 17 leading inhabitants of the island was sworn in. No business came before it under that commission, so the Court opened under the commission of oyer and terminer and a new grand jury was chosen and sworn. John Cock and Charles Field, who were still under indictment as accessories to a felony and out on bail, were then called. They appeared, and their sureties entered into fresh bonds for them, so the two men remained at liberty. A bill of indictment was then placed before the grand jury. Once the jurors had found it to be true, the Court turned to the business of gaol delivery and the arraignment of prisoners. William Fullwood, a soldier, was brought before the Court and formally charged under an indictment headed with the Island of St Helena as the place of jurisdiction. The jurors, acting for the King and under oath, charged that Fullwood, a soldier of James's Valley, assaulted Gregory Sutherwood, a man of about 30, in the valley on 18 February 1769. The indictment said Fullwood acted without fear of God, against the natural order and at the prompting of the Devil. It accused him of attacking Sutherwood with the intention of having sex with him and of attempting to do so. The indictment then went on to describe the act in strongly condemning terms. **Interpretations** William Fullwood was the soldier whose evidence had convicted Sergeant Fish and Stephen Pipper in October 1768. He had watched them through the barrack window, fetched Corporal

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		"February in the ninth Year of the Reign of our Sovereign Lord George "now King of Great Britain &c. in the Valley aforesaid within the "Island aforesaid by Force and Arms &c. in and upon one Gregory "Sutherwood a Male about the Age of thirty Years feloniously did "make an Assault and with the sd. Gregory Sutherwood then and there "wickedly Devilishly feloniously and against Nature did attempt to "have a venereal Affair and the said Gregory Sutherwood then and there "did attempt carnally to know and the most Detestable abominable	Hillard to see for himself and described to the Court what he saw in careful detail. Five months later he stood charged with the same offence, framed in the same language. The indictment made no mention of that history. Even so, the jurors on the grand jury, drawn from the same small group of householders, would have recognised the prosecution witness of October as the prisoner of April. Cock and Field's appearance on bail marked the fourth sitting since the yearling bull case was postponed on 5 October 1768. Each quarter their sureties renewed their bonds. Each quarter the bench was made up of the Governor and Burling, the owner of the bull, so the trial could not go ahead. The two accessories had now been kept under bond for six months without any trial in prospect.
240	230	"And Sodomitical Sin called Buggery not to be named "among Christians wickedly and Devilishly feloniously and against "Nature did intend to Commit and perpetrate in great Displeasure "of Almighty God and Disgrace of all human kind against "the Peace of our Sovereign Lord the King his Crown and Dignity "and also against the Form of the Statute in that Case made "and provided." He thereunto pleaded "Not guilty." Trial The sd. William Fullwood being put on his Trial, the twelve following Men, Viz. John Robinson Simon Whaley Stephen Young Thos. Burnham Jerh. Smith Willm. Beale Jno. Defountain Junr. George Harper Robt. Ballard Willm. Harper Junr. and Willm. Harper Senr. Jams. Colgrave were sworn upon his Jury. Then the Indictment was, a second time, read to him, and the Jury Charged. Gregory Sutherwood, Soldier, being duly sworn, Saith that, on Saturday the eighteenth of February last, he came from the Honble. Company's Works in Lemon Valley to one Clifton's Room in this Valley, where he found William Fullwood (the Prisoner now at the Bar) Serjt. Clifton and some others at Supper, who asked him to sit Down, and Sup along with them, and he did so. That after Supper he sent for nine penn'worth of Punch, which Drunk, the Prisoner asked him to	The indictment charged that Fullwood intended to commit buggery with Sutherwood, an act described as a grave offence against God and a disgrace to mankind. It declared the offence a breach of the King's peace and of the statute that governed it. Fullwood pleaded not guilty. Fullwood then went on trial before a jury of the following twelve men, who were sworn in to hear his case. John Robinson Stephen Young Jeremiah Smith John Defountain the younger Robert Ballard William Hayes the elder Simon Whaley Thomas Burnham William Beale George Hayes William Hayes the younger James Colgrave The indictment was read to Fullwood a second time, and the jury received its instructions. Gregory Sutherwood, a soldier, gave evidence on oath. On Saturday 18 February 1769 he came back from the Company's works in Lemon Valley to a room in the valley belonging to [...]. There he found Fullwood, Sergeant Clifton and some others having supper. They invited him to sit down and eat with them, and he did. After supper, Sutherwood sent out for a few pennyworth of punch. When they had drunk it, Fullwood made a request of him. **Interpretations** The indictment against Fullwood contained only one count, the attempted assault on Sutherwood. There was no second count charging the other man with consenting, as there had been against Pipper in October 1768. The prosecution evidently treated Sutherwood purely as a victim and complainant, not as a participant. That allowed him to give evidence freely against Fullwood without being charged himself. Pipper had been denied that position and was pilloried alongside Sergeant Fish. The difference probably reflected the evidence available. In the earlier case, witnesses at a window had seen two men lying passively together. Here the case rested on the complaint of the man who said he had been approached. Lemon Valley, a steep inlet on the island's west coast, had a landing place that the Company fortified. The "Company's works" there were building projects on its defences. Soldiers of the garrison were regularly put to work as labourers on these works, as Beeckmans had been at Sandy Bay. That explains why Sutherwood, a soldier, came back from them in the evening. Buying punch by the pennyworth after supper shows that spirits were cheap enough to be bought in very small amounts, which suited a soldier's daily pay.

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241	231	go down the Valley, he consented, on which he desired him to take one Harper who was of the Company along with him to John Seale's, and there Call for nine penn'worth of Punch; That he, the Prisoner, would go in the Mean time, to Mr. Watts to know if he would buy a piece of Stuff he intended to take up at Mr. Bazett's Shop. That he, the Witness, went to the sd. Seale's, and in about a Quarter of an hour the Prisoner Joined him, where they had nine penn'worth of Punch; But on his, the Prisoner's, not liking the Liquor at Seale's, they went to Mr. Merchant's where, in Company with several others they had four or five Bowls of Punch, and from thence they returned to the said Clifton's Room. That the Prisoner said he would lie there the Night, but he told him he should not, as he had lain out of the Barracks before that, for which it had been ordered he should be confined to the Barrack Square for a Fortnight. That he then desired the sd. Clifton, who was to lie at one Fahime's Appartment to lock the Door, and take his Key along with him which he accordingly did, and he remained alone in the Room, but that, in five Minutes after, he, the Prisoner, returned, and with some Key or an other (not the right one) unlocked the Door, and came in: That, on his coming in, the Witness asked him why he was not gone up to his Barracks, and on his saying he had been up, but was locked out, he told him he was a great Fool, and that he much imposed upon Gentlemen, on which he threw himself Down on the Cot the Witness sat upon. That he spoke to him for a good While, often desired him to go up to his Barracks, but at length fell asleep: That he was soon disturbed by a Pain he felt, but knows not what it was till he was fully awake, then turning himself round he caught hold of the Prisoner's Yard at about half a hand's Breadth from his Breech, started up, and asked him if he intended to bugger him! And, as he was going out to Call Serjt. Clifton, his Breeches	Sutherwood said Fullwood asked him to go down the valley, and he agreed. Fullwood told him to take Harper, a man from the company, to John Seale's and order ninepence worth of punch there. Meanwhile Fullwood would go to Mr Watts to see whether he would buy a length of cloth that Fullwood meant to get on credit at Mr Bazett's shop. Sutherwood went to Seale's. About a quarter of an hour later Fullwood joined him, and they drank the ninepence worth of punch. Fullwood did not like the drink at Seale's, so they moved on to Mr Merchant's. There, with several others, they got through four or five bowls of punch. From Merchant's they went back to the room belonging to [...]. Fullwood said he would stay the night there. Sutherwood told him he should not, since Fullwood had already been punished for sleeping out of barracks and had been confined to the barrack square for a fortnight. [...], who was to sleep at Johnson's quarters that night, was asked to lock the door and take the key with him, and he did so. Sutherwood stayed alone in the room. About five minutes later Fullwood came back. He opened the locked door with some other key, not the right one, and came in. Sutherwood asked why he had not gone back to barracks. Fullwood said he had been up there but found himself locked out. Sutherwood called him a great fool and said he took far too many liberties with people. Fullwood then threw himself down on the cot where Sutherwood was lying. Sutherwood talked to him for a good while and urged him to go back to barracks, but in the end Sutherwood fell asleep. Soon afterwards a pain woke him, though he did not understand what it was until he was fully awake. He turned over and grabbed Fullwood's penis about half a hand's width from his own backside. He sprang up and demanded to know whether Fullwood meant to bugger him. He then set off to fetch Sergeant Clifton. **Interpretations** Sutherwood's evening took him through two of the island's punch houses, Seale's and Merchant's. Both men sat regularly as jurors. Roderick Merchant had served on nearly every jury in these records, and John Seale sat on the jury that tried Solomon. The men who ran the island's licensed drinking houses were also among the householders who judged its crimes. Several of those crimes grew directly out of drinking in their premises. Punch sold by the bowl for a group, after an opening ninepence worth, showed how much drink could be served to off-duty soldiers in a single evening. Fullwood's earlier punishment for sleeping out of barracks showed how the garrison controlled soldiers' movements. Men had to be in their barracks by a set hour. Confinement to the barrack square was a routine minor penalty imposed by officers without any court. Being locked out of the barracks after hours left a soldier with nowhere to go. That was the excuse Fullwood gave for returning to the room. His plan to take cloth on credit at Bazett's shop and sell it to Watts shows the small trading that soldiers carried on to supplement their pay. Sutherwood's account went as far as describing an actual attempt at penetration. It was more specific than any evidence given against Fish, whose witnesses could not say whether penetration had occurred. Even so, the prosecution charged only the attempt. That kept the case at the misdemeanour level and avoided the capital charge, which required strict proof that the full act had been committed.
242	232	fell down about his Heels. That the Prisoner immediately	Sutherwood said his breeches fell down around his heels as he went out. Fullwood followed him at

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		followed him, put his Hand before his Mouth, and asked him what he was about; On which he lifted up his Hand, and pushed him from him, asking him at same time, if he intended first to bugger him and then stop his Breath? to which he made Answer "For God's sake, Sutherwood, say Nothing about "it, and I will upon my Knees ask your Pardon." That immediately the said Clifton opened his Door, and asked him what was the Matter, and he replyed that Fullwood was going to bugger him; to which Fullwood answered that he knew Nothing of the Matter. The Witness being asked by the Court if he knew of any Emission from the Prisoner, says he did not, nor does he believe there was any. William Clifton, Serjeant, being duly sworn, saith that, on the eighteenth of February last, Gregory Sutherwood and the Prisoner at the Bar came to his Room Door, which the sd. Sutherwood knocked at, and he asked them what they wanted, to which the sd. Sutherwood replyed that if he would get up, he should be informed. That he was unwilling to open his Door till he heard the sd. Sutherwood say "Do you mean to stop my Breath?" and while he was going towards the Door to open it, he heard the Prisoner say, he would down on his Knees, and ask his Pardon, in Case he said Nothing to the Witness about it. That he then opened his Door, went out to them, and asked Sutherwood what was the Matter, who told him that Fullwood, the Prisoner, wanted to be concerned with him; On which he asked the Prisoner how he	once, put a hand over his mouth and asked what he thought he was doing. Sutherwood pushed the hand away and shoved Fullwood off. He asked whether Fullwood meant to bugger him first and then smother him. Fullwood begged him for God's sake to say nothing about it and promised to ask his pardon on his knees. At that moment Clifton opened his door and asked what was the matter. Sutherwood told him Fullwood had tried to bugger him. Fullwood replied that he knew nothing about it. The Court asked Sutherwood whether he knew of any emission by Fullwood. Sutherwood said he did not and did not believe there had been one. Sergeant William Clifton then gave evidence on oath. On 18 February 1769, he said, Sutherwood and Fullwood came to the door of his room, and Sutherwood knocked. Clifton asked what they wanted. Sutherwood answered that he would be told if he got up. Clifton was reluctant to open the door until he heard Sutherwood ask whether Fullwood meant to smother him. As Clifton went to the door, he heard Fullwood say he would go down on his knees and beg Sutherwood's pardon if he would keep quiet about it to Clifton. Clifton then opened the door, went out to them and asked Sutherwood what the matter was. Sutherwood told him that Fullwood had wanted to have sex with him. Clifton then questioned Fullwood. **Interpretations** The Court's question about emission reflected the legal test for completed buggery at this date. English judges held that the full offence required proof of both penetration and emission. Without both, only the attempt could be charged. Sutherwood's evidence of pain and of where he found Fullwood's penis went some way towards penetration. His belief that there had been no emission confirmed that the capital charge could not be proved. The question also explained why the prosecution had framed the indictment as an attempt from the start. The penalty therefore stayed at the level of the pillory, fine or imprisonment, and not death. Clifton's evidence independently confirmed the most damaging part of Sutherwood's account. Through the closed door, before he could see either man, Clifton heard Fullwood offer to beg forgiveness on his knees if Sutherwood kept quiet. A plea for silence overheard by a sergeant had far more weight than a victim's report of the same words. It came from a witness with nothing to gain and of higher rank than both soldiers. Fullwood's denial when the door opened, just after pleading to be forgiven, also undermined his credibility with the jury.
243	233	could be guilty of such a thing, he made Answer he had not been near him, and that he knew Nothing of it. The Prisoner asks the Witness if he saw, when he came out of the Room, that Sutherwood's Breeches were down, says he did not. The Prisoner, being put on his Defence, saith that, on Sunday the nineteenth of February last in the Morning, being Prisoner in the Guard house, William Caffery came and told him he wanted to speak to him on the Line, whither he went along with him, and there the said Caffery told him that Gregory Sutherwood sent him to him for Money to get some Liquor, to which Message he replyed he had no Money, and tho' he had, would send him none. The Message also	Clifton said that when he asked Fullwood how he could be guilty of such a thing, Fullwood answered that he had not been near Sutherwood and knew nothing about it. Fullwood then asked Clifton whether, when he came out of his room, he had seen that Sutherwood's breeches were down. Clifton said he had not. Fullwood then gave his defence. On the morning of Sunday 19 February 1769, he said, while he was held in the guardhouse, William Caffery came and said he wanted a word with him on the Line. Fullwood went with him. There Caffery told him Sutherwood had sent him to ask for money to buy drink. The message also promised that if Fullwood paid, Sutherwood would persuade Clifton to say nothing. Fullwood said he replied that he had no money and would not send any even if he had. All the same, he gave Caffery £0 1s 6d for his trouble, and Caffery left. Fullwood denied the whole charge and asked for Caffery to be called as a witness.

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		imported that, if he sent him Money, he would prevail on Clifton to say Nothing about it. That however he gave the sd. Caffery eighteen pence for his own Trouble, and he went away. He Denies the whole Charge, and desires that the sd. Caffery be called. William Caffery appearing and being sworn, Saith that, on Sunday the nineteenth of February last in the Morning, hearing that William Fullwood, the Prisoner now at the Bar, was confined at the Main Guard, he went down to see him, who asked him if he had seen Sutherwood, and he told him he had seen him in the Morning. That he, the Prisoner, thereon went behind the Table and gave him eighteen pence to give to the sd. Sutherwood to buy Liquor in Order to make up Matters: That he told him there was no Liquor to be had till five in the Evening, but that he however went to look for the sd. Sutherwood whom he could not find, and returned to the Prisoner to inform him he could not see him. That then the Prisoner got a	William Caffery appeared and gave evidence on oath. On the morning of Sunday 19 February 1769, he said, he heard that Fullwood was being held at the main guard and went down to see him. Fullwood asked whether he had seen Sutherwood, and Caffery said he had seen him that morning. Fullwood then went behind the table and gave Caffery £0 1s 6d to pass to Sutherwood for drink, so that the matter could be settled. Caffery told Fullwood that no drink could be bought until five o'clock that evening. He went to look for Sutherwood anyway but could not find him, and he came back to tell Fullwood so. Caffery then described what Fullwood did next. **Interpretations** Caffery was called by Fullwood himself, yet his evidence reversed Fullwood's account. Fullwood claimed that Sutherwood had tried to extort drink money in return for silence and that the eighteen pence was only a tip for the messenger. Caffery swore that Fullwood had asked about Sutherwood of his own accord and had handed over the money for Sutherwood, to settle the matter. The eighteen pence was therefore a payment to buy off the complainant, not a refusal of a demand. Fullwood had already offered on his knees to beg forgiveness in return for silence. A second attempt to buy it the following morning, confirmed by his own witness, made any claim of innocence very hard to sustain. Caffery's remark that no drink could be had before five o'clock reflected the rules governing Sunday on the island. Licensed houses were forbidden to serve during the hours of divine service and for most of the Lord's day, as English law and the Company's regulations required. The main guard, where Fullwood was held, was the principal guardroom of the garrison at the Castle end of James's Valley. The Line was the fortified wall along the seafront, which the main guard overlooked. A soldier accused of an offence was held there under military custody until the civil court tried him.
244	234	Man off the Guard to go Down on the Line along with him, for that he there wanted to speak to the Witness, and he in the Vault gave him two pence to fetch a Bowl of Tea, and after to go to the Punch house to Look for the sd. Sutherwood. That he went, but did not meet with him. The Evidence being closed on both Sides, the whole was summed up to the Jury, who retired to Consider. On their Return, they declared their Verdict, by which they acquitted the Prisoner. The Verdict was recorded, and the Prisoner Discharged. The Business of the Sessions being now ended, the Grand and Petit Juries were dismissed, and the Court was, by Proclamation, adjourned to the twelfth Day of July next ensuing. John Skottowe Bruling	Caffery said Fullwood then got a man from the guard to take him down to the Line, because he wanted to speak to Caffery there. Fullwood gave Caffery twopence to fetch a bowl of tea. He then sent him on to the punch house to look for Sutherwood. Caffery went but did not find him. With all the evidence on both sides heard, the case was summed up for the jury, who withdrew to consider their verdict. When they came back, they found Fullwood not guilty. The verdict was entered in the record, and Fullwood was released. With all the business of this sitting complete, both the grand jury and the trial jury were sent home. A formal proclamation then adjourned the Court until 12 July 1769. The record was signed by John Skottowe and Matthew Burling. **Interpretations** The acquittal came despite evidence that looked stronger than the case that had sent Fish and Pipper to the pillory. Clifton overheard Fullwood offering to beg forgiveness in exchange for silence. Fullwood's own witness then described him trying to reach Sutherwood with money the next morning, first sending eighteen pence and then sending Caffery to the punch house to find him. Several weaknesses may have tipped the jury the other way. Clifton had not seen Sutherwood's breeches down. Sutherwood admitted that he had drunk heavily through the evening and had fallen asleep. He also accepted that no emission had taken place. The whole case therefore rested on the account of one drunk man about events in a darkened room. Fullwood's efforts to find Sutherwood could also be read in two ways. A guilty man might try to buy

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			silence. An innocent soldier facing a disgraceful accusation might try to settle a drunken quarrel before it reached court. That was the interpretation Fullwood's defence invited. The jury had seen the pillory used against Fish and Pipper only six months earlier. It evidently would not expose another soldier to it on a single complainant's word, whatever his conduct afterwards.
245	235	On the fifth Day of April, in the ninth year of his Majesty's Reign, a Precept, upon the Commission of the Peace, was issued out to the Sheriff of the Island of St. Helena. On the twenty eighth Day of June following, a Precept, upon the Commission of Oyer and Terminer, was issued out to the sd. Sheriff. On the twelfth Day of July following, being the Day the Sessions was held upon, a Precept on the Commission of Goal Delivery was issued out to Mr. Richd. Goodwin Sheriff of the sd. Island of St. Helena. Island of St. Helena. The General Quarter Sessions of the Peace, Sessions of Oyer and Terminer, and Sessions of Goal Delivery, holden at the Hall in James's Valley for the sd. Island of St. Helena, the twelfth Day of July, in the ninth year of the Reign of our Sovereign Lord George the third, of Great Britain, France and Ireland King, Defender of the Faith, and so forth, before John Skottowe and Daniel Corneille Esquires, two of his Majesty's Justices, assigned to keep the Peace in and for the sd. Island, Also Commissioners of Oyer and Terminer, authorized to hear and Determine all Felonies, Trespasses and other Misdemeanors in the sd. Island committed.	The sheriff received a precept under the commission of the peace on 5 April 1769, in the ninth year of the King's reign. A precept under the commission of oyer and terminer followed on 28 June 1769. A third, under the commission of gaol delivery, was issued to Richard Goodwin, the island's sheriff, on 12 July 1769, the same day the Court sat. The island's three criminal courts sat together at the Hall in James's Valley on 12 July 1769, in the ninth year of the reign of King George III. These were the general quarterly court of the peace, the court of oyer and terminer and the court of gaol delivery. The bench consisted of Governor Skottowe and Daniel Corneille, two of the King's justices appointed to keep the peace on the island. They also held a commission of oyer and terminer, which gave them power to try and decide every felony, trespass and lesser offence committed on the island. **Interpretations** For the first time since October 1768, Burling was absent from the bench, and Corneille had returned in his place. That removed the obstacle that had held up the trial of the five men accused of killing and stealing Burling's yearling bull. The Governor and Corneille could now try the case without the owner sitting in judgment. Cock and Field had been kept on renewed bail through three sittings, and the three principals had been held under eased custody. After nine months, a bench able to hear the case was finally in place.
246	236	The Court being opened upon the Commission of the Peace, a Grand Jury consisting of seventeen of the Principal Inhabitants of the Body of the said Island was sworn; But no Business appear ing upon that Commission, the Court of Oyer and Terminer was opened, a New Grand Jury impanelled and sworn, and a single Bill of Indictment was preferred to them. They threw out the Bill, and the Court was opened upon the Goal Delivery, for the Trials of the five following Persons, who stood indicted since the Sessions in October of last year. Arraignments Henry Instein, Soldier, Thomas Watts, Soldier and Matthew Charlton, Matross, as Principals, being brought to the Bar of the Court, were arraigned upon the following Indictment, Viz. Island of St. Helena ss. "The Jurors of our Sovereign Lord the King upon their "Oaths (do) Present that Henry Instein late of Munden's Point "within the Island of St. Helena Soldier Thomas Watts late of	The Court first opened under the commission of the peace, and a grand jury of 17 leading inhabitants of the island was sworn in. No business came before it under that commission, so the Court opened under the commission of oyer and terminer. A new grand jury was chosen and sworn, and a single bill of indictment was placed before it. The jurors rejected the bill. The Court then turned to the business of gaol delivery, in order to try the five men who had stood indicted since the October 1768 sitting. Henry Instow, a soldier, Thomas Watts, a soldier, and Matthew Charlton, a matross, were brought before the Court as the principal offenders. They were formally charged under an indictment headed with the Island of St Helena as the place of jurisdiction. The jurors, acting for the King and under oath, charged all three men, who were stationed at Munden's Point. At about one o'clock on the night of 20 July 1768, they were said to have used force in a pasture near Hutt's Gate and taken a yearling bull worth £2 0s 0d belonging to Matthew Burling. The charge described this as a felonious theft in breach of the King's peace and of the statute that governed it. **Interpretations** The offence was committed on 20 July 1768, so the three principals had now been held for a full year before their trial began. They had been in close custody until October 1768 and under eased conditions after that. For nine of those months the

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		"the same Place Soldier and Matthew Charlton late of the same "Place Matross on the twentieth Day of July in the eighth year "of the Reign of our Sovereign Lord George now King of Great "Britain &c. about the Hour of one in the Night of the same Day "by force and Arms in a certain Pasture near the Hutts gate within "the Island aforesaid one Yearling Bull of the Value of two Pounds "of the Goods and Chattels of one Matthew Bruling then and there "being found feloniously did steal take and bear away against the "Peace of our Sovereign Lord the King his Crown and Dignity and "also against the Form of the Statute in that Case made and provided.	delay was caused only by the lack of a bench on which the owner of the bull did not sit. Any sentence the Court now passed would come on top of a year already spent in confinement. That may have weighed with both the jury and the justices. The grand jury's rejection of the only new bill at this sitting showed that the screening function it performed was real. A bill that failed to persuade a majority of the grand jurors that a case existed never reached a trial jury. The accused was released without the charge ever being tested in open court. The record does not name the person accused or the offence. A thrown-out bill left no trace except this bare note that it had been rejected. Munden's Point was one of the batteries guarding the approaches to James's Bay, just east of the town. Its garrison of soldiers and matrosses was stationed several miles from Hutt's Gate, high on the central ridge of the island. A theft carried out at one in the morning so far from their post suggests that the men had arranged beforehand where to take and dispose of the carcass. The accessories charged alongside them would have played that part.
247	237	"And the Jurors aforesaid upon their Oaths aforesaid (do) "further Present that John Cook late of Munden's Point within the sd. Island "Soldier and Charles Field late of the same Place Soldier well knowing the "said Yearling bull as aforesaid to have been stolen afterwards that is to "say the said twentieth Day of July in the year aforesaid by force and Arms "at Munden's Point aforesaid within the sd. Island the sd. Yearling bull "so killed and stolen as aforesaid feloniously (did) receive against the Peace "of our Sovereign Lord the King his Crown and Dignity and also against "the Form of the Statute in that Case made and provided." To which they severally pleaded "Not guilty." Trial The said Henry Instein, Thomas Watts and Matthew Charlton being put on their Trial, the twelve following Men, Viz. Rodk. Merchant Jno. Defountain Junr. Orl. Bagley Junr. Henry Rowell John Rowell Henry Harper George Bird John Bagley Junr. John Whitchurch Willm. Seale Senr. and John Seale John Scott were sworn upon their Jury. Then the Indictment was, a second time, read to them, and the Jury charged. Matthew Bruling Esquire, being duly sworn, saith that, on the twentieth of July, in the year 1768, a Yearling bull belonging to him was stolen out of one of his Pastures near the Milking Ground. Charles, a Man slave belonging to the sd. Matt. Bruling Esqr., on his Oath, Saith that, as he was going to Milk the Cows in the Morning, (not recollecting the time) a little way above his Master's Pastures, he saw in a Furze bush, the Head, the two fore feet and Skin	The jurors also charged John Cock and Charles Field, both soldiers stationed at Munden's Point. They were accused of knowingly receiving the stolen yearling bull at Munden's Point on 20 July 1768, after it had been killed and taken. The charge described this too as a felony in breach of the King's peace and of the statute that governed it. Each of the five men pleaded not guilty. Instow, Watts and Charlton then went on trial before a jury of the following twelve men, who were sworn in to hear their case. Roderick Merchant Orlando Bagley the younger John Nodell George Bird John Whitchurch John Seale John Defountain the younger Henry Nodell Henry Harper John Bagley the younger William Seale the elder John Scott The indictment was read to the three men a second time, and the jury received its instructions. Matthew Burling gave evidence on oath. He said that on 20 July 1768 a yearling bull of his was stolen from one of his pastures near the Milking Ground. Charles, a male slave owned by Burling, then gave evidence on oath. One morning, though he could not remember which, he was on his way to milk the cows a little above his master's pastures. In a gorse bush there he saw the head, both forefeet and the skin of an animal. **Interpretations** Cock and Field were charged as receivers, which at this date made them accessories after the fact to the felony, not principals. English law held that an accessory could not be convicted unless the principal offender had first been found guilty. That explains why the Court tried Instow, Watts and Charlton on their own before dealing with the two receivers. If the jury acquitted the principals, the case against Cock and Field would fall with it, however strong the evidence that they had taken the meat. The whole year of bail and renewed bonds for the accessories therefore depended on the outcome of this first trial. The indictment charged the receiving as taking place at Munden's Point, the three principals' own post. The meat had evidently been carried back from Hutt's Gate, across the island, to the battery where all five men were stationed. The head, feet and skin

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			found in the gorse above Burling's pastures were the parts a butcher would leave behind. They show that the animal was slaughtered and dressed on the spot so that only the saleable or edible meat had to be carried down.
248	238	of a Bull Calf, which he knew to be his Master's by the Marks on both Ears. Stephen Pepper, a Soldier and an Accomplice, being called upon as an Evidence, the Court enquired whether any thing stood upon Record agst. him, to make him infamous so as to invalidate his Evidence. On Examination of the Records, it was found that he had suffered the Pillory for an Attempt of Sodomy. Tho' the Proof did not amount to the taking away the Life of the sd. Pepper, according to the Statute therein provided; but for suffering the Attempt, the Court held him infamous in the Eye of the Law, and therefore discharge him as incapable of being an Evidence. The Evidence being now closed, it was summed up to the Jury, who, without retiring, were unanimous in their Verdict, by which they acquitted the Prisoners. The Verdict being recorded, Danl. Corneille Esqr. in a very moving Speech represented to the Prisoners the Circumstances which rendered their Trial so favourable to them, made honorable Mention of the Lenity of the Laws of England, and hoped it would so affect their Hearts as never more to be brought under the like unhappy Circumstances; he also hoped they would never think, but with Horror, on the Guilt of Depriving an other of his property and possessions, and finished by telling them that they were now answerable only to God and their own Consciences for the Fact for which they were brought before that Court; and then they were discharged.	Charles said the parts were those of a bull calf. He recognised it as his master's animal from the marks on both its ears. Stephen Pipper, a soldier who had taken part in the theft, was then called to give evidence for the prosecution. The Court first asked whether anything on the record against him would make him legally disgraced and so disqualify his evidence. The records were checked. They showed that he had stood in the pillory for attempted sodomy. The proof in that case had not been enough to put his life at risk under the statute. Even so, the Court held that his conviction for submitting to the attempt left him disgraced in law. It dismissed him as unfit to give evidence. That brought the evidence to a close. The case was summed up for the jury, who did not even withdraw. They agreed unanimously and at once to acquit all three prisoners. After the verdict was entered in the record, Daniel Corneille spoke movingly to the prisoners. He pointed out the circumstances that had made their trial turn out so favourably for them, and he praised the mercy of English law. He hoped it would touch their hearts so deeply that they would never again find themselves in such a situation. He also hoped they would always think with horror of the wrong of taking another man's property. He ended by telling them that they now answered only to God and their own consciences for the act that had brought them before the Court. The men were then released. **Interpretations** Stephen Pipper was the soldier pilloried with Sergeant Fish on 8 October 1768. He now turned out to have been an accomplice in the theft of Burling's bull three months before that punishment. English law barred a person convicted of an infamous crime from giving evidence in any court. The Court treated submission to sodomy as infamous enough to trigger that bar, even though the offence had been tried as a misdemeanour. Pipper was the prosecution's only witness who could put the three principals at the scene. Once his evidence was excluded, nothing linked them to the killing except that the calf's remains lay near land far from their post. The jury's immediate unanimous acquittal without withdrawing showed how completely the case had collapsed. Corneille's speech made plain that the bench believed the prisoners were guilty. By referring to the circumstances that had made their trial so favourable, he acknowledged that a legal technicality had saved them. His closing words, leaving them answerable to God and their own consciences, released them in law while condemning them in conscience. With the principals acquitted, the case against Cock and Field as receivers could not go ahead. Under the rule on accessories, all five men went free after a year of custody and bail. **Speculations** The easy course for a court that believed the accused were guilty was to hear Pipper's evidence and leave its weight to the jury. The Court instead raised the question of his disqualification itself, checked its own records and applied the rule on infamy. It did so knowing that its own October sentence of the pillory would now destroy the prosecution. The record shows why. The justices had punished Pipper for an offence they described with extreme disgust, and they could not then treat him as a credible witness without contradicting their own judgment of him. Applying the rule strictly cost them a conviction they plainly

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			wanted, as Corneille's closing words showed. In return it kept the Court consistent with its own records and with the rules of evidence it claimed to follow.
249	239	Charles Field and John Cook, the two Accessa ries, upon Acquittal of their Principals, were brought to the Bar, and discharged by Proclamation. The Business of the Sessions being now ended, the Grand and Petit Juries were dismissed, and the Court was, by Proclamation, adjourned to the fourth Day of October next ensuing. John Skottowe Dan Corneille	Once the three principals had been acquitted, Charles Field and John Cock, the two men charged as receivers, were brought before the Court. They were released by public proclamation. With the business of this sitting complete, both the grand jury and the trial jury were sent home. A formal proclamation then adjourned the Court until 4 October 1769. The record was signed by John Skottowe and Daniel Corneille. **Interpretations** Discharge by proclamation was the formal way of releasing a prisoner against whom no case remained. The crier announced in open court that the accused was to be set free unless someone came forward to prosecute him. When no one answered, the prisoner was released. Nobody could prosecute Field and Cock once the principals had been cleared, so the proclamation was only a formality. It still gave the release a public, recorded form. That ended a year of bail and renewed bonds that the two men had endured without ever facing a jury.
250	240	On the twelfth Day of July in the ninth year of his Majesty's Reign, a Precept upon the Commission of the Peace was issued out to the Sheriff of the Island of St. Helena. On the twenty first Day of September following a Precept upon the Commission of Oyer and Terminer was issued out to the sd. Sheriff. On the fourth Day of October following, being the Day the Sessions was held upon, a Precept upon the Goal Delivery was issued out and delivered to the sd. Sheriff. Island of St. Helena. The General Quarter Sessions of the Peace, Sessions of Oyer and Terminer and Sessions of Goal Delivery, holden at the Hall in James's Valley for the sd. Island of St. Helena, the fourth Day of October, in the ninth year of the Reign of our Sovereign Lord George the third of Great Britain, France and Ireland King, Defender of the Faith, and so forth, Before John Skottowe, Danl. Corneille and Matthew Bruling, Esquires, three of his Majesty's Justices, assigned to keep the Peace in and for the sd. Island, also Commissioners of Oyer and Terminer, authorized to hear and Determine all Felonies, Trespasses and other Misdemeanors in the sd. Island committed.	The sheriff received a precept under the commission of the peace on 12 July 1769, in the ninth year of the King's reign. A precept under the commission of oyer and terminer followed on 21 September 1769. A third, under the commission of gaol delivery, was issued and delivered to him on 4 October 1769, the same day the Court sat. The island's three criminal courts sat together at the Hall in James's Valley on 4 October 1769, in the ninth year of the reign of King George III. These were the general quarterly court of the peace, the court of oyer and terminer and the court of gaol delivery. The bench consisted of Governor Skottowe, Daniel Corneille and Matthew Burling, three of the King's justices appointed to keep the peace on the island. They also held a commission of oyer and terminer, which gave them power to try and decide every felony, trespass and lesser offence committed on the island.
251	241	The Court being opened upon the Commission of the Peace, a Grand Jury consisting of seventeen of the principal Inhabitants of the Body of the sd. Island were sworn; And on being asked if they knew of any Business upon that Commission, they retired to consider: On their Return to Court, they laid the following Presentment before the Bench, Viz. "On Report being made to us the Grand Jury that one "Side of the Street in Southwark is Dangerous for "Persons passing in the Night time, and may be easily "secured by a Wall. "We the Grand Jury having considered the above "Report are of Opinion that it is necessary the sd.	The Court first opened under the commission of the peace, and a grand jury of 17 leading inhabitants of the island was sworn in. Asked whether they knew of any matter for the Court under that commission, the jurors withdrew to consider it. When they came back, they put a formal presentment before the bench. The grand jury reported that it had been told one side of the street in Southwark was dangerous for people walking there at night. The report added that a wall could easily make it safe. Having considered the matter, the jurors judged that the wall needed to be built. They asked leave to bring this to the attention of the justices. In response, the Court ordered a wall to be built as the jury proposed, for the safety of everyone using

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		"Wall be built, and beg Leave to represent the same "to the Worshipful the Board of Justices." In Consequence of the above Representation, an Order was made to build a Wall as above mentioned for the common Security of Passengers, and the Direction for building the Same was given to Mr. Solomon St. Maurice as Church Warden. No other Business appearing upon the Commission of the Peace, the Court was opened upon the Oyer and Terminer, and a New Grand Jury was impanelled and sworn. They found a Single Bill of Indictment, and then the Court was opened upon the Goal Delivery. Arraignment Cupid and Tom, Man slaves belonging to Mr. Jno. Defountain Junr. being brought to the Bar	the street. It put Solomon St Maurice, as churchwarden, in charge of the building work. No further business came before the Court under the commission of the peace. It therefore opened under the commission of oyer and terminer, and a new grand jury was chosen and sworn. The jurors found a single bill of indictment to be true, and the Court then turned to the business of gaol delivery and the arraignment of prisoners. Cupid and Tom, male slaves owned by John Defountain the younger, were then brought before the Court. **Interpretations** The presentment showed the grand jury using its power to bring public dangers before the justices without waiting for a private complaint. A presentment of this kind was the standard English means of forcing repairs to roads, bridges and walls. The justices then gave the work to whichever local officer was responsible. Here the task fell to the churchwarden. In an English parish, highways would normally have been the job of an elected surveyor. At St Helena, though, the churchwarden evidently acted as the general officer for small public works. The island's single parish was run by the same few men who sat on the bench and the juries. St Maurice, the lieutenant whose house Marck broke into and who acted as officer of the guard in the Beeckmans case, now appeared in a third role as the parish officer in charge of the public works. The presentment also confirmed that Southwark, where Fish and Pipper had spent their last hour in the pillory, was a named street or quarter of James's Valley. The danger to people walking there at night probably came from a sheer drop along one side of the road. That was common in the steep, narrow valley. A wall along the edge was the obvious remedy.
252	242	of the Court, were arraigned upon the following Indictment, Viz. Island of St. Helena ss. "The Jurors of our Sovereign Lord the King "upon their Oaths (do) Present that Cupid late of Fisher's "Valley within the Island of St. Helena a Man slave, "and Tom late of the same Valley within the sd. Island also "a Man slave on the thirteenth Day of July in the ninth "year of the Reign of our Sovereign Lord George now King "of Great Britain &c. about the Hour of eleven in the Night "of the same Day by force and Arms in James's Valley within "the Island aforesaid the Shop of one John Whitchurch then "situated feloniously (did) break and enter and nine Coverlids "of the Value of four Pounds fifteen Pounds Weight of Thread "of the Value of one Pound and seventeen Shillings fifteen "Papers with Fish hooks of the Value of one Pound and five "Shillings six Banian Shirts of the Value of four Shillings "seven Pairs of Viteroy Trowsers of the Value of ten Shillings "four Pairs of Mens Pumps of the Value of twelve Shillings "fourteen Viols with medical Drops of the Value of one Pound "and ten Shillings three Dozen of coat buttons of the Value	Cupid and Tom were formally charged under an indictment headed with the Island of St Helena as the place of jurisdiction. The jurors, acting for the King and under oath, charged that both men, slaves from Fisher's Valley, used force at about eleven o'clock on the night of 13 July 1769 to break into John Whitchurch's shop in James's Valley. Once inside, they were accused of taking a large quantity of stock, each item given a value in the charge. 9 coverlets, £4 0s 0d 15 pounds of thread, £1 17s 0d 15 papers of fish-hooks, £1 5s 0d 6 banian shirts, £0 4s 0d 7 pairs of [...] trousers, £0 10s 0d 4 pairs of men's pumps, £0 12s 0d 14 vials of medicinal drops, £1 10s 0d 3 dozen coat buttons, £0 4s 0d 1 blue jacket, £0 4s 0d 8 nankeen waistcoats, £2 8s 0d 4 pairs of nankeen breeches, £1 4s 0d 1 flannel waistcoat, £0 2s 6d 13 fishing lines, £0 4s 0d 6 cotton handkerchiefs, £0 6s 0d 1 silk handkerchief, £0 2s 0d 27 penknives, £0 7s 0d The list went on to include two razors. **Interpretations** This was the second break-in at Whitchurch's shop to reach the Court. The first, by Bazett's slave Cupid in June 1768, involved goods valued at under £2, and the jury reduced it to £0 4s 10d. This time the stock taken was worth well over £14 before the list was even complete. Several single entries were far above the five-shilling limit that made shop-breaking a capital offence without benefit of clergy. The earlier practice of valuing the theft just below the threshold could hardly work here. The theft itself, a night-time raid carrying off whole bundles of stock, looked like

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		"of four Shillings one blue Jacket of the Value of four Shillings "eight Nankeen cloath Waistcoats of the Value of two Pounds "and eight Shillings four Pairs of Nankeen cloath breeches "of the Value of one Pound and four Shillings one Flannel "Waistcoat of the Value of two Shillings and six pence thirteen "fishing lines of the Value of four Shillings six Cotton "Handkerchiefs of the Value of six Shillings one Silk "Handkerchief of the Value of two Shillings twenty seven "Pen knives of the Value of seven Shillings two Razors	an organised removal of saleable goods, not a hungry runaway taking food. The stock showed what a James's Valley shop supplied to a seafaring and garrison population. Coverlets were quilted or printed bed covers, usually Indian cotton chintz, brought from Madras and Bengal on the Company's ships. Banian shirts took their name from the banians, Indian merchants. They were loose, lightweight cotton shirts made in India and widely worn in warm climates by Europeans. Pumps were light, thin-soled shoes without fastenings, worn indoors or for dress. Fish-hooks sold in folded papers of a dozen or more, along with fishing lines, served the island's fishermen, many of them slaves who fished for their owners' households. The 14 vials of medicinal drops were almost certainly patent medicines of the kind bottled in London under proprietary names. They were sold as cures for colic, fevers, rheumatism and similar complaints, and at 2s a vial they were among the costlier small items in the shop. Their presence shows that a St Helena shopkeeper stocked the same branded remedies sold across England. There the trade in patent medicines was growing rapidly at this date. The island's shops kept pace with it, supplied directly by ships from London.
253	243	"And a Case of the Value of three Shillings three Snuff boxes "of the Value of four Shillings one Tobacco box of the Value of nine "pence Seventy Papers with Needles of the Value of two Pounds "and two Shillings three Rings of the Value of five Shillings "two Jews harps of the Value of six pence two Pocket compasses "of the Value of one Shilling and six pence forty six Buckles of "different Sorts of the Value of twelve Shillings ten Pieces of "Nankeen Cloath of the Value of one Pound and ten Shillings "four Pairs of blue Breeches of the Value of twelve Shillings "one Piece of striped Silk of the Value of four Pounds and four "Shillings four Pieces of Chintz of the Value of two Pounds "one white Waistcoat of the Value of five Shillings a Remnant "of Nankeen cloath of the Value of one Shilling and six pence "fourteen Cork screws of the Value of ten Shillings fifteen "Pairs of Scissars of the Value of fifteen Shillings one "Piece of Gingham of the Value of eighteen Shillings one "Pair of Cotton stockings of the Value of three Shillings "two white Shirts of the Value of eight Shillings one "Table cloth of the Value of five Shillings one Coarse hat "of the Value of one Shilling fifty Pounds Weight of Bisket "bread of the Value of sixteen Shillings fourteen Pounds "Weight of Cheese of the Value of ten Shillings and two "Bags of the Value of one Shilling of the Goods and Chattels "of the sd. John Whitchurch in the said Shop then and there "being found then and there feloniously did steal take and	2 razors with a case, £0 3s 0d 3 snuffboxes, £0 4s 0d 1 tobacco box, £0 0s 9d 70 papers of needles, £2 2s 0d 3 rugs, £0 5s 0d 2 Jew's harps, £0 0s 6d 2 pocket compasses, £0 1s 6d 46 buckles of various kinds, £0 12s 0d 10 pieces of nankeen cloth, £1 10s 0d 4 pairs of blue breeches, £0 12s 0d 1 piece of striped silk, £4 4s 0d 4 pieces of chintz, £2 0s 0d 1 white waistcoat, £0 5s 0d 1 remnant of nankeen cloth, £0 1s 6d 14 corkscrews, £0 10s 0d 15 pairs of scissors, £0 15s 0d 1 piece of gingham, £0 18s 0d 1 pair of cotton stockings, £0 3s 0d 2 white shirts, £0 8s 0d 1 tablecloth, £0 5s 0d 1 coarse hat, £0 1s 0d 50 pounds of ship's biscuit, £0 15s 0d 14 pounds of cheese, £0 10s 0d 2 bags, £0 1s 0d The indictment described all these goods as the property of John Whitchurch, taken from his shop. It charged the theft as a felony in breach of the King's peace and of the statute that governed it. Cupid pleaded guilty. The Court then asked him whether he understood what a guilty plea meant and what would follow from it. Speaking to him with evident feeling, the Court explained how much more to his advantage another course would be. **Interpretations** A guilty plea to this charge would have left the Court no choice. Breaking into a shop and stealing goods worth five shillings or more was a capital offence without benefit of clergy. A plea admitted the whole indictment as drafted, including values totalling many pounds, and judgment of death had to follow. English judges routinely urged prisoners to withdraw guilty pleas in capital cases and to put themselves on trial. A jury could acquit, reduce the value or find that there had been no breaking, while a confession allowed none of those escapes. The Court's plain concern for Cupid showed that the island's justices followed the same merciful practice. It also showed that they understood the jury, not the plea, was the prisoner's only protection.

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		"bear away against the Peace of our Sovereign Lord the King "his Crown and Dignity and also against the Form of "the Statute in that Case made and provided." To the above Indictment Cupid pleaded "Guilty." The Court having thereon asked him if he knew the Nature or Consequence of pleading Guilty, and in a feeling Manner told him how much more eligible it would be for him to put	The rest of the stock completed the picture of a general store serving sailors, soldiers and householders. Chintz was glazed, printed Indian cotton in bright floral patterns, and gingham was a checked or striped cotton, also originally from India. Both came to St Helena directly on the Company's ships. At £2 for four pieces of chintz and £4 4s 0d for a single piece of striped silk, textiles were the most valuable part of the stock. A Jew's harp was a small metal mouth instrument plucked with a finger. It was sold cheaply as a toy and to sailors. Pocket compasses, corkscrews, penknives and buckles were the small hardware that ships' crews bought ashore.
254	244	himself on his Country; That his Plea was the strongest Conviction of his Guilt and Left no Room for Mercy, whereas in the Course of his Trial, should he submit thereto, some favour able Circumstances might arise to save his Life: Notwith standing which, he persevered in his Plea of Guilty and even told the Court he was satisfied to Die. Tom, the other Prisoner, pleaded "Not guilty." Cupid being moved from the Bar, and Tom put on his Trial, the twelve following Men, Viz. Orlando Bagley Junr. Simon Whaley George Alexander Jo: Chamberlane Stephen Young Willm. Harper Junr. Rob: Ballard Thos. Harper Willm. Harper Senr. Geo: Bird and John Robinson Rodk. Merchant were sworn upon his Jury. Then the Indictment was, a second time, read to him, and the Jury charged. Trial John Whitchurch, the Prosecutor, being duly sworn, saith that, on Friday the fourteenth of July last in the Morning, he found the Door of his Shop broke open, and the Shop robbed. That he immediately missed about fifty Pounds Weight of Bisket bread, and about fourteen of Cheese, also seven Pieces of Nankeen Cloath, six Nankeen Waistcoats, two Pallampores, three Pieces of Gingham, one Piece of Silk and Part of a Bag of Rice. That he soon afterwards received Information by Message from the Sentry at the Hospital that some Shop goods were seen	The Court told Cupid that he could instead put his fate in the hands of a jury. It explained that his plea was the strongest possible proof of his guilt and left no room for mercy. At a trial, by contrast, something might come to light in his favour that could save his life. Cupid still kept to his guilty plea, and he even told the Court he was content to die. Tom, the other prisoner, pleaded not guilty. Cupid was then taken from the bar, and Tom went on trial before a jury of the following twelve men, who were sworn in to hear his case. Orlando Bagley the younger George Alexander Stephen Young Robert Ballard William Hayes the elder John Robinson Simon Whaley Jo. Chamberlaine William Hayes the younger Thomas Harper George Bird Roderick Merchant The indictment was read to Tom a second time, and the jury received its instructions. John Whitchurch, who brought the prosecution, gave evidence on oath. On the morning of Friday 14 July 1769 he found the door of his shop forced open and the shop robbed. He immediately noticed that about 50 pounds of ship's biscuit and about 14 pounds of cheese were gone. Also missing were seven pieces of nankeen cloth, six nankeen waistcoats, two palampores, three pieces of gingham, a piece of silk and part of a bag of [...]. Soon afterwards, the sentry at the hospital sent word to him that some goods from a shop had been seen. **Interpretations** Cupid's refusal to withdraw his plea meant that a death sentence was certain. It also affected Tom's trial. A guilty plea was a confession that counted only against the person who made it. It could not be used as evidence against a co-accused. Tom therefore had to be convicted on the prosecution's own proof, without Cupid's admission. Cupid's statement that he was content to die was recorded without comment. It might suggest despair, a wish to take the blame alone or a belief that his fate was already settled. The record does not say which. Palampores were large hand-painted and printed cotton bedcovers and wall hangings made on the Coromandel coast of India. They were decorated with a flowering tree and brightly coloured birds and foliage. They were among the finest Indian textiles exported by the Company. They were almost certainly the "coverlets" valued at £4 0s 0d in the indictment. Whitchurch's first list of losses named only the bulkiest and most valuable goods. It covered well under half the items in the indictment, which was evidently compiled later from a full check of his stock.

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255	245	Early in the Morning on the Side of the Hill facing his Post, and that he had them picked up and brought to him by one of the Honble. Company's Slaves, and that he, the Sentry, wanted to know if he had lost any Goods, or if his Shop had been robbed; on which Mes sage he directly went to the Hospital, where he found the following Goods, Viz. Nine Pallampores, Nine Pounds Weight of Thread, seventeen Papers of Fish hooks, six Banian Shirts, one Pair of Trowsers, four Pairs of Shoes, one Card of Coat Buttons, ten Viols of Drops and one blue Jacket, all which Goods he knew to be his Property, and to have been stolen out of his Shop the Preceding Night. Saith that, next Day being the fifteenth, he received a Letter from Mr. John Defountain informing him he had found in a Chest belonging to his Slave, Tom, some Goods which, he suspected, were not honestly acquired, and he imparted the same to a Justice of Peace. The Court taking Notice of an Impro bability in that Part of the Evidence where the Witness says that, on his first examining his Shop, he only missed two Pallampores, and on going to the Hospital, he there found nine, he accounts for that seeming Inconsistency by informing the Court and Jury that, from the time he discovered his Shop broke open and robbed, to that of his receiving the Message from the Hospital, he had not Leisure enough to find out the exact Quantity of Goods he had lost; and that it became the harder for him to know or even guess at it, as the Goods that remained lay tossed and tumbled about in the Shop. Being desired to describe the Manner of breaking, says his Shop door was opened by Violence, the Staple having been wrenched out of the Frame. Mr. James Defountain, being duly sworn, Saith that, on the fifteenth of July last about twelve at Noon, being along with his Father in the Kitchen, he heard	Whitchurch said the sentry at the hospital reported that goods had been found early that morning on the hillside facing his post. One of the Company's slaves had gathered them up and brought them to him. The sentry wanted to know whether Whitchurch had lost any goods or whether his shop had been robbed. Whitchurch went straight to the hospital. There he found nine palampores, nine pounds of thread, seventeen papers of fish-hooks, six banian shirts, a pair of trousers, four pairs of shoes, a card of coat buttons, ten vials of medicinal drops and a blue jacket. He recognised all of these as his own goods, stolen from his shop the night before. The next day, 15 July 1769, Whitchurch received a letter from John Defountain. Defountain wrote that he had found goods in a chest belonging to his slave Tom which he suspected had not been honestly come by. He had already reported this to a justice of the peace. The Court pointed out that Whitchurch's evidence seemed improbable on one point. He had said that when he first checked his shop he noticed only two palampores missing, yet at the hospital he found nine. Whitchurch explained that between discovering the break-in and receiving the sentry's message, he had not had time to work out exactly what was gone. The task was all the harder because the goods left behind were scattered and jumbled around the shop, which made it difficult even to estimate his losses. Asked to describe how the shop had been broken into, he said the door had been forced open and the staple wrenched out of the frame. James Defountain then gave evidence on oath. He said that at about noon on 15 July 1769 he was in the kitchen with his father when he heard something. **Interpretations** The Court's challenge to Whitchurch on the palampores showed the bench testing the prosecutor's evidence on its own initiative. The prisoner had no counsel to do it for him. A victim who claimed after the event to have lost far more than he first noticed could be suspected of inflating his losses. That mattered in a case where the value of the goods decided whether the prisoner lived or died. Whitchurch's explanation was that the shop was in disorder and there had been no time to take stock. That was plausible, and it matched his earlier admission that he missed only the bulkiest goods at first sight. The exchange still put the jury on notice that the indictment's long list was reconstructed after the fact. As in Cupid's case the year before, the prosecution against Tom began with his owner. Defountain found the goods in Tom's chest, wrote to Whitchurch and reported the matter to a justice. The goods scattered on the hillside and recovered by a Company slave pointed to a hurried escape, with goods dropped along the way. The hospital stood on the slope above James's Valley, and its sentry kept watch over the approaches. Its position made it a natural point where loot being carried up out of the valley at night could be spotted in the morning.
256	246	him order Tom, the Prisoner at the Bar, to open his Chest: That the Prisoner opened it, and he, the Witness, took thereout six Nankeen Waistcoats, two Pair of Nankeen breeches, one Flannel Waistcoat, four Pair of Trowsers, thirteen fishing Lines, four Viols with Drops, one Handkerchief, eleven Penknives, three Snuff boxes, two Razors and Case, seventy Papers of Needles, a Piece of Cheese, three Rings	James Defountain said his father then ordered Tom to open his chest. Tom did so. James took out six nankeen waistcoats, two pairs of nankeen breeches, a flannel waistcoat, four pairs of trousers, thirteen fishing lines, four vials of medicinal drops, a handkerchief and eleven penknives. The chest also held three snuffboxes, two razors with their case, seventy papers of needles, a piece of cheese, three keys and two Jew's harps. At about five o'clock that evening, his father sent him with some of the household slaves to search the plantation where Tom usually worked. Hidden under

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		and two Jews harps. That about five O'Clock that Evening, his Father desired him to take some of the People along with him to the Plantation which the Prisoner com monly worked in, to search there, and in Searching, he found hid under some Grass, sixteen Penknives, one Pair of Scissars, two Pieces of Cheese, two Pocket Compasses, one Tobacco box, forty six Buckles of different Sorts, eight Pieces of Nankeen, two Pair of blue Breeches, one Piece of Silk, three Pieces of Chintz and two Bags, one whereof was about a third part full of Bisket bread, all which Things he had carried to his Father's. Peter, an Accomplice, being admitted as King's Evidence and sworn, Saith that, at a certain time, Cupid had proposed to him to Come together to the Fort, which he then declined because he was sick. That, one Thursday Night about nine O'Clock three Weeks afterwards, he, Cupid, again proposed it to him, and, to encourage him the more, told him that Tom, the Prisoner, was to go along with them, on which he consented, and they three set out together from their Master's, Cupid taking an Iron Crow in his Hand. That, as they were coming along, the Witness asked the sd. Cupid what he brought the Crow for, to which he replyed	some grass they found sixteen penknives, a pair of scissors, two pieces of cheese, two pocket compasses, a tobacco box and forty-six assorted buckles. There were also eight pieces of nankeen, two pairs of blue breeches, a piece of silk, three pieces of chintz and two bags, one of them about a third full of ship's biscuit. James took all these things back to his father's house. Peter, who had taken part in the break-in, was then accepted as a witness for the Crown and sworn. He said that some time earlier Cupid had suggested the two of them go down to the Fort together. Peter had refused because he was ill. About three weeks later, at around nine o'clock on the night of Thursday 13 July 1769, Cupid suggested it again. To win him over, Cupid said that Tom would be coming too. Peter agreed, and the three of them set off together from their master's property. Cupid carried an iron crowbar. On the way, Peter asked Cupid why he had brought the crowbar, and Cupid gave him an answer. **Interpretations** Peter was formally admitted as King's evidence. This was the recognised English procedure by which one accomplice gave evidence for the Crown against the others in return for an understanding that he would not be prosecuted himself. Unlike Anthony in the Toney case, who was simply called as a witness after his master extracted a confession, Peter's status was declared openly to the Court and jury. The jury therefore knew his evidence came from an interested party. Unlike Stephen Pipper, Peter carried no infamous conviction that could disqualify him. The goods found in Tom's chest and hidden on his plantation gave the independent corroboration that English practice required before an accomplice's account could safely support a conviction. "The Fort" was the common name on the island for the town in James's Valley, which had grown up around the Castle and its fortifications. To go "to the Fort" meant going down from the country estates into the town. The three slaves set out from Defountain's country property at nine at night and walked down to the valley. They broke into Whitchurch's shop at about eleven, as the indictment stated. By morning they had carried the goods back up the hillside past the hospital.
257	247	That it served him as a walking Stick. That when they came as far as Mr. Bagley's Stable on this Side the Water run, and at the Entrance of the Valley, Cupid and the Prisoner Left him there, and they two proceeded farther, directing their Course between the Slaughter house and Mr. Bird's, and, in about two hours time, they returned to him, each of them loaded with a Gunny bag full of Things, besides which, Cupid had a Handkerchief full of Bisket bread. That he, Cupid, gave him the Handkerchief with the Bread to Carry, and as they went along up side path, he asked them where they had found the Goods they were loaded with, and Tom at last told him that Cupid had broke open Mr. Whitchurch's Shop. That, when they came near ten pound Piece, Tom threw down his Bag and said he could carry it no farther, on which he loosed it, took some of the Goods out,	Peter said Cupid told him the crowbar was only a walking stick. When the three of them reached Mr Bagley's stable, on the near side of the watercourse at the entrance to the valley, Cupid and Tom left Peter there. The two of them went on, heading between the slaughterhouse and Mr Bird's. About two hours later they came back, each carrying a jute sack full of goods. Cupid also had a handkerchief full of ship's biscuit, which he gave Peter to carry. As they climbed Side Path, Peter asked where the goods had come from. Eventually Tom told him that Cupid had broken into Mr Whitchurch's shop. When they came near [...], Tom threw down his sack and said he could not carry it any further. Peter untied it, took out some of the goods and threw them down the hillside over the wall. He then picked up the sack with what was left, and they carried on together towards their master's property. At Cole's Gut, Cupid and Tom turned off into the plantation, and Cupid took back the handkerchief of biscuit from Peter. Peter went on towards his master's house alone. Before he reached it, Cupid caught up with him and told him that he and Tom had hidden all the goods in the plantation. Asked whether he had ever seen any of the goods his companions hid in the plantation, Peter said he had not. That concluded the prosecution's evidence, and Tom was invited to make his defence. He had

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		and threw them Down the Hill over the Wall. That then he took up the Bag with what remained of the Goods, and they proceeded together towards their Master's, and as they came as far as Cole's Gut, the sd. Cupid and the Prisoner at Bar went into the Plantation, Cupid taking from the Witness the Handkerchief full of Bread, and he continued his Way home to his Master's, but before he reached the House was overtaken by Cupid, who then informed him how he and the Prisoner Tom had hid all the Things in the Plantation. Being asked if he ever had seen any of the Goods hid by his Accomplices in the Plantation, says he never had. The Evidence for the Crown resting here, the Prisoner is put on his Defence, but has Nothing to offer in his Justification. The Whole being summed up to the Jury,	nothing to say in his own justification. The case was then summed up for the jury. **Interpretations** Peter's account kept his own part in the theft to a minimum. He said he waited at Bagley's stable while the others went to the shop. He admitted carrying goods only after the break-in and claimed to have learnt only on the way home where the goods had come from. That placed him as a receiver and helper after the fact, not as one of the men who broke in. It also made his testimony safer for him to give. His admission that he had thrown goods down the hillside over the wall matched the goods the Company slave found on the slope and handed to the hospital sentry. That gave the jury independent confirmation of his story at the point where it was most detailed. Peter's evidence also placed Tom at every stage. Tom went with Cupid into the valley, carried a full sack back and gave up under its weight. He then turned off with Cupid to hide the goods in the plantation, where James Defountain later found them under grass. With Tom's own chest already full of stolen stock and no defence offered, the only question left for the jury was the value it would put on the theft.
258	248	They retired to consider. On their Return, they declared their Verdict, by which they found Tom, the Prisoner "Guilty of four Shillings and ten pence." The Verdict being recorded, the Prisoner Sentenced to be burnt in the Hand and Discharged, which Sentence was put in Due Execution against him in the Face of the Court. Cupid being brought to the Bar of the Court, and having Nothing to move in Arrest of Judgment, received Sentence to be hanged by the Neck till his Body was dead. The Business of the Sessions being now ended, the Grand and Petit Juries were dismissed, and the Court was, by Proclamation, adjourned to the tenth Day of January next ensuing. On the thirteenth Day of this Instant October, a Warrant for the Execution of the sd. Cupid was issued out, and on the fourteenth, he was executed pursuant thereto. John Skottowe Dan Corneille Bruling	The jury withdrew to consider its verdict. When the jurors came back, they found Tom guilty but valued the theft at £0 4s 10d. Once the verdict had been entered in the record, Tom was sentenced to be branded on the hand and then released. The branding was carried out at once, in open court. Cupid was then brought back before the Court. He had no reason to offer why judgment should not be given against him. The Court sentenced him to be hanged by the neck until he was dead. With the business of this sitting complete, both the grand jury and the trial jury were sent home. A formal proclamation then adjourned the Court until 10 January 1770. A warrant for Cupid's execution was issued on 13 October 1769, and he was hanged the following day, 14 October 1769. The record was signed by John Skottowe, Daniel Corneille and Matthew Burling. **Interpretations** The two men who broke into Whitchurch's shop together met opposite fates, and the difference came entirely from the plea. Tom denied the charge and went before a jury. The jurors valued goods recovered by the pound at twopence below the five-shilling capital line, exactly as the jury in the earlier case against Bazett's slave Cupid had done in July 1768. Tom was branded and released. Cupid admitted the whole indictment, with its valuations running to many pounds, and so gave up the only protection the law allowed him. The Court's warning that a trial might produce something to save his life came true in Tom's case. Cupid's refusal to take that chance led directly to the gallows. The execution followed ten days after the Court sat, and only a single day passed between the warrant and the hanging. That was even faster than in Marck's case in January 1768. The Court had no discretion once the plea was entered, and it had no practical means of sending the case to England for mercy. Cupid's statement that he was content to die was carried out within a fortnight.
259	249	Island of St. Helena. At a special Meeting of Justices at the Castle in James's Valley, held on Wednesday the eighth Day of November, in the tenth year of his Majesty's Reign, for the Examination of Witnesses, in a Case	Governor Skottowe, Daniel Corneille and Matthew Burling, three of the King's justices of the peace on the island, held a special meeting at the Castle in James's Valley on Wednesday 8 November 1769, in the tenth year of the King's reign. They met to examine witnesses in a case of rupees forged from

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		of counterfeiting Rupees out of base Metal, and other Matters, by John Skottowe, Danl. Corneille and Matthew Bruling Esqrs. three of his Majesty's Justices of the Peace for the sd. Island, the Witnesses herein after mentioned were severally heard, who deposed as follows. Roderick Merchant, Innholder, appearing before the sd. Justices, and being duly sworn, Saith that, on the twenty sixth of October last about the Hour of seven in the Evening, John Dobson, William Brown and one Frankish, in paying for some Liquor they had had in his House, the said Brown gave him towards his Part of the Reckoning a bad Rupee, and that the sd. Frankish, to the Best of his Knowledge, gave him an other: That on his discovering the sd. two Rupees to be base Coin and counterfeited, he challenged them; On which the sd. Brown said "I know the Person I had them "from, and am proud on't, as I shall be more cautious an other "time." That the sd. Frankish desired him to give him back the bad Rupees, and that he would bring him good ones in Lieu thereof, but that, instead of giving them back, he said he	base metal, along with some other matters. Each witness was heard in turn and gave the evidence set out below. Roderick Merchant, an innkeeper, appeared before the justices and gave evidence on oath. At about seven o'clock on the evening of 26 October 1769, he said, John Dobson, William Brown and a man named Frankish settled up for drinks they had had at his house. Brown paid his share of the bill with a bad rupee. As far as Merchant could tell, Frankish handed over another. Merchant realised that both coins were forgeries made of base metal and confronted the men about them. Brown answered that he knew who had given him the coins and was glad to know it, as he would be more careful in future. Frankish asked Merchant to give back the bad rupee and promised to bring good coins in its place. Merchant did not hand it back. **Interpretations** The special meeting was a preliminary examination, not a trial. English statutes of the Tudor period required justices to question witnesses in any suspected felony and record their sworn statements before the grand jury considered the case. At a special meeting outside the quarterly sitting, the three justices could gather evidence quickly while the coins and the people passing them were still traceable. The resulting statements would later be sent to the grand jury and read at any trial. Forged rupees went to the core of the island's economy. Sterling was always scarce on St Helena, and Indian silver rupees brought by the East India ships made up a large part of the coin in daily use. Earlier cases showed rupees in slaves' savings, soldiers' chests and shopkeepers' tills. A forged rupee made of base metal, perhaps silvered copper or pewter, threatened every transaction on the island. Merchant's alertness in spotting two bad coins over a single evening's bill shows how closely innkeepers had to check the silver they took. Merchant himself now appeared as an innholder. This confirmed that the Roderick Merchant who had sat on almost every jury in these records was the same man who kept the punch house where Beeckmans and Fullwood drank. His premises, where coin changed hands constantly among soldiers and sailors, were naturally where forged money would first appear.
260	250	would not part with them till he produced them to the Governor and Council. James Parfett, Corpl. of Artillery, being sworn, saith that, on the twenty ninth Day of October last, John Dobson came to his House, and asked for a Penn'worth of Tobacco, to pay for which he tendered a Rupee to the Girl who minds the Shop. That, on hearing some bad Rupees had been passed at Merchant's, he examined his Till, and found a bad Rupee in it, which he afterwards delivered to the sd. Merchant. He can't say it was the sd. Dobson that gave the Girl in the Shop the bad Rupee found by him among his other Money. John Seale, Innholder, being duly sworn, Saith that, on the thirtieth of October last, he heard in the Honble. Company's Stores that some bad Rupees had been lately passed on the Island, on which he went home and examined some Money he had in a Drawer: That among thirteen or fourteen	Merchant said he refused to hand the coins back and told the men he would keep them until he had shown them to the Governor and Council. James Parfett, a corporal of artillery, gave evidence on oath. On 29 October 1769, he said, John Dobson came to his house and asked for a pennyworth of tobacco. He handed the girl who looked after the shop a rupee in payment. Later Parfett heard that bad rupees had been passed at Merchant's, so he checked his till. He found a forged rupee there, which he later gave to Merchant. He could not say for certain that Dobson was the one who had given the girl the bad coin he found among the rest of his money. John Seale, an innkeeper, gave evidence on oath. On 30 October 1769, he said, he heard at the Company's stores that bad rupees had lately been passed on the island. He went home and checked the money he kept in a drawer. Among the 13 or 14 rupees there, he found one forgery, which he brought to the Governor and Council the same morning. He did not know who had given it to him. William Copping, a soldier, gave evidence on oath. Between eight and nine o'clock on the morning of Sunday 29 October 1769, he said, he came down to the armourer's shop. There he saw John Dobson

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		Rupees he then happened to have in the sd. Drawer, he discovered a bad one, which he, that same Morning, brought to the Governr. and Council. Says he knows not of whom he had it. William Copping, Soldier, on his Oath, Saith that, on Sunday the twenty ninth of October last, between eight and nine of the Clock in the Morning, he came down to the Armourer's Shop, and in it saw John Dobson and William Brown with a Pair of Molds: That he, at same time, saw a Bit of Iron hoop made in the Form of a Ladle over the Fire containing some Metal: That he saw the sd. Dobson and Brown cast the melted Metal out of the Ladle into the Mold, but without	and William Brown with a pair of moulds. Over the fire was a piece of iron hoop bent into the shape of a ladle, holding some metal. Copping watched Dobson and Brown pour the molten metal from the ladle into the mould. **Interpretations** Copping's evidence showed that the forgeries were cast, not struck. Genuine rupees were made by striking silver blanks between engraved dies under heavy pressure. Dobson and Brown instead poured molten base metal into a two-part mould, perhaps taken from a real coin. Cast forgeries of this kind looked blurred and felt the wrong weight, and they rang dull when dropped. That explains how Merchant, Parfett and Seale each spotted them quickly once they knew to look. The forgers used the garrison armourer's shop, a military forge kept for repairing weapons. It gave them a fire hot enough to melt metal, and on a Sunday morning it was probably unattended. The spread of the forged coins showed how quickly base money moved through the island's small economy. Within four days, bad rupees had turned up at two inns and at a corporal's tobacco shop. They were also being discussed at the Company's stores. Parfett, a corporal who ran a small shop in his house with a girl serving customers, was one of several soldiers in these records who traded alongside their military duties. Seale took his forged coin straight to the Governor and Council instead of to a single justice. That shows the forgery was treated as a matter for the island's government as a whole and not just an ordinary theft.
261	251	would not part with them till he produced them to the Governor and Council. James Parfett, Corpl. of Artillery, being sworn, saith that, on the twenty ninth Day of October last, John Dobson came to his House, and asked for a Penn'worth of Tobacco, to pay for which he tendered a Rupee to the Girl who minds the Shop. That, on hearing some bad Rupees had been passed at Merchant's, he examined his Till, and found a bad Rupee in it, which he afterwards delivered to the sd. Merchant. He can't say it was the sd. Dobson that gave the Girl in the Shop the bad Rupee found by him among his other Money. John Seale, Innholder, being duly sworn, Saith that, on the thirtieth of October last, he heard in the Honble. Company's Stores that some bad Rupees had been lately passed on the Island, on which he went home and examined some Money he had in a Drawer: That among thirteen or fourteen Rupees he then happened to have in the sd. Drawer, he discovered a bad one, which he, that same Morning, brought to the Governr. and Council. Says he knows not of whom he had it. William Copping, Soldier, on his Oath, Saith that, on Sunday the twenty ninth of October last, between eight and nine of the Clock in the Morning, he came down to the Armourer's Shop, and in it saw John Dobson and William Brown with a Pair of Molds: That he, at same time, saw a Bit of Iron hoop made in the Form of a Ladle over the Fire containing some	Copping said the attempt failed, because the metal spilled over the edge of the mould. He then left the shop and soon afterwards went up into the country. The next morning, as he stood near the bridge, Dobson came up to him. Dobson told him that Brown had passed three bad rupees at Merchant's, and that Merchant had recognised them as forgeries and said he would take them to the Governor and Council. Dobson begged Copping to say nothing about them and promised to make sure he never made such coins again. Copping added that the moulds he saw Dobson and Brown using were made for casting rupees, with the design of a rupee cut into the lower half. Lieutenant Charles Ross Stewart gave evidence on oath. On Monday 30 October 1769, he said, Governor Skottowe and his Council ordered him to go with the constable to John Dobson's quarters. They were to search for any tools or materials that were meant for coining or looked as if they were. Acting on that order, the constable searched the room while Stewart watched. He found a box containing some white metal. He searched thoroughly for moulds but found none. Stewart produced the metal, and it appeared to be the same kind as the metal used for the forged rupees. That concluded the witnesses' evidence, and the prisoners were questioned one at a time. William Brown said that on 29 October 1769 he drank ninepence worth of punch at Mr Merchant's. To pay for it, he gave one of the boys serving at the bar a shilling to change. When he ordered the same again, he paid with one of the rupees. **Interpretations** The prisoners were questioned separately and without being sworn, as the Tudor statutes on preliminary examinations required. Justices were to take down whatever an accused person chose to say, but they could not put him on oath against himself. Questioning Dobson and Brown one at a time stopped either man hearing the other's account and tailoring his own to match. Any contradictions

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		Metal: That he saw the sd. Dobson and Brown cast the melted Metal out of the Ladle into the Mold, but without	between them could then be put before the grand jury. It was the justices' main safeguard against collusion between men who, on Copping's evidence, had worked side by side at the mould. The white metal found in Dobson's room was probably pewter or a similar alloy of tin and lead. It melted easily in a makeshift ladle over a forge fire and, when freshly cast, looked bright enough to pass as silver in poor light. Finding it in his quarters tied Dobson to the same material as the forged coins, even though no moulds turned up. Dobson's plea to Copping for silence, together with his promise not to repeat the offence, amounted to an admission that he knew the coins were being made. It followed the same pattern of seeking silence that had damaged Fullwood's defence.
262	252	Effect, as it ran over the Mold; on which he went out of the Shop, and soon after into the Country. That next Morning as he the Witness, stood near the Bridge, the sd. Dobson came to him and said that the sd. Brown had passed three bad Rupees at Merchant's, who, on discovering them to be bad and counterfeit, said he would lay them before the Governor and Council: That he then begg'd that he the Witness would say Nothing about them, and that he should take Care never more to make such Rupees. He also says that the Molds he saw the said Dobson and Brown make use of were for casting Rupees having the Impression or Stamp of a Rupee struck on the bottom part thereof. Lieut. Charles Ross Stewart, being duly sworn, saith that, on Monday the thirtieth of October last, he was ordered by the Governor in Council to go along with the Constable to John Dobson's Appartment, and there to search for any Implements or Materials intended for, or having the Appearance of coining: That, in Pursuance of such Order, the Constable, in his Presence, made Search in the sd. Appartment, and found therein a Box with some white Metal, and made the strictest Search for Molds but found none. The Metal so found being produced by the Witness appears to be of the same kind with that the bad Rupees were made out of. The Evidence closing here, and the Prisoners being separately put to answer, William Brown for himself saith that, on the twenty sixth of October last, he had nine penn'worth of Punch at Mr. Merchant's, to pay for which he gave one of the Boys in the Bar a Shilling to change; and having called for as much more, he gave him one of those	Copping said the attempt failed, because the metal spilled over the edge of the mould. He then left the shop and soon afterwards went up into the country. The next morning, as he stood near the bridge, Dobson came up to him. Dobson told him that Brown had passed three bad rupees at Merchant's, and that Merchant had recognised them as forgeries and said he would take them to the Governor and Council. Dobson begged Copping to say nothing about them and promised to make sure he never made such coins again. Copping added that the moulds he saw Dobson and Brown using were made for casting rupees, with the design of a rupee cut into the lower half. Lieutenant Charles Ross Stewart gave evidence on oath. On Monday 30 October 1769, he said, Governor Skottowe and his Council ordered him to go with the constable to John Dobson's quarters. They were to search for any tools or materials that were meant for coining or looked as if they were. Acting on that order, the constable searched the room while Stewart watched. He found a box containing some white metal. He searched thoroughly for moulds but found none. Stewart produced the metal, and it appeared to be the same kind as the metal used for the forged rupees. That concluded the witnesses' evidence, and the prisoners were questioned one at a time. William Brown said that on 29 October 1769 he drank ninepence worth of punch at Mr Merchant's. To pay for it, he gave one of the boys serving at the bar a shilling to change. When he ordered the same again, he paid with one of the rupees. **Interpretations** The prisoners were questioned separately and without being sworn, as the Tudor statutes on preliminary examinations required. Justices were to take down whatever an accused person chose to say, but they could not put him on oath against himself. Questioning Dobson and Brown one at a time stopped either man hearing the other's account and tailoring his own to match. Any contradictions between them could then be put before the grand jury. It was the justices' main safeguard against collusion between men who, on Copping's evidence, had worked side by side at the mould. The white metal found in Dobson's room was probably pewter or a similar alloy of tin and lead. It melted easily in a makeshift ladle over a forge fire and, when freshly cast, looked bright enough to pass as silver in poor light. Finding it in his quarters tied Dobson to the same material as the forged coins, even though no moulds turned up. Dobson's plea to Copping for silence, together with his promise not to repeat the offence, amounted to an admission that he knew the coins were being made. It followed the same pattern of seeking silence that had damaged Fullwood's defence.

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263	253	Room. That, in half an hour afterwards, he went to the Shop, and there found the sd. Copping, who had lighted a fire, as he believes to Dress some Victuals: That he was scarce ten minutes in the sd. Shop when John Pinke came in who tarried there as long as the sd. Copping, for, having breakfasted together, they both left the Shop at the same time. That, between eleven and twelve of the Clock, the sd. Copping and Pinke returned, and they, the Prisoner, William Brown the other Prisoner and Frankish dined all together in the sd. Shop. The Prisoners having Nothing more to offer in Refutation of the Charge against them, the Justices, having duly considered the Evidence, are unanimously of Opinion that the Charge of counterfeiting Rupees with Intent to Defraud the Public is fully proved against them: And as by several Statutes in such Case provided it is made High Treason to Counterfeit the King's Coin, and that to counterfeit any Foreign Coin made current by the King's Proclamation in the Realm of Great Britain is also made High Treason; And Sensible that Rupees are the Currency of this Island, yet doubting how far such Currency comes within the Meaning of the Act as not included in the Foreign Coin made current by Proclamation in Great Britain, they have Judged it proper to bring the Case now before them to this Issue. And Considering the Dangerous and hurtfull Tendency of such Mal practices, they have determined that the sd. John Dobson and William Brown do henceforth remain confined in his Majesty's Goal for the sd. Island till the Arrival of the first homeward bound Ship in the year 1770, then to be discharged from the Garrison, and at a Seasonable Time before the departure of such Ship, to be put on board her and to be sent off the Island with a Halter round each of their Necks.	In his own account, Dobson said that about half an hour after leaving the room he went to the armourer's shop. There he found Copping, who had lit a fire, Dobson believed, to cook some food. Dobson had been in the shop barely ten minutes when John Pinks came in. Pinks stayed as long as Copping did, and after they had eaten breakfast together, the two of them left at the same time. Between eleven o'clock and noon, Copping and Pinks came back. Dobson, Brown and Frankish then all had dinner together with them in the shop. The prisoners had nothing more to say in answer to the charge. The justices considered the evidence and agreed unanimously that the charge of forging rupees to cheat the public was fully proved against both men. Several statutes made it high treason to forge the King's coin. Forging any foreign coin made legal currency in Great Britain by royal proclamation was also high treason. The justices recognised that rupees were the currency of the island. They doubted, however, whether that brought rupees within the meaning of the law, since rupees were not among the foreign coins made current in Great Britain by proclamation. They therefore decided to deal with the case in a different way. Considering how dangerous and damaging such practices were, the justices ordered that Dobson and Brown should stay in the island's gaol until the first ship bound for England arrived in 1770. They were then to be discharged from the garrison. At a suitable time before that ship sailed, they were to be put on board and sent off the island, each with a noose around his neck. **Interpretations** The noose around each man's neck was a shaming ritual borrowed from English practice. There, an offender whose crime deserved death but who was spared was sometimes made to wear a halter in public. It showed everyone that he had escaped the gallows only through mercy. By sending Dobson and Brown onto the ship this way, the justices announced to the garrison and the town that they regarded the offence as capital in all but name. Being discharged from the garrison and shipped home amounted in practice to banishment. It stripped the two men of their pay and position and removed them from the island's small economy. It was a punishment the Governor and Council could impose on Company soldiers under their own authority over the garrison, without a jury. **Speculations** The obvious course was to send Dobson and Brown to the grand jury on a charge of high treason. The evidence was strong: an eyewitness saw them casting, the white metal was found in Dobson's room and Dobson had pleaded for silence. The justices set that course aside because of a real legal doubt, which they set out in the record. The treason statutes covered English coin and foreign coin made current in Great Britain by proclamation. The rupee was legal tender only on St Helena and had never been proclaimed in Britain. A treason prosecution might therefore have failed on a point of law, or produced a hanging that could not be defended. It would also have required the full horror of the treason penalty against two soldiers for forging a local currency. The justices chose a summary punishment within the Company's own power instead. They kept the men in gaol, discharged them and shipped them home in public disgrace. This protected the island's coinage without risking a doubtful capital conviction.
264	254	On the second Day of this Instant November, One Scipio an old Man slave belonging to John Bagley a	On 2 November 1769, Scipio, an elderly slave owned by the planter John Bagley, came before Governor Skottowe to complain about his treatment.

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		Planter came before the Governor and complained to him of his Master's having used him very ill, by beating and obliging him to work when sick and unable, without allowing him at such Times necessary Sustenance. The Governor, in Pity to the old Man's Case, and to prevent for the future such inhuman Treatment, sent an Order to the sd. John Bagley to appear before Council on the Monday following to answer to the above Complaint. On his Appearance, he was admonished and inhibited to strike the sd. Scipio, or require any other Work of him than such as may be reasonably expected from an infirm old Man, which Inhibition he promised strictly to Comply with, and he was thereon dismissed. Next Day the sd. Scipio, William Harper and John Price Publicans came before the Lieut. Governor to lodge Complaints agst. the sd. Bagley, but before he took their Informations, he acquainted the Governor and Mr. Bruling therewith, and as they were that Morning going out of Town, he alone took the following Informations, Viz. Island of St. Helena ss. The Information of Scipio taken before me Danl. Corneille Esqr. one of his Majesty's Justices of the Peace for the sd. Island. This Informant, on his Oath, Saith that, having been ill treated by his Master John Bagley at a time when sick, and that he was forced to work, when, by Infirmity and old Age, he was rendered incapable, he came before the Governor, and complained to him of the same, on which the Governor sent	Bagley had beaten him badly and made him work when he was sick and unfit for labour, without giving him enough food at those times. The Governor was moved by the old man's situation and wanted to stop such cruelty from happening again. He ordered Bagley to appear before the Council on Monday 6 November 1769 to answer the complaint. When Bagley appeared, he was reprimanded and forbidden to strike Scipio. He was also forbidden to demand more work from him than could reasonably be expected of an infirm old man. Bagley promised to keep strictly to these conditions, and the Council let him go. The next day, Scipio went before the Lieutenant Governor with William Hayes and John Price, both innkeepers, to lodge further complaints against Bagley. Before taking their statements, the Lieutenant Governor told the Governor and Burling about the matter. Both men were leaving town that morning, so he took the sworn statements on his own. Daniel Corneille, one of the King's justices of the peace for the island, recorded Scipio's statement first. Scipio said on oath that his master had mistreated him while he was sick and had forced him to work even though age and infirmity had left him unable to. He had therefore gone to the Governor to complain. The Governor then sent for Bagley. **Interpretations** Scipio's complaint relied on a protection that had no counterpart in English law, which did not recognise slavery at home. The Company's regulations for St Helena allowed a slave who was cruelly treated to appeal directly to the Governor. They also gave the Governor and Council power to discipline an owner who beat, starved or overworked his slaves. That power was used here in its mildest form. Bagley received a reprimand and an order that bound him to specific limits on how he treated one named slave. His promise to comply made any later breach a direct defiance of the Council. That set the stage for the fresh complaints that followed the very next day. Scipio was allowed to give a sworn statement against his own master before a justice, alongside two free innkeepers. That shows how far the island's courts would go in hearing slaves as witnesses when an owner's cruelty was in question. Corneille acted here as Lieutenant Governor, the Governor's deputy and second in the Council. He carefully told his colleagues before acting alone. That precaution reflected how sensitive it was for a single justice to take evidence against a planter on behalf of a slave.
265	255	an Order to the sd. Bagley to appear on the Monday following before him and the other Gentlemen of Council to answer to the Complaint preferred agst. him by this Informant. That on the sd. Bagley's and this Informant's appearing before the Council, their several Allegations being heard, the sd. Bagley was in his Presence ordered not to strike nor ill use him, and to take him home with him. That the sd. Bagley, instead of complying with the sd. Order, took him, the Informant, up to Harper's Punch house, and there beat him with a Stick, but being prevented from giving him any more Blows in that House, he took him up to Price's and there began to strike him again, and with a Stick	Scipio said the Governor had ordered Bagley to appear on the following Monday before him and the other members of the Council to answer the complaint. Both Bagley and Scipio attended, and each gave his account. In Scipio's presence, the Council ordered Bagley not to strike or mistreat him and to take him home. Bagley ignored the order. He took Scipio up to Hayes's punch house and beat him there with a stick. When he was stopped from hitting Scipio any more in that house, he took him on to Price's. There he started beating him again and struck him four or five times with a stick. Scipio believed Bagley would have hit him many more times if Mr Price had not stopped him. Scipio signed his statement with his mark. William Hayes's statement was also taken before Daniel Corneille as justice of the peace. Hayes said on oath that at about one or two o'clock on the afternoon of Monday 6 November 1769, Bagley came to his house with two of his slaves, Scipio and Toney. Bagley asked him for a piece of rope, saying he wanted to tie Scipio up with it. Hayes refused to give him any.

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		gave him four or five Blows, and thinks he would have given him many more had he not been prevented by Mr. Price. The Mark of Scipio The Information of William Harper taken before me Danl. Corneille Esqr. one of his Majesty's Justices of the Peace for the sd. Island. This Informant being duly sworn, Saith that on Monday the sixth Instant about the Hour of one or two in the Afternoon John Bagley came to his House, and had along with him his two Servants Scipio and Toney; That the sd. Bagley asked the Informant for a Piece of Rope to tie, as he said, the sd. Scipio therewith, but gave him none. That the sd. Bagley taking Notice of a Bag wch. the sd. Scipio had, he made him empty it, and with a Man's Shoe that came out of the Bag he beat him about the Head and afterwards attempted to beat him with a Stick but was prevented by the Informant by taking it from him. That having some Occa sion to go into an other Room, he from thence heard the Sound of a Blow on which he ran out, and took from the sd. Bagley a Bamboo with which he supposes him to have struck the sd. Scipio. Signed Willm. Harper.	Bagley then noticed a bag Scipio was carrying and made him empty it. A man's shoe fell out, and Bagley used it to beat Scipio about the head. He then tried to beat him with a stick, but Hayes took the stick from him. Hayes later went into another room. From there he heard a blow, ran back and took from Bagley a [...] which he believed Bagley had used to strike Scipio. Hayes signed his statement. **Interpretations** Bagley began beating Scipio within hours of being ordered by the Council not to strike him. He did so in two public houses in the town, in front of witnesses. This went beyond simple cruelty. It was open defiance of the Governor and Council, the island's highest authority. Scipio had shown that a slave could appeal over his owner's head, and Bagley appears to have been punishing him for making the complaint. He was also making a public show of his refusal to accept the Council's limits on how he treated his own property. The innkeepers' behaviour shows the limits of what the island's community would tolerate. Hayes refused to hand over rope for tying Scipio up, took the stick from Bagley and then took a second weapon from him. Price stopped the beating in his own house. Neither man had any legal duty to protect a slave from his owner. Both nevertheless stepped in to stop the violence and then came forward the next day to give evidence against a free planter. Scipio's own statement was recorded with his mark because he could not write. It sat alongside Hayes's signed statement, so the Council had both a slave's sworn account and a free man's corroboration of the same events.
266	256	The Information of John Price taken before me Danl. Corneille Esquire one of his Majesty's Justices of the Peace for the sd. Island. This Informant, being duly sworn, Saith that, on Monday the sixth Instant, between the Hours of two and three in the Afternoon, being in his back Yard, and hearing a Disturbance in the Front Part of his House just as he was opening the back Door in order to Come in, he saw John Bagley striking his Servant Scipio with a Bamboo Stick, and believes he gave him two or three Blows then, but understands he had before that struck him. That he prevented him from striking him any longer, and that the sd. Scipio, at the same time, on his knees begg'd his Master's Forgiveness, assuring him he would never again offend him; On which the sd. Bagley said, he should strike him no more himself, but that Harris should when he gott him home. The Mark of Jno. Price Sworn the seventh Day of November, in the tenth year of his Majesty's Reign, and in the year of our Lord 1769. Before me Dan Corneille	John Price's statement was also taken on oath before Daniel Corneille as justice of the peace. Between two and three o'clock on the afternoon of Monday 6 November 1769, Price said, he was in his back yard when he heard a disturbance at the front of his house. As he opened the back door to come in, he saw Bagley hitting his slave Scipio with a bamboo cane. Price thought Bagley struck him two or three times then, and he understood that Bagley had already hit him before. Price stopped him from going on. At the same time, Scipio went down on his knees and begged his master's forgiveness, promising never to offend him again. Bagley answered that he would not hit Scipio any more himself, but that [...] would do it once he got him home. Price made his mark at the end of his statement. It was sworn on 7 November 1769, in the tenth year of the King's reign, before Daniel Corneille. **Interpretations** Bagley's remark to Scipio showed that he meant to get round the Council's order and not obey it. The Council had forbidden Bagley himself to strike Scipio. By promising to hand the beating over to someone else once they got home, he kept to the letter of the ban while making clear that the punishment would go on. Scipio's plea on his knees, promising never to offend again, strongly suggests that the "offence" Bagley was punishing was the complaint to the Governor itself. Price's evidence gave the Council proof, from a free witness, that Bagley planned to keep defying its order. Price signed with a mark, as Scipio had done. A licensed innkeeper on the island could not write his own name. The Council's evidence therefore rested equally on two men who could not write, one free and one a slave. Only Hayes was able to sign.

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267	257	On taking the foregoing Informations, he granted his Warrant for apprehending the sd. Bagley, who, being thereon apprehended, was committed to his Majesty's Goal, where he was kept in the Goaler's Custody till he was this Day brought before the sd. Justices. The Informations agst. him being read to him, his Infraction of Orders, his Contempt of Authority and his repeated ill Treatment of Scipio the Complainant being laid open to him, he expressed so much Concern, seemed so affected, and was so sensible of his Transgression, that the Justices, thro' their Lenity, adjudged his Confinement of eight and forty hours sufficient Punishment for his Offence, and, on his Promise of behaving better for the future he was dismissed, and the Meeting was Dissolved. John Skottowe Dan Corneille Bruling	After taking these statements, Corneille issued a warrant for Bagley's arrest. Bagley was arrested and committed to the island's gaol, where the gaoler held him until he was brought before the justices at the special meeting on 8 November 1769. The statements against Bagley were read out to him. The justices set out plainly how he had broken the Council's order, defied its authority and repeatedly mistreated Scipio. Bagley showed so much distress and remorse, and seemed so well aware of his wrongdoing, that the justices chose to treat him leniently. They ruled that the 48 hours he had already spent in gaol were punishment enough. Bagley promised to behave better in future, and on that promise he was released. The meeting then closed. The record was signed by John Skottowe, Daniel Corneille and Matthew Burling. **Interpretations** The outcome showed both the reach and the limits of the protection the island's government gave to slaves. Bagley's arrest and two nights in the common gaol were a real humiliation for a free planter. They were imposed on the sworn word of his own slave and two innkeepers, and they made clear that open defiance of the Council would not go unanswered. The punishment, however, was aimed at the contempt of authority more than at the cruelty. Once Bagley had shown remorse to the justices, he walked free on a promise alone. He paid no fine and gave no bond for his good behaviour, and nothing was done to move Scipio out of his household. Scipio went back to the owner who had beaten him twice in one afternoon for complaining. His protection rested on Bagley's word and on the knowledge, now established, that Governor Skottowe would listen if he complained again.
268	258	On the fourth Day of October, in the ninth Year of his Majesty's Reign, a Precept upon the Commission of the Peace was issued out and delivered to the Sheriff. On the twenty seventh Day of December, in the tenth year of his Majesty's Reign, a Precept upon the Commission of Oyer and Terminer was issued out and delivered to the sd. Sheriff. On the tenth Day of January following, a Precept upon the Commission of Goal Delivery was issued out and delivered to the sd. Sheriff. The General Quarter Sessions of the Peace holden at the Hall in James's Valley for the Island of St. Helena, the tenth Day of January, in the tenth year of the Reign of our Sovereign Lord George the third of Great Britain, France and Ireland King, Defender of the Faith, and so forth, before John Skottowe, Danl. Corneille and Matthew Bruling Esquires, three of his Majesty's Justices, assigned to keep the Peace in and for the sd. Island, also Commissioners of Oyer and Terminer, authorized to hear and Determine all Felonies, Trespasses and other Misdemeanors in the sd. Island committed.	The sheriff received a precept under the commission of the peace on 4 October 1769, in the ninth year of the King's reign. A precept under the commission of oyer and terminer followed on 27 December 1769, by which point the tenth year of the reign had begun. A third, under the commission of gaol delivery, was issued and delivered to him on 10 January 1770. The general quarterly court of the peace sat at the Hall in James's Valley on 10 January 1770, in the tenth year of the reign of King George III. The bench consisted of Governor Skottowe, Daniel Corneille and Matthew Burling, three of the King's justices appointed to keep the peace on the island. They also held a commission of oyer and terminer, which gave them power to try and decide every felony, trespass and lesser offence committed on the island. **Interpretations** The heading for this sitting named only the general quarterly court of the peace. At every earlier sitting it had also named the courts of oyer and terminer and gaol delivery. All three precepts had still been issued in the usual way. The shorter heading was probably the clerk's anticipation that no felony would come to trial. Dobson and Brown, the only prisoners known to be in the gaol, were not held for trial. The justices had already sentenced them in November 1769 to wait there for the first ship home in 1770.
269	259	The Court being opened upon the Commission of the Peace, a Grand Jury consisting of seventeen of the principal Inhabitants of the Body of the sd. Island were sworn; And being asked if they knew of any Business upon that Commission, they, for their better Information, retired to Consider: On their Return they declared they knew	The Court opened under the commission of the peace, and a grand jury of 17 leading inhabitants of the island was sworn in. Asked whether they knew of any matter for the Court under that commission, the jurors withdrew to gather information. When they came back, they said they knew of none. The overseers of the highways then handed in their reports on the road work carried out. The findings of a coroner's inquest held during the

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		of None. The Overseers of the high Ways having given in their respective Returns of Work, the Proceedings of a Coroner's Inquest held in the Course of the foregoing Quarter were read. And as it appeared by the Sheriff's Return that there were then no Prisoners in his Majesty's Goal, the Court was, by Proclamation, adjourned to the twenty fifth Day of April next ensuing. John Skottowe Dan Corneille Bruling	previous quarter were read out. The sheriff reported that there were no prisoners in the gaol at all. The Court was therefore adjourned by formal proclamation until 25 April 1770. The record was signed by John Skottowe, Daniel Corneille and Matthew Burling. **Interpretations** The sheriff's report that the gaol was empty meant that Dobson and Brown had already gone. A ship bound for England must have called early in 1770, soon after the new year. The two coiners were evidently put aboard with the noose around their necks, as ordered in November, before this sitting opened. With no one to try, the gaol delivery commission had no work to do. That explains why the heading of this sitting named only the court of the peace. The overseers' reports and the coroner's findings showed the quarterly court acting as the island's general administrative body as well as a criminal court. The overseers of the highways were responsible for keeping the roads repaired, often using labour owed by the inhabitants. They reported to the justices each quarter so that neglect could be found and presented. A coroner's inquest was held into every sudden, violent or unexplained death. Reading its findings in open court put each death on the record and allowed the justices to act if the inquest jury had found that a crime had been committed.
270	260	On the tenth Day of January in the tenth year of his Majesty's Reign, a Precept upon the Commission of the Peace was issued and delivered to Mr. Richd. Goodwin Sheriff of the Island of St. Helena. On the fourth Day of April following, a Precept upon the Commission of Oyer and Terminer was issued out and delivered to the sd. Sheriff. Island of St. Helena. The General Quarter Sessions of the Peace holden at the Hall in James's Valley for the sd. Island of St. Helena, the fifteenth Day of April, in the tenth year of the Reign of our Sovereign Lord George the third of Great Britain, France and Ireland King, Defender of the Faith, and so forth, before John Skottowe, Danl. Corneille and Matthew Bruling Esquires, three of his Majesty's Justices, assigned to keep the Peace in and for the sd. Island, Also Commissioners of Oyer and Terminer authorized to hear and determine all Felonies, Trespasses and other Misdemeanors in the said Island committed.	The sheriff, Richard Goodwin, received a precept under the commission of the peace on 10 January 1770, in the tenth year of the King's reign. A precept under the commission of oyer and terminer was issued and delivered to him on 4 April 1770. The general quarterly court of the peace sat at the Hall in James's Valley on 15 April 1770, in the tenth year of the reign of King George III. The bench consisted of Governor Skottowe, Daniel Corneille and Matthew Burling, three of the King's justices appointed to keep the peace on the island. They also held a commission of oyer and terminer, which gave them power to try and decide every felony, trespass and lesser offence committed on the island. **Interpretations** For the first time in these records, no precept was issued under the commission of gaol delivery. Until now, that precept had always gone to the sheriff on the day the court opened, requiring him to bring every prisoner in custody before the justices. The gaol had been empty in January 1770. If no one had been committed since, there was nobody to deliver, and the justices did not issue a formal order to do nothing. Only the precepts for the court of the peace and for oyer and terminer were issued, so the court was ready to receive and try any new indictment the grand jury might find.
271	261	The Court being opened upon the Commission of the Peace, a Grand Jury consisting of seventeen of the principal Inhabi tants of the Body of the sd. Island were sworn. Then John Bagley Senr. a Planter, who, in the Course of last Quarter, was bound in a Recognizance to the King, to be of the good Behaviour, and personally to appear at the ensuing Qr. Sessions, was called. He appeared and, no Matter being objected against him, was discharged from his Recognizance. The Grand Jury having informed the Court that they knew	The Court opened under the commission of the peace, and a grand jury of 17 leading inhabitants of the island was sworn in. John Bagley the elder, a planter, was then called. During the previous quarter he had been bound over to the King in a bond to keep good behaviour and to appear in person at this sitting. He duly appeared. No one raised any complaint against him, so he was released from his bond. The grand jury told the Court it knew of no other business. The sheriff reported that there were still no prisoners in the gaol. The Court was therefore adjourned by formal proclamation until 11 July 1770. The record was signed by John Skottowe, Daniel Corneille and Matthew Burling. **Interpretations**

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		of no other Business, and it appearing by the Sheriff's Return, that there were then no Prisoners in the Goal, the Sessions was by Proclamation adjourned to the eleventh Day of July next ensuing. John Skottowe Dan Corneille Bruling	Bagley's discharge showed that the justices had in fact placed him under a formal bond for good behaviour sometime during the previous quarter, and had not relied on his promise alone. A recognizance of this kind meant that any fresh complaint of cruelty would forfeit the sum pledged. It was the same device used against William Holebrooke for beating his wife in 1768. The bond ran until this sitting. When it expired with no complaint raised, it suggested that Scipio had not been beaten again, or at least that no one had come forward to say so. Bagley's release in open court, before the grand jury, formally closed the case.
272	262	On the fifteenth Day of April, a Precept upon the Commission of the Peace was issued out and delivered to the Sheriff of the Island St. Helena. On the twenty sixth Day of June following in the Year of our Lord one thousand seven hundred and seventy, and in the tenth year of his Majesty's Reign, a Precept upon the Commission of Oyer and Terminer was issued out, and delivered to Mr. Jams. Greentree Sheriff of the sd. Island. The General Quarter Sessions of the Peace held at the Hall in James's Valley for the Island of St. Helena, on Wednesday the eleventh Day of July, in the tenth year of the Reign of our Sovereign Lord George the third, of Great Britain, France and Ireland King, Defender of the Faith and so forth, before John Skottowe, Danl. Corneille and Matthew Bruling Esquires, three of his Majesty's Justices, assigned to keep the Peace in and for the said Island, also Commissioners of Oyer and Terminer, authorized to hear and Determine all Felonies, Trespasses and other Misdemeanors in the sd. Island committed.	The sheriff received a precept under the commission of the peace on 15 April 1770. A precept under the commission of oyer and terminer was issued and delivered on 26 June 1770, in the tenth year of the King's reign, to James Greentree, who was now sheriff of the island. The general quarterly court of the peace sat at the Hall in James's Valley on Wednesday 11 July 1770, in the tenth year of the reign of King George III. The bench consisted of Governor Skottowe, Daniel Corneille and Matthew Burling, three of the King's justices appointed to keep the peace on the island. They also held a commission of oyer and terminer, which gave them power to try and decide every felony, trespass and lesser offence committed on the island. **Interpretations** Between April and June 1770, the office of sheriff passed from Richard Goodwin to James Greentree. The sheriff summoned jurors, held prisoners, carried out sentences and supervised executions. It was an annual office filled from among the island's leading householders and not held by a career official. Greentree probably belonged to the planter family whose country house Lieutenant St Maurice had visited after Marck's burglary in December 1767. As with jury service, the island's small governing group shared out the duties of law enforcement among its own members in turn.
273	263	The Court being opened upon the Commission of the Peace, a Grand Jury consisting of seventeen of the principal Inhabitants of the Body of the sd. Island were sworn; They retired to examine if any Business occur'd upon that Commission, and on their coming back to Court declared they knew of none. Then the Proceedings of three Inquests held during the Course of last Quarter were read and the Overseers of the High ways gave in their respective Returns of Work. And as it appeared by the Sheriff's Return that there were then no Prisoners in his Majesty's, the Court was, by Proclamation, adjourned to the third Day of October next ensuing. John Skottowe Dan Corneille Bruling	The Court opened under the commission of the peace, and a grand jury of 17 leading inhabitants of the island was sworn in. The jurors withdrew to consider whether any matter had arisen under that commission. When they came back, they said they knew of none. The findings of three coroner's inquests held during the previous quarter were then read. The overseers of the highways handed in their reports on the road work carried out. The sheriff reported that there were no prisoners in the King's gaol, so the Court was adjourned by formal proclamation until 3 October 1770. The record was signed by John Skottowe, Daniel Corneille and Matthew Burling. **Interpretations** This was the third sitting in a row at which the gaol was empty and the grand jury had nothing to present. Between October 1767 and October 1769, the court had tried at least one felony almost every quarter, including burglaries, shop-breaking, cattle and sheep theft and coining. The gap stood out all the more because three inquests into sudden deaths were read at this sitting, yet none led to a charge. The coroner's juries had evidently found each death to be accidental or natural. The quiet quarters may simply have reflected chance on so small an island. They may also have owed something to the hanging of Cupid in October 1769 and the public expulsion of the coiners early in 1770.

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274	264	On the eleventh Day of July, a Precept upon the Commission of the Peace was issued out to the Sheriff of the sd. Island of St. Helena. On the eighteenth Day of September following, a Precept upon the Commission of Oyer & Terminer was issued out to the sd. Sheriff. On the third Day of October following (being the Day the Sessions was held upon) a Precept upon the Commission of Goal Delivery was issued out to the sd. Sheriff. The General Quarter Sessions of the Peace, Sessions of Oyer and Terminer and Sessions of Goal Delivery, holden at the Hall in James's Valley for the Island of St. Helena, the third Day of October, in the tenth year of the Reign of our Sovereign Lord George the third, of Great Britain, France and Ireland King, Defender of the Faith, and so forth, before John Skottowe, Danl. Corneille and Matt. Bruling Esquires, three of his Majesty's Justices, assigned to keep the Peace in and for the sd. Island, also Commissioners of Oyer and Terminer, authorized to hear and Determine all Felonies, Trespasses and other Misdemeanors in the sd. Island Committed.	The sheriff received a precept under the commission of the peace on 11 July 1770. A precept under the commission of oyer and terminer followed on 18 September 1770. A third, under the commission of gaol delivery, was issued to him on 3 October 1770, the same day the Court sat. The island's three criminal courts sat together at the Hall in James's Valley on 3 October 1770, in the tenth year of the reign of King George III. These were the general quarterly court of the peace, the court of oyer and terminer and the court of gaol delivery. The bench consisted of Governor Skottowe, Daniel Corneille and Matthew Burling, three of the King's justices appointed to keep the peace on the island. They also held a commission of oyer and terminer, which gave them power to try and decide every felony, trespass and lesser offence committed on the island. **Interpretations** The precept for gaol delivery was issued again, and the heading once more named all three courts. After three quarters with an empty gaol, this points to at least one prisoner having been committed since the July sitting. The clerk's heading followed the business actually expected. When no one was held, only the court of the peace was named. When someone awaited trial, the full form of all three courts returned.
275	265	The Court being opened upon the Commission of the Peace, a Grand Jury consisting of seventeen of the principal In habitants of the Body of the sd. Island were sworn; and being asked if they knew of any Business upon that Commission, their Foreman preferred the following Presentment to the Bench, Viz. The Island of St. Helena. To the Honble. Bench of Justices. "We the Grand Jury for the sd. Island considering the "Difficulty as well as Danger of the Road leading from James's Valley "to the Top of Ladder hill, have, in Order to obviate the sd. Difficulty and "remove as much as possible the Danger, agreed to present to your "Honble. Board the Cutting a new Road with a longer Sweep and "fewer Windings to the Top of the sd. Hill, by which the Ascent "will be rendered more easy and the Danger a good Deal avoided. "Acting in this Case from a Regard to the public Good, "the Ease and Safety of the Traveller, We, with due Submission, "beg Leave to present our Resolution hereon, and We hope our "Presentment will be favorably taken and meet with Sanction." Octob. 3d. 1770 "Ordered that the above Presentment be carried into "effectual Execution, but the Ways and Means are not yet "agreed on." No other Business appearing upon that Commission, the Court was opened upon the Oyer and Terminer, and a New Grand Jury was impanelled and sworn. Two Bills of Indictment were preferred	The Court opened under the commission of the peace, and a grand jury of 17 leading inhabitants of the island was sworn in. Asked whether they knew of any matter for the Court under that commission, the foreman put a formal presentment before the bench. The grand jury's presentment, addressed to the justices, concerned the road from James's Valley to the top of Ladder Hill. The jurors pointed out that the road was hard going and dangerous. To make it easier and as safe as possible, they proposed cutting a new road up the hill with wider curves and fewer bends. That, they argued, would make the climb gentler and remove much of the danger. They said they were acting for the public good and for the comfort and safety of travellers. They respectfully asked the justices to accept their proposal and hoped it would be approved. The presentment was dated 3 October 1770. The Court ordered that the presentment should be put fully into effect. It recorded, however, that no decision had yet been reached on how the work would be paid for. No other business came before the Court under the commission of the peace. It therefore opened under the commission of oyer and terminer, and a new grand jury was chosen and sworn. Two bills of indictment were then placed before it. **Interpretations** The Court's order approved the road in principle but left it unfunded. That shows the limits of what the justices could do sitting as a court. A grand jury presentment could require them to recognise a public nuisance, and they could formally order it to be removed. The justices had no power in that capacity, however, to raise the money or labour that a new road cut into the cliff would need. In England, a county bench could levy a rate on the parishes to pay for such work. At St Helena, any large public work depended on the Company's funds or on the Governor and Council agreeing to a levy of labour or money. The phrase about the means not yet being settled marked the point at which the matter passed from the court to the island's government. Ladder Hill rose almost vertically on the western side of James's Valley. The existing road climbed it in a series of tight zigzags, cut into the rock face, that

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			were hard for loaded animals and carts. It was the main route from the town to the batteries and houses on the high ground to the west, so its danger affected soldiers and residents every day. The earlier presentment about the wall in Southwark showed the grand jury using this power for small repairs. A whole new road was far more ambitious, and it was a direct request that the island invest in its own infrastructure.
276	266	to them, one whereof they found: And then the Court was opened upon the Goal Delivery. Arraignment Sutton Jacke and Patrick Nowland, Soldiers, being brought to the Bar of the Court, were arraigned upon the following Indictment, Viz. Island of St. Helena ss. "The Jurors of our Sovereign Lord the King upon "their Oaths (do) Present that Sutton Jacke of James's "Valley within the Island of St. Helena Soldier not having the "Fear of God before his Eyes nor respecting the Order of Nature "but being moved and seduced by a Devilish Instigation on the "twenty fourth Day of September in the tenth Year of the Reign "of our Sovereign Lord George now King of Great Britain &c. "in the Valley aforesaid within the Island aforesaid by Force and "Arms in and upon one Patrick Nowland a Male about the Age "of twenty five years feloniously did make an Assault and with "the sd. Patrick Nowland then and there wickedly Devilishly "feloniously and against Nature had a Venereal Affair and the "sd. Patrick Nowland then and there carnally did know and the "most Detestable abominable and Sodomitical Sin called Buggery "not to be named among Christians wickedly and devilishly "feloniously and against Nature did commit and perpetrate "in great Displeasure of Almighty God and Disgrace of all "human kind against the Peace of our Sovereign Lord the King his "Crown and Dignity and also against the Form of the Statute "in that Case made and provided.	Of the two bills placed before the grand jury, the jurors found one to be true. The Court then turned to the business of gaol delivery and the arraignment of prisoners. Sutton Isacke and Patrick Nowland, both soldiers, were brought before the Court and formally charged under an indictment headed with the Island of St Helena as the place of jurisdiction. The jurors, acting for the King and under oath, charged that Isacke, a soldier of James's Valley, assaulted Patrick Nowland, a man of about 25, in the valley on 24 September 1770. The indictment said Isacke acted without fear of God, against the natural order and at the prompting of the Devil. It charged that he had sex with Nowland and so committed buggery, an act described as a grave offence against God and a disgrace to mankind. The indictment declared it a breach of the King's peace and of the statute that governed it. **Interpretations** Unlike the charges against Fish in 1768 and Fullwood in 1769, this indictment alleged the completed act of buggery and not merely an attempt. That made it a capital felony under the Tudor statute, and a conviction would carry the death penalty. The prosecution would have to prove both penetration and emission. The Court had asked about exactly these points in the two earlier cases, and the lack of proof then had kept both at the level of a misdemeanour. By charging the full offence, the grand jury signalled that the evidence here, unlike before, claimed to establish every element the law required. Nowland was named in the indictment as the person assaulted, yet he was arraigned alongside Isacke. The statute made both partners in a consensual act equally guilty. His appearance at the bar suggests that the prosecution, as in Pipper's case, regarded him as a willing participant and not simply a victim. If so, he too faced the gallows on the same evidence. Of the two bills put to the grand jury, it rejected one. The record does not say what the rejected bill charged.
277	267	"And the Jurors aforesaid upon their Oaths aforesaid "do further present that the sd. Patrick Nowland of the Valley aforesd. "within the Island aforesaid Corporal was patient and did consent "to the sd. Sutton Jacke whilst he the sd. Sutton Jacke did upon "him the said Patrick Nowland make the sd. Assault and him "carnally did know against the Peace of our said Sovereign Lord "the King his Crown and Dignity and also against the Form of "the Statute in that Case made and provided." To which they severally pleaded "Not guilty." The sd. Sutton Jacke and the sd. Patrick Nowland being now put on their Trial, the twelve following Men, Viz.	The jurors also charged Nowland, a corporal of the same valley, with willingly submitting to Isacke and consenting to what Isacke did to him. This was likewise described as a breach of the King's peace and of the statute. Each man pleaded not guilty. Isacke and Nowland then went on trial before a jury of the following twelve men, who were sworn in to hear their case. John Whitchurch John Nodell Roderick Merchant George Alexander George Bird Robert Ballard John Defountain William Hayes the elder John Robinson Henry Nodell Simon Whaley Thomas Harper

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		John Whitchurch Jno. Defountain John Rowell Willm. Harper Senr. Rodk. Merchant John Robinson George Alexander Henry Rowell George Bird Simon Whaley and Robt. Ballard Thoms. Harper were sworn upon their Jury. Then the Indictment was, a second time, read to them, and the Jury charged. John McAllister, Soldier, being duly sworn saith that, on Monday the twenty fourth of September last at the Time of Tattoo beating, Sutton Jacke and Patrick Nowland the Prisoners, came into the Barrack which he belongs to: That the sd. Nowland was much in Liquor, and, having swaggered for a while about the Barrack, he, the Witness, made his Bed which the sd. Jacke helped him off with his Cloaths. That, notwithstanding the Witness's requesting the sd. Jacke to lie along with himself (having the Sergeant	The indictment was read to both prisoners a second time, and the jury received its instructions. John McAllister, a soldier, gave evidence on oath. On Monday 24 September 1770, he said, at the time the tattoo was beaten, Isacke and Nowland came into the barrack room where McAllister lived. Nowland was very drunk and staggered around the room for a while. McAllister made up Nowland's bed, and Isacke helped Nowland take off his clothes. McAllister then asked Isacke to sleep in his own bed with him instead. **Interpretations** The second count described Nowland as "patient," the legal term for the passive partner in buggery. It charged him with consenting, which under the statute made him equally guilty of the capital offence. Unlike the earlier cases, where the passive partner faced a misdemeanour for attempt, both Isacke and Nowland stood trial for their lives. The count against Nowland was particularly serious because he was a corporal, a non-commissioned officer responsible for discipline in the barracks. The tattoo was the drum signal beaten each evening to call soldiers back to their quarters and mark the start of the night's restrictions. McAllister's reference to it fixed the hour precisely in terms every soldier on the jury's watch would recognise. Sharing a bed was normal in barracks of the period, where men were routinely made to sleep two to a bed to save space and bedding. McAllister's request that Isacke sleep with him, and not with the drunken Nowland, would have been an ordinary arrangement. Its significance lay in what the evidence would show Isacke did instead.
278	268	Cot) yet he lay down along with the sd. Nowland, and in some time after the Prisoners had lain themselves down, one Rogers, a Soldier belonging to the same Barrack, came in, and, it being after Roll calling, the Witness desired him to put the Light out, which he did, and then he lay down. That, in some time afterwards, hearing the Cot the Prisoners lay upon shake, and hearing them breath in a short, uncommon Manner, not usual with two Men when together, he was much surprized, which made him turn over, and, stretching his Hand out, he laid it on the Back of him that was uppermost, and is certain it was the sd. Jacke, from this Circumstance, as he had a Shirt on, whereas the sd. Nowland lay without one: That then he flung the Bed Clothes off them, thrust his Hand between them, and threw the sd. Jacke off, telling him to lie quiet, for he would suffer no such beastly Works alongside him, to which the said Nowland replyed, "It was hard if he could not have whom "he pleased and do what he liked on his own Cot," and the Witness repeated to them to lie still and give him no more of that Work. That the sd. Rogers, on hearing him speak so, asked what was the Matter, and he answered "These fellows "(meaning the Prisoners) will give one no rest for Tumbling." That, not long after, he heard the like Noise by the Motion	McAllister said that although he was using the sergeant's cot and invited Isacke to share it, Isacke lay down with Nowland instead. Shortly after the two prisoners had lain down, Rogers, a soldier from the same barrack room, came in. It was past roll call, so McAllister asked him to put out the light. Rogers did so and then went to bed. Some time later, McAllister heard the prisoners' cot shaking and heard them breathing in short, unusual gasps that were not normal for two men sharing a bed. Startled, he turned over and reached out, laying his hand on the back of whichever man was on top. He was certain this was Isacke, because Isacke was wearing a shirt and Nowland was not. McAllister threw the bedclothes off them, pushed his hand between them and shoved Isacke off. He told Isacke to be quiet, saying he would not put up with such filthy behaviour next to him. Nowland replied that it was hard if he could not have whoever he liked and do as he pleased in his own cot. McAllister again told them to lie still and stop. Hearing this, Rogers asked what was wrong. McAllister answered that the two prisoners would not let anyone sleep for their tossing about. Not long afterwards, McAllister heard the cot moving again and the same short breathing. This time he stayed still and said nothing. Then he was shocked to hear one of them ask the other whether he was ready, and immediately afterwards whether he was ready to ejaculate. McAllister could not say for certain which of the two spoke. On hearing it, he called out to Rogers, who he thought was still awake. He asked Rogers to fetch a light and tell the corporal of the guard, since he was sure that nothing but sodomy was taking place. **Interpretations** McAllister's evidence went directly to the two points the Court had found missing in the earlier cases. His hand on Isacke's back, together with the shirt that told the two men apart, established who was on top. The words he overheard, asking whether

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		of the Cot, and could also hear them breathing short, but did not stir nor say any thing, till he was surprized by the Sound of those abominable Words "Are you ready?" and immediately after "Are you ready to spin?" That he can't with any certainty say which of them it was that expressed the above Words, but that he, on hearing them, called to the sd. Rogers who, he thought, was yet awake, desired him to fetch a Light, and to acquaint the Corporal of the Guard therewith, for that Nothing but Sodomy	the other man was ready to "spend," used the ordinary eighteenth-century term for ejaculation. They were the only evidence in any of these cases capable of supporting the emission the law required for the completed offence. That was presumably why the grand jury charged the full capital crime this time. Even so, everything happened in darkness, and McAllister admitted he could not tell which man had spoken. The two elements the law required rested on sound and touch, not on sight. Nowland's retort that he could have whoever he liked in his own cot was devastating to his own defence. Far from presenting himself as a drunken man taken advantage of, he claimed the right to the encounter. That supported the second count, which charged him with consenting, and it made it hard for him to argue that he was only the victim of Isacke's assault. As a corporal, he was also the senior man in the room. When McAllister reported the matter, he had to go over Nowland's head to the corporal of the guard.
279	269	and beastly Actions were all Night going on close by him. That he, in the Mean time, strove to keep them in the same Position till the Light was brought, but was not able, and as soon as it came, he upbraided them with their indecent Behaviour; On which the said Nowland told him he had no Business with it, and the other Prisoner said they were only talking of going to see his Sister Peggy. The Witness being asked by the Court if the Prisoners were on the Cot when he felt the Motion, says that, when he, the second time, felt them, He thinks the sd. Jacke's Feet might touch the Ground while his Body was over that of the sd. Nowland who lay on the Cot, but as it was then Dark he could see Nothing. William Mudge, Soldier, upon his Oath, saith that, on Monday or Tuesday (he can't ascertain the Day) between six and seven O'Clock in the Evening, he went home to his Barrack and laid himself Down to sleep: That he knows not how long he remained asleep, but on his awaking heard McAllister say it was a Shame to commit such beastly Actions in the Barrack; And not further minding what was said then, he laid himself Down again in order to sleep, but unable to get any, he heard the Noise of a Cot, and by raising himself on his own, he could see by the Help of a little Light from the Window and Door the naked Thighs of a Man hanging over the Cot, and an other Man with his Feet seemingly on the Ground Driving at him as at a Woman. That, in a short time, he heard one of the two (but knows not which) say to the other "Are you ready to spin?" on which the sd. McAllister cry'd out "For shame! to be guilty of such beastly Actions." That, soon after this, one Rogers brought a Light, by which he saw the two Prisoners lying on the sd. Cot together.	McAllister said he was sure these filthy acts were going on right beside him all night. Meanwhile he tried to hold the two men where they were until the light arrived, but he could not. As soon as the light came, he rebuked them for their indecent behaviour. Nowland told him it was none of his business. Isacke said they had only been talking about going to visit his sister Peggy. The Court asked McAllister whether both prisoners were on the cot when he felt the movement. He answered that on the second occasion he thought Isacke's feet might have been touching the floor while his body lay over Nowland, who was on the cot. Since it was dark at the time, though, he could see nothing. William Mudge, a soldier, then gave evidence on oath. On the Monday or Tuesday, though he could not be sure which, he went back to his barrack between six and seven in the evening and lay down to sleep. He did not know how long he slept. When he woke, he heard McAllister say it was shameful to commit such filthy acts in the barrack. Mudge paid no more attention and lay down again, but he could not get back to sleep. He then heard a cot creaking. Raising himself on his own cot, he could make out by the faint light from the window and door a man's bare thighs hanging over the edge of the cot. Another man, whose feet seemed to be on the floor, was thrusting against him as if with a woman. Shortly afterwards, Mudge heard one of the two men, though he did not know which, ask the other whether he was ready to ejaculate. McAllister then shouted at them to be ashamed of such filthy behaviour. Soon after that, Rogers brought a light, and by it Mudge saw both prisoners lying together on the cot. The Court then asked Mudge to describe the distance between his own cot and theirs. **Interpretations** Mudge's evidence gave the prosecution a second witness to the most important facts. From a different position in the room, and by the faint light from the window and door that McAllister had not had, he claimed to have seen the two men in the act. He described their positions in a way that matched McAllister's impression that Isacke was standing over Nowland at the edge of the cot. He also heard the same question about whether one man was ready to ejaculate. Two independent witnesses to that remark gave some support to the emission required for the capital charge. The Court's questions to each witness, about the darkness, their positions and the distance, showed the bench testing whether men lying in a dark barrack could really have seen and heard what they

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		The Witness being desired by the Court to describe the distance	described. On their answers the prisoners' lives depended. Mudge's uncertainty about the day and his statement that he went to bed between six and seven sat uneasily with McAllister's account that the prisoners came in only at tattoo. The discrepancy was probably explained by Mudge having slept for some hours before he woke. He himself admitted he did not know how long he had slept. Isacke's remark about going to visit his sister Peggy, made as soon as the light came, was a clumsy attempt at an innocent explanation. Nowland's retort that it was none of McAllister's business carried on the same defiance he had shown earlier in the dark.
280	270	between him and the Cot the Prisoners lay upon, says it might be about nine feet, and in Respect to the Light, says it was not Moon, but a glimmering of Star light; and being further examined as to the Situation of the two Cots in Respect to the Effect of Light, says his own was under the Window, that of the Prisoners facing it. Thomas Rogers, a Soldier, being duly sworn, saith that, on the Monday Night when he came into the Barrack, he was desired to blow the Light out, which he did, and then lay down to sleep, but before he could sleep, he heard one McAllister say to some people, but to whom he then knew not, to lie still, for he would suffer no such beastly Actions alongside of him: That, after this, he soon fell asleep, and while so, the sd. McAllister (as he afterwards told him) came to awake him, but without knowing how it was, he happened to ask if it was McAllister, and he received no Answer. That, after he had been for some time awake, he heard a Sort of Whispering, and concluded there was a Woman in the Room, and the sd. McAllister at same time called to him to go and fetch a Light, for that he, as he said before, would suffer no such beastly Actions near him. That he went for the Light, and when he brought it, he saw the Prisoners lying on their Backs on the same Cot together, and that the sd. McAllister desired the sd. Sutton Jacke, one of the Prisoners to remove from thence and lie on an other Cot. The Witness being asked if, when he brought the Light, he took Notice whether the Prisoners lay naked or not, says that he saw the upper part of Nowland's Body, as he sat upon the Cot, naked, but that the sd. Jacke had a Shirt on; being examined	Mudge told the Court that the prisoners' cot was about nine feet from his own. There was no moon, he said, only a faint glimmer of starlight. Asked further how the two cots stood in relation to the light, he said his own cot was beneath the window and the prisoners' cot faced it. Thomas Rogers, a soldier, then gave evidence on oath. When he came into the barrack room on the Monday night, he was asked to blow out the light. He did so and lay down to sleep. Before he dropped off, he heard McAllister tell some people to lie still because he would not put up with such filthy behaviour beside him, though Rogers did not know then who was being spoken to. He soon fell asleep. McAllister later told him that he had tried to wake him at that point. Rogers, only half awake, asked whether it was McAllister but got no reply. After he had been awake for a while, Rogers heard a kind of whispering and assumed there was a woman in the room. At about the same moment, McAllister called to him to fetch a light. McAllister repeated that he would not tolerate such filthy behaviour near him. Rogers went for the light. When he brought it back, he saw the two prisoners lying on their backs together on the same cot. McAllister told Isacke to leave that cot and sleep on another. The Court asked Rogers whether he had noticed, when he brought the light, if the prisoners were naked. He said Nowland was sitting up on the cot and was bare from the waist up, but Isacke was wearing a shirt. The Court then questioned him further. **Interpretations** The Court's questions to Mudge about distance and light went to whether he could really have seen what he described. Nine feet by starlight through a window was just about close enough to make out the pale shape of bare thighs against a dark cot. The arrangement Mudge described, with his cot under the window and the prisoners' cot opposite, meant the little light there was fell on the prisoners and not on him. That was the strongest point in favour of his account. It also left room for doubt, because shapes seen by starlight could easily be misread. Rogers's evidence added little to the case against the prisoners and in some respects weakened it. He saw nothing of the act. He heard only whispering, which he took to be a man with a woman. By the time the light arrived, the two men were lying on their backs, a position consistent with two soldiers sharing a bed. His description of Nowland bare to the waist and Isacke in a shirt matched McAllister's account of how he told them apart in the dark. That was the only direct confirmation Rogers gave of the prosecution's version.
281	271	in Respect to the Light, says it was such that he could see and distinguish Objects across the Room; and being further asked if	Asked about the light in the room, Rogers said it had been enough for him to make out objects on the other side. Asked further whether he had seen the prisoners doing anything indecent together, he said he had not.

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		he saw the Prisoners in any Indecencies together, answers in the Negative. No other Witnesses appearing for the Crown, the Prisoners were separately put on their Defence. Patrick Nowland for himself saith that he was much in Liquor at the Time the Fact is charged upon him, knows No thing of it, and Denies the whole. He calls upon Serjeant Hughes to his Character, who, appearing and being sworn, saith he knows the Prisoner of some Standing: That they came from England in the same Ship together, and that he neither on board nor here ever knew him guilty of Dishonesty or In decency. James Goudy, Serjt. Major, appearing to his Character, on his Oath saith that he knew him in England, came hither in the same Ship with him, and that he always behaved himself so as to gain the Esteem of his Commanders; that, till now, he never heard him charged with any Manner of Indecency or ill Behaviour. Sutton Jacke, on his Part, saith that he is innocent of the Charge, and utterly denies it. The Evidence on both Sides being closed, the Whole was summed up to the Jury, who retired to consider; On their Return, they declared their Verdict, by which they found the two Prisoners guilty of the Assault.	The prosecution had no more witnesses, so each prisoner made his defence in turn. Nowland said he had been very drunk at the time of the alleged offence, knew nothing about it and denied the whole charge. He called Sergeant Hughes as a character witness. Hughes said on oath that he had known Nowland for some time. They had come out from England on the same ship, and neither on board nor on the island had he ever known Nowland to be dishonest or indecent. James Goudy, the sergeant major, also gave evidence on oath about Nowland's character. He said he had known Nowland in England and had travelled out on the same ship. Nowland had always behaved in a way that won his officers' respect. Until this case, Goudy had never heard him accused of any kind of indecency or misconduct. Isacke, for his part, declared himself innocent and denied the charge completely. With all the evidence on both sides heard, the case was summed up for the jury, who withdrew to consider their verdict. When they came back, they found both prisoners guilty of the assault. **Interpretations** A verdict of guilty of the assault only was a partial verdict that removed the capital charge. The indictment had alleged an assault followed by completed buggery. By convicting only on the first part, the jury found that the two men had been involved in an indecent encounter but not that the full offence had been proved. What remained was a misdemeanour, punishable by pillory, fine or imprisonment, not by death. Nowland had been charged as the consenting partner, yet the jury convicted him of the same assault as Isacke. Evidently it treated both men as equally responsible for what had happened on the cot, whatever their exact roles. The character evidence for Nowland came from two senior non-commissioned officers, a sergeant and the sergeant major. Both had known him since before he left England. Evidence of this kind carried particular weight in cases of this sort. Juries were often asked to weigh a man's long record of good conduct against an accusation of a single act that brought such disgrace. Isacke called no one to speak for his character. **Speculations** Two witnesses, McAllister and Mudge, swore independently to movements on the cot and to hearing the question about whether one man was ready to ejaculate. That appeared to meet the requirement of emission that had been missing in the cases of Fish and Fullwood. The obvious verdict on the indictment as drafted was guilty of the capital offence. The jury chose the lesser finding instead, and the record shows why. Everything took place in the dark. McAllister admitted he could see nothing and could not say which man had spoken. Mudge's view rested on starlight across nine feet. Rogers, the only witness who brought a light, saw nothing indecent at all. Nowland was vouched for by the sergeant major. On evidence of sound and silhouette alone, the jury would not send two soldiers to the gallows. It reduced the offence to one that still branded them with the disgrace of the act but spared their lives.
282	272	The above Verdict being recorded, the Chairman gave them Judgment, each of them, to stand in and upon the Pillory for the Space of two hours. The Business of the Sessions being now ended, the Grand and Petit Juries were dismissed, and the Court was, by Proclamation, adjourned to the ninth Day of January next ensuing. On Thursday being the next Day, the above Sentence was put in due Execution against Sutton	Once the verdict had been entered in the record, the chairman sentenced each of the two men to stand in the pillory for two hours. With the business of this sitting complete, both the grand jury and the trial jury were sent home. A formal proclamation then adjourned the Court until 9 January 1771. The sentence was carried out on Isacke and Nowland the next day, Thursday 4 October 1770.

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		Jacke and Patrick Nowland. John Skottowe Dan Corneille Bruling	The record was signed by John Skottowe, Daniel Corneille and Matthew Burling. **Interpretations** The punishment was lighter than the one given to Fish and Pipper in October 1768, even though the original charge here had been more serious. Fish and Pipper each spent three hours in the pillory, moved between the Parade, the Main Street and Southwark so that the whole settlement saw them. Isacke and Nowland spent two hours, and the record names no change of site. The reduction may reflect the character evidence given for Nowland by the sergeant major and a sergeant. It may also show that the bench shared the jury's doubts about how much of the prosecution's case had been proved. Carrying out the sentence the very next morning meant the men returned to the garrison at once. The barrack room where the charge arose was the same one in which the witnesses against them still slept.
283	273	Island of St. Helena. The General Quarter Sessions of the Peace holden at the Hall in James's Valley for the said Island of St. Helena, the ninth Day of January, in the eleventh year of the Reign of our Sovereign Lord George the third, of Great Britain, France and Ireland King, Defender of the Faith and so forth, Before John Skottowe and Daniel Corneille Esquires, two of his Majesty's Justices, assigned to keep the Peace in and for the sd. Island, also Commissioners of Oyer and Terminer, authorized to hear and Determine all Felonies, Trespasses and other Misdemeanors in the sd. Island committed. The Court being opened upon the Commission of the Peace, a Grand Jury consisting of seventeen of the principal Inhabitants of the Body of the sd. Island were sworn; But finding no Business upon that Commission, and it having appeared by the Sheriff's Return of his Majesty's Goal that there were no Prisoners for the Time being, the Court was (the Overseers	The general quarterly court of the peace sat at the Hall in James's Valley on 9 January 1771, in the eleventh year of the reign of King George III. The bench consisted of Governor Skottowe and Daniel Corneille, two of the King's justices appointed to keep the peace on the island. They also held a commission of oyer and terminer, which gave them power to try and decide every felony, trespass and lesser offence committed on the island. The Court opened under the commission of the peace, and a grand jury of 17 leading inhabitants of the island was sworn in. No business came before it under that commission. The sheriff reported that there were no prisoners in the King's gaol at that time.
284	274	of the High ways having first given in the Returns of Works in their respective Divisions) adjourned to the tenth Day of April next ensuing. John Skottowe Dan Corneille On the ninth Day of January in the eleventh Year of his Majesty's Reign, a Precept upon the Commission of the Peace was issued out to the Sheriff. On the twenty sixth Day of March following a Precept upon the Commission of Oyer and Terminer was issued out and delivered to the sd. Sheriff. On the tenth Day of April following, a Precept upon the Goal Delivery was issued out and delivered to the sd. Sheriff.	The overseers of the highways first handed in their reports on the road work done in each of their districts. The Court was then adjourned until 10 April 1771. The record was signed by John Skottowe and Daniel Corneille. The sheriff received a precept under the commission of the peace on 9 January 1771, in the eleventh year of the King's reign. A precept under the commission of oyer and terminer was issued and delivered to him on 26 March 1771. A third, under the commission of gaol delivery, was issued and delivered to him on 10 April 1771. **Interpretations** The overseers reported on the work in their "respective districts." This shows the island's roads were split into districts, each with its own overseer answerable to the quarterly court. It matched the English system, in which each parish chose a surveyor of highways to organise the statute labour owed by its inhabitants. St Helena had only one parish, so it divided its roads by territory instead. That gave each overseer a manageable stretch of the steep valley and upland routes and made him personally responsible to the justices for its condition.
285	275	Island of St. Helena. The General Quarter Sessions of the Peace, Sessions of Oyer and Terminer and Sessions of Goal Delivery,	The island's three criminal courts sat together at the Hall in James's Valley on 10 April 1771, in the eleventh year of the reign of King George III. These were the general quarterly court of the peace, the

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		holden at the Hall in James's Valley, the tenth Day of April, in the seventh year of the Reign of George the third, of Great Britain, France and Ireland King, Defender of the Faith & so forth, before John Skottowe, Daniel Corneille and Matthew Bruling Esquires, three of his Majesty's Justices, assigned to keep the Peace in and for the sd. Island, also Commissioners of Oyer and Terminer, authorized to hear and determine all Felonies, Trespasses and other Mis demeanors in the sd. Island committed. The Court being opened upon the Commission of the Peace, a Grand Jury consisting of seventeen of the principal Inhabitants of the Body of the sd. Island was sworn; But no Business appearing upon that Commission, the Court of Oyer and Terminer was opened, a new Grand Jury impanelled and sworn; Then the Bills of Indictment were preferred to them, on finding which, the Court was opened upon the Goal Delivery. Arraignments Dick, a Man slave, being brought to the Bar of the Court.	court of oyer and terminer and the court of gaol delivery. The bench consisted of Governor Skottowe, Daniel Corneille and Matthew Burling, three of the King's justices appointed to keep the peace on the island. They also held a commission of oyer and terminer, which gave them power to try and decide every felony, trespass and lesser offence committed on the island. The Court first opened under the commission of the peace, and a grand jury of 17 leading inhabitants of the island was sworn in. No business came before it under that commission, so the Court opened under the commission of oyer and terminer. A new grand jury was chosen and sworn, and the bills of indictment were placed before it. Once the jurors had found them to be true, the Court turned to the business of gaol delivery and the arraignment of prisoners. Dick, a male slave, was then brought before the Court.
286	276	was arraigned upon the following Indictment, Viz. Island of St. Helena ss. "The Jurors of our Sovereign Lord the King upon their "Oaths (do) Present that Dick late of James's Valley within "the Island of St. Helena Man slave on the fourteenth Day of "January in the eleventh year of the Reign of our Sovereign Lord "George now King of Great Britain &c. in the Night of the same "Day by Force and Arms in the Valley aforesaid within the Island "aforesaid the Dwelling house of one John Seale there situated "feloniously and burglariously did break and enter and one Cotton "Shirt of the Value of two Shillings and six pence two Muslin Cravats "of the Value of two Shillings two Towels of the Value of six pence "two Pillow Cases of the Value of six pence two China Sneakers "of the Value of six pence one Parcel of Buckles of different "Sorts of the Value of five Shillings and four Bottles containing "Wine of the Value of four Shillings of the Goods and Chattels "of the said John Seale Also two ruffled Shirts of the Value "of four Shillings two Stocks of the Value of one Shilling one "Pair of Breeches of the Value of two Shillings and one Waistcoat "of the Value of one Shilling the Goods and Chattles of a certain "Person yet unknown Also three Gold rings of the Value of "one Pound the Goods and Chattles of one Joshua Worrall in the "said Dwelling house then and there being found then and there "feloniously and burglariously did steal take and bear away against	Dick was formally charged under an indictment headed with the Island of St Helena as the place of jurisdiction. The jurors, acting for the King and under oath, charged that Dick, a slave from James's Valley, used force on the night of 14 January 1771 to break into John Seale's house in the valley. The charge described this as a felonious burglary. Once inside, he was accused of taking goods belonging to three different owners. Seale's goods were listed first. 1 cotton shirt, £0 2s 6d 2 muslin cravats, £0 2s 0d 2 towels, £0 0s 6d 2 pillowcases, £0 0s 6d 2 china punch bowls, £0 0s 6d 1 parcel of assorted buckles, £0 4s 0d 4 bottles of wine, £0 4s 0d The next items belonged to an owner not yet identified. 2 ruffled shirts, £0 4s 0d 2 neckcloths, £0 1s 0d 1 pair of breeches, £0 2s 0d 1 waistcoat, £0 1s 0d The last item belonged to Joshua Worrall. 3 gold rings, £1 0s 0d The charge described the taking as a felony in breach of the King's peace and of the statute that governed it. Dick pleaded not guilty. **Interpretations** The goods taken from Seale's house belonged to three different owners. That fitted Seale's trade as an innkeeper. Guests' clothes and valuables were kept in his house, and an innkeeper was legally responsible for goods left in his care. The indictment could still charge the theft of linen whose owner was "not yet identified." What mattered was that it was taken from a dwelling house, not who owned it. Burglary was a capital offence however small the value, so the charge carried the death penalty whether the jury accepted all the listed values or not. Only acquittal on the break-in itself would leave the lesser offences of theft. A "sneaker" was the period word for a small bowl or large cup of punch, and china sneakers were the porcelain bowls in which it was served by the measure. At sixpence for two, they were cheap Chinese export porcelain of the kind the China ships carried as ballast and sold at every port of call. That

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		"the Peace of our Sovereign Lord the King his Crown and Dignity "and also against the Form of the Statute in that Case made "and provided." To which he pleaded "Not guilty."	cheapness shows how ordinary Chinese porcelain had become in St Helena's drinking houses. In England, such ware was still largely a middle-class purchase. Muslin cravats were neckcloths of fine Indian cotton, worn by men of some standing. Together with ruffled shirts and gold rings, they suggest the unknown owner and Worrall were travellers or residents of some means, lodging at Seale's.
287	277	Roger, a Man slave, being at the Bar, was arraigned upon the following Indictment, Viz. Island of St. Helena ss. "The Jurors of our Sovereign Lord the King upon their Oaths "(do) Present that Roger late of Friar's Valley within the Island of "St. Helena Man slave on the thirty first Day of December in the eleventh "year of the Reign of our Sovereign Lord George now King of Great "Britain &c. by force and Arms in Sandy bay within the Island "aforesaid the Dwelling house of one James Greentree then situated "feloniously and burglariously did break and enter with an Intention "the Goods and Chattles of the sd. James Greentree in the said "Dwelling house then and there being then and there to have stolen taken "and born away against the Peace of our Sovereign Lord the King his "Crown and Dignity and also against the Form of the Statute in that "Case made and provided." He thereunto pleaded "Not guilty." The said Roger being moved from the Bar, Dick, the other Prisoner, was put on his Trial, and the twelve following Men, Viz. John Robinson Henry Rowell Rodk. Merchant Henry Barthrope Stephen Young Willm. Harper Junr. Willm. Harper Senr. James Barthrope Robert Ballard George Harper and John Defountain Saml. Knipe were sworn upon his Jury. Then the Indictment was, a second time, read to him, and the Jury charged. John Seale the Prosecutor, being duly sworn, saith that, on the fifteenth Day of January last, he was by Letter from Lieut.	Roger, a male slave, was brought before the Court and formally charged under an indictment headed with the Island of St Helena as the place of jurisdiction. The jurors, acting for the King and under oath, charged that Roger, a slave from Friar's Valley, used force on 31 December 1770 to break into James Greentree's house at Sandy Bay. He was accused of breaking in with the intention of stealing Greentree's property from the house. The charge described this as a felonious burglary in breach of the King's peace and of the statute that governed it. Roger pleaded not guilty. Roger was then taken from the bar, and Dick, the other prisoner, went on trial before a jury of the following twelve men, who were sworn in to hear his case. John Robinson Roderick Merchant Stephen Young William Hayes the elder Robert Ballard John Defountain Henry Nowell Henry Barthorpe William Hayes the younger James Barthorpe George Hayes Samuel Knipe The indictment was read to Dick a second time, and the jury received its instructions. John Seale, who brought the prosecution, gave evidence on oath. He said that on 15 January 1771 he received a letter from Lieutenant Defountain. **Interpretations** Roger's indictment charged burglary with intent to steal, not burglary followed by an actual theft. It listed no goods. In English law, the crime of burglary was complete once a person broke into a dwelling at night intending to commit a felony, whether or not anything was taken. The capital penalty applied just the same. The prosecution only had to prove the break-in and the intention, which could be inferred from the circumstances. That left the jury without the usual means of mercy, a reduction in the value of goods, since no goods were involved. James Greentree, whose house was broken into, had been the island's sheriff since June 1770. The sheriff was responsible for holding prisoners, summoning juries and carrying out any sentence of death. In this case the official who would have to supervise Roger's hanging, if he was convicted, was also the victim of his alleged crime.
288	278	Defountain informed his House in James's Valley had been broke open, on Receipt whereof, he repaired to the sd. Valley. That, on entering his House there, he discovered one of the Sash Windows broke and found that Part of the Sash had been cut away: And, on further examining, he found two Chests and a Bureau broke open. That, on overhauling one of the sd. Chests, he missed three or four Bottles of Wine, and in examining the other, he missed	Seale said Lieutenant Defountain's letter told him that his house in James's Valley had been broken into. On receiving it, he went down to the valley. When he entered the house, he found that one of the sash windows had been smashed and part of the sash cut away. Looking further, he found that two chests and a bureau had been forced open. In one chest, three or four bottles of wine were missing. From the other, shirts, neckcloths, breeches, waistcoats, towels and pillowcases had gone. Three gold rings belonging to Joshua Worrall were missing from the bureau, along with some assorted buckles of Seale's own. After discovering the losses, Seale applied to Governor Skottowe for a warrant to search certain

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		Shirts, Stocks, Neck clothes, Breeches, Waistcoats, Towels and Pillow cases, and out of the Bureau three Gold Rings, the latter being the Property of Joshua Worrall, and some Buckles of different Sorts belonging to himself. That, on missing the above Things, he made Application to the Governor for a Search Warrant agst. some particular suspected Persons which he obtained, and on his Return back to his House, he chanced to see Dick, the Prisoner, whom he called in: That he there searched his Pockets, and in one of them found two Gold Rings and a Stone knee buckle. The Prosecutor being asked if he thinks he should know the Rings again if produced to him, Says he only knows them by Report of the sd. Joshua Worrall, who had, with his Consent, deposited them in the sd. Bureau to be kept there. Joshua Worrall, on his Oath, saith that, on the fifteenth of January last, being at his Brother Seale's he saw him stop the Prisoner in the Street, from whence he called him into his House, and asked him where he had slept the Night before, to which he, the Prisoner, replyed, at Mr. Richd. Goodwin's, on which the Witness discovering a Handkerchief round the Prisoner's Waist, he loosed it, and being previously informed by Mrs. Defountain that she that Morning perceived a Handkerchief round the Prisoner's Body belonging to herself, he carried it to her, and she acknowledged it to be hers. That when he came back, he saw the sd. Seale	people he suspected, and it was granted. On his way back to the house, he happened to see Dick and called him in. He searched Dick's pockets and found two gold rings and a stone-set knee buckle in one of them. Asked whether he would recognise the rings if they were shown to him, Seale said he knew them only from Worrall's description. Worrall had placed them in the bureau for safekeeping with Seale's permission. Joshua Worrall, Seale's brother-in-law, then gave evidence on oath. On 15 January 1771, he said, he was at Seale's house when he saw Dick in the street. He called Dick in and asked where he had slept the night before. Dick said he had slept at Mr Richard Goodwin's. Worrall then noticed a handkerchief tied around Dick's waist and untied it. Mrs Defountain had already told him that she had seen that morning a handkerchief of hers around Dick's body. Worrall took it to her, and she confirmed it was hers. When Worrall came back to Seale's house, he saw Seale there. **Interpretations** Seale had to be sent for from outside the valley. This shows he lived mainly at a country property and kept his house in James's Valley for business. It was presumably the licensed punch house where Sutherwood and Fullwood had drunk in 1769, and it was left unoccupied at night. That arrangement, common among the island's householders, left town property exposed. Earlier it had done the same to Stephen Young's house and bar in 1767. The chests and bureau served as secure storage for his household and his guests. Worrall's rings were deposited there as they might be with a banker, which is why Seale had to rely on Worrall's description to identify them. The search warrant came from Governor Skottowe himself and named particular suspects. It was a proper legal instrument that allowed Seale to enter and search their property. Seale's search of Dick's pockets, however, took place when he happened to meet him in the street. It did not follow from any formal execution of the warrant. Worrall likewise stopped Dick in the street and untied a handkerchief from his waist. Private citizens searching a slave's person on suspicion, without any officer present, was evidently treated as normal. No one questioned whether it was permitted, and the goods found in this way went straight into evidence.
289	279	Take out of the Prisoner's Pocket a Purse which contained two Gold Rings and a Stone knee buckle, which Gold Rings are, to the best of his Knowledge his own Property. The Witness being asked if he thinks he should know the Rings if produced, Says he can prove undoubted Property in the Ring that had the Stone in it, by a particular Mark, and only conjectures the other to be his from its Similarity to the one he lost. George Bird, being duly sworn, saith that, on a certain Tuesday Morning (he knows not the Day of the Month) he sent the Prisoner from the School house down to the Saw pit, and as he was returning from thence, Mr. Seale happened to see him, on which he desired the Witness to stop him, saying he suspected him to be the Person who had broke and robbed his House. That having stopp'd him, he went into the sd. Seale's along with, and there he, Seale, asked	Worrall said that when he returned, he saw Seale take a purse out of Dick's pocket. It held two gold rings and a stone-set knee buckle. As far as Worrall could tell, the rings were his. Asked whether he would recognise them if shown them, he said he could prove beyond doubt that the stone-set ring was his by a particular mark on it. He believed the other ring was his only because it looked like the one he had lost. George Bird gave evidence on oath. One Tuesday morning, though he could not say the date, he sent Dick from the schoolhouse down to the sawpit. As Dick was coming back, Seale saw him and asked Bird to stop him. Seale said he suspected Dick of breaking into and robbing his house. Bird stopped Dick and went with him into Seale's house. There Seale asked Dick where he had slept the night before. Dick said he had slept at Mr Goodwin's in the country. Seale then asked what time Dick had left the valley the previous evening. Dick said six o'clock. Seale contradicted him, saying Dick had been seen at Mr Burling's at eight. Worrall then noticed the handkerchief around Dick's waist and asked where he had got it. Dick said it was his own and that he had others like it in the country. Worrall took the handkerchief from Dick's

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		him where he had slept the Night before, who replyed at Mr. Goodwin's in the Country; and then the sd. Seale asked him again what time the preceding Evening he might have left the Valley, he said at six; which the sd. Seale contradicted by affirming he had been seen at eight at Mr. Bruling's. That, on Mr. Worrall's seeing a Handkerchief round the Prisoner's Waist, he asked how he came by it, to which he answered "It is my own, and I have more of the same kind in the "Country." That thereon the sd. Worrall took the Handkerchief from round his Waist, and carried it to Mrs. Defountain, who, as he's told, acknowledged to be her Property, knowing it by a small Stamp on one of the Corners. That the Witness then advised the sd. Seale, as he was Constable, to take him into his Charge, and search him, and he accordingly put his hand in his Pocket, and pulled thereout a green Purse somewhat dirty, which Purse the sd. Worrall took, and turning the Inside out, there fell from it two Gold Rings and a Stone knee buckle. He is not certain the Knee buckle fell out of the Purse.	waist and carried it to Mrs Defountain. Bird understood that she recognised it as hers from a small mark stamped on one corner. Bird then advised Seale, who was the constable, to take Dick into custody and search him. Seale did so. He put his hand into Dick's pocket and pulled out a rather dirty green purse. Worrall took the purse and turned it inside out, and two gold rings and a stone-set knee buckle fell from it. Bird was not certain that the knee buckle had come out of the purse. **Interpretations** Bird's evidence showed that Seale was the island's constable at the time. The victim of the burglary was therefore also the officer responsible for arresting and searching the suspect. He was now the prosecutor as well. That combination, which would have been irregular in an English town with a separate watch and constabulary, was unavoidable on St Helena. There the office of constable rotated among the same householders who suffered the crimes. The search of Dick's person was an arrest by a constable acting on suspicion. It was lawful, but it was carried out by a man with a direct interest in what it found. Identification of the stolen goods was weaker than the finds first suggested. Seale knew the rings only from Worrall's description. Worrall could swear to one ring by a mark but only guessed at the other. Bird could not say whether the knee buckle came from the purse. Mrs Defountain's recognition of her handkerchief came to the Court only as Bird's belief. The strongest evidence against Dick was his false account of his movements. He claimed to have left the valley at six to sleep at Goodwin's in the country, but he had been seen in town at Burling's two hours later, on the night Seale's house was broken into.
290	280	The Evidence for the Crown being closed the Prisoner is put on his Defence, and he saith that, as he was that Morning coming up the Valley, Mr. Seale stopped him in the Street, and asked him where he had slept the Night before, to whom he replyed that he had no particular Abode in the Valley. Says that, as to the Rings and Knee buckle he found them in the Street between Mr. Seale's and Price's wrapt up in a red Handkerchief. That the Box produced in Court was in the Handkerchief when he found it but that the Purse is his own; that he knew not whom they belonged to. Here he calls upon Philip Mahony to his Character, who being sworn, saith that the Prisoner was his Servant for two years and a half, and that, during that time, he never knew him guilty of a single Breach of Honesty, tho' he often had it in his Power to rob him, as he had every thing belonging to the sd. Mahony in his Care. The Prisoner having no more to say in his Defence, the whole Evidence was summed up to the Jury, who retired to consider. On their Return they declared their Verdict, by which they acquitted the Prisoner of the Burglary, and found him Guilty of Felony only to the Value of four Shillings and ten pence: Which Verdict being	With the prosecution's case complete, Dick gave his defence. He said that on the morning in question he was walking up the valley when Seale stopped him in the street and asked where he had slept the night before. Dick replied that he had no fixed place to stay in the valley. He said he had found the rings and the knee buckle in the street between Mr Seale's and [...]'s, wrapped in a red handkerchief. The box produced in court had been in the handkerchief when he found it, but the purse was his own. He said he had not known whose the goods were. Dick then called Philip Mahony to speak to his character. Mahony said on oath that Dick had been his servant for two and a half years. In all that time he had never known Dick to be dishonest in any way, although Dick had often had the chance to rob him. Everything Mahony owned had been in his keeping. Dick had nothing more to say in his defence. The evidence was summed up for the jury, who withdrew to consider their verdict. When they came back, they cleared Dick of burglary. They found him guilty only of theft and valued the goods at £0 4s 10d. Once the verdict had been entered in the record, Dick was sentenced to be branded on the hand and released. He was then taken from the bar, and the other prisoner was brought forward. Roger then went on trial before a jury of the following twelve men, who were sworn in to hear his case. John Robinson Roderick Merchant Stephen Young William Hayes the elder Robert Ballard John Defountain Henry Nowell Henry Barthorpe William Hayes the younger James Barthorpe

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		recorded, the Prisoner received Sentence to be burnt in the Hand and discharged. He was then moved from the Bar, and the other Prisoner brought to it. Roger being put on his Trial, the twelve following Men, Viz. John Robinson Henry Rowell Rodk. Merchant Henry Barthrope Stephen Young Willm. Harper Junr. Willm. Harper Senr. James Barthrope Robt. Ballard George Harper and John Defountain Saml. Knipe were sworn upon his Jury. Then the Indictment was, a second time, read to him, and the Jury charged.	George Hayes Samuel Knipe The indictment was read to Roger a second time, and the jury received its instructions. **Interpretations** The jury's verdict removed both routes to a death sentence. By clearing Dick of burglary, it set aside the night-time break-in that made the offence capital whatever its value. By setting the value at twopence under five shillings, it also kept the theft below the line at which several statutes on stealing from houses removed benefit of clergy. The jury had been shown gold rings valued at £1 0s 0d, and a ring bearing Worrall's own mark had been found in Dick's purse. The figure of £0 4s 10d was not an assessment of what had been taken. It was the same device used in the Cupid and Tom verdicts in 1768 and 1769, set exactly at the point where branding took the place of hanging. Mahony's evidence reinforced a pattern seen throughout these trials. A prisoner who could produce a respectable master or officer to vouch for years of honest service usually gained the jury's mercy. Nowland had the sergeant major, Beeckmans had a Company overseer and Dick had a former master who had trusted him with his whole household. Dick's claim that he had found the goods in the street was weak, but the character evidence gave the jury a reason to spare him. By contrast, Cupid and Marck called no one to speak for them, and both were hanged.
291	281	Scarborough, a Man slave belonging to Mr. James Greentree, on his Oath, Saith that, on the Sunday after Christ mas day last towards three in the Morning, happening to have Occasion to go out of the House he lives in in Sandy bay, he was followed out of the House by Roger the Prisoner, and knowing him, he ran after him in Order to catch him, but could not. That as he ran close by him he could see he carried two or three Yams on his Arm, and then asked him what made him get into the House, to which he made no Answer, but ran off. That before he that Night went to bed, he had locked the Door and made fast the Windows, but on his coming out he only put the Door to without locking it. That he supposes the Prisoner came into the House thro' the Top where there is a little Hole in the Thatch; and that he has good Reason to know it was the Prisoner, as he, in coming out of the House, ran close by him. That he knows the Yams the Prisoner carried on his Arm were taken out of the House, as he, on examining, missed some he had left near the Pot. Saith that, some time before this, the Prisoner once on a Moon light Night came to the same House, and attempted to get in by one of the Windows, which on the Witness's Perceiving, he with a kind of Sword in his Hand ran to the Door and opened it, on which the Prisoner took Fright and ran away. No other Witness appearing for the Crown, the Prisoner is put on his Defence, and Saith that he was not in or near the House	Scarborough, a male slave owned by James Greentree, gave evidence on oath. He said that at about three o'clock in the morning after the Sunday following Christmas, he had reason to go out of the house where he lived at Sandy Bay. Roger followed him out. Scarborough recognised him and ran after him to catch him but could not. As he ran close by Roger, he saw two or three yams on his arm. He asked Roger why he had got into the house. Roger did not answer and ran off. Before going to bed that night, Scarborough had locked the door and fastened the windows. When he went out, he only pulled the door closed behind him without locking it. He believed Roger had got in through a small hole in the thatched roof. He was sure it was Roger because Roger had run right past him as he came out of the house. He also knew the yams on Roger's arm came from inside, because when he checked he found that some he had left beside the cooking pot were missing. Scarborough added that some time earlier, on a moonlit night, Roger had come to the same house and tried to get in through one of the windows. Scarborough saw him, seized something like a sword and ran to the door. When he opened it, Roger took fright and ran away. The prosecution called no other witnesses, and Roger gave his defence. He said he had not been in or near the house when he was supposed to have come out of it. He said he had spent that Sunday night in the pasture between his master's property and Captain Bazett's. He denied the whole charge. **Interpretations** The "dwelling house of James Greentree" named in the indictment turned out to be a thatched hut at Sandy Bay where Greentree's slave Scarborough lived. The goods involved were a few yams from beside Scarborough's cooking pot. In law, the hut belonged to Greentree, and any building where people slept at night counted as a dwelling house for the purposes of burglary. Entering it at night through the thatch, intending to steal, therefore met every element of the capital offence. As a result, a slave was on trial for his life for taking another slave's food

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		at the Time he is charged with coming out of it, but that he lay that Sunday Night in the Pasture between his Master's and Captn. Beale's. He Denies the whole Charge.	from a hut. No property of Greentree's own was said to be missing. The case rested entirely on Scarborough's sworn evidence, the first time in these records that a prosecution depended on a single slave witness. He identified Roger in the dark at three in the morning, as Roger ran past him. The earlier attempt on a moonlit night helped show intent, but it also came from Scarborough alone. Roger's alibi was that he had slept in an open pasture between two estates. That was impossible to prove, but it was also impossible for the prosecution to disprove except through Scarborough's word.
292	282	The Prisoner having no more to offer in his Defence, the Evidence was summed up to the Jury. They retired to consider, and, on their Return, brought in their Verdict "Not guilty." He was Discharged. The Sentence being put in Due Execution against Dick in the Face of the Court, and the Business finished, the Grand and Petit Juries were Dismissed, and the Court was, by Proclamation, adjourned to the tenth Day of July next ensuing. John Skottowe Dan Corneille	Roger had nothing more to say in his defence, and the evidence was summed up for the jury. The jurors withdrew to consider their verdict. When they came back, they found him not guilty, and he was released. Dick's branding was carried out in open court. With the business complete, both the grand jury and the trial jury were sent home. A formal proclamation then adjourned the Court until 10 July 1771. The record was signed by John Skottowe and Daniel Corneille. **Interpretations** Roger's acquittal showed that the jury would not convict of a capital offence on one slave's identification alone. Scarborough's evidence was detailed and consistent. He described the locked door, the hole in the thatch, the missing yams and the earlier attempt through the window. Yet it all depended on recognising a man running past him in the dark at three in the morning. Nothing independent supported it. No stolen yams were found on Roger, and no free witness placed him near Sandy Bay. For a crime that would have hanged a man for taking a few yams from a slave hut, the jury needed more than that single account.
293	283	On the tenth Day of April in the eleventh year of his Majesty's Reign, a Precept upon the Commission of the Peace was issued out to the Sheriff. On the twenty sixth Day of June following, a Precept upon the Commission of Oyer and Terminer was issued out to the sd. Sheriff. On the tenth Day of July following, a Precept upon the Commission of Goal Delivery was issued out to the sd. Sheriff. Island of St. Helena. The General Quarter Sessions of the Peace, Sessions of Oyer and Terminer, and Sessions of Goal Delivery, holden at the Hall in James's Valley for the sd. Island of St. Helena, the tenth Day of July, in the eleventh year of his Majesty's Reign, of Great Britain, France and Ireland King, Defender of the Faith, and so forth, before John Skottowe, Danl. Corneille and Matthew Bruling Esquires, three of his Majesty's Justices, assigned to keep the Peace in and for the sd. Island, also Commissioners of Oyer and Terminer, authorized to hear and Determine all Felonies, Trespasses and other Misdemeanors in the sd. Island committed.	The sheriff received a precept under the commission of the peace on 10 April 1771, in the eleventh year of the King's reign. A precept under the commission of oyer and terminer followed on 26 June 1771. A third, under the commission of gaol delivery, was issued to him on 10 July 1771. The island's three criminal courts sat together at the Hall in James's Valley on 10 July 1771, in the eleventh year of the reign of King George III. These were the general quarterly court of the peace, the court of oyer and terminer and the court of gaol delivery. The bench consisted of Governor Skottowe, Daniel Corneille and Matthew Burling, three of the King's justices appointed to keep the peace on the island. They also held a commission of oyer and terminer, which gave them power to try and decide every felony, trespass and lesser offence committed on the island.
294	284	The Court being opened upon the Commission of the	The Court opened under the commission of the peace, and a grand jury of 17 leading inhabitants of

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		Peace a Grand Jury consisting of seventeen of the principal Inhabitants of the Body of the sd. Island was sworn; and then the Proceedings of an Inquest held in the Course of the Quarter upon the Body of one Stephen Lucke, late a Soldier, who was found dead in the Long wood, before James Beall, Gentleman, Coroner for the sd. Island, were read; And no other Business appearing on that Commission, the Court was opened upon the Oyer and Terminer, a new Grand Jury was impanelled and sworn, and then two Bills of Indictments were preferred to them. They found the Bills, and then the Court was opened upon the Goal Delivery. Arraignments Andrew Fetherick, late a Matross, being brought to the Bar of the Court, was arraigned upon the following In dictment, Viz. Island of St. Helena ss. "The Jurors of our Sovereign Lord the King upon "their Oaths (do) Present that Andrew Fetherick late of James's "Valley within the Island of St. Helena Matross on the twelfth Day "of March in the eleventh year of the Reign of our Sovereign Lord "George now King of Great Britain &c. about the Hour of twelve in the "Night of the same Day by force and Arms in the Valley aforesaid "within the Island aforesaid the Storehouse of the united Company	the island was sworn in. The findings of an inquest held during the quarter were then read. The inquest concerned Stephen [...], a former soldier who had been found dead at Longwood, and it was held before James Powell, the island's coroner. No other business came before the Court under that commission, so it opened under the commission of oyer and terminer. A new grand jury was chosen and sworn, and two bills of indictment were placed before it. The jurors found both bills to be true, and the Court then turned to the business of gaol delivery and the arraignment of prisoners. Andrew Petherick, a former matross, was brought before the Court and formally charged under an indictment headed with the Island of St Helena as the place of jurisdiction. The jurors, acting for the King and under oath, charged that Petherick, from James's Valley, used force at about midnight on 12 March 1771 to break into the storehouse of the United Company in the valley. **Interpretations** The "United Company" was the formal short name of the East India Company, whose full title was the United Company of Merchants of England Trading to the East Indies. The storehouse in James's Valley held the provisions, arms, cloth and trade goods the Company supplied to its garrison and sold to the island's inhabitants. Betty had collected her master's groceries there in December 1768. Breaking into it was an attack on the Company's own property and on the stores the whole island relied on. A storehouse was not a dwelling, so the law of burglary did not apply. The capital risk would depend on whether the prosecution charged the break-in under the statutes covering warehouses and similar buildings. Petherick was described as a "former" matross, meaning he was no longer in the artillery at the time of his trial. The garrison evidently discharged him once the charge was brought. As a result, he was tried as a civilian, with no regiment or officer to speak for his character.
295	285	"of Merchants of England trading to the East Indies there situated "feloniously and burglariously (did) break and enter and several Pieces of coined "Gold called Gold Rupees Venetians Pagodas and Portugal Pieces also several "Pieces of coined Silver called Ducatoons Dollars Rupees and other Pieces of "coined Silver of smaller Value the whole Number of the said several Pieces "of coined Gold and Silver being of the Value of three hundred and fifty five "Pounds twelve Shillings and eleven pence numbered of the Chattels and "Monies of the sd. United Company in the sd. Storehouse then and there being "found then and there feloniously and burglariously did steal take and bear "away against the Peace of our Sovereign Lord the King his Crown and "Dignity and also against the Form of the Statute in that Case made and "provided." To which he pleaded "Guilty." His Plea was not immediately admitted by the Bench, till made fully sensible of the Consequence of such Plea, and the Benefit of a fair Trial being solemnly laid before him, in the Course of which some Circumstances may turn out in his favour, yet being put to answer a second time, he persevered in his former Plea of Guilty,	The indictment charged that Petherick broke into the Company's storehouse and there committed burglary. Inside, he was accused of taking a quantity of gold and silver coin belonging to the Company. The gold included gold rupees, Venetians, pagodas and Portuguese pieces. The silver included ducatoons, dollars, rupees and smaller coins. Together they were valued at £355 12s 11d. The charge described this as a felonious burglary and theft in breach of the King's peace and of the statute that governed it. Petherick pleaded guilty. The bench did not accept his plea straight away. It first made sure he fully understood what a guilty plea meant. It also explained carefully the advantage of a fair trial, at which something might emerge in his favour. When he was asked to plead a second time, he kept to his guilty plea, and it was entered in the record. Stephen Swarling, another former matross, was then brought before the Court and formally charged under an indictment headed with the Island of St Helena as the place of jurisdiction. The indictment against Swarling began by repeating the charge that Petherick had forced his way into the Company's storehouse in the valley at about midnight on 12 March 1771. **Interpretations** The coins taken show the mixed currency that the Company held in its St Helena treasury. That currency drew on every trade the island served. Gold rupees, better known as mohurs, were the high-value gold coins of Mughal India, each worth about 15 silver rupees. Pagodas were small, thick gold coins

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		and it was recorded. Stephen Swarling, late a Matross, being put to the Bar, was arraigned upon the following Indictment, Viz. Island of St. Helena ss. "The Jurors of our Sovereign Lord the King upon their "Oaths (do) Present that Whereas Andrew Fetherick late of James's "Valley within the Island of St. Helena Matross on the twelfth Day of "March in the eleventh year of the Reign of our Sovereign Lord George now "King of Great Britain &c. by Force and Arms in the Valley aforesaid "within the Island aforesaid about the Hour of twelve in the Night of the same "Day the Storehouse of the United Company of Merchants of England trading "to the East Indies then situated feloniously and burglariously did break	from South India, especially Madras, and were the standard money of the Coromandel coast. Venetians were Venetian gold sequins, or zecchini, prized across the Indian Ocean trade for their purity. Portuguese pieces were probably moidores or johannes, the large Brazilian-gold coins of Portugal that circulated widely in the Atlantic. Ducatoons were heavy silver coins struck in the Netherlands and Italy. Dollars were Spanish silver pieces of eight, the most widely accepted coin in the world. The Company needed this range of coin to pay troops, buy provisions from passing ships and settle accounts with captains of every nation. The sum of £355 12s 11d was enormous by the standards of these records. It was many times more than a soldier's yearly pay, and about the value of a substantial planter's estate. No jury could reduce a theft of that size below any threshold, and burglary of a Company building at midnight could not be cleared by any plausible finding. The bench's careful urging of a trial followed the same practice seen with Cupid in 1769. Here it did less to save Petherick's life than to protect the record. By entering a guilty plea to a capital charge only after he had twice been warned, the bench made sure no one could later question its fairness.
296	286	"And enter and several Pieces of coined Gold called Gold Mohurs "Venetians Pagodas and one Portugal piece also several Pieces of "coined Silver called Ducatoons Dollars Rupees and other Pieces of coined Silver of smaller Value the whole Number of the sd several Pieces "of coined Gold and Silver being of the Value of three hundred and "fifty five Pounds twelve Shillings and eleven pence numbered of "the Chattels and Monies of the sd United Company in the sd Storehouse "then and there being found then and there feloniously and burglariously "did steal take and bear away against the Peace of our Sovereign Lord "the King his Crown and Dignity and also against the Form of the "Statute in that Case made and provided". And that Stephen "Swarting late of the sd Valley within the sd Island Matross before the Felony and Burglary aforesaid by the sd Andrew Tetherick "in Manner and Form aforesaid done and committed, that is to say, the "twelfth Day of March in the eleventh Year of the Reign of our Sovereign Lord George now King of Great Britain &c the aforesaid Andrew "Tetherick in the Valley aforesaid within the Island aforesaid to the "Felony and Burglary aforesaid in Manner and Form aforesaid to "be done and committed feloniously did incite move abet counsel and "procure against the Peace of our Sovereign Lord the King his Crown "and Dignity and also against the Form of the Statute in that Case "made and provided. And that the sd Stephen Swarting well "knowing the sd Andrew Tetherick to have done and committed the said "Felony and Burglary in Manner and Form aforesaid Afterwards,	The indictment against Stephen Swarting set out that Andrew Tetherick broke into the Company's storehouse and took a large haul of coin from it. The gold included mohurs, Venetians, pagodas and a single Portuguese piece. The silver was made up of ducatoons, dollars, rupees and other coins of smaller value. All of this money, worth £355 12s 11d, belonged to the United Company and was found in the storehouse at the time. The charge described the theft as an offence against the King's peace and against the statute covering such crimes. The jurors went on to accuse Swarting, a matross living in the same valley, of a part in the crime before it took place. On 12 March 1771, in the eleventh year of the reign of George III, he was said to have urged Tetherick on. The indictment claimed that he encouraged, advised and arranged for Tetherick to carry out the break-in and theft in the valley. A further count charged Swarting with what he did once the crime was over. On 13 March 1771 he was said to have known full well that Tetherick had committed the burglary. Despite this, he was accused of taking a share of the stolen money from Tetherick. The indictment treated this too as a breach of the King's peace and a violation of the relevant statute. **Interpretations** Swarting faced two distinct charges resting on different legal categories. The first made him an accessory before the fact, someone who planned or encouraged a felony without committing it in person. In English law of the period such an accessory to burglary was liable to the same capital punishment as the principal offender. The second charge, receiving part of the proceeds while aware of their source, made him an accessory after the fact. That was a lesser offence, and joining the two counts gave the court a fallback conviction should the evidence of incitement fail. The indictment fixed the two roles to consecutive dates, 12 March 1771 for the incitement and 13 March 1771 for the sharing of the money. Tying each act to a specific day was a formal requirement. A charge that could not show when and where the accessory acted was open to challenge, so the clerk anchored Swarting's alleged conduct to the night of the burglary and the morning after.

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		"to wit, on the thirteenth Day of March in the eleventh Year of the Reign "of our Sovereign Lord George now King of Great Britain with Force "and Arms from him the sd Andrew Tetherick did receive and partake "of the Monies so stolen taken and born away by him the sd Andrew Tetherick in Manner and Form aforesaid against the Peace of our "Sovereign Lord the King his Crown and Dignity and also against "the Form of the Statute in that Case made and provided". To which	
297	287	Court's taking every Method of expounding the Necessity of his pleading Directly, notwithstanding the Indictment's being twice read, and the Charge therein contained explained and made clear to him, he would plead but collaterally, evasively and partially, till at length being told that he would be proceeded against as one standing mute tho' thro' Obstinacy and the Torment of being pressed to Death being explained to him, he then pleaded "Guilty". His Plea was taken. Proclamation for Silence being made, Andrew Tetherick was asked if he had any thing to say in stay of Judgment, and saying he had not, Danl Corneille spoke as follows. "Andrew Tetherick, You now stand before us on having pleaded "Guilty to your Indictment, and in such Cases the Law allows it the strongest "Conviction that can possibly be against a Man, and I hope, may in some "Measure extenuate the Heinousness of this Offence towards God from a "Presumption that this Frankness of Confession proceeds from a sincere "Repentance of the Crime and past Life. Yours, I fear, from your own "Confession to me, must have been highly criminal, it therefore sits with "you now to consider very seriously for the short time you have to live, how much it behoves you to make your Peace with that Judge before "whom you must shortly appear, who knows your most secret Thoughts, "and to whom there can be no Disguise. As to you, Swarting, I have "little to add, as my Exhortation to Tetherick is equally applicable "to your Situation: And you must allow the Justice and Equity "of our Law in your Condemnation as an Accessary, as it cannot "appear clear to you that had you made known Tetherick's Designs, "which, from your own Confession, you were acquainted with before he "put them in Execution, you might have prevented all bad Consequences "that have since happened by your concealing the same: Therefore	Stephen Swarting at first refused to give the court a straight answer to the charge against him. The judges tried every means of showing him why he needed to plead plainly. The indictment was read to him twice, and its accusations were explained until their meaning was clear. Even so, he gave only indirect, evasive and partial replies. In the end the court warned him that he would be treated as a prisoner who stayed silent out of stubbornness. The punishment for this, being pressed to death under heavy weights, was described to him. At that point he admitted his guilt, and the court accepted the plea. Once silence had been called for, Andrew Tetherick was asked whether he could offer any reason why sentence should not be passed. He replied that he could not. Daniel Corneille then addressed the two prisoners. Corneille told Tetherick that a guilty plea was, in law, the most conclusive proof that could stand against any man. He expressed the hope that such an admission might lessen the gravity of the crime in the eyes of God. That hope rested on the belief that the confession sprang from genuine regret for the offence and for the life that led to it. Corneille added that Tetherick's past, judging by what the prisoner confessed to him in private, seemed to have been thoroughly criminal. With very little time left to live, Tetherick needed to think hard about making his peace with the judge he would soon face. That judge, Corneille reminded him, could see into his most hidden thoughts, and nothing could be concealed from him. Turning to Swarting, Corneille said he had little further to say, since his words to Tetherick applied equally to Swarting's position. Swarting had to accept that the law was fair in condemning him as an accessory. By his own admission, he knew of Tetherick's plans before they were carried out. Had he revealed them, he could have prevented all the harm that followed from his silence. **Interpretations** The threat used to force Swarting's plea was the ancient procedure known as peine forte et dure. A prisoner who refused to plead could not be tried, so English law allowed the court to lay weights on his chest until he answered or died. Because a man who died unconvicted kept his property for his family, some prisoners chose it deliberately. The procedure survived in English law until an act of 1772 abolished it and treated silence as a guilty plea instead. The court on St Helena therefore invoked it within months of its abolition in England, showing the island still worked with the full old apparatus of criminal procedure. In practice the warning alone usually sufficed, as it did here. Corneille's speech revealed how closely investigation and judgment overlapped on the island. He referred to confessions made to him personally by both prisoners before the trial. The same senior officer who had questioned the accused then sat in judgment and passed comment on the evidence he

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			himself had gathered. In England a magistrate who took a confession would not normally sit on the trial bench, but a small garrison island had too few officials to keep those roles apart. The question put to Tetherick, whether he had anything to say before judgment, was the formal step known as the allocutus. It gave a convicted prisoner a last chance to raise a legal defect in the indictment or to plead a privilege such as benefit of clergy. Tetherick's answer that he had nothing to offer cleared the way for a capital sentence, which Corneille's reference to his short remaining life already assumed.
298	288	"must look upon yourself as equally guilty; and it equally stands "you upon to make your Peace with God for this as well as every other Error "of your past Life". And then the President in a Discourse introductory to the Sentence, spoke as follows. "Andrew Tetherick, you stand convicted from your own "Confession of the audacious and notorious Crime of breaking open "and robbing the Company's Stores of a considerable Sum of Money; "And as the Equity of the just Laws we live under has appointed "adequate Punishments for all Criminals, in Order to preserve the Peace "and good Order of Society, Magistrates are therefore appointed to "take proper Cognizance of all Crimes which are prejudicial to the "Publick or the Interest of private Men. Yet one can't help being "concerned that the many Examples which we have already had in this "Island have not been a Means of deterring others from the like "Offences: However as our Duty to God does in all Things coincide "here with our Duty to our Neighbours, Nothing now remains for this "Court but to proceed to pronounce that Sort of Judgment on you, "which the sd just Laws of our Country have provided for the great "Crime you now stand, from your own Confession, guilty of. "Therefore you shall go to the Place from whence you came, "and from thence to the Place of Execution, and there you shall "be hanged by the Neck until your Body is Dead, and God have "Mercy upon your Soul". Stephen Swarting, the other Convict, being asked if he had any thing to offer in Stay of Judgment, and answering in the Negative, the same Judgment was pronounced against him, and they were both removed from the Bar to the Goal.	Corneille concluded that Swarting should regard himself as just as guilty as Tetherick. He urged him to seek God's forgiveness for this crime and for every other wrong in his earlier life. The president of the court then spoke to the prisoners before passing sentence. He began by telling Andrew Tetherick that his own confession had convicted him of a bold and shameless crime. Tetherick broke into the Company's storehouse and stole a large sum of money from it. The president observed that fair laws set a fitting punishment for every offender so that peace and order could be kept. Magistrates held office precisely to deal with crimes that harmed the community or the interests of individuals. He admitted his regret that the many examples already made on the island had failed to deter others from similar offences. Duty to God and duty to neighbours pointed the same way, however, and the court had only one task left. It had to pass the sentence that the law laid down for the serious crime Tetherick confessed to. The sentence was that Tetherick would be taken back to the prison and from there to the place of execution. He would be hanged by the neck until dead, and the president asked God to have mercy on his soul. Stephen Swarting, the second convicted man, was asked whether he could give any reason why sentence should not be passed. He said he could not. The court then passed the same death sentence on him, and both men were taken from the dock back to the gaol. **Interpretations** Swarting received exactly the same sentence as Tetherick, although he never entered the storehouse himself. This followed from his conviction as an accessory before the fact, a status that English law punished as severely as the act itself. His knowledge of the plan and his share of the money were enough to send him to the gallows. The earlier remark by Corneille, that Swarting could have prevented the crime by speaking out, supplied the moral justification for treating silent foreknowledge as equal guilt. The president's complaint that previous examples had deterred no one showed the logic of capital punishment in a garrison settlement. Public hanging was meant chiefly as a warning to others rather than as a reckoning with the offender alone. On a small island where soldiers and Company servants lived close to the stores they guarded, theft from the Company struck at the settlement's means of paying and supplying itself. The court's frustration suggested that thefts of this kind had recurred despite earlier executions.
299	289	The Sentence agt Stephen Swarting being respited, and the Business of the Court now ended, the Grand and petit Juries were dismissed, And the Court was, by Proclamation, adjourned to the ninth	Stephen Swarting's execution was put on hold, and with its business finished the court discharged both the grand jury and the trial jury. A formal announcement then adjourned the court until 9 October 1771. On the 24th of the same month, the court sent the sheriff a warrant for Andrew

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		Day of October next ensuing. On the twenty fourth following, a Warrant for the Execution of Andrew Tetherick was issued out to the Sheriff, and he was, pursuant thereto, duly executed on the twenty sixth following. John Skottowe Dan Corneille R Burling	Tetherick's execution. He was hanged in accordance with it two days later, on the 26th. The record was signed by the following: John Skottowe Daniel Corneille Burling **Interpretations** The signatures showed who formed the court. Governor Skottowe headed the bench, and it was presumably he who spoke as president when passing sentence, with Corneille and Burling sitting beside him as members of the Council. On St Helena the Governor and Council acted as judges in criminal cases, while grand and trial juries drawn from the inhabitants handled indictment and verdict as in an English court. The executive that ran the Company's settlement therefore also tried offences against the Company's property. Swarting's respite marked the practical difference between the two men, despite the identical sentences. In court he was told that the law rightly treated him as equally guilty, yet only Tetherick, who carried out the break-in, went to the gallows. A respite suspended execution without cancelling the sentence, leaving room for a pardon or a lesser punishment to follow. The bench thus kept the full rigour of the law on the record while reserving the ultimate penalty for the principal offender. The warrant to the sheriff was the step that turned a sentence into an execution. Passing judgment in court did not by itself authorise the hanging, so a separate written order went to the officer responsible for carrying it out. The two-day gap between warrant and execution left the condemned man a short final interval for the spiritual preparation that both Corneille and the president had urged on him.
300	290	On the tenth Day of July, in the eleventh Year of His Majesty's Reign, a Precept upon the Commission of the Peace was issued out and delivered to Mr Jonathan Dowton Sheriff of the Island of St Helena. On the twenty sixth Day of September following, a Precept upon the Commission of Oyer and Terminer was issued out to the sd Sheriff. Island of St Helena. The General Quarter Sessions of the Peace, holden at the Hall in James's Valley, for the sd Island of St Helena, on Wednesday the ninth Day of October, in the eleventh Year of the Reign of our Sovereign Lord George the third, of Great Britain, France and Ireland King, Defender of the Faith and so forth, before John Skottowe, Danl Corneille, and Matthew Burling Esquires, three of His Majesty's Justices of the Peace and Commissioners of Oyer and Terminer, authorized to hear and Determine all Felonies, Trespasses and other Misdemeanors in the sd Island committed.	On 10 July 1771, in the eleventh year of the King's reign, an order issued under the commission of the peace went to Jonathan Doveton, sheriff of St Helena. A second order, this time under the commission of oyer and terminer, reached the sheriff on 26 September 1771. The island's General Quarter Sessions of the Peace met at the Hall in James's Valley on Wednesday 9 October 1771. That date fell in the eleventh year of the reign of George III, King of Great Britain, France and Ireland and Defender of the Faith. Governor Skottowe presided alongside Daniel Corneille and Matthew Burling. All three sat as justices of the peace for the King and as commissioners of oyer and terminer. Their authority covered the trial of every felony, trespass and lesser offence committed on the island. **Interpretations** A precept was a written order from the justices directing the sheriff to prepare a court sitting. In practice it required Doveton to summon the grand jury and the trial jurors from among the inhabitants, bring prisoners from the gaol and give public notice of the court. Without it no sitting could lawfully proceed, which is why the clerk recorded the date each order left the justices' hands. The two orders drew on two different sources of authority. The commission of the peace empowered the justices to deal with routine breaches of order and minor offences at quarter sessions. The commission of oyer and terminer, from the old French for "to hear and determine", gave them the far graver power to try felonies, including capital crimes such as the burglary for which Andrew Tetherick was hanged. Holding both commissions allowed the same three men to sit as a single court handling every level of offence. In an English county these jurisdictions were normally split between local magistrates and visiting

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			assize judges, but St Helena had no such judges and combined the two in the Governor and his Council. The sheriff's role gave one named inhabitant real weight in the island's justice. Doveton, as sheriff, managed the juries, held prisoners and carried out sentences, including the execution warrant served earlier on Tetherick. The office tied the enforcement of the court's decisions to a figure drawn from the settler community rather than the garrison.
301	291	The Court being opened upon the Commission of the Peace, a Grand Jury consisting of seventeen of the principal Inhabitants of the Body of the sd Island were sworn. Stephen Swarting who was, at the last Sessions of Goal Delivery held for the sd Island, convicted, as an Accessary, in Burglary and Felony, for which he received Judgment to be hanged, was brought to the Bar of the Court, where, in Consideration of some favorable Circumstances, he was respited to the eighth Day of January next ensuing, to which Day the Court was, by Proclamation, adjourned. John Skottowe Dan Corneille R Burling	The court opened under the commission of the peace, and a grand jury of 17 leading inhabitants of the island took the oath. Stephen Swarting was then brought before the bench. At the island's previous gaol delivery, he had been convicted as an accessory to burglary and felony and sentenced to hang. The court took account of certain circumstances in his favour and postponed his execution again, this time until 8 January 1772. A public announcement adjourned the court to the same date. The record was signed by the following: John Skottowe Daniel Corneille Matthew Burling **Interpretations** A gaol delivery was the sitting at which the justices, acting under their commission of oyer and terminer, cleared the prison by trying every felony suspect held there. The label identified the earlier court at which Tetherick and Swarting were condemned as the island's felony court, distinct from the ordinary quarter sessions now sitting under the commission of the peace. Swarting's case nonetheless came back before the lesser court because it concerned only the carrying out of a sentence already passed, not a fresh trial. The respite granted here was temporary and renewable, not a pardon. Each postponement ran only to the next sitting, so Swarting remained under sentence of death and was brought back to the bar every time the court met. This kept the court's full power over him intact while it decided what to do. The unspecified "favourable circumstances" probably included his lesser role as an accessory who never entered the storehouse. A final outcome, whether execution, pardon or some commuted penalty, would require a decision beyond an ordinary adjournment. The grand jury was drawn from the island's most substantial inhabitants, the landholders and leading families rather than the soldiers or slaves who made up much of the population. Its task was to examine charges and decide which should go to trial. Swearing in 17 such men gave the settler elite a formal share in the island's criminal justice alongside Governor Skottowe and his Council.
302	292	On the ninth Day of October, in the eleventh Year of the Reign of our Sovereign Lord the King, a Precept upon the Commission of the Peace was issued out and Delivered to Mr Jonan Dowton Sheriff of the Island of St Helena. On the twenty third Day of December following, a Precept upon the Commission of Oyer and Terminer was issued out and Delivered to the sd Sheriff. Island of St Helena. The General Quarter Sessions of the Peace and Sessions of Oyer and Terminer, holden at the Hall in James's Valley, for the sd Island of St Helena, the eighth Day of January, in the twelfth Year of the Reign of our Sovereign Lord George the third, of Great Britain, France and Ireland King, Defender of the Faith, and so forth, before John Skottowe and Danl Corneille,	On 9 October 1771, in the eleventh year of the King's reign, an order under the commission of the peace went to Jonathan Doveton, sheriff of St Helena. A further order under the commission of oyer and terminer reached him on 23 December 1771. The island's General Quarter Sessions of the Peace sat jointly with a court of oyer and terminer at the Hall in James's Valley on 8 January 1772. That date fell in the twelfth year of the reign of George III, King of Great Britain, France and Ireland and Defender of the Faith. Governor Skottowe and Daniel Corneille presided as two of the King's justices of the peace and commissioners of oyer and terminer. Their authority extended to the trial of every felony, trespass and lesser offence committed on the island. **Interpretations** The dating of the orders showed how the court kept itself in continuous existence. The order under

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		Esquires, two of his Majesty's Justices of the Peace and Commissioners of Oyer and Terminer, authorized to hear and Determine all Felonies, Trespasses and other Misdemeanors in the sd Island committed.	the commission of the peace for this January sitting left the justices' hands on 9 October 1771, the very day the previous court met and adjourned to 8 January. Each sitting thus set in motion the preparations for the next, and the second order in December added the felony jurisdiction once the justices knew serious business would come before them. That business presumably included the unresolved sentence on Stephen Swarting, whose respite ran to this date. Only two justices sat on this occasion, against three at the October sitting, with Matthew Burling absent. The commissions evidently allowed any two of the named justices to form a lawful court. On an island with so few qualified officials, such a quorum rule prevented the absence or illness of a single councillor from halting criminal justice altogether.
303	293	The Court being opened upon the Commission of the Peace, a Grand Jury composed of seventeen of the principal Inha= =bitants of the Body of the sd Island were sworn; But no Business appearing upon that Commission, the Court of Oyer and Terminer was opened, and a New Grand Jury impanelled and sworn. Stephen Swarting, who stood reprieved since the last General Quarter Sessions, was then brought to the Bar of the Court, where he was further reprieved to the twenty ninth day of April next ensuing, to which time the Court was, by Proclamation, adjourned. John Skottowe Dan Corneille	The court first opened under the commission of the peace, and a grand jury of 17 leading inhabitants of the island took the oath. No cases arose under that commission, so the justices went on to open the court of oyer and terminer. A fresh grand jury was then chosen and sworn for that court. Stephen Swarting, whose execution had stood postponed since the previous General Quarter Sessions, was brought before the bench. The justices put off his sentence once more, this time until 29 April 1772. A public announcement adjourned the court to the same date. The record was signed by the following: John Skottowe Daniel Corneille **Interpretations** Two separate grand juries were sworn at a single sitting, even though the same two justices presided over both courts. Each commission created its own court with its own jurisdiction, and a grand jury sworn under one could not act under the other. The island's leading inhabitants were therefore called on twice in one day, a sign of how strictly the justices kept to English procedural form in a settlement with only a small pool of qualified jurors. Swarting's case came up under the felony court rather than the quarter sessions, since only the court of oyer and terminer held power over a capital sentence. This sitting marked the third postponement since his conviction, stretching his time under sentence of death across several months. The pattern suggested the justices were waiting on a decision outside their own hands, perhaps a ruling on mercy from higher authority, rather than weighing the case afresh at each appearance.
304	294	On the eighth Day of January in the twelfth Year of the Reign of our Sovereign Lord the King, a Precept upon the Commission of the Peace was issued out to Mr Jonathan Dowton, Sheriff of the Island of St Helena. On the fifteenth Day of April ensuing, a Precept upon the Commission of Oyer and Terminer was issued out to the sd Sheriff. On the twenty ninth Day of the above Month, a Precept upon the Goal Delivery was issued out to the sd Sheriff. Island of St Helena. The General Quarter Sessions of the Peace, Sessions of Oyer and Terminer and Sessions of Goal Delivery holden at the Hall in James's Valley for the said Island of St Helena, the twenty ninth Day of April, in the twelfth Year of the Reign of our Sovereign Lord George the third,	On 8 January 1772, in the twelfth year of the King's reign, an order under the commission of the peace went to Jonathan Doveton, sheriff of St Helena. A second order, issued under the commission of oyer and terminer, followed on 15 April 1772. On 29 April 1772 the sheriff received a third order, this one for a gaol delivery. The General Quarter Sessions of the Peace met at the Hall in James's Valley on 29 April 1772, sitting together with courts of oyer and terminer and gaol delivery. That date fell in the twelfth year of the reign of George III, King of Great Britain, France and Ireland and Defender of the Faith. Governor Skottowe presided alongside Daniel Corneille and Matthew Burling. All three held office as justices of the peace for the island and as commissioners of oyer and terminer. Their authority covered the trial of every felony, trespass and lesser offence committed there. **Interpretations** This sitting brought a third jurisdiction into play alongside the two used at earlier courts. A

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		of Great Britain, France and Ireland King, Defender of the Faith and so forth, before John Skottowe, Daniel Corneille and Matthew Burling Esquires, Justices of the Peace in and for the sd Island, Also Commissioners of Oyer and Terminer authorized to hear and Determine all Felonies, Trespasses and other Misdemeanors in the said Island committed.	commission of oyer and terminer allowed the justices to try offences on indictments brought before them. A commission of gaol delivery worked from the other direction, empowering them to deal with every prisoner actually held in the gaol, whatever stage the case had reached. It was the proper instrument for bringing a long-standing prisoner to a final outcome. Its appearance here, at the sitting to which Stephen Swarting's latest respite ran, suggested the justices expected to settle his case and perhaps others awaiting disposal.
305	295	The Court being opened upon the Commission of the Peace, a Grand Jury consisting of seventeen of the principal Inhabitants of the Body of the said Island were sworn, and, being asked if they knew of any Business upon that Commission, they retired, and on their Return into Court, gave in the following Presentment, Viz. Island of St Helena 29th April 1772. "We the Grand Jury beg Leave to present to the "Worshipful the Board of Justices that the Channel "which conveys the Water thro' this Valley is very much "filled up with Stones and other Rubbish, and the Bridge "not sufficient to vend the Torrents of Water that are fre= "quently occasioned by the Rains, and are therefore of Opinion "that the same should be taken into Consideration". Ordered pursuant to the above Presentment, that the sd Channel be surveyed in Order to prevent the Danger likely to result from the Insufficiency of the Bridge in Times of much Rain. No other Business appearing upon that Commission, the Court of Oyer and Terminer was opened, and the Grand Jury being sworn, Stephen Swarting, who stood convicted of Felony and condemned since the Genl Sessions of General Goal Delivery held the tenth of July last, was called to the Bar of the Court, where his Majesty's most gracious free Pardon was read to him, and he was Discharged. Then two Bills of Indictment being preferred to the Grand Jury, they retired to examine Witnesses, and on their finding the Bills, the Court was opened upon the Goal Delivery.	The court opened under the commission of the peace, and a grand jury of 17 leading inhabitants of the island took the oath. Asked whether they knew of any matters for that court, the jurors withdrew. On returning, they handed in a formal report dated 29 April 1772. In it, the grand jury drew the justices' attention to the channel that carried water down through James's Valley. Stones and other debris had largely choked it. The jurors also judged the bridge too small to let through the floodwater that heavy rain often sent down the valley. They asked the bench to look into both problems. The justices responded by ordering a survey of the channel. Their aim was to head off the danger posed by the undersized bridge whenever rainfall was heavy. No further matters came before the court under the commission of the peace, so the justices opened the court of oyer and terminer and swore in its grand jury. Stephen Swarting was then called before the bench. He had stood convicted of felony and under sentence of death since the general gaol delivery held on 10 July 1771. A free pardon granted by the King was read out to him, and the court released him. Two draft indictments were next laid before the grand jury. The jurors withdrew to hear witnesses and found that both charges should go to trial. The court then opened under its commission of gaol delivery. **Interpretations** Swarting's release came through a pardon issued in the King's name, a power reserved to the Crown. Neither Governor Skottowe nor the Company's directors could grant it on their own authority, since the court sat under royal commissions and administered English criminal law. A capital sentence could only be lifted by a request sent home to Britain and a pardon sent back. The chain of short respites from October 1771 to April 1772 kept Swarting alive while that exchange crossed thousands of miles of ocean by passing ships. The long delay reflected the island's distance from the source of mercy, not indecision on the bench. The grand jury's report showed that its role reached well beyond criminal charges. Under the English system a grand jury could present any public nuisance, including neglected roads, bridges and watercourses, and the justices were expected to act on it. Here the leading inhabitants used the device to raise a practical concern for the town. The channel ran through the narrow, steep-sided valley where Jamestown stood, and sudden heavy rain on the island's interior could send a surge of water down it with little warning. A blocked channel and a narrow bridge threatened houses and stores along the valley floor. A draft indictment, known as a bill, was the prosecution's written charge put to the grand jury. Only once the jurors found it supported by the evidence did it become a true indictment on which a prisoner could be tried. Their approval of both bills here was what allowed the court to move on to trying the accused held in the gaol.

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306	296	Cato a Man slave, and Lucy, a Woman Slave, being set to the Bar of the Court, were arraigned upon the following Indictment, Viz. Island of St Helena for The Jurors of our Sovereign Lord the King "upon their Oaths Do Present that Cato late of Sandy "Bay within the sd Island of St Helena Man slave on the "twenty sixth Day of December in the twelfth Year of our now Sovereign Lord the King about the Hour of twelve in the Night "of the same Day by Force and Arms the Back yard of the Dwelling house of Thomas Statham situate in James's Valley within "the sd Island feloniously did enter and one Linnen Shift of "the Value of one Shilling and six pence one Muslin handker= =chief of the Value of one Shilling one Pair of Pack thread Jumps "of the Value of two Shillings one Napkin of the Value of six pence one small Mattress and Blanket of the Value of "two Shillings one Child's Frock of the Value of two "Shillings half a Piece of Nankeen Cloth of the Value of one "Shilling and six pence and a pinafore of the Value of six pence "of the Goods and Chattles of the sd Thomas Statham then "and there being found feloniously did steal take and bear away "against the Peace of our Sovereign Lord the King his Crown "and Dignity &c. And the Jurors aforesaid upon their "Oaths aforesd Do further present that Lucy late of Sandy "Bay aforesaid within the Island aforesaid Woman Slave "well knowing the sd Linnen Shift the sd half Piece of Nankeen "Cloth the sd Pair of Pack thread Jumps and the sd Muslin "Handkerchief to have been stolen afterwards, that is to say, "the twenty seventh day of December in the Year aforesaid by force and Arms in Sandy Bay aforesaid within the Island	Cato and Lucy, a male and a female slave, were brought before the court and charged under the following indictment for the island of St Helena. The jurors, sworn on the King's behalf, accused Cato, a slave from Sandy Bay, of entering the back yard of Thomas Statham's house in James's Valley. He was said to have gone in by force at about midnight on 26 December 1771, in the twelfth year of the King's reign. From the yard he allegedly stole the following items belonging to Statham: 1 linen shift, £0 1s 6d 1 muslin handkerchief, £0 1s 0d 1 pair of packthread jumps, £0 2s 0d 1 napkin, £0 0s 6d 1 small mattress and blanket, £0 2s 0d 1 child's frock, £0 2s 0d Half a piece of nankeen cloth, £0 1s 6d Some rice, £0 0s 6d The indictment described the theft as a breach of the King's peace. The jurors made a further charge against Lucy, also a slave from Sandy Bay. She was accused of knowing that the linen shift, the half piece of nankeen, the jumps and the muslin handkerchief were stolen goods. The following day, 27 December 1771, she was said to have acted by force at Sandy Bay in connection with them. **Interpretations** Nankeen was a durable cotton cloth of a natural yellowish-buff colour, woven in and around Nanjing in China. Company ships returning from Canton carried it in quantity, and on St Helena it was a common, affordable material for everyday clothing and trousers. Jumps were a loose, lightly stiffened bodice that women wore in place of rigid stays, especially for work or at home; like stays they were spoken of as a pair. A packthread pair had its seams or stiffening stitched with strong, coarse twine, marking it as a plain working garment. A shift was the long linen undergarment worn next to the skin by women of every class. The goods were modest household textiles worth a few shillings each, yet the charge was a felony. Under English law any theft of goods above 1s counted as grand larceny, and most items here passed that line individually. Cato's charge rested on entry into a back yard, not into the house itself, so the offence fell short of burglary. That distinction mattered greatly to him, since housebreaking at night brought the certainty of a death sentence that simple larceny did not always carry. Slaves on St Helena were indicted and tried through the same machinery of grand jury and royal commission as free defendants such as Andrew Tetherick and Stephen Swarting. The law described each defendant by legal status, "man slave" and "woman slave", in the place where a free man's occupation would stand. Lucy was charged in the classic form of a receiver who took goods knowing them to be stolen. The overlap of the four items she allegedly handled suggested that the clothing and cloth had passed from Cato to her at Sandy Bay, perhaps for her own use or for disposal.
307	297	"aforesaid the sd Linnen Shift the sd half piece of Nankeen Cloth "the sd Pair of Jumps and the sd Handkerchief feloniously did receive "against the Peace of our Sovereign Lord the King his Crown and Dignity "and also against the Form of the Statute in that Case made and "provided". To which they severally pleaded "Not guilty". Cato, an other Man slave, being set to the Bar, was arraigned upon the following Indictment, Viz. Island of St Helena for	Lucy was charged with knowingly receiving the stolen linen shift, the half piece of nankeen cloth, the jumps and the handkerchief. The indictment described this as an offence against the King's peace and contrary to statute. Cato and Lucy each denied the charges against them. A second slave, also named Cato, was then brought before the court and charged under a separate indictment for the island of St Helena. The jurors, sworn on the King's behalf, accused this Cato, who lived in James's Valley, of taking a sheep belonging to Matthew Bazett. The offence was said to have happened on 18 April 1772 at Hancock's

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		"The Jurors of our Sovereign Lord the "King upon their Oaths Do Present that Cato late of "James's Valley within the sd Island of St Helena Man slave "on the eighteenth Day of April in the twelfth Year of the Reign "of our Sovereign Lord George now King of Great Britain &c by Force and Arms in Hancock's hole within the Island aforesd "one Sheep of the Value of fifteen Shillings of the Goods and "Chattles of one Matthew Bazett then and there being found "feloniously did steal take kill and bear away against the Peace "of our Sovereign Lord the King his Crown and Dignity and also "against the Form of the Statute in that Case made and provided". And he thereunto pleaded "Not guilty". The last mentioned Cato being moved from the Bar, the other Cato and Lucy were put on their Trial, and the twelve following Men, Viz. Stephen Young Jos. Smith John Worrak Wm Hayes Senr James Colgrave George Bird Robt Merchant Wm Knipe Senr John Whitchurch Wm Hayes Junr and John Robinson Simon Whaley were sworn upon their Trial. Then the Indictment was, a second time, read to them, and the Jury charged.	Hole, in the twelfth year of the reign of George III. According to the charge, Cato used force to seize the animal, killed it and carried it off. The sheep was valued at £0 15s 0d. The indictment treated the theft as a breach of the King's peace and a violation of statute. Cato denied the charge. Once the second Cato had been taken from the dock, the trial of the first Cato and Lucy began. The following 12 men were sworn as the jury: Stephen Young John Smith John Worrak William Hayes senior James Colgrave George Bird Robert Merchant William Knipe senior John Whitchurch William Hayes junior John Robinson Simon Whaley The indictment was read to the jurors a second time, and they were formally given the case to decide. **Interpretations** The charge against the second Cato carried far graver consequences than the theft of clothing. Parliament had made sheep stealing a capital felony in 1741 and removed benefit of clergy from it, so a conviction meant a mandatory death sentence. The reference to the statute in the indictment pointed to exactly that law. On St Helena the stakes were sharpened by the island's dependence on its own livestock, which fed both the inhabitants and the ships calling for fresh provisions. A single sheep, valued at 15s, was worth more than all the goods in the first indictment combined. Slaves accused of felony received trial by a jury of 12 free inhabitants under the same procedure as any other defendant. The jurors were drawn from the island's settler families, with two generations of the Hayes family sitting together and a senior member of the Knipe family among them. Some of these men were probably slave owners themselves. The accused therefore faced judgment from the very class whose property the law protected, even while enjoying the formal guarantees of an English criminal trial. The two defendants named Cato were distinguished only by their places of residence, Sandy Bay and James's Valley. Slaves on the island usually carried a single given name, often a classical one such as Cato, with no surname. The court relied on place of residence to keep separate identities apart in the record, the device normally used for free people who shared a common name.
308	298	Lieut Thomas Statham appearing before the Court, and being sworn, Saith that, in some time after his House had been robbed of the following Articles, Viz. a pair of Pack= =thread Jumps, a Shift, a Child's Frocks, a Towel, a Boy's Bed with a blue Cover, a Blanket, half a Piece of Nankeen and a Clothes Line, one Mary, a Woman slave, informed his Wife that she had seen the sd Jumps and Shift on Lucy, one of the Prisoners at the Bar, who also had the Muslin Handkerchief. On his hearing which, he applyd to the Lieut Governor for a Search Warrant, and having obtained it, One Doll a Woman slave belonging to him, went along	Lieutenant Thomas Statham gave sworn evidence to the court about the theft from his household. Some time after the robbery, he said, a slave named Mary told his wife she had seen Lucy wearing the missing jumps and shift. Mary also reported that Lucy had the muslin handkerchief. The stolen goods, as Statham listed them, were the following: 1 pair of packthread jumps 1 shift 1 child's frock 1 towel 1 boy's bed with a blue cover 1 blanket Half a piece of nankeen cloth 1 clothes line On hearing Mary's report, Statham asked the Lieutenant Governor for a search warrant. Once he had it, he sent his slave Doll with the constable to the house of John [...] at Sandy Bay, where Lucy lived. Doll went because she knew the stolen items and

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		with the Constable to the House of John Nash in Sandy Bay, where the Prisoner, Lucy, lived, as she knew the Things stolen, in order to ascertain them, if found upon or in the Possession of the sd Lucy. That, upon Search being made by the Con= =stable, the above Things were found partly in the Possession of the sd Lucy, and partly in that of Cato the other Prisoner. The stolen Things being produced in Court, and shewn to the Witness, he is positive the Jumps and blue Cover belong= =ing to the Bed are his Property, but can't, on his Oath, say the other Things belong to him. Doll, a Woman slave, on her Oath, saith that, being sent to Sandy Bay along with the Constable, by Order of a Magistrate, she found Lucy, one of the Prisoners, wearing one of her Mistress's Shifts, and found the Jumps and Handker= =chief in her Possession also the half piece of Nankeen Cloth. That Cato, the other Prisoner, had the Bed and Blanket, and, upon Enquiry, found that he had given to an other black Woman in the Family a Frock and Side board Cloth: That the Constable, in searching the sd Cato's Chest, found and took	could confirm them if they turned up in Lucy's hands. When the constable searched, he found some of the goods with Lucy and the rest with Cato. The recovered items were produced in court and shown to Statham. He swore with certainty that the jumps and the blue cover from the bed belonged to him. He could not, however, swear on oath that the remaining items were his. Doll then testified on oath. A magistrate had ordered her to accompany the constable to Sandy Bay, she explained. There she found Lucy wearing a shift belonging to Doll's mistress, and discovered the jumps, the handkerchief and the half piece of nankeen in Lucy's keeping. Cato had the bed and blanket. Through her enquiries Doll also learned that Cato had passed a frock and a sideboard cloth to another black woman in the same household. **Interpretations** Statham's evidence exposed a weakness at the heart of the prosecution. A theft charge required the owner to prove the goods were his, and he could swear only to the jumps and the bed cover. Doll's testimony was therefore essential, since as the household slave who handled the family's linen she could recognise the shift and cloth where her master could not. The case turned on whether a jury would accept her identification of her mistress's clothing in place of the owner's own. Doll and Mary showed how slave evidence operated on St Helena. Mary's informal report to her mistress started the investigation, while Doll acted both as an identifier during the search and as a sworn witness at trial. Her oath was accepted against other slaves, reflecting the island practice of admitting slave testimony where the accused were also slaves. The household's own slaves thus served as the eyes and memory of the prosecution. The search warrant came from the Lieutenant Governor acting in his capacity as a magistrate, not from Statham's own authority as an officer. A warrant was needed before the constable could lawfully enter another man's house at Sandy Bay and search the people living there. The procedure respected the property rights of Lucy's owner even while pursuing a theft by his slave.
309	299	therefrom the Bed and Blanket, the Sheet and Piece of Line, and that the sd Lucy at same time delivered to him the stolen Goods she had in her Possession. That she knew the Shift so found upon Lucy to be her Mistress's, by a Slit in the Bosom, and from its being made of English Linnen. The stolen Things being produced in Court, and shewn to the Witness, she is certain they are the same that were stolen out of the Yard belonging to the House her Master lives in. Mary, a Woman slave, on her Oath, saith that, happening to go to Sandy Bay, she there saw Lucy, one of the Prisoners at the Bar in the Act of taking of the Jumps stolen out of Lieut Statham's Yard: That she well knew the sd Jumps, as they had been given to her by Mrs Statham, which she afterwards exchang= =ed with her Mother for a Waistcoat; And, as to the Shift she saw the sd Lucy wear, she knew it by a Slit in the Bosom, and further, because it was made of English Linnen. The Evidence for the Crown ending here, the Prison=	The constable searched Cato's chest and took from it the bed, the blanket, a sheet and a length of line. Doll added that Lucy handed over all the stolen goods in her keeping to the constable during the same visit. She recognised the shift found on Lucy as her mistress's by a slit at the breast and by its English linen. When the stolen items were produced and shown to her in court, Doll swore they were the same goods taken from the yard of the house where her master lived. Mary, another slave woman, then gave sworn evidence. She happened to be at Sandy Bay, she said, and saw Lucy taking off the jumps stolen from Lieutenant Statham's yard. Mary knew those jumps well, because Mrs Statham had once given them to her. She later traded them to her own mother for a waistcoat. Mary also recognised the shift Lucy wore by the slit at the breast and by the English linen from which it was made. The prosecution closed its case at this point, and the prisoners were called on to answer the charges. Cato claimed he found the goods, now lying before the court, outside the wall of Statham's house. Lucy stated that Cato gave her the jumps, the handkerchief, the shift and the half piece of nankeen about two weeks after the previous Christmas. He told her he had bought them, and she accepted them on that basis. With nothing further from the prisoners, the evidence was summed up for the jury, who withdrew

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		=ers were put on their Defence. Cato, for himself, saith that he found the Things he is charged with having stolen and now in Court on the Outside of the Wall of Mr Statham's house. Lucy, on her Part, saith that a fortnight after Christ==mas last, Cato gave her the Jumps, the Handkerchief, the Shift and the half Piece of Nankeen, which things she received from him as things he told her he had bought. The Prisoners having no more to say, the Evidence was summed up to the Jury, who retired to consider. On their Return, they declared their Verdict, by which they found Cato guilty of ten pence, and acquitted Lucy who was immediately Discharged.	to reach a decision. On their return they found Cato guilty of stealing goods worth 10d. They acquitted Lucy, and the court released her at once. **Interpretations** The verdict of guilty to the value of 10d was a deliberate legal device, not a mistaken valuation. English law divided theft at the line of 1s, with anything above counting as grand larceny, a felony that could carry death. Theft of goods worth less than 1s was petty larceny, usually punished by whipping. The indictment valued the stolen goods at 11s in total, yet the jury fixed a figure just under the threshold. Juries in England often used this so-called pious perjury to spare a defendant from a capital charge while still convicting him. Lucy's acquittal rested on the element of knowledge. A receiver was guilty only if she took goods knowing them to be stolen. Her account that Cato presented the items as purchases gave the jury grounds to doubt that knowledge, however unlikely a slave's purchase of household linen might seem. Her prompt surrender of everything she held to the constable probably strengthened that impression. English linen served as a mark of identity for clothing on the island. Most cloth reaching St Helena came from India and China aboard Company ships, so a shift of English linen stood out in a small community. Doll and Mary both relied on the fabric and on a distinctive slit at the breast to identify the garment. This kind of recognition by those who washed, mended and wore household clothing supplied the proof of ownership that Statham himself could not give. **Speculations** The jury had a straightforward course open to it: to convict Cato of stealing goods worth 11s, as the indictment set out and as the recovered items largely confirmed. Instead it chose a figure of 10d, pointedly below the 1s line, and so kept the case out of the capital category. The reason probably lay in the evidence itself. Statham could swear to only two items, and the jumps had apparently passed through Mary and her mother before the theft, muddying his claim to them. Faced with shaky proof of ownership, low-value household goods and a defendant who said he had found them outside a wall, the jurors convicted him of something while refusing to put his life at stake.
310	300	Cato, pursuant to the Verdict, received Sentence to be whipped till his Body was bloody, and Discharged. The Prisoner being moved from the Bar, the other Cato was brought to it, and being put on his Trial, the twelve following Men, Viz. Stephen Young Jos. Smith John Worrak Wm Hayes Senr James Colgrave George Bird Robt Merchant Wm Knipe Senr John Whitchurch Wm Hayes Junr and John Robinson Simon Whaley were sworn upon his Jury. Then the Indictment was, a second time, read to him, and the Jury charged. Matthew Bazett Esqr, being duly sworn, saith that, on Friday the twenty fourth Instant, he went to the House of John Fabian, the Constable, to look at the Skin of a Sheep that had been stolen, in Order to find out by the Mark whose Property it was. That when he came to the sd House, the Constable informed him that, just before he came in, a Cat had eat off the right Ear, but that he had cut the Shape	Cato was sentenced, in line with the verdict, to be whipped until his back bled, and was then released. Once both prisoners had been taken from the dock, the second Cato was brought forward to stand trial. The following 12 men were sworn as his jury: Stephen Young John Smith John Worrak William Hayes senior James Colgrave George Bird Robert Merchant William Knipe senior John Whitchurch William Hayes junior John Robinson Simon Whaley The indictment was read to him a second time, and the case was formally put to the jury. Matthew Bazett gave evidence on oath. On Friday 24 April 1772 he went to the house of John Fabian, the constable, to examine the skin of a stolen sheep. His aim was to establish from the ownership mark whose animal it had been. On his arrival Fabian told him that a cat had just eaten the right ear. The constable had, however, cut out the shape of the

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		of the Mark upon Paper, which he shewed him. That by the Shape so shewn him, it appeared to be his proper Mark, but says he did not see the Ear. That he then looked on the left Ear, and found it also to bear his proper Mark; from which Circumstances he Judges the stolen Sheep to have been his Property. Being desired to Describe his Mark, he says the right Ear is slit down and one of the lobbes [...] of the	mark on paper and showed it to him. That shape matched Bazett's own mark, though he admitted he never saw the ear itself. He then checked the left ear and found his mark there as well. On this evidence he concluded that the stolen sheep was his. Asked to describe his mark, he explained that the right ear was slit downward. **Interpretations** Livestock on St Helena was identified by distinctive cuts made in the ears, a system of marks each owner kept as his own. With animals grazing across open ground, the ear mark was often the only proof of ownership once a sheep had been killed and butchered. The prosecution therefore rested on matching the skin to Bazett's pattern. The loss of the right ear to a cat broke the chain of direct evidence, leaving Bazett dependent on the constable's paper tracing and on the surviving left ear. Cato's whipping was the standard punishment for petty larceny, and the jury's verdict of 10d made it the only sentence open to the court. Once flogged, he was discharged back to his owner rather than held further. For a slave, the penalty fell on his body while his labour stayed with his master, so the owner lost nothing beyond the time taken by the trial. The same 12 jurors sat on this second trial immediately after delivering their verdict in the first. English practice allowed one jury to hear several cases at a single sitting. On St Helena, with only a narrow pool of eligible free inhabitants, this made it possible to dispose of a day's business without calling new men.
311	301	Anthony, a Man slave, on his Oath, saith that, on the twentieth Instant, as he was fetching Yams from the Plantation in Hancock's Hole, he saw Cato, the Prisoner, going up the Hill before him, and knowing him to be a Run away, he went after him, and took him. That, on seeing a Bag on his Head, he examined it, and found it contained some raw Meat and some ready Dressed but knows not what kind of Meat, says it was neither Beef nor Pork. That he then took the Prisoner Down to Mr John Desfountain's, and not finding him at home, Mrs Desfountain Desired him to take him to his own Master's (meaning Mr Wm Seale). That in moving him from thence in order to take him to the sd Seale's, he ran away from him in the Road, and he, himself, went home with his Yams. July, a Boy slave, on his Oath, saith that, being in the Plantation in Hancock's hole, he saw Anthony, the last Witness, run up the Hill after the Prisoner; and having taken him, he brought him Down to the Plantation, and having there opened a Bag which the Prisoner carried, he found in it some raw Meat and some ready Dressed, which, from it's Appearance, he believes, was Mutton. William Jenkins, being sworn, saith that, on Monday the twentieth Instant, he was at Mr Seale's in the Country when the Prisoner was brought there, having some Meat in a Bag: That, from the Appearance of the Meat, particularly	Anthony, a male slave, gave sworn evidence about how Cato was caught. On 20 April 1772 he was collecting yams from the plantation at Hancock's Hole when he saw Cato climbing the hill ahead of him. Knowing Cato to be a runaway, Anthony chased and seized him. Cato was carrying a bag on his head, and Anthony looked inside. It held some raw meat and some that had already been cooked. Anthony could not say what animal it came from, though he was sure it was neither beef nor pork. Anthony then took his prisoner to the home of John Desfountain but found him out. Mrs Desfountain told Anthony to take Cato to his master, William Seale. On the way there, Cato broke free and escaped along the road. Anthony gave up the chase and went home with his yams. July, a slave boy, testified next on oath. He was at the plantation in Hancock's Hole when he saw Anthony run up the hill after the prisoner. Anthony caught Cato and brought him down to the plantation. There the bag Cato carried was opened, and July saw raw and cooked meat inside it. From its look he took it to be mutton. William Jenkins was then sworn. On Monday 20 April 1772 he was at Seale's country house when the prisoner was brought in with meat in a bag. Judging by its appearance, and especially by the feet, Jenkins concluded the meat was mutton. He asked Cato how he came by it, and Cato said he found it on the seashore. Jenkins then asked what had become of the head. Cato replied that the carcass already lacked a head when he came across it. **Interpretations** Cato's status as a runaway explained both his capture and the meat in his bag. Slaves who fled their owners on St Helena hid in the steep, broken ground of the interior and along the coast, where they survived largely by taking livestock. Any islander who recognised a runaway was expected to seize him and return him to his owner, which is why Anthony, himself a slave, gave chase without hesitation. The cooked portion of the meat suggested Cato had killed

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		that of the Feet, he Judged it to be Mutton, and, on asking the Prisoner how he came by it, he told him he had found it by the Seaside, on which he asked him how he disposed of the Head, and he answered that, as to head, it had none when he found it.	and prepared the animal in a hiding place before carrying the remainder away. Jenkins's question about the head went to the heart of the case. The ears carried the owner's mark, and without them no carcass could be tied to a particular flock. A thief who meant to avoid detection would dispose of the head first, and Cato's claim that he found the carcass already headless offered a ready explanation for its absence. The prosecution therefore rested on circumstantial evidence, with witnesses identifying the meat as mutton by its appearance and particularly by the feet, since hooves distinguished sheep from goats and other stock. Anthony's account and Jenkins's differed on whether Cato reached Seale's house. Anthony said the prisoner escaped on the road there, while Jenkins described him being brought in with the bag. Both could be true if Cato was recaptured after his escape, perhaps by others, and taken on to Seale's the same day.
312	302	And, as to the Skin, he knew not what became of it: That, in some time after, he, the Prisoner, informed him that he found the Meat near Mr Bazett's Plantation cut up in the same Manner as then in the Bag; After which, he, the Witness, bound him to a standing Piece of Furniture in the House, and when he had so bound him, he told him it depended on himself to be easier, if he would but confess how he came by the Meat: That then the Prisoner informed him the Sheep of which he had a Part in the Bag was caught in Mr John Desfountain's Plantation amidst the High yams by himself and one Patna, and that they both killed it: That the sd Patna staid there along with him all Night, where they dressed and eat a Part of it, and that Patna next Morning took some more of it home with him. Julio Fabiano, the Constable, being duly sworn, saith that, on Thursday the twenty third Instant, he was desired by Mr Mahony to take a Bailiff in Order to conduct the Prisoner to the Place he had confessed he had hid the Skin of the Sheep's Head: That in their Way, stopping at Mr Desfountain's, he was asked where he was going, and on his saying he was going down to the Plantation in Hancock's Hole, Mr Desfountain agreed to go along with them. That, when they came to the Plantation, he asked the Prisoner to shew him where the Skin was hid, to which he replyd it was further down the Gut near the Water; And when they came there, the Prisoner took up a Stone that covered a Hole in the Ground out of which he pulled up the Skin. Being asked what head the Skin so found had belonged to, says it was the Skin of a Sheep's head. Mr John Desfountain being examined upon Oath in Respect to the Mark he saw on the Skin, says that one	William Jenkins went on to say that Cato claimed not to know what became of the skin. Some time later the prisoner told him he found the meat near Matthew Bazett's plantation, already cut up as it was in the bag. Jenkins then tied Cato to a fixed piece of furniture in the house. Once he was secured, Jenkins told him that his treatment would ease if he admitted where the meat came from. At this, Cato confessed that he and a man named Palma caught the sheep among the tall yams on John Desfountain's plantation. The two of them killed it together. Palma spent the night with him, and they cooked and ate part of the animal. The next morning Palma took more of the meat home with him. Julio Fabiano, the constable, gave sworn evidence next. On Thursday 23 April 1772 a Mr Mahony instructed him to take a bailiff and escort the prisoner to the spot where Cato admitted hiding the skin from the sheep's head. On the way they stopped at Desfountain's house, where Fabiano was asked his business. When he explained they were heading to the plantation in Hancock's Hole, Desfountain joined them. At the plantation Fabiano asked Cato to point out the hiding place. The prisoner said it lay further down the gut, close to the water. On reaching the spot, Cato lifted a stone covering a hole in the ground and drew out the skin. Asked what animal the head skin came from, he said it was a sheep's. John Desfountain was then questioned on oath about the mark he saw on the skin. **Interpretations** Cato's confession was extracted while he was tied up and promised relief if he spoke. English courts were then beginning to hold that a confession obtained by threat or by promise of favour could not safely be used against a prisoner, a principle that judges set down firmly over the following decade. The island court heard Jenkins describe the pressure he applied without any sign of objection. What gave the confession weight was its result, since it led the constable to a hidden skin that Cato could only have known about if he had handled the carcass. A gut, in St Helena usage, was a narrow, steep-sided ravine cut by a stream running down towards the sea. Hancock's Hole lay in such country, and a stone-covered hole near the water there offered an ideal hiding place for evidence. The head skin mattered because it carried the ear marks, which, as Bazett's evidence earlier showed, were the only means of tying a slaughtered sheep to its owner. Cato's confession named an accomplice, Palma, who shared in the killing and took meat away. Under the law Palma was equally guilty, yet he did not stand in the dock beside Cato. His absence suggested that

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			the confession, while enough to guide the constable, had not yet led to his arrest or indictment.
313	303	Of the Ears was slit, and one of the upper parts cut off the other Ear cropped. The Evidence for the Crown being closed and the Prisoner put on his Defence, he saith that it was not he but one Patna who caught the Sheep and killed it: That, having killed it, he Dressed and eat a Part on't, and carried the Rest away. The whole Evidence being impartially summed up to the Jury, they retired to consider; When returned to Court, they Declared their Verdict, by which they found the Prisoner Guilty. The above Verdict being recorded, and the Prisoner having Nothing to move in Stay of Judgment, the President gave him Judgment as follows, Viz. "You shall go to the Place from whence you came, and "from thence to the Place of Execution, and there you shall "be hanged by the Neck until your Body is Dead, and "God have Mercy on yr Soul". The Business of the Sessions being now ended, the Grand and Petit Juries were dismissed and the Court was, by Procla= =mation, adjourned to the eighth Day of July next ensuing. After Adjournment the Sentence of Whipping against the former Cato was put in due Execution, and on the thirteenth of May following, the Sentence of Death against the latter Cato was also duly executed. John Skottowe Dan Corneille R Burling	John Desfountain described the mark on the skin as a slit in one ear with one of its upper points cut away, while the other ear was cropped. The prosecution then closed its case, and Cato was called on to answer the charge. He insisted that Palma, not he, caught and killed the sheep. After the killing, he said, part of the carcass was cooked and eaten and the rest carried off. The whole of the evidence was summed up fairly for the jury, who withdrew to consider it. On their return they found the prisoner guilty. The verdict was entered on the record, and Cato offered no reason why sentence should not be passed. The president then sentenced him to be taken back to the prison and from there to the place of execution. There he would be hanged by the neck until dead, and the president asked God to have mercy on his soul. With the court's business concluded, the grand jury and the trial jury were discharged. A public announcement adjourned the court until 8 July 1772. After the adjournment the first Cato received his whipping as sentenced. On 13 May 1772 the second Cato was hanged in accordance with his sentence. The record was signed by the following: John Skottowe Daniel Corneille Matthew Burling **Interpretations** The two Catos met very different fates at the hands of the same 12 jurors on the same day. In the clothing case the jury reduced the value of the goods to 10d and so turned a possible capital felony into a whipping. No such device was open to them here. The statute of 1741 made sheep stealing a capital crime whatever the animal was worth, so undervaluing the sheep could not save the prisoner. Once the jury accepted that Cato took part in the theft, a death sentence followed automatically. Cato's defence that Palma did the killing offered him no protection in law. His own earlier confession placed him with Palma at the catching and slaughter, and he was found carrying the meat and later led the constable to the hidden head skin. A man who joined in taking and killing another's sheep was guilty as a principal, whoever struck the blow. Palma himself, though twice named as the chief actor, did not appear in the record as having been charged. Desfountain's description of the mark completed the chain of identification that the cat had threatened to break. His account of a slit ear with an upper point removed and a cropped opposite ear matched the pattern Matthew Bazett claimed as his own. Taken with the recovered head skin, it tied the stolen carcass to Bazett's flock with enough certainty for a capital conviction.
314	304	On the twenty ninth Day of April, a Precept upon the Commission of the Peace was issued out in Court, and Delivered to the sd Sheriff. On the twenty fifth Day of June following a Precept upon the Commission of Oyer and Terminer was issued out to Mr Benjamin Mason Sheriff of the Island of St Helena. Island of St Helena. The General Quarter Sessions of the Peace holden at the Hall in James's Valley for the sd Island of St Helena, the eighth Day of July, in the twelfth Year of the Reign of our Sovereign Lord George the third of Great Britain, France and Ireland King, Defender of the Faith, and so forth, before John Skottowe, Daniel Corneille, Matthew Burling and	On 29 April 1772 an order under the commission of the peace was issued in open court and handed to the sheriff. A second order, under the commission of oyer and terminer, went on 25 June 1772 to Benjamin Mason, now sheriff of St Helena. The island's General Quarter Sessions of the Peace met at the Hall in James's Valley on 8 July 1772. That date fell in the twelfth year of the reign of George III, King of Great Britain, France and Ireland and Defender of the Faith. Governor Skottowe presided with Daniel Corneille, Matthew Burling and Matthew Bazett. The four men sat as justices of the peace for the island and as commissioners of oyer and terminer. Their authority covered the trial of every felony, trespass and lesser offence committed on the island. The court opened first under the commission of the peace.

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		Matthew Bazett Esquires, four of his Majesty's Justices of the Peace in and for the said Island, Also Commissioners of Oyer and Terminer, authorized to hear and Determine all Felonies, Trespasses and other Misdemeanors in the sd Island committed. The Court being opened upon the Commission of the Peace, a Grand Jury consisting of seventeen of the principal	**Interpretations** Matthew Bazett now took his seat on the bench only two months after giving the evidence that sent the second Cato to the gallows. The owner whose sheep had been stolen, and whose ear mark secured the conviction, thus joined the body that tried such crimes. In a community as small as St Helena, the men who owned the livestock, land and slaves were also those who judged offences against them. No rule of the island's practice kept a recent prosecutor from sitting in judgment, and the pool of suitable justices was too small for such scruples to be easily observed. The change of sheriff from Jonathan Doveton to Benjamin Mason came between the April and July sittings. Because the order under the commission of the peace was delivered in court on 29 April to the outgoing officer, while the June order went to Mason, the handover evidently took place in the weeks between. The office passed among leading inhabitants, spreading the burden of summoning juries and carrying out sentences across the settler community.
315	305	Inhabitants of the Body of the sd Island were sworn, and being asked by the Court if they knew of any Business upon that Commission, they retired to consider: On their Return into Court, they Declared they knew of none. As it appeared by the Sheriff's Return that there were then no Prisoners in his Majesty's Goal, the Grand Jury were dismissed, and the Court was, by Proclamation, adjourned to the seventh Day of October next ensuing. John Skottowe Dan Corneille R Burling M Bazett	A grand jury of 17 leading inhabitants of the island took the oath. The court asked whether they knew of any matters to bring under the commission of the peace, and the jurors withdrew to consider. On returning, they reported that they knew of none. The sheriff's report to the court showed that the King's gaol held no prisoners at that time. The justices therefore discharged the grand jury. A public announcement adjourned the court until 7 October 1772. The record was signed by the following: John Skottowe Daniel Corneille Matthew Burling Matthew Bazett **Interpretations** The sheriff's return was the written report he made to the justices in answer to their orders, certifying what he had done and whom he held in custody. It decided whether the felony side of the court had any work to do. Although an order under the commission of oyer and terminer had gone to Benjamin Mason on 25 June 1772, an empty gaol meant there was no one to indict or try. The justices consequently never opened the felony court at this sitting, and the whole business closed once the grand jury confirmed that no lesser matters were pending either.
316	306	On the eighth Day of July in the twelfth Year of his Majesty's Reign, a Precept upon the Commission of the Peace was issued out to Mr Benjamin Mason Sheriff. On the twenty third Day of September following, a Precept upon the Commission of Oyer and Terminer was issued out to the sd Sheriff. Island of St Helena. The General Quarter Sessions of the Peace holden at the Hall in James's Valley for the sd Island of St Helena the seventh Day of October, in the twelfth Year of the Reign of our Sovereign Lord George the third of Great Britain, France and Ireland King, Defender of the Faith, and so forth, before John Skottowe, Daniel Corneille, Matt: Burling and Matt: Bazett Esqrs four of his Majesty's Justices, assigned to keep the Peace in and for the sd Island, also Commissioners of Oyer & Terminer authorized to hear and Determine all Felonies, Trespasses and other Misdemeanors in	On 8 July 1772, in the twelfth year of the King's reign, an order under the commission of the peace went to Benjamin Mason, the sheriff. A further order under the commission of oyer and terminer reached him on 23 September 1772. The island's General Quarter Sessions of the Peace sat at the Hall in James's Valley on 7 October 1772. That date fell in the twelfth year of the reign of George III, King of Great Britain, France and Ireland and Defender of the Faith. Governor Skottowe presided with Daniel Corneille, Matthew Burling and Matthew Bazett. The four men held office as the King's justices appointed to keep the peace on the island and as commissioners of oyer and terminer. Their authority extended to the trial of every felony, trespass and lesser offence committed there.

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		the said Island committed.	
317	307	The Court being opened upon the Commission of the Peace, a Grand Jury consisting of seventeen of the principal Inha= =bitants of the Body of the said Island were sworn; and being asked if they knew of any Business upon that Commission, answered they did not. Mr Philip Mahony who had been previously elected by the unanimous Voice of all the Freeholders of the sd Island to succeed to the Office of his Majesty's Coroner in the Room of Mr James Powell deceased, was sworn in to that Office in open Court by the Sheriff. And it appearing by the said Sheriff's Return of the Goal that there were then no Pri= =soners, the Jury was dismissed, and the Court was, by Procla= =mation adjourned to the thirteenth Day of January next ensuing. John Skottowe Dan Corneille R Burling M Bazett	A grand jury of 17 leading inhabitants of the island took the oath. Asked whether they knew of any matters for the court under the commission of the peace, the jurors replied that they did not. Philip Mahony was then sworn in open court by the sheriff as the King's coroner for the island. All the island's freeholders had earlier chosen him unanimously to replace James Powell, who had died. The sheriff's report showed that the gaol again held no prisoners. The justices therefore discharged the jury, and a public announcement adjourned the court until 13 January 1773. The record was signed by the following: John Skottowe Daniel Corneille Matthew Burling Matthew Bazett **Interpretations** The coroner was the one royal officer on the island chosen by election among the freeholders, not appointed by the Company. The practice copied English counties, where freeholders had elected coroners since the Middle Ages. His chief duty was to hold inquests with a jury into sudden, violent or unexplained deaths, deciding whether a crime lay behind them. On an island with a garrison, a busy anchorage and a large slave population, deaths by accident, violence and drowning made the office a real check on how lives were lost. Election by the landholders gave that check a source of authority independent of the Governor and Council. Mahony was probably the same man who, on 23 April 1772, directed the constable Julio Fabiano to take Cato with a bailiff to recover the hidden sheep skin. That earlier role suggested he already held some official standing in the island's policing. His unanimous election indicated that he enjoyed the confidence of the settler community before taking up the coroner's office.
318	308	On the seventh Day of October in the twelfth Year of the Reign of our Sovereign Lord the King, a Precept on the Commission of the Peace was issued out and Delivered to the Sheriff of the Island of St Helena. On the twenty eighth Day of December following, a Precept upon the Commission of Oyer and Terminer was issued out and Delivered to the said Sheriff. Island of St Helena. The General Quarter Sessions of the Peace holden in James's Valley for the said Island of St Helena, the thirteenth Day of January, in the thirteenth Year of the Reign of our Sovereign Lord George the third of Great Britain, France and Ireland King, Defender of the Faith and so forth, Before John Skottowe, Matthew Burling and Matthew Bazett Esquires, three of his Majesty's Justices assigned to keep the Peace in and for the said Island, also Commissioners of Oyer and Terminer, authorized to hear and Determine all Felonies, Trespasses and other Misdemeanors in the said Island committed.	On 7 October 1772, in the twelfth year of the King's reign, the sheriff of St Helena received an order under the commission of the peace. He was sent a second order, this one under the commission of oyer and terminer, on 28 December 1772. The General Quarter Sessions of the Peace for the island sat in James's Valley on 13 January 1773. That date fell in the thirteenth year of the reign of George III, King of Great Britain, France and Ireland and Defender of the Faith. Governor Skottowe presided with Matthew Burling and Matthew Bazett. The three men acted as the King's justices appointed to keep the peace on the island and as commissioners of oyer and terminer. They had authority to try every felony, trespass and lesser offence committed there.
319	309	The Court being opened upon the Commission of the Peace, a Grand Jury consisting of Seventeen of the principal Inhabitants of the Body of the said Island were sworn; But no Business appearing upon that Commission, and no Prisoners being in his Majesty's Goal, as appeared	The court opened under the commission of the peace, and a grand jury of 17 leading inhabitants of the island took the oath. No matters arose under that commission. The sheriff's report also showed that the King's gaol held no prisoners. The justices therefore discharged the grand jury, and a public announcement adjourned the court until 21 April 1773. The record was signed by the following: John Skottowe Matthew Burling

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		by the Sheriff's Return, the Grand Jury were dismissed, and the Court was, by Proclamation, adjourned to the twenty first Day of April next ensuing. John Skottowe R Burling M Bazett	Matthew Bazett **Interpretations** This was the third sitting in a row, after those of 8 July 1772 and 7 October 1772, at which the gaol stood empty and the court had nothing to try. The run of idle courts followed directly on the hanging of the second Cato on 13 May 1772 and the whipping of the first. When sentencing Andrew Tetherick in 1771, the president complained that earlier executions had failed to deter others. The quiet months that followed the 1772 hanging may suggest that exemplary punishment, at least for a time, had the effect the justices intended, though a small island's crime rate could also rise and fall for reasons the record does not show.
320	310	On the thirteenth Day of January in the thirteenth Year of his Majesty's Reign, a Precept upon the Commission of the Peace was issued out, and Delivered to Mr Benjamin Mason Sheriff of the Island of St Helena. On the eighth Day of April following, a Precept upon the Oyer and Terminer was issued out to the sd Sheriff. On the twenty first Day of the aforesaid Month, a Precept upon the Goal Delivery was issued out to the sd Sheriff. Island of St Helena. The General Quarter Sessions of the Peace, Sessions of Oyer & Terminer and Sessions of Goal Delivery holden at the Hall in James's Valley for the sd Island of St Helena, the twenty first Day of April, in the thir= =teenth Year of the Reign of our Sovereign Lord George the third, of Great Britain, France and Ireland King, Defender of the Faith and so forth, Before John Skottowe, Danl Corneille, Matthew Burling and Matt: Bazett Esquires, four of his Majesty's Justices assigned to keep the Peace in and for the sd Island, also Commissioners of Oyer and Terminer, authorized to hear and Determine all Felonies, Trespasses and other Misdemeanors in the sd Island committed.	On 13 January 1773, in the thirteenth year of the King's reign, Benjamin Mason, sheriff of St Helena, received an order under the commission of the peace. He was sent an order under the commission of oyer and terminer on 8 April 1773. A third order, for a gaol delivery, followed on 21 April 1773. The General Quarter Sessions of the Peace met at the Hall in James's Valley on 21 April 1773, sitting together with courts of oyer and terminer and gaol delivery. That date fell in the thirteenth year of the reign of George III, King of Great Britain, France and Ireland and Defender of the Faith. Governor Skottowe presided with Daniel Corneille, Matthew Burling and Matthew Bazett. The four men served as the King's justices appointed to keep the peace on the island and as commissioners of oyer and terminer. Their authority covered every felony, trespass and lesser offence committed there. **Interpretations** The order for a gaol delivery was the first issued since the sitting of 29 April 1772. After three consecutive courts at which the sheriff reported an empty gaol, its return signalled that someone was once more held in custody awaiting trial. The justices issued it only when there were prisoners to dispose of, so its appearance on the day of the sitting was itself notice that serious business lay ahead.
321	311	The Court being opened upon the Commission of the Peace, a Grand Jury consisting of seventeen of the Principal Inhabitants of the Body of the sd Island were sworn, and being asked if they knew of any Business upon that Commission, they informed the Court they knew of none. Then the Coroner returned the Proceedings of an Inquest held in the Course of last Quarter, which was read in Court. No other Business appearing upon that Commission, the Court was opened upon the Oyer and Terminer, and a New Grand Jury was impanelled and sworn. Then two Bills of Indictments being preferr'd to them, they retired to examine the Witnesses whose Names were indorsed on the sd Indictments, and on their finding the Bills, the Court was opened upon the Goal Delivery. Arraignments Caesar, a Man slave belonging to Captain Henry Bazett being set to the Bar of the Court, was arraigned upon the following Indictment, Viz.	A grand jury of 17 leading inhabitants of the island was sworn when the court opened under the commission of the peace. Asked whether they knew of any matters for that court, the jurors said they knew of none. The coroner then submitted the record of an inquest held during the previous quarter, and it was read aloud in court. With nothing further to deal with under the commission of the peace, the justices opened the court of oyer and terminer and swore in a new grand jury. Two draft indictments were laid before it. The jurors withdrew to hear the witnesses whose names were written on the back of each document. They found both charges fit for trial, and the court then opened under its commission of gaol delivery. Arraignments Caesar, a male slave owned by Captain Henry Bazett, was brought before the court and charged under the following indictment for the island of St Helena. The jurors, sworn on the King's behalf, accused Caesar, who lived in James's Valley, of attacking a young girl named Sarah Parfett there on 14 April 1773. That date fell in the thirteenth year of the reign of George III. According to the charge, he used force against the child with the intention of raping her against her will. **Interpretations**

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		Island of St Helena for The Jurors of our Sovereign Lord the King upon "their Oaths Do present that Caesar of James's Valley "within the sd Island of St Helena Man slave on the fourteenth day of April in the thirteenth Year of the Reign of our Sovereign Lord George now King of Great Britain, by Force and Arms "in the Valley aforesaid within the Island aforesd in and upon one Sarah Parfett a Female Child in the Peace of God and of our Sovereign Lord the King then and there being did make an "Assault with an Intention the sd Sarah Parfett against "the Will of the sd Sarah feloniously to ravish and carnally "to know and the sd Sarah then and there by force and Arms did	The indictment described Sarah Parfett as a female child, and that wording carried legal weight. Rape was a capital felony in English law, and a statute of Elizabeth I made sexual intercourse with a girl under 10 a felony whatever the circumstances, removing any question of consent. By naming her as a child, the charge placed Caesar's alleged act in the gravest possible category. The indictment framed the offence first as an assault with intent, a formula that allowed a conviction for the attempt even if the completed crime could not be proved. Caesar belonged to Captain Henry Bazett, whose surname he shared with Matthew Bazett, one of the four justices on the bench. If the two men were related, a member of the owner's family sat in judgment on a slave whose conviction could cost that household a valuable worker. The island's small settler elite made such overlaps between owners, victims, witnesses and judges hard to avoid. The grand jury heard only the witnesses whose names were written on the back of each bill. These were the prosecution's witnesses alone, and the jurors' task was to decide whether a case existed to answer rather than to weigh a defence. The practice kept the accused's side of the story for the trial itself. The coroner's report of an inquest from the preceding quarter was the first recorded exercise of that office since Philip Mahony was sworn in on 7 October 1772. Inquest findings were returned to the quarter sessions so the justices could see whether any death called for criminal proceedings. Its being simply read and not acted on suggested the inquest had found no one to blame.
322	312	"Misery and other Enormities to the sd Sarah then and "there by force and Arms did offer to the great Damage of "the sd Sarah and against the Peace of our Sovereign Lord "the King his Crown and Dignity and also against the "Statute in that Case made and Provided". To the above Indictment he pleaded "Not guilty". Careless, a Man slave belonging to Joseph Griffiths and Pompey, a Man slave belonging to Margt Greentree were arraigned upon the following Indictment, Viz. Island of St Helena for "The Jurors of our Sovereign Lord the King "upon their Oaths Do present that Careless of James's "Valley within the sd Island of St Helena Man slave and Pompey of the sd Valley within the sd Island Man slave "on the sixteenth Day of April in the thirteenth Year of "the Reign of our Sovereign Lord George now King of Great "Britain in the Night of the same Day by Force and Arms "in the Valley aforesd within the Island aforesd a China Stand Teakettle of the Value of fifteen Shillings twenty five Pieces "of coined Gold called Pagodas of the Value of ten pounds "one Shaving Box and some Soap and a Brush of the Value "of six pence a Pair of Gold Sleeve buttons of the Value of ten "Shillings two Combs of the Value of six pence one Nutmeg of "the Value of two pence and one Nutmeg Grater of the Value	The indictment against Caesar went on to charge him with inflicting further injuries and other outrages on Sarah Parfett during the same attack. It described these acts as causing her great harm and as offences against the King's peace and contrary to statute. Caesar denied the charge. Careless, a male slave owned by Joseph Griffiths, and Pompey, a male slave owned by Margaret Greentree, were next charged together under the following indictment for the island of St Helena. The jurors, sworn on the King's behalf, accused both men, who lived in James's Valley, of a theft committed there at night on 16 April 1773. That date fell in the thirteenth year of the reign of George III. The two were said to have taken the following money and goods belonging to Griffiths from his house: 1 Chinese hand escritoire, £0 15s 0d 25 gold pagodas, £10 0s 0d 1 shaving box with some soap and a brush, £0 0s 6d 1 pair of gold sleeve buttons, £0 10s 0d 2 combs, £0 0s 6d 1 [...], £0 0s 2d 1 nutmeg grater, £0 0s 2d The indictment described the theft as a breach of the King's peace and contrary to statute. Careless and Pompey each denied the charge. **Interpretations** A Chinese hand escritoire was a small portable writing box, usually of lacquered wood fitted with compartments for paper, pens, ink and valuables. Company ships returning from Canton brought such pieces in large numbers, and on St Helena they served as the household strongbox as much as the writing desk. The 25 pagodas, valued at 8s each, were presumably kept inside it, which explains why the thieves took the whole box. Pagodas were the gold coins of southern India, already met with in the storehouse robbery of 1771. Their presence in a private house showed how Indian currency formed part of ordinary savings on the island. A nutmeg grater was a small hinged metal box with a rasp

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		"of two pence of the Goods Chattles and Money of one Joseph "Griffiths then and there being found in the Dwelling house of the sd Joseph Griffiths feloniously did steal take and bear "away agt the Peace of our Sovereign Lord the King his Crown "and Dignity and also agt the Form of the Statute in that Case "made and provided". To which they severally pleaded "Not guilty".	inside, carried so that nutmeg could be grated fresh over drinks and food. The indictment charged theft from a dwelling house at night but did not allege any breaking in, so the offence stood as simple felony and not as burglary. The distinction probably reflected the circumstances, since Careless belonged to Griffiths himself and presumably had free access to the house. A servant or slave who took goods from inside his master's home had no need to force an entry. The charge nonetheless remained a capital felony, because the value of the property far exceeded the 1s threshold. Pompey's owner, Margaret Greentree, was a woman holding slaves in her own name. Women on the island, most often widows, could own and manage slave property independently, and her slave's involvement made the theft a matter touching two separate households.
323	313	Careless and Pompey being taken from the Bar, Caesar was put on his Trial, and the twelve following Men, Viz. George Bird Robert Ballard Stephen Young William Jenkins Jno Desfountain Saml Knipe Elisha Fracker Richd Knipe Jno Robinson Henry Howell and Wm Hayes Senr Henry Crosthrop were sworn upon his Jury. Then the Indictment was, a second time, read to him, and the Jury charged. James Parfett Serjeant of Artillery, being duly sworn Saith that on Wednesday the fourteenth Instant in the Morning, he saw his Daughter Sarah Parfett a Child under the Age of five Years clean dressed and in such a Condition as a Child ought to be; That his Wife did not undress and put the sd Child to Bed that Wednesday Night, but that she put her to bed the next Night, when she perceived the sd Child's Shift stained and very foul on which she called the Witness in, who, on examining, found the sd Child was greatly hurt in her private parts, and saw at the same time some Matter of a yellowish Colour on her Shift tail. That, on the Friday Night following, his Wife on putting the sd Child to bed, strictly examined her, in Order to find out, where she had been and by whom hurt, and that she confessed to her she had been at Mr Yates's and that Caesar had there taken her into a Room, and having locked the door, threw her upon a Bed, and put something to her private parts which greatly hurt her. That on hearing this, the Witness sent for the sd Yates and his Wife who immediately came, and hearing what had happened to the Child, they advised him to send for the Doctor, which he did next Morning. Being asked by the Court if the Child had made any Complaint to him or to his Wife before they found it out, says she had not, and being asked who it was that put the Child to bed on Wednesday night, says he does not know; And being further asked why	Once Careless and Pompey had been taken from the dock, Caesar's trial began. The following 12 men were sworn as his jury: George Bird Robert Ballard Stephen Young William Jenkins John Desfountain Samuel Knipe Elisha Isaacke Richard Knipe John Robinson Henry Powell William Hayes senior Henry Cr[...] The indictment was read to Caesar a second time, and the case was formally put to the jury. James Parfett, a sergeant of artillery, gave sworn evidence as the girl's father. On the morning of Wednesday 14 April 1773 he saw his daughter Sarah, then under five years old, clean, dressed and in her normal condition. His wife did not put the child to bed that Wednesday night. When she did so the following night, she noticed that Sarah's shift was stained and soiled and called her husband in. On examining the child, Parfett found she had been badly injured in the genital area, and he also saw a yellowish discharge on the lower part of her shift. On the Friday night, Parfett continued, his wife questioned Sarah closely while putting her to bed, trying to learn where she had been and who had hurt her. The child told her mother she had been at the house of a Mr Yates. There, she said, Caesar took her into a room, locked the door, threw her onto a bed and did something to her that caused her great pain. On hearing this, Parfett sent for Yates and his wife, who came at once. When they learned what had happened, they urged him to call a doctor, and he did so the next morning. The court asked Parfett whether Sarah had complained to either parent before they discovered her injuries. He said she had not. Asked who put the child to bed on the Wednesday night, he said he did not know. The court then began to press him on why neither he nor his wife had acted at once on first discovering their daughter's condition. **Interpretations** The court's questions to Parfett followed the long-established tests English law applied to accusations of rape. Judges placed great weight on whether the victim made a complaint promptly, and a delay or silence was treated as grounds for doubt. By asking whether Sarah had complained before the injuries were found, and why the parents had not acted at once, the bench was probing exactly those points. The questioning reflected legal doctrine, not

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		neither he nor his Wife, on their first discovering that their Child	personal suspicion of the family, but it placed the burden of explaining the delay on a child of under five and her parents. Sarah's account reached the court only through her father's report of what she told her mother. A child so young could not normally take the oath, since English courts admitted a child's sworn evidence only where she understood the nature of an oath. Without her own testimony, the prosecution depended on the parents' observations, the medical evidence of the doctor and the circumstances placing Caesar with her at Yates's house. The requirement that a child's competence be judged individually, not excluded by age alone, was settled by the English judges a few years later, in 1779.
324	314	was abused, which happened on the Wednesday Night, never strove to find out who the person was that had so abused her, till the Friday Night following, says it was entirely owing to his not entertaining the least Suspicion that it could proceed from such a Cause. Mrs Martha Parfett, being sworn, Saith that she knows not who put her Daughter Sarah to bed the Wednesday Night, that she did not herself, as does her Daughter Peggy recollect who had put her to Bed that Night. Saith that the Child Sarah was from home on Wednesday from one to five O'Clock in the Afternoon, that she, the sd Sarah will not be five years old till the tenth of June next. On the sd Child's being called into Court previous to her being examined, Caesar, the Prisoner at the Bar was moved from, and Pompey set to it, in Order to find out whether the Child had a sufficient Knowledge of the sd Caesar so as to be able to distinguish him from any other black fellow: And on her being desired to look, she plainly knew that the Man then appearing was not Caesar, but on her being, unknown to her, substituted in the Room of the sd Pompey, she declared he was the Man. Then the Bench adjudging her, from her great youth, incapable of being administred an Oath to, heard her Story as follows. She saith that Caesar the Prisoner took her out of Mrs Yates's Kitchen and brought her into Lucy's Room, and that he then hugged and kissed her, and laid her down on Lucy's Bed, then threw up her Clothes, and pulled her Shirt tail out of his Breeches. That she saw his Cock, and that he hurt her much with it under her Belly (pointing to that part). Being asked if she had ever before that time seen a Cock, says she saw a black boy's Cock in the Day on Diana's Bed once at Porteous. Being further asked if she felt any thing wet coming from Caesar	Pressed on why neither he nor his wife tried to find out who had harmed Sarah until the Friday night, although the assault took place on the Wednesday, James Parfett gave an explanation. He said it was simply that neither of them had the slightest suspicion that her condition could have such a cause. Martha Parfett, the child's mother, was then sworn. She said she did not know who put Sarah to bed on the Wednesday night, as she had not done so herself. Her daughter Peggy could not remember who had either. Mrs Parfett added that Sarah was away from home that Wednesday from 1pm until 5pm. The child would not turn five until 10 June 1773. Sarah was then brought into court before being questioned. To test whether she could tell Caesar apart from other black men, the court removed him from the dock and put Pompey there in his place. When asked to look, she said clearly that the man before her was not Caesar. Without her knowledge, Caesar was then put back in Pompey's place, and she declared that this was the man. The bench judged Sarah too young to take the oath but agreed to hear her account unsworn. She said that Caesar took her from Mrs Yates's kitchen into a room belonging to Lucy. There, she said, he sexually assaulted her and caused her pain, and she showed the court where on her body she had been hurt. The court then put further questions to her about the assault. **Interpretations** The substitution of Pompey for Caesar in the dock was an improvised identification test, carried out long before formal identity parades became part of English procedure. By showing the child the wrong man first and swapping the prisoners without her knowledge, the court guarded against the risk that she would simply name whoever stood at the bar. The record's phrasing reflected an assumption among the island's white inhabitants that a young child might not tell one black man from another. The test was designed to answer that doubt directly, and her correct rejection of Pompey gave her identification of Caesar a weight it would otherwise have lacked. Because Sarah was not sworn, her account was not formally evidence on which a jury could convict by itself. English courts of the period sometimes heard an unsworn child in this way to inform the proceedings, while requiring the prosecution to prove its case through sworn witnesses. Her mother's evidence that she was away from home between 1pm and 5pm on the Wednesday supplied the window in which the assault could have happened. The testimony of the Yates household would therefore be needed to place the child and Caesar together within those hours.
325	315	as he lay upon her, says she did, and that it came from his Cock. Mr Thomas Street, Surgeon of the Island,	Sarah answered the court's further questions about the assault, and her replies indicated that a sexual act had taken place.

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		being duly sworn, Saith that, on Saturday the seventeenth Instant, Mrs Parfett sent for him and he went to her house, and on his being then made acquainted by the sd Mrs Parfett that her Daughter Sarah had been much hurt, he examined her, and found her private Parts inflamed and the Entrance torn. That there was a Discharge which he at first imagined proceeded from the foul Disease but finds since it proceeded from the Inflamation. That on his asking the sd Child how she came to be thus hurt, she replied it was by Caesar, the Prisoner, who, she said, took her into the Room, and there threw her upon Lucy's Bed. That he then took took out his Shirt tail, and hurt her much with his Cock. Being asked if the Inflamation appeared on the External or Internal parts, Says it appeared on the External, and that both Inflamation and Laceration appeared at the Entrance of the Vagina. And being asked if penetration and Emission could be effected on so young a Child, says it did appear to him that in this Case there was Penetration: Thinks it might be effected by a great deal of Violence and much Laceration; But that, in all probability, it was in this as in many such Cases prevented by Emission. And being further asked if the Injury done to the sd Child appeared to him to have been the Effects of Violence from a Man, says he can't positively ascertain that as Fingers or any other thing might with Violence cause an Inflamation. The Evidence for the Crown closing here, Caesar, the Prisoner, is put on his Defence which he begins by calling upon one Judy a Black Wench and his Covenant, who appearing Margin Notes: [...]	Thomas Stroud, the island's surgeon, then gave sworn evidence. On Saturday 17 April 1773 Mrs Parfett sent for him, and he went to her house. She told him her daughter had been badly hurt, and he examined the child. He found inflammation and injury in the genital area, together with a discharge. At first he took this for a sign of venereal infection, but he later concluded it came from the inflammation itself. When he asked Sarah how she had been hurt, she told him it was Caesar. She said Caesar took her into the room and assaulted her on Lucy's bed. The court asked Stroud whether the inflammation was external or internal. He replied that it was external, with inflammation and tearing at the entrance. Asked whether penetration was possible in so young a child, he said that in his view some penetration had occurred in this case. It could be achieved, he explained, only with great force and serious tearing, but in all probability it was incomplete here, as in many similar cases. Asked whether the injuries appeared to come from violence by a man, he said he could not state that with certainty. Fingers or some other object used with force could also have caused such inflammation. The prosecution closed its case at this point, and Caesar was called on to answer the charge. He opened his defence by calling Judy, a black woman who was his [...]. **Interpretations** The surgeon's evidence went to the central legal requirement of a rape charge. English law required proof of penetration, however slight, for the full capital offence to be made out. Stroud gave the prosecution the finding of some penetration, but his admission that he could not say the injuries came from a man, and not from fingers or an object, left room for doubt. That uncertainty mattered because the indictment was framed first as an assault with intent to rape. The jury could convict of the attempt, a lesser offence, if it doubted that the completed crime was proved. Stroud served as the island's surgeon, a post paid by the Company to care for the garrison, its servants and, as here, the families of soldiers such as Sergeant Parfett. His examination three days after the assault, and his record of what the child told him, gave the court the only professional medical account of her injuries. His initial suspicion of venereal infection showed the questions a surgeon would naturally raise in such a case, since infection would have strengthened the evidence of sexual contact. His withdrawal of that view removed a line of proof that might otherwise have pointed to a particular man.
326	316	and being sworn, Saith that, when she washes, her Mistress keeps the Prisoner always at home in Order to help her. That, on Wednesday last, he, the prisoner, was sent to digg Mr Dafell's Grave in the Morning early, and came home at twelve to eat his Dinr, having done which, he returned to digg the Grave, and did not come home till near Night. That she remembers to have seen the Child (meaning Sarah Parfett) at Mr Yates on Tuesday, but does not recollect seeing her there either on the Wednes= =day or Thursday following. Being asked if she on any day heard a Noise made by locking Lucy's Room or saw the Door locked, says she did not, and that it can't not, from the Noise it makes in Locking, be locked unknown to her.	Judy, testifying on oath, said that whenever she did the washing her mistress kept Caesar at home to help her. On the previous Wednesday, however, he was sent out early in the morning to dig a grave for Mr Dyfell. He came home at midday for his dinner, went back to finish the grave and did not return until nearly nightfall. Judy recalled seeing Sarah Parfett at Mrs Yates's house on the Tuesday. She had no memory of seeing the child there on either the Wednesday or the Thursday. Asked whether she heard the sound of Lucy's room being locked on any day, or saw its door locked, she said she did not. The lock made such a noise, she explained, that no one could fasten it without her hearing. Asked whether she did her washing that day inside or outside the back door, she said inside. Frances Watts was sworn next. She said she never saw the child at Mrs Yates's house on the Wednesday or the Thursday. She had, however, seen her there on the Tuesday before. Caesar denied the whole charge, insisting that it was a scheme invented by people who wished him

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		And being further asked if she on that Day washed on the In or outside of the back door, says on the Inside. Frances Watts being sworn, Saith that she never saw the Child at Mr Yates's either on Wednesday or Thursday last, but says she saw her there the Tuesday before. The Prisoner denies the whole Charge, and asserts it is only the Contrivance of malicious people. The Prisoner having no more to urge in his defence the whole Evidence was summed up to the Jury, who retired to consider: On their Return, they declared their Verdict, by wch they find Caesar guilty of the Assault, which was accordingly recorded. Caesar being moved from the Bar, Careless and Pompey were brought to it, and being put on their	harm. With nothing further to offer in his defence, the evidence was summed up for the jury, who withdrew to consider it. On their return they found Caesar guilty of the assault, and the verdict was entered on the record. Once Caesar had been taken from the dock, Careless and Pompey were brought forward for their trial. **Interpretations** The jury convicted Caesar of the assault alone, not of rape. The indictment was built to allow exactly this outcome, charging first an assault with intent to commit the capital offence. A finding of guilt on the assault spared Caesar the death sentence that a rape conviction would have brought. The verdict fitted the doubts left by the evidence: Thomas Stroud could not say for certain that a man caused the injuries, and Sarah, being unsworn, could not by herself establish the completed crime. In English law an assault with intent to rape was a misdemeanour, punished at the court's discretion rather than by death. Judy's evidence formed an alibi for most of the Wednesday, the day on which the assault must have occurred. If Caesar was away digging a grave from early morning until near nightfall, apart from a midday meal, his opportunity to be alone with the child between 1pm and 5pm was limited. Her claim that Lucy's door could not be locked without her hearing it went directly against Sarah's account of a locked room. The jury nevertheless preferred the prosecution's case, perhaps judging that the evidence of a household slave testifying for a fellow slave of the same establishment carried less weight than the child's identification and the medical findings.
327	317	Trial, the twelve following Men, Viz. George Bird Robert Ballard Stephen Young William Jenkins Elisha Fracker Saml Knipe John Desfountain Richd Knipe John Robinson Henry Howell and Wm Hayes Senr Henry Crosthrop were sworn upon their Jury: Then the Indictment was, a second time, read to them, and the Jury charged. Joseph Griffiths, Cooper of the Island, being duly sworn, Saith that, on the sixteenth Instant, he staid at home till eight in the Evening, and then went out; That about ten he came home, and went into his Front Room before he came from thence into the Passage, and locked the Front door. That Careless, one of the Prisoners now at the Bar, lay in the sd Passage all Night, and that, when he, the Prosecutor, got up next Morning, he discovered that a Hand escritoire which he had left the over night in one of the Windows of the sd Front Room, was taken away. That thereon he called the sd Careless and one Suckey a free black Woman who lives along with him, and having examined them in Respect to the sd Hand Escritoire, they said they knew Nothing about it. That, entertaining no Suspicion of the sd Suckey but vio= =lently suspecting the sd Careless, he sent for the Constable, and charged him with him. That the sd Hand Escritoire	Careless and Pompey were tried before the following 12 jurors: George Bird Robert Ballard Stephen Young William Jenkins Elisha Isaacke Samuel Knipe John Desfountain Richard Knipe John Robinson Henry Powell William Hayes senior Henry Casthorpe The indictment was read to the prisoners a second time, and the case was formally put to the jury. Joseph Griffiths, cooper of the island, gave sworn evidence as the prosecutor. On 16 April 1773 he stayed at home until 8pm and then went out. He came back at about 10pm, went into his front room and then moved into the passage, locking the front door behind him. Careless slept in the passage all night. When Griffiths got up the next morning, he found that a hand escritoire he had left overnight in one of the front room windows was gone. Griffiths at once called Careless and Sukey, a free black woman who lived with him, and asked them about the missing box. Both said they knew nothing of it. He had no suspicion of Sukey but strongly suspected Careless, so he sent for the constable and handed Careless over to him on the charge. When stolen, the escritoire held £10 0s 0d in pagodas and a pair of gold sleeve buttons. A drawer in it contained a shaving box, two combs, a rule and a penknife, a nutmeg grater and two [...] for gauging. Griffiths said the escritoire stood in the window when he went out and was still there when he returned. **Interpretations** Griffiths held the post of cooper of the island, the Company's craftsman responsible for making and

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		when stolen out of his House contained ten pounds in Pagodas, a Pair of Gold Sleeve buttons, and that in a Drawer belonging to it there were a Shaving box, two Combs a Razor and Cork screw also a Nutmeg grater and two Centers for Gauging. That the sd Hand Escritoire was in the sd Window at the time he went out, and that he saw it there when he came home at	repairing the casks in which water, salt meat, arrack and other stores were kept and shipped. Supplying passing ships with water and provisions was the island's main purpose, so the cooper's work was central to the Company's business there. His gauging instruments were used to measure the capacity of casks, a skilled task that determined how much liquid a cask held for accounting and supply. That he kept these tools alongside his savings in a locked writing box showed how closely his trade and his personal wealth were bound together. The £10 in pagodas was a substantial sum for a craftsman to keep at home. With no bank on the island, a household's cash reserve sat in a portable box of this kind, making it an obvious target for anyone with access to the house. Griffiths's evidence that he locked the front door and that only his own slave slept in the passage pointed suspicion inward, towards someone already inside. The case showed how English criminal justice depended on private prosecution. Griffiths himself questioned the members of his household, chose whom to suspect and sent for the constable to take Careless into custody. The victim acted as investigator and accuser, and the state's officers followed where he led. His decision to exclude Sukey from suspicion, though she lived under the same roof, rested entirely on his own trust in her.
328	318	ten that Night. That next Morning he could see Nothing that indicated a Breaking or that his house had been entered with Violence, but saith that, altho' his Front Door was locked, yet as he had left the Key in the Lock on the Inside, any one from within may open it. That his back door was locked, but not the Door that leads from the Kitchen to his dwelling house. That his reasons for suspecting the sd Careless, because he was detected some time ago in stealing a Rod of Wood out of his the Prosecutor's house, and giving it to Pompey the other Prisoner. That is very intimately connected with the sd Pompey, and that the latter was often seen [...] Mr Whitchurch and others lurking about his house. That he from these Reasons, also suspected the sd Pompey. That, on the Monday Morning following, one Fitton, a Barber, informed him that going to Mr Wright's to shave one of their Servants, he there saw a Razor and Cork= =screw which he knew to be his the prosecutor's property, and having challenged them, but that one Tom a slave of Mr Wright's Servants said they belonged to himself. That, on this Information, he, on going down to the said Mr Wright's happened to meet the sd Tom, whom he demanded the sd Razor and Cork screw of, and he went and brought them to him. That having asked the sd Tom how he came by them, he told him he had them of Pompey. The Gold Sleeve buttons, Razor and Cork screw being produced to the Prosecutor, he affirms them to be his Property. Tom, a Man slave, on his Oath, saith that on Saturday	Griffiths said he saw the escritoire in the window when he came home at 10pm that night. The next morning he found no sign that anyone had forced a way into the house. His front door was locked, but he had left the key in the lock on the inside, so anyone already indoors could have opened it. The back door was also locked, though the door leading from the kitchen into the main house was not. Griffiths explained why he suspected Careless. Some time earlier Careless was caught taking a load of wood from Griffiths's house and passing it to Pompey. The two men were close companions. Mr Kitching and others had often noticed Pompey hanging about Griffiths's house, and for these reasons Griffiths suspected him as well. On the following Monday, 19 April 1773, a barber named Sutton brought Griffiths news. Sutton had gone to Mr Wright's house to shave one of the servants there. While at the house he noticed a ruler and a corkscrew that he recognised as belonging to Griffiths. When Sutton questioned him about them, Tom, another of Wright's servants, claimed they were his own. Acting on this report, Griffiths set off for Wright's house and met Tom on the way. He demanded the two items, and Tom fetched them and handed them over. Asked how he came by them, Tom said Pompey gave them to him. The gold sleeve buttons, the ruler and the corkscrew were shown to Griffiths in court, and he confirmed they were his. Tom, a male slave, then gave sworn evidence. Early on the morning of Saturday 17 April 1773, he said, he saw Pompey standing between Mr Kennedy's and Mr Merchant's houses. Pompey came up and asked him for some chewing tobacco. **Interpretations** The recovery of the ruler and corkscrew showed how stolen property moved and was traced in a small island community. Household articles were few and distinctive enough that a barber visiting a neighbour's servants could recognise a particular man's corkscrew. Goods passed quickly from hand to hand among slaves and servants, but the same close acquaintance that allowed them to circulate also made them easy to identify. Tom's account of receiving the items from Pompey tied the second prisoner directly to the stolen goods within three days of the theft.

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		the seventeenth Instant early in the Morning he saw Pompey, one of the Prisoners, standing between Mr Kennedy's and Merchant's, and coming up to him, asked him for a Chew of	Griffiths's grounds for suspicion rested partly on earlier misconduct, Careless's previous theft of wood and Pompey's habit of loitering near the house. English courts of the period were beginning to restrict evidence of a prisoner's past behaviour when it did not bear directly on the crime charged. Here the island court let the prosecutor explain his suspicions in full, and his account of the prior theft placed before the jury a picture of the two men as accomplices of long standing.
329	319	Tobacco, to which he replyd that he had none, but that if he could change a Pagoda he would buy some: On saying which he gave the Witness a Pagoda and asked him to change it, and buy a pennyworth of Tobacco. That he, the Witness went up to Mr Dafell's, there changed the Pagoda, and bought a pennyworth of Tobacco. That on his Return to the sd Pompey, he gave him the Remainder of the Pagoda, and that afterwards the said Pompey pulled a Razor and Cork screw out of his Pockets, which he desired the Witness to keep for him saying they belonged to himself, and he took them. That on the Monday Morning following, one Fitton, a Barber, on seeing the sd Razor and Cork screw asked him how he came by them, and he candidly told him he had them of Pompey. Pedro, a Man slave, being sworn, saith that, on Saturday Morning last, he found near the Walls of the New Road behind Mr Ballard's a broken Box covered with Stones and Rubbish which he took up to the Country with him, and brought down the same Night to his Master's in the Valley. James Pritchard, the Constable, being duly sworn, saith that, on the Desire of the Clerks of the Peace, he went along with Pompey, the Prisoner, to Mrs Greentree's and that in the Vault there close to the Top of the door, the Prisoner took from among some loose Stones the Bag now produced in Court with the Money therein contained. That he did not then examine the Bag nor knew it's Contents, but on delivering it to the sd Clerks of the Peace he said it contained fourteen Pagodas and a Pair of Gold Sleeve buttons. And, on his asking the Prisoner how he came by the Money and Sleeve buttons, he told him that Careless, the other Prisoner,	Pompey asked Tom for some tobacco, but Tom said he had none. Pompey then remarked that he would buy some if he could get a pagoda changed. With that he handed Tom a pagoda and asked him to change it and buy a pennyworth of tobacco. Tom went to Mr Parfett's, where he changed the coin and bought the tobacco. On returning he gave Pompey the rest of the money. Pompey then took a ruler and a corkscrew from his pockets and asked Tom to look after them, claiming they were his own, and Tom accepted them. On the following Monday morning, a barber named Wilson saw the ruler and corkscrew and asked how Tom came to have them. Tom told him openly that Pompey gave them to him. Pedro, a male slave, was sworn next. On the previous Saturday morning, he said, he found a broken box hidden under stones and rubbish near the walls of the new road behind Mr Ballard's. He carried it with him up into the country and brought it down that night to his master's house in the valley. James Pritchard, the constable, then gave sworn evidence. At the request of the clerk of the peace, he went with Pompey to Mrs Greentree's house. **Start of crossed out section** Of the clerk. **End of crossed out section** In the vault there, near the top of the door, Pompey drew out from among some loose stones the bag now shown in court with money inside it. Pritchard did not examine the bag or learn what it held at the time. When he handed it to the clerk of the peace, however, the clerk found 14 pagodas and a pair of gold sleeve buttons inside. Pritchard then asked Pompey how he came to have the money and the buttons. **Interpretations** Pompey's attempt to spend a gold pagoda on a pennyworth of tobacco exposed the difficulty thieves faced in using stolen coin. A pagoda was worth about 8s, far more than a slave would normally carry, and it could only be spent by first finding someone willing to change it. Sending Tom to change it at Parfett's put the coin through a third party's hands and created a witness. The contrast between a gold coin and a penny purchase made the transaction memorable, and it helped tie Pompey to the stolen money. The recovery of 14 pagodas accounted for more than half of the 25 that Griffiths lost. The bag was hidden in a vault at the house of Pompey's own owner, Margaret Greentree, probably a cellar or privy where loose stonework offered a hiding place. Its concealment on his mistress's premises, and his ability to lead the constable straight to it, made the case against Pompey very strong. The clerk of the peace was the court's permanent administrative officer, responsible for drawing up indictments, keeping the records and managing the business of the sessions. His role in directing the constable to take Pompey to the hiding place showed the office reaching into the investigation itself. On St Helena, as in English counties, the clerk combined record-keeping with the practical preparation of prosecutions.

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330	320	had stolen a Hand Scrutoire out of Mr Griffith's house, which he, the Prisoner, took somewhere behind Mr Ballard's, where he broke it open, and in it found the Money and Sleeve Buttons. The Evidence for the Crown ending here, Careless and Pompey are put on their Defence. Careless, for himself, saith that he knows Nothing of the Matter, and denies the whole Charge. Pompey, on his Part, saith that, on Friday last in the Afternoon, as he was going up the side path, he found Careless in the Road, where he for some time stopped. That there the sd Careless asked him for to lend him fifteen pence, and they from thence came down together as far as Mr Bagley's Stables where they had some discourse, and among other Things he, Careless, desired him to come at seven O'Clock to or near Mr Young's Punch house. That he came at the appointed time, and as he stood facing the sd Punch= =house, he, Careless, from his Master's Door made a Sign with his Hand for him to come to him, and he went. That on his coming close to the Wall of the House near the Steps, Careless there gave him the Hand Scrutoire which he took and carried under the Hill behind Mr Ballard's house, and there broke it. That he took the Money out of it, and put it in a small Bag which together with a Razor and Cork screw he put in his Pockets, and then buried the Scrutoire in the Stones. Says that Careless in giving him the sd Scrutoire, did not come off the Stones only told him to break it, and take the Money out of it, which Money was next Morning to be divided between them. The Prisoners having Nothing more to urge in their	Pompey told the constable that Careless stole a hand escritoire from Griffiths's house. Pompey said he himself carried it to a spot behind Mr Ballard's house, broke it open and found the money and sleeve buttons inside. The prosecution closed its case, and Careless and Pompey were called on to answer the charge. Careless said he knew nothing about the matter and denied every part of the accusation. Pompey gave a different account. On the afternoon of Friday 16 April 1773, he said, he was walking up Side Path when he came across Careless in the road and stopped to talk with him. Careless asked to borrow 15d. The two then walked down together as far as Mr Bagley's stable, where they talked further. Among other things, Careless told Pompey to come at 11pm to the area near Mr Young's punch house. Pompey came at the agreed hour and stood facing the punch house. From the door of his master's house, Careless signalled with his hand for Pompey to come over, and Pompey went. When Pompey reached the wall of the house near the steps, Careless handed him the escritoire. Pompey carried it under the hill behind Mr Ballard's house and broke it open there. He took out the money and put it in a small bag, which he pocketed along with a ruler and a corkscrew. He then buried the box among the stones. Careless never came out of the house when passing him the escritoire. He simply told Pompey to break it open and remove the money, which the two intended to share between them. **Interpretations** Pompey's account placed the main blame on Careless, but in English law a prisoner's confession was evidence only against himself. What Pompey said about Careless could not by itself prove Careless guilty, since it came from an accomplice seeking to shift responsibility. The case against Careless therefore still rested on Griffiths's evidence that the house was locked from inside, that no one had broken in and that Careless slept in the passage that night. Pompey's statement explained how the box left the house without any forced entry, and it fitted closely with the rest of the evidence. Several independent details in the evidence matched Pompey's story. Pedro found a broken box hidden under stones behind Mr Ballard's, which was where Pompey said he buried the escritoire. The ruler and corkscrew that Tom received from Pompey were among the items Pompey admitted pocketing. The consistency between these accounts gave the confession considerable weight against Pompey himself. A punch house was a tavern licensed to sell punch, the popular drink of arrack or rum mixed with water, sugar and citrus. Such establishments were numerous in Jamestown, serving the garrison and the crews of visiting ships. Its use here as a landmark for a meeting at night showed it was a familiar and well-lit point in the town even at a late hour.
331	321	Defence, the whole Evidence was summ'd up to the Jury, who having retired to consider acquitted Careless and found Pompey Guilty of the Felony. Whereupon Careless was Discharged. Caesar being set to the Bar, was sentenced to stand in the Pillory by the Space of four hours on different days by two hours at a time. And Pompey received Sentence to be burnt in the hand and discharged which Sentence was put in due Execution against him in the face of the Court.	Once the prisoners had nothing more to say in their defence, the evidence was summed up for the jury, who withdrew to consider it. They acquitted Careless, and he was released. Pompey they found guilty of stealing goods worth 39s. Caesar was then brought to the dock and sentenced to stand in the pillory for four hours in all, split into two sessions of two hours on separate days. Pompey was sentenced to be branded on the hand and then released. His branding was carried out there and then in front of the court. With the court's business finished, the juries were discharged. A public announcement adjourned the court until 14 July 1773.

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		The Business of the Sessions being now ended, the Juries were dismissed, and the Court was, by Proclamation, adjourned to the fourteenth Day of July next ensuing. On the Thursday following, being the twenty second, Caesar, in Pursuance of the Sentence passed upon him, stood in and upon the Pillory by the Space of two hours, and on the subsequent Thursday being the twenty ninth, the Sentence was put in full Execution against him. John Skottowe Dan Corneille R Burling M Bazett	On Thursday 22 April 1773 Caesar stood in the pillory for two hours as his sentence required. He served the remainder of it the following Thursday, 29 April 1773. The record was signed by the following: John Skottowe Daniel Corneille Matthew Burling Matthew Bazett **Interpretations** The jury's valuation of the theft at 39s, when the indictment put it at over £11, was a precise legal calculation. A statute of 1713 made theft from a dwelling house of goods worth 40s or more a capital crime without benefit of clergy. By fixing the value exactly 1s below that line, the jurors kept Pompey within reach of clergy and so spared his life, even though they plainly believed he took the pagodas. This was the same device the jury used at the sitting of 29 April 1772, when it valued the first Cato's theft at 10d. Juries in England used such partial verdicts widely to temper the harshness of the capital laws. Pompey's branding on the hand was the direct consequence of that verdict. Benefit of clergy, originally a privilege of the clergy, had long since become a device allowing first offenders to escape hanging for many felonies. The price was a mark burned into the brawn of the thumb with a hot iron, usually carried out in open court as happened here. The brand ensured that no one could claim the privilege twice. Pompey walked free the same day, but carried a permanent sign that any second conviction would bring the full penalty. Careless's acquittal bore out the limits of Pompey's confession as evidence. Nothing but his fellow prisoner's account showed that Careless handed over the escritoire, and the law did not allow one accused man's statement to convict another. The circumstantial case against Careless, resting on his sleeping in the passage of a house locked from inside, was evidently not enough for the jury. Caesar's sentence to the pillory reflected his conviction for assault, a misdemeanour for which the court had discretion over punishment. The pillory held the offender by the neck and wrists on a raised platform in a public place, exposing him to the abuse and missiles of onlookers. Splitting the four hours across two days doubled the public spectacle and the humiliation, and the crowd's hostility towards someone convicted of assaulting a small child could make the pillory dangerous in its own right.
332	322	On the twenty first Day of April, a Precept upon the Commission of the Peace was issued out to Mr Benjamin Mason Sheriff of the Island of St Helena. On the twenty eighth Day of June following in the thirteenth Year of His Majesty's Reign, a Precept upon the Commission of Oyer and Terminer was issued out and delivered to Mr Isaac Dowton then Sheriff of the Island of St Helena. [...]nd of St Helena. The General Quarter Sessions of the Peace holden at the Hall in James's Valley for the said Island of St Helena the fourteenth Day of July in the thirteenth Year of the Reign of our Sovereign Lord George the third of Great Britain, France and Ireland King, Defender of the Faith and so forth, Before John Skottowe, Danl Corneille, Matt: Burling and Matthew Bazett four of his Majesty's Justices assigned to keep the Peace in and for the sd Island, also Commissioners of Oyer and Terminer, authorized to hear and Determine all Fe= =lonies, Trespasses and other Misdemeanors in the	On 21 April 1773 an order under the commission of the peace went to Benjamin Mason, sheriff of St Helena. On 28 June 1773, in the thirteenth year of the King's reign, an order under the commission of oyer and terminer was delivered to Isaac Doveton, who by then held the office of sheriff. The General Quarter Sessions of the Peace for the island met at the Hall in James's Valley on 14 July 1773. That date fell in the thirteenth year of the reign of George III, King of Great Britain, France and Ireland and Defender of the Faith. Governor Skottowe presided with Daniel Corneille, Matthew Burling and Matthew Bazett. The four men sat as the King's justices appointed to keep the peace on the island and as commissioners of oyer and terminer. Their authority covered every felony, trespass and lesser offence committed there. **Interpretations** The change of sheriff from Benjamin Mason to Isaac Doveton fell at almost the same point in the year as the earlier handover from Jonathan Doveton to Mason, which took place between 29 April 1772 and 25 June 1772. The office evidently ran for a single year, renewed around midwinter in the

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		sd Island committed.	southern hemisphere. The return of the Doveton name after a year's gap suggested that the post circulated among a handful of leading settler families, with the burden and the standing it carried shared among them in turn.
333	323	The Court being opened upon the Commission of the Peace, a Grand Jury consisting of seventeen of the principal Inhabitants of the Body of the sd Island being sworn, the Coroner returned the Proceedings of an Inquest held the fourth Day of June last on the Body of one Duke a Man slave belonging to Mr William Young who had hanged himself which were read in Court, and the Grand Jury being then asked if they knew of any Business upon that Commission answered they knew of none. It appearing by the Sheriff's Return of the Goal that there were no Prisoners for the time being, the Grand Jury were Dismissed, and the Court was, by Proclamation, adjourned to the sixth Day of October next ensuing. John Skottowe Dan Corneille R Burling M Bazett	A grand jury of 17 leading inhabitants of the island was sworn when the court opened under the commission of the peace. The coroner then submitted the record of an inquest held on 4 June 1773 into the death of Duke, a male slave owned by William Young, who had hanged himself. The record was read aloud in court. Asked whether they knew of any matters for the court under that commission, the grand jurors said they knew of none. The sheriff's report showed that the gaol held no prisoners at the time. The justices therefore discharged the grand jury, and a public announcement adjourned the court until 6 October 1773. The record was signed by the following: John Skottowe Daniel Corneille Matthew Burling Matthew Bazett **Interpretations** An inquest into a slave's death by hanging served to establish that he died by his own hand and not through violence by his owner or anyone else. On an island where masters held wide power over their slaves, the coroner's jury provided the only formal public scrutiny of such deaths. Returning the inquest to the quarter sessions allowed the justices to confirm that no one needed to be charged. Its being read and set aside indicated that the coroner's jury had found the death a suicide with no other party to blame. Suicide carried legal consequences in English law beyond the death itself. A person found to have killed himself while of sound mind was judged a felon against himself, and his goods were forfeit to the Crown and his body denied Christian burial. A slave owned nothing to forfeit, and was himself his master's property, so the practical weight of the verdict fell mainly on the manner of his burial and on William Young's loss of a valuable worker. William Young was probably the same Mr Young whose punch house served as the meeting point for Careless and Pompey on the night of 16 April 1773. If so, Duke belonged to a tavern-keeping household in the heart of Jamestown.
334	324	On the fourteenth day of July in the thirteenth Year of his Majesty's Reign, a Precept upon the Commission of the Peace was issued out to the sd Sheriff. On the twenty second Day of September following, a Precept upon the Oyer & Terminer was issued out to the sd Sheriff. Island of St Helena. The General Quarter Sessions of the Peace holden at the Hall in James's Valley for the sd Island of St Helena, the sixth Day of October, in the thirteenth Year of the Reign of our Sovereign Lord George the third, of Great Britain, France and Ireland King, Defender of the Faith, and so forth, Before John Skottowe, Danl Corneille, Matt: Burling, and Matthew Bazett Esquires, four of his Majesty's Justices assigned to keep the Peace in and for the sd Island, also Commissioners of Oyer and Terminer, authorized to hear and Determine all Felonies, Trespasses and other Misdemeanors in the sd Island committed.	On 14 July 1773, in the thirteenth year of the King's reign, the sheriff was sent an order under the commission of the peace. A further order, under the commission of oyer and terminer, reached him on 22 September 1773. The General Quarter Sessions of the Peace for the island sat at the Hall in James's Valley on 6 October 1773. That date fell in the thirteenth year of the reign of George III, King of Great Britain, France and Ireland and Defender of the Faith. Governor Skottowe presided with Daniel Corneille, Matthew Burling and Matthew Bazett. The four men acted as the King's justices appointed to keep the peace on the island and as commissioners of oyer and terminer. They had authority to try every felony, trespass and lesser offence committed there.
335	325	The Court being opened upon the Commission of the Peace, a Grand Jury consisting of seventeen of the principal In=	The court opened under the commission of the peace, and a grand jury of 17 leading inhabitants of the island took the oath. Asked whether they knew of any

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		=habitants of the Body of the said Island were sworn: Then the Jury, being asked if they knew of any Business upon that Commission, answered they knew of None. It appearing by the Sheriff's Return of his Majesty's Goal that there were then no Prisoners, the Grand Jury were dismissed, and the Court was, by Proclamation, adjourned to the twelfth Day of January next ensuing. John Skottowe Dan Corneille R Burling M Bazett	matters for that court, the jurors replied that they knew of none. The sheriff reported that the King's gaol held no prisoners at the time. The justices accordingly discharged the grand jury, and a public announcement adjourned the court until 12 January 1774. The record was signed by the following: John Skottowe Daniel Corneille Matthew Burling Matthew Bazett
336	326	On the sixth day of October in the thirteenth Year of his Majesty's Reign, a Precept upon the Commission of the Peace was issued out to Mr Isaac Dowton Sheriff. On the twenty eighth Day of December following, a Precept upon the Oyer & Terminer was issued out to the sd Sheriff. On the twelfth Day of January following, a Precept upon the Goal Delivery was issued out to the sd Sheriff. Island of St Helena. The General Quarter Sessions of the Peace, Sessions of Oyer & Terminer and Sessions of Goal Delivery holden at the Hall in James's Valley for the sd Island of St Helena the twelfth Day of January in the fourteenth Year of the Reign of our Sovereign Lord George the third of Great Britain, France and Ireland King, Defender of the Faith, and so forth, Before John Skottowe, Daniel Corneille, Matt: Burling and Matthew Bazett Esquires, four of his Majesty's Justices, assigned to keep the Peace in and for the sd Island, also Commissioners of Oyer & Terminer, authorized to hear and Determine all Felonies, Trespasses and other Misdemeanors in the said Island committed.	On 6 October 1773, in the thirteenth year of the King's reign, Isaac Doveton, the sheriff, was sent an order under the commission of the peace. An order under the commission of oyer and terminer followed on 28 December 1773. On 12 January 1774 he received a third order, this one for a gaol delivery. The General Quarter Sessions of the Peace met at the Hall in James's Valley on 12 January 1774, sitting jointly with courts of oyer and terminer and gaol delivery. That date fell in the fourteenth year of the reign of George III, King of Great Britain, France and Ireland and Defender of the Faith. Governor Skottowe presided with Daniel Corneille, Matthew Burling and Matthew Bazett. All four served as the King's justices appointed to keep the peace on the island and as commissioners of oyer and terminer. Their authority reached every felony, trespass and lesser offence committed there.
337	327	The Court being opened upon the Commission of the peace, a Grand Jury consisting of seventeen of the principal Inhabitants of the Body of the sd Island were sworn; who, being asked if they knew of any Business upon that Commission, answered they did not: Then the Proceedings of an Inquest held in the Course of the Quarter were returned by the Coroner and read; On which the Court was opened upon the Oyer & Terminer, a new Grand Jury impanelled and sworn, and a Bill of Indictment was preferred to them: They found the Bill, and the Court was opened upon the Goal Delivery. Arraignments. Billy, a Boy slave belonging to John Whaley being set to the Bar of the Court, was arraigned upon the following Indictment, Viz. Island of St Helena for The Jurors of our Sovereign Lord the King "upon their Oaths Do Present that Billy late of James's "Valley within the sd Island of St Helena Boy slave on the "thirteenth Day of October in the thirteenth Year of the Reign	The court opened under the commission of the peace, and a grand jury of 17 leading inhabitants of the island was sworn. Asked whether they knew of any matters for that court, the jurors said they did not. The coroner then submitted the record of an inquest held during the quarter, and it was read aloud. The justices next opened the court of oyer and terminer and swore in a new grand jury. A single draft indictment was laid before it, and the jurors found it fit for trial. The court then opened under its commission of gaol delivery. Arraignments Billy, a slave boy owned by John Whaley, was brought before the court and charged under the following indictment for the island of St Helena. The jurors, sworn on the King's behalf, accused Billy, who lived in James's Valley, of a theft there at about midnight on 13 October 1773. That date fell in the thirteenth year of the reign of George III. According to the charge, he took the following goods belonging to Joseph Griffiths from the kitchen attached to Griffiths's house: 1 coat, £0 10s 0d 3 [...] shirts, £0 9s 0d 1 waistcoat, £0 4s 0d 1 hat, £0 0s 6d 1 stock and stock buckle, £0 0s 6d **Interpretations**

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		"of our Sovereign Lord George now King of Great Britain &c about "the Hour of twelve in the Night of the same Day by Force and "Arms in the Valley aforesd within the Island aforesaid one Coat "of the Value of ten Shillings three fellow Shirts of the Value of "Nine Shillings one Waistcoat of the Value of four Shillings "one Hat of the Value of six pence and one Stock and Stock= =buckle of the Value of six pence numbered of the Goods and "Chattles of one Joseph Griffiths then and there in the Kitchen "belonging to the Dwelling house of the sd Joseph Griffiths	The indictment's description of the kitchen as belonging to Griffiths's dwelling house was deliberate. On St Helena, as in many warm-weather settlements, the kitchen often stood as a separate building to keep fire and heat away from the main house. English law treated outbuildings within the enclosure of a home as part of the dwelling for the purposes of burglary and of theft from a house. By tying the kitchen to the house and fixing the time at midnight, the charge placed the offence within the most serious categories open to the prosecution, even though the goods were worth only about 24s. A stock was a stiffened band of linen or muslin worn closely around the neck in place of a looser cravat, fastened at the back with a small metal buckle. It was standard dress for men of middling rank and above, and for soldiers. Its presence among the stolen clothing, with a good coat and waistcoat, suggested that the thief took an outfit of respectable dress kept in the kitchen, perhaps for cleaning or airing. Griffiths, the island's cooper, now appeared as the victim of a second theft within six months. The earlier case, heard on 21 April 1773, concerned the escritoire stolen on the night of 16 April 1773 and ended with Pompey's branding. A household with savings, good clothing and a slave population moving freely around it evidently made an attractive target.
338	328	"feloniously did steal take and bear away against "the Peace of our Sovereign Lord the King his Crown and Dignity". To which he pleaded "Not guilty". The Prisoner being put on his Trial, the twelve following Men, Viz. George Bird Jno Desfountain Stephen Young Samuel Knipe Jno Whitchurch Wm Jenkins Elisha Fracker John Scale [...] John Robinson Richd Knipe and Wm Hayes Senr Henry Howell were sworn upon his Jury. Then the Indictment was, a second time, read to him, and the Jury charged. Joseph Griffiths, Cooper of the Island appearing before the Court, and being duly sworn, Saith that, on the thir= =teenth of October last at half after nine in the Evening, he locked the Doors of his House and went to bed. That, on his getting up next Morning, he was told by some of his Servants that a Person then unknown had come into the Kitchen at Night, and burnt out a Hole in a Chest that stood there. That he, the Witness, went into the Kitchen and there found the Chest burnt in Manner as had been told him, and, having enquired, it discovered by what a Boy of his named Benjamin informed him, that three white Shirts, a Coat and Waistcoat had been stolen out of the sd Chest; and, on examining further, he the sd Benjamin, found that a Hat, Stock & Stock buckle which lay on a Shelf in the sd Kitchen had been also carried off. That he, the Witness, from that Moment suspected he had robbed by the Prisoner, as he knew him to be of that	The indictment described Billy's theft as a breach of the King's peace. Billy denied the charge. The following 12 men were sworn as the jury for his trial: George Bird John Desfountain Stephen Young Samuel Knipe John Whitchurch William Jenkins Elisha Isaacke John Sealy John Robinson Richard Knipe William Hayes senior Henry Powell The indictment was read to Billy a second time, and the case was formally put to the jury. Joseph Griffiths, cooper of the island, came before the court and gave sworn evidence. On 13 October 1773 he locked the doors of his house at 9.30pm and went to bed. When he got up the next morning, some of his servants told him that an unknown intruder had entered the kitchen during the night and burned a hole in a chest standing there. Griffiths went into the kitchen and found the chest damaged exactly as described. A boy of his named Benjamin told him that three white shirts, a coat and a waistcoat had been taken from the chest. On looking further, Benjamin also found that a hat, a stock and a stock buckle had gone from a shelf in the kitchen. From that moment Griffiths suspected Billy of the theft. **Interpretations** Burning a hole through the side of a chest was a way to reach its contents without forcing the lock, which would have made more noise and needed tools. A heated iron or a candle flame held against the wood could char through a panel slowly and quietly. The method explained how the thief emptied a locked chest in a kitchen close to a sleeping household without waking anyone. It also bore on the legal charge, since damaging a locked container to reach goods showed deliberate intent and planning, not a casual taking of items left lying about. The kitchen stood apart from the house Griffiths locked before going to bed, and his servants discovered the theft before he did. Household slaves

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			and servants often slept in or near such outbuildings and would be the first to notice anything amiss. Benjamin's detailed knowledge of what had been in the chest and on the shelf made him, not his master, the real source of the inventory of stolen goods.
339	329	time ran away from his Master; But was confirmed in his Suspicion on his being taken, as he then wore some of the Things so stolen, namely, the Coat which, tho' altered by having the Cape turned inwards, and the Cuffs torn or cut off, he knows to be his Property. The Chest, Coat and Waistcoat being produced in Court, he says the sd Chest, Coat and Waistcoat belong to him, and are his un= =doubted property. The Evidence for the Crown ceasing here, the Prisoner is put on his Defence: He confesses he stole the Coat, Waist= =coat, Stock, Stock buckle and Hat, and that, in Order to come at the Things contained in the Chest, being unable to wrench the Lock, he clapped ye Chest on the Fire, and burnt a hole out on't. The Evidence being summ'd up to the Jury, they retired to consider: On their Return, they declared their Verdict, by which they found the Prisoner Guilty of the Value of four Shillings and ten pence. The Verdict being recorded, the Prisoner received Judgment to be burnt in the hand and discharged. The above Judgment being put in due Execution in the Face of the Court, the Grand & Petit Juries were dismissed, and the Court was, by Proclamation, adjourned to the thirteenth Day of April next ensuing. John Skottowe Dan Corneille R Burling M Bazett	Griffiths said he suspected Billy because he knew the boy had run away from his master at the time. His suspicion was confirmed when Billy was caught wearing some of the stolen clothing. Among it was the coat, which Griffiths recognised as his own even though its cape had been turned inward and its cuffs torn or cut away. The chest, the coat and the waistcoat were produced in court, and Griffiths declared them beyond doubt to be his property. The prosecution closed its case, and Billy was called on to answer the charge. He admitted stealing the coat, the waistcoat, the stock, the stock buckle and the hat. He explained that he could not force the lock of the chest, so he set it on the fire and burned a hole through it to reach what was inside. The evidence was summed up for the jury, who withdrew to consider it. On their return they found Billy guilty of stealing goods worth 4s 10d. Once the verdict was recorded, he was sentenced to be branded on the hand and released. The branding was carried out in front of the court. The grand jury and the trial jury were then discharged, and a public announcement adjourned the court until 13 April 1774. The record was signed by the following: John Skottowe Daniel Corneille Matthew Burling Matthew Bazett **Interpretations** The jury's valuation of 4s 10d set the theft just below 5s, a figure that several statutes used as the line beyond which theft involving a house or its outbuildings lost the protection of benefit of clergy. Billy had entered a kitchen belonging to a dwelling house at night and confessed to the theft outright, so an acquittal was out of the question. By keeping the value under 5s, the jurors held the offence within clergyable grand larceny, which allowed branding and release instead of the gallows. The verdict joined a clear pattern on the island. Juries valued the first Cato's theft at 10d on 29 April 1772 and Pompey's at 39s on 21 April 1773, each figure falling just short of a legal threshold. St Helena's juries thus used the same device of partial verdicts that English juries commonly employed to soften the capital code. The alterations to the coat showed Billy's awareness that stolen clothing could betray him in so small a community. Turning the cape inward and removing the cuffs changed the garment's most distinctive features. Griffiths still recognised it, which demonstrated how difficult it was to disguise stolen property among people who knew one another's belongings. Billy's status as a runaway at the time of the theft probably explained his need for the clothing. A slave hiding from his master had to fend for himself, and a good coat and waistcoat offered both warmth in the island's cooler months and a chance to pass unremarked. Griffiths's immediate suspicion of him rested on that known fact.
340	330	On the twelfth Day of January 1774 a Precept upon the Commission of the Peace was issued out to the sd Sheriff of the Island of St Helena. On the twenty ninth Day of March following a Precept was issued out to Mr John Goodwin then Sheriff of the sd Island. Island of St Helena.	On 12 January 1774 the sheriff of St Helena was sent an order under the commission of the peace. A further order followed on 29 March 1774, addressed to John Goodwin, who was by then sheriff of the island. The General Quarter Sessions of the Peace sat at the Hall in James's Valley on 13 April 1774. That date fell in the fourteenth year of the reign of George III,

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		The General Quarter Sessions of the peace holden at the Hall in James's Valley for the sd Island of St Helena the thirteenth Day of April in the fourteenth Year of the Reign of our Sovereign Lord George the third of Great Britain France and Ireland King Defender of the Faith and so forth Before John Skottowe Daniel Corneille and Matthew Bazett Esquires three of his Majesty's Justices of the Peace in and for the sd Island also Commissioners of Oyer & Terminer authorized to hear and Determine all Felonies Trespasses and other Misdemeanors in the sd Island committed.	King of Great Britain, France and Ireland and Defender of the Faith. Governor Skottowe presided with Daniel Corneille and Matthew Bazett. The three men acted as the King's justices of the peace for the island and as commissioners of oyer and terminer. Their authority covered every felony, trespass and lesser offence committed there.
341	331	The Court being opened upon the Commission of the Peace, a Grand Jury consisting of seventeen of the principal Inhabitants of the Body of the sd Island were sworn, who, being asked if they knew of or had any Business upon that Com= =mission, answered they knew of none. Then the Coroner returned the Proceedings of two Inquests held in the Course of the last Quarter, which were read; And the Overseers of the High ways having given in a Return of their Works done in their respective Divisions, the Grand Jury were dismissed, and the Court was, by Proclamation, adjourned to the thirteenth day of J[...] next ensuing. John Skottowe Dan Corneille M Bazett	The court opened under the commission of the peace, and a grand jury of 17 leading inhabitants of the island was sworn. Asked whether they knew of or had any matters for that court, the jurors replied that they knew of none. The coroner then submitted the records of two inquests held during the previous quarter, and both were read aloud. The overseers of the highways also handed in reports of the work carried out in their respective districts. The justices then discharged the grand jury, and a public announcement adjourned the court until 13 July 1774. The record was signed by the following: John Skottowe Daniel Corneille Matthew Bazett **Interpretations** The overseers of the highways were local officers responsible for keeping roads, paths and bridges in repair within a set district of the island. In England the office rested on statute, with each parish obliged to maintain its roads through labour or payment levied on inhabitants, and the overseers answering to the justices at quarter sessions. Their reports here showed the same system of accountability transplanted to St Helena, where steep paths linking Jamestown to the country plantations were vital for moving produce and supplies down to the ships. The quarter sessions thus served as an administrative body for public works as well as a criminal court, as the grand jury's report of 29 April 1772 on the blocked channel and inadequate bridge in James's Valley had already shown.
342	332	On the thirteenth day of April, in the fourteenth Year of his Majesty's Reign, a Precept upon the Commission of the Peace was issued out to Mr John Goodwin then Sheriff of the Island of St Helena. On the twenty eighth Day of June following, a Precept upon the Commission of Oyer & Terminer was issued out to the said Sheriff. On the thirteenth day of July following, a Precept upon the Commission of Goal Delivery was issued out to the sd Sheriff. Island of St Helena. The General Quarter Sessions of the Peace Sessions of Oyer & Terminer, and Sessions of Goal Delivery, holden at the Hall in James's Valley for the sd Island of St Helena, the thirteenth Day of July, in the fourteenth Year of the Reign of our Sovereign Lord George of Great Britain, France & Ireland King, Defender of the Faith and so forth, before John Skottowe, Danl Corneille, Matt: Bazett and Wm Wrangham Esqrs four of his Majesty's Justices of the Peace in and for the sd Island, also Commissioners of Oyer & Terminer, authorized to	On 13 April 1774, in the fourteenth year of the King's reign, an order under the commission of the peace went to John Goodwin, who was then sheriff of St Helena. He received an order under the commission of oyer and terminer on 28 June 1774. A third order, under the commission of gaol delivery, followed on 13 July 1774. The General Quarter Sessions of the Peace sat at the Hall in James's Valley on 13 July 1774, together with courts of oyer and terminer and gaol delivery. That date fell in the fourteenth year of the reign of George III, King of Great Britain, France and Ireland and Defender of the Faith. Governor Skottowe presided with Daniel Corneille, Matthew Bazett and William Wrangham. The four men served as the King's justices of the peace for the island and as commissioners of oyer and terminer. Their authority covered every felony, trespass and lesser offence committed there.

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		hear and Determine all Felonies, Trespasses and other Misdemeanors in the sd Island committed.	
343	333	The Court being opened upon the Commission of the Peace, a Grand Jury consisting of seventeen of the principal Inhabi= =tants of the Body of the sd Island were sworn; On which the Coroner returned the Proceedings of an Inquest held in the Course of the Quarter which were openly read in Court, and the Foreman of the Grand Jury moved the Court for Leave to retire along with his Brethren, having some thing to offer upon that Commission: They accordingly retired and on their Return, laid the following Presentment before the Bench, Viz. To the Honble the Bench of Justices. We the Grand Jury of this Island beg Leave to present to your Honble Bench our Opinion respecting the Annual Work bestowed on the High Roads. That if the sd Work appropriated for Repairs took place two Months sooner in the Year, it would (we think) be of much greater Advantage to the Roads, as the latter part of the Winter Rains are generally light, and serve to settle the Earth new laid on the Roads, and are Months less liable to high Winds, as on the Contrary the Months of October, November and December which are the Months the Repairs now take Place are generally allowed to be the windiest Months, and are followed by the Summer Rains which are commonly heavy. And further, that the Months of October, November and December are the most proper Months for our particular Attention to our Plantations, and we much broke in upon by our being under the Necessity of sending our Slaves for the Repair of the High Roads. If your Honble Bench concur in this Opinion, we could wish to have an earlier Period take place for the sd Repairs. The Bench of Justices having considered the	The court opened under the commission of the peace, and a grand jury of 17 leading inhabitants of the island was sworn. The coroner then submitted the record of an inquest held during the quarter, and it was read aloud in court. The foreman of the grand jury asked the court's permission to withdraw with his fellow jurors, since they had a matter to raise under that commission. They duly withdrew and, on returning, laid a formal report before the bench. Addressed to the justices, the report set out the grand jury's view on the yearly repair work carried out on the main roads. The jurors believed the roads would benefit greatly if the repairs were moved two months earlier in the year. Rain at the end of winter tended to be light, they explained, and helped to bed down fresh earth laid on the roads. Those months also brought less risk of strong winds. By contrast, October, November and December, when the repairs currently took place, were widely held to be the windiest months of the year. Heavy summer rains then followed, which did further damage to newly laid surfaces. The jurors raised a second objection. October, November and December were the months when their plantations most needed close attention. Having to send their slaves away to mend the roads at that time seriously disrupted their work. They therefore asked the bench, should it agree, to fix an earlier period for the road repairs. **Interpretations** The report revealed how road maintenance on St Helena actually worked. The yearly repairs were carried out by slaves whom landholders were obliged to send for the purpose, a local version of the English system of statute labour on highways. The cost to each planter was not money but the loss of his workforce for a period. That burden fell hardest in the southern-hemisphere spring, from October to December, when plantations needed planting, weeding and tending. The grand jury's case therefore joined an argument about the roads' condition with a plain appeal to the landholders' own interests. The jurors' account of the island's seasons reflected close local knowledge of its weather. Light rain towards the end of winter helped fresh earth settle, while the spring months brought strong winds that scoured newly laid surfaces before heavy summer rain washed them away. Moving the work to August and September would let repairs bed in before the worst weather arrived. The report showed the grand jury, drawn from the island's principal landholders, using its formal right of presentment to shape public administration in ways that served both the roads and its members' plantations.
344	334	Reasonableness as well as Utility of the above Presentment have ordered that the Repairs of the High Ways shall in future take place and begin on the first Day of October every Year. No other Business appearing upon the Commission of the Peace, the Court was opened upon the Oyer & Terminer, and a New Gd Jury being impanelled and sworn, two Bills of Indictment were preferred to them, one whereof they threw out, and found the other Bill, and then the Court was opened upon the Goal Delivery. Arraignments. Christopher Nugent, Mariner, being set to the Bar of the Court, was arraigned upon the following Indictment, Viz.	The justices weighed the grand jury's report and judged it both sensible and useful. They ordered that from then on, the repair of the main roads should begin on 1 October each year. No further matters arose under the commission of the peace, so the court opened under the commission of oyer and terminer. A new grand jury was chosen and sworn, and two draft indictments were laid before it. The jurors rejected one and found the other fit for trial. The court then opened under its commission of gaol delivery. Arraignments Christopher Nugent, a sailor, was brought before the court and charged under the following indictment for the island of St Helena. The jurors, sworn on the King's behalf, stated that Nugent, a crewman of the *Duke of Portland*, acted without fear of God and at the prompting of the devil. On 23 April 1774, in the

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		Island of St Helena for The Jurors of our Sovereign Lord the "King upon their Oaths Do Present that Christopher "Nugent late of the good Ship the Duke of Portland Mariner "not having the fear of God before his Eyes but being moved "and seduced by a Devilish Instigation on the twenty third Day "of April in the fourteenth Year of the Reign of our Sovereign Lord George now King of Great Britain by force and Arms "in James's Valley within the Island aforesaid in and upon "one John Read then and there being feloniously did make an "Assault. And that the sd Christopher Nugent with his "right hand in and upon the Head and Body of him the sd "John Read feloniously did strike several violent and mortal "Blows of which sd several violent and mortal Blows he the sd John Read instantly died. And so the Jurors aforesd	fourteenth year of the reign of George III, he was said to have attacked John Read in James's Valley. According to the charge, Nugent struck Read on the head and body with his right hand, dealing him several violent blows. Read died of these blows on the spot. **Interpretations** The grand jury's rejection of one of the two bills showed its power as a filter on prosecution. By writing "ignoramus", literally "we do not know", on a bill, the jurors declared the evidence insufficient to put the accused on trial, and the prisoner was released without facing a trial jury. Earlier sittings on the island had seen every bill approved. The rejection here indicated that the grand jury weighed the prosecution's witnesses in earnest and did not simply endorse whatever the Crown put before it. Nugent was a crewman of the *Duke of Portland*, an East Indiaman calling at the island. Sailors from ships in the road came ashore in numbers, drank in the punch houses of Jamestown and sometimes fought, and any crime they committed on land fell within the island court's jurisdiction. Trying a seaman meant holding him on the island while his ship sailed on, so a charge of this gravity cut him off from his vessel and his wages. The phrase about lacking the fear of God and acting on the devil's prompting was the standard opening of English homicide indictments, marking the killing as the act of a free moral agent answerable for his choice. The justices' order fixed 1 October as the start date for road repairs, even though the grand jury had described October to December as the current season for the work and asked for it to move earlier. The order perhaps set a firm starting date where the work had previously begun later or at no fixed time. Either way, the bench accepted the principle of the jurors' complaint without adopting the full shift they proposed.
345	335	"upon their Oaths aforesd Do say that the sd Christopher "Nugent the sd John Read feloniously did kill against the Peace "of our Sovereign Lord the King his Crown and Dignity". To the above Indictment he pleaded "Not guilty". The said Christopher Nugent being put on his Trial, the twelve following Men, Viz. George Bird Jno Whitchurch John Bagley Jno Desfountain Jas Colgrave Robt Ballard Elisha Fracker John Sealy John Worrall Henry Howell and Jno Robinson Wm Jenkins were sworn upon his Jury. Then the Indictment was, a second time, read to him, and the Jury charged. Richard Harper, Punch house keeper, appear==ing before the Court, and being sworn, Saith that, on the twenty third Day of April last, between the Hours of four and five in the Afternoon, he heard a Noise in his Back Yard, which in==duced him to go thither, and he there saw John Read, the Deceased, and the Prisoner preparing to fight, (the Deceased having at that time pulled off his Jacket, the Prisoner having his on). That they were then separated and made easy, and he returned to the Front part of his House, where he had not tarried long before he heard more Noise in the sd Yard, and going thither a second time, he found the Deceased and	The indictment concluded that Christopher Nugent unlawfully killed John Read, in breach of the King's peace. Nugent denied the charge. The following 12 men were sworn as the jury for his trial: George Bird John Whitchurch John Bagley John Desfountain James Colgrave Robert Ballard Elisha Isaacke John Sealy John Worrall Henry Powell John Robinson William Jenkins The indictment was read to Nugent a second time, and the case was formally put to the jury. Richard Harper, a punch house keeper, came before the court and gave sworn evidence. Between 4pm and 5pm on 23 April 1774, he heard a commotion in his back yard and went out to see what was happening. There he found John Read and Nugent squaring up to fight. Read had taken off his jacket, while Nugent still had his on. The two men were pulled apart and calmed down, and Harper went back to the front of the house. He had not been there long before he heard more noise in the yard. Returning a second time, he found the two men fighting and ran out to fetch the constable. They carried on until Read was knocked to the ground. **Interpretations** The indictment charged Nugent with killing Read unlawfully but did not allege that he acted with malice aforethought, the phrase that marked a charge

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		Prisoner a fighting, on which he ran out in order to send for the Con= =stable. That they kept still fighting till the Deceased was knocked down, and he lay so for the Space of half a Minute,	of murder. The case was therefore one of manslaughter, a homicide committed without premeditation, typically in a sudden quarrel or fight. The distinction was vital to Nugent. Murder carried a mandatory death sentence without benefit of clergy, while manslaughter remained a clergyable felony, so a first offender convicted of it could be branded on the hand and released. Harper's evidence placed the fight in the yard of a punch house, precisely the setting in which the island's taverns brought together sailors ashore from the ships and local men. Punch house keepers held licences from the authorities and were expected to keep order on their premises. Harper's efforts to separate the men, and his decision to send for the constable when they resumed, showed a licensee acting to protect himself as much as the combatants. A death on his premises could put his licence at risk.
346	336	before it was perceived by any one present that he was dead. The Witness being asked if either the Deceased or the prisoner had any Weapon while they fought, says they had none, only fought with their Fists. That, thinking it not impossible to save the deceased's Life he called one Goody in to bleed him, which he attempted without Effect; And that afterwards Mr Street, Surgeon of the Island and two other Surgeons belonging to Ships then in the Road opened a Vein in the opposite Arm but to no purpose. The Foreman of the Jury asking what the Prisoner was employed in from the Time the deceased was knocked down till it was known he was dead, the Witness thereto replys that an other Sailor, as a Friend to the deceased engaged the Prisoner, and fought him till they were parted. John Thomson, Matross, being duly sworn, saith that, on the twenty third of April last between the Hours of four and five in the Afternoon, as he sat in a Back Room in Mr Harper's Punch house, the Deceased and the Prisoner at the Bar came into the same Room a quar= =relling. That he is ignorant as to the angry Words that passed between them; but that he saw the Deceased lift up his Hand and give the Prisoner a Blow therewith on his Face: That it was the first Blow given, and then they both went out in to the Yard, and there prepared to fight, but were for that time prevented by him and several others. That in a little while after, they engaged again, on which the sd Harper sent for the Constable, but before the Constable came, the Deceased was knocked down and dead. Being asked by the Court if he thinks the Prisoner	Harper said Read lay on the ground for about half a minute before anyone present realised he was dead. Asked whether either man held a weapon during the fight, Harper said neither did. They fought only with their fists. Believing Read's life might still be saved, Harper called in a man named Goody to bleed him, but the attempt failed. Later Thomas Stroud, the island's surgeon, and two surgeons from ships lying in the road opened a vein in Read's other arm, again without success. The foreman of the jury asked what Nugent did between the moment Read fell and the discovery that he was dead. Harper replied that another sailor, a friend of Read's, took on Nugent and fought him until the two were separated. **Start of crossed out section** Down. **End of crossed out section** John Thomson, a matross, was sworn next. Between 4pm and 5pm on 23 April 1774, he said, he was sitting in a back room of Harper's punch house when Read and Nugent came in arguing. He did not hear what angry words passed between them. He did, however, see Read raise his hand and strike Nugent in the face. That was the first blow of the quarrel. Both men then went out into the yard to fight, but Thomson and several others stopped them for the time being. A little later they came to blows again, and Harper sent for the constable. Before the constable arrived, Read was knocked down dead. The court then began to question Thomson about his view of Nugent's conduct. **Interpretations** Thomson's evidence that Read struck the first blow bore directly on the legal character of the killing. English law treated a death arising from a sudden fight, begun without premeditation and fought with fists, as manslaughter at most, since the heat of passion excluded malice. Where the dead man was the aggressor, the case could shade towards chance medley, a killing in a sudden affray that could be excused as self-defence if the survivor had tried to withdraw. Harper's confirmation that neither man carried a weapon, and Thomson's account of the provocation, strengthened Nugent's position considerably. Bleeding was the standard first response to collapse or apparent death in the period, founded on the belief that releasing blood could relieve pressure on the heart and brain. The sequence of attempts, first by Goody and then by three surgeons opening a vein in the other arm, showed how seriously the onlookers pursued resuscitation. The presence of surgeons from ships in the road reflected how the anchorage supplied the island with medical skill beyond its own resources whenever the fleet was in.

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347	337	struck the Deceased with Intent to kill him, says he does not think he did, but believes the death of John Read to have been merely accidental. Richard Morgan, a Matross, being duly sworn, Saith that, on the twenty third of April last between the Hours of four and five in the Afternoon, as he sat in a Back Room in Mr Harper's Punch house, he saw the Deceased and the Prisoner in the Back yard of the sd House stripped and fighting. That the sd Harper, on seeing them engage called out for Assistance, and for some one to go for the Constable, on which they were parted by the sd Harper, Thomson and others, and that he, Thomson, put the Deceased's own Jacket upon him. That they remained quiet for a short Space of time, but, finding their Opportunity, re engaged and fought for a little of time till the Deceased received a Blow that knocked him down. That as soon as the Deceased was so knocked down an other Sailor engaged the Prisoner, and they fought till the sd Thomson cryed out that the Man was dead, (meaning John Read the Deceased.) No other Witnesses appearing on the Crown side, the Prisoner is put on his Defence, and he saith that, as he was much intoxicated with Liquor, he only remembers that John Read, the Deceased, and he came together into a Back Room, and that the Deceased there struck him a Blow on the side of his Head, which Blow made him reel to the Wall. That he recollects his having desired the Deceased to leave off as he, the deceased, was not able to lick him on which the Deceased pushed him out of the Room into the yard, where	Asked by the court whether he believed Nugent struck Read meaning to kill him, Thomson said he did not think so. In his view Read's death was purely an accident. Richard Morgan, another matross, then gave sworn evidence. Between 4pm and 5pm on 23 April 1774, he was sitting in a back room of Harper's punch house. From there he saw Read and Nugent in the back yard, stripped to fight and trading blows. When Harper saw the fight begin, he shouted for help and for someone to fetch the constable. Harper, Thomson and others separated the pair, and Thomson helped Read back into his jacket. The two men stayed quiet for a short time, but at the first chance they started again. They fought briefly until Read took a blow that knocked him down. Once Read was on the ground, another sailor took on Nugent, and they fought until Thomson shouted that Read was dead. The prosecution called no further witnesses, and Nugent was invited to give his defence. He said he was very drunk at the time and remembered only certain things. He and Read went into a back room together, where Read hit him on the side of the head hard enough to send him staggering against the wall. Nugent recalled urging Read to stop, telling him he had no chance of beating him. Read responded by shoving him out of the room into the yard. **Interpretations** Nugent's claim that he told Read to stop went to the heart of his defence. In English law a man who killed in a sudden fight could claim self-defence only if he had tried to avoid or withdraw from the quarrel before striking the fatal blow. By saying he urged Read to give up and was then pushed into the yard, Nugent cast himself as the reluctant party, drawn into a fight he had tried to end. His admission of heavy drinking, by contrast, offered him no legal protection. The law held that voluntary drunkenness excused nothing, though it could help show that a killing was unplanned. The evidence of Thomson and Morgan agreed closely on the sequence of events and differed from Nugent's account mainly in emphasis. Both witnesses had the pair separated and then resuming the fight by mutual choice. Thomson's opinion that the death was accidental, offered by a neutral soldier who saw the first blow, gave the jury a firm basis for treating the killing as the outcome of a brawl, not of intent.
348	338	they both stripped and fought. That the Deceased's Second told him that since he, the Prisoner, had licked one, he must also lick him, and he thereon struck him. That he remembers no more of the Matter except his being carried away prisoner. The Prisoner having no more to move in his Defence, the whole Evidence was summ'd up to the Jury, and they retired to consider. On their Return they declared their Verdict, by which they found the Prisoner guilty of Manslaughter in his own Defence. The above Verdict being recorded, the prisoner was, by Proclamation, discharged. The Business of the Sessions being now ended, the Grand & Petit Juries were dismissed, and the Court was adjourned to the fifth day of October next ensuing. John Skottowe Dan Corneille M Bazett Wm Wrangham	Nugent went on to say that in the yard he and Read both stripped and fought. Read's second then told Nugent that, having beaten one man, he would have to beat him too, and struck him. Nugent said he remembered nothing more of the affair except being taken away under arrest. With nothing further offered in Nugent's defence, the whole of the evidence was summed up for the jury, who withdrew to consider it. On their return they found that Nugent had killed Read in self-defence. Once the verdict was recorded, a public announcement released him. With its business complete, the court discharged the grand jury and the trial jury. It then adjourned until 5 October 1774. The record was signed by the following: John Skottowe Daniel Corneille Matthew Bazett William Wrangham **Interpretations** The verdict of manslaughter in self-defence placed the killing in the category English law called homicide se defendendo, a form of excusable

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			homicide. Such a killing was not a felony at all, since the survivor was held to have acted to save himself from an attack he had tried to escape. Strictly, the old law still required a royal pardon and the forfeiture of the killer's goods even in these cases, but by the eighteenth century courts routinely released such defendants at once. Nugent's discharge by proclamation, without branding or further penalty, reflected that settled practice. The jury's wording blended the manslaughter of the indictment with the language of self-defence, arriving at the most lenient result the evidence allowed. Nugent's reference to Read's second showed that the fight had taken on the conventions of a formal bout. Seconds attended each fighter to support him, see fair play and, if their man was beaten, sometimes take up the quarrel themselves. The second's challenge after Read fell matched the evidence of Harper and Morgan that another sailor at once engaged Nugent. Fights of this kind among seamen were common and largely tolerated, and the jury evidently saw Read's death as the misfortune of a brawl he had started and his companion had continued.
349	339	Island of St Helena. On the thirteenth Day of July, in the fourteenth Year of his Majesty's Reign, a Precept upon the Commission of the Peace was issued out to the Sheriff of the sd Island. On the twentieth Day of September following a Precept upon the Commission of Oyer & Terminer was issued out to the sd Sheriff. On the fifth Day of October following a Precept on the Goal Delivery was issued out to the sd Sheriff. The General Quarter Sessions of the Peace, Sessions of Oyer and Terminer and Sessions of Goal Delivery holden at the Hall in James's Valley for the sd Island of St Helena the fifth day of October, in the fourteenth Year of the Reign of our Sovereign Lord George the third of Great Britain, France and Ireland King, Defender of the Faith and so forth, Before John Skottowe, Danl Corneille, Matthew Bazett and William Wrangham Esqrs four of his Majesty's Justices, assigned to keep the Peace in and for the sd Island, also Commissioners of Oyer and Terminer, authorized to hear and Determine all Felonies, Trespas= =ses and other Misdemeanors within the sd Island committed.	On 13 July 1774, in the fourteenth year of the King's reign, the sheriff of St Helena was sent an order under the commission of the peace. He received an order under the commission of oyer and terminer on 20 September 1774. A third order, for a gaol delivery, followed on 5 October 1774. The General Quarter Sessions of the Peace sat at the Hall in James's Valley on 5 October 1774, together with courts of oyer and terminer and gaol delivery. That date fell in the fourteenth year of the reign of George III, King of Great Britain, France and Ireland and Defender of the Faith. Governor Skottowe presided with Daniel Corneille, Matthew Bazett and William Wrangham. The four men acted as the King's justices of the peace for the island and as commissioners of oyer and terminer. Their authority covered every felony, trespass and lesser offence committed there.
350	340	The Court being open'd upon the Commis= =sion of the Peace, a Grand Jury consisting of seventeen of the Principal Inhabitants of the Body of the said Island were sworn; Then the Overseers of the High ways for the Repairs of the ensuing Year were tendered their Oaths of Office and received their respective Warrants, after which the Coroner returned the Proceedings of an Inquest held in the Course of the Quarter, which were read. The Grand Jury not presenting any Business upon that Commission, the Court was opened upon the Oyer & Terminer, a New Grand Jury was impanelled and sworn, and two Bills of Indictment were preferr'd to them; They found one, and threw out the other Bill, and	The court opened under the commission of the peace, and a grand jury of 17 leading inhabitants of the island was sworn. The overseers of the highways appointed to carry out road repairs for the coming year then took their oaths of office and received their warrants. After this the coroner submitted the record of an inquest held during the quarter, and it was read out. The grand jury raised no matters under the commission of the peace, so the court opened under the commission of oyer and terminer. A new grand jury was chosen and sworn, and two draft indictments were laid before it. The jurors approved one and rejected the other, and the court then opened under its commission of gaol delivery. Arraignment John Jenkins, a sailor formerly of the ship *Harcourt*, was brought before the court and charged under the following indictment for the island of St Helena. The jurors, sworn on the King's behalf, accused Jenkins of an offence committed at about midnight on 6 July 1774, in the fourteenth year of the

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		then the Court was opened upon the Goal Delivery. Arraignment John Jenkins, a Mariner late belonging to the Ship Hawcourt, being set to the Bar of the Court, was arraigned upon the following Indictment Viz. Island of St Helena for The Jurors of our Sovereign Lord the "King upon their Oaths Do Present that John Jenkins late of the Ship Hawcourt Mariner on the "sixth Day of July in the fourteenth Year of the Reign of "our Sovereign Lord George now King of Great Britain &c "about the Hour of twelve in the Night time of the same "Day by Force and Arms in James's Valley within the	reign of George III. According to the charge, he acted by force in James's Valley. **Interpretations** The swearing in of the highway overseers at this October sitting followed directly from the justices' order of 13 July 1774 that road repairs should begin on 1 October each year. The overseers now took up office for the season's work within days of that starting date. Their warrants gave them legal authority to call on landholders for the labour of their slaves and to direct the repairs in their districts. Swearing them in open court tied the island's road administration to the justices and made the overseers answerable to the quarter sessions for what they did. Jenkins was described as formerly of the *Harcourt*, a sign that his ship had sailed without him. An East Indiaman spent only a few days or weeks in the road, and a sailor arrested ashore for a serious charge stayed behind in the island's gaol when his vessel departed. Jenkins had been held since July awaiting this sitting. Whatever the outcome of his trial, he would then have to find passage home on another ship, cut off from the wages owed him on his own.
351	341	"Island aforesaid the Dwelling house of one William "Hayes there situated feloniously and burglariously did "break and enter with an Intention the Goods Chattles "and Monies of the said William Hayes in the said Dwelling house then and there being then and there to "have stolen taken and born away against the Peace "of our Sovereign Lord the King his Crown and Dignity "and also against the Form of the Statute in that Case "made and provided. And the Jurors aforesaid upon "their Oaths aforesaid Do say that the said John Jenkins on the said sixth Day of July in the Night "time as aforesaid in the Valley aforesaid within the Island aforesaid in and upon the sd William Hayes in "the Peace of God and of our Sovereign Lord the King then "and there being unlawfully did make an Assault and "him the sd William Hayes violently did beat stab "wound and evil treat so that his Life was greatly "despaired of and other Wrongs did to the sd William "Hayes to his Damage and against his Majesty's Peace "his Crown and Dignity". To which he pleaded "Not guilty". The said John Jenkins being put on his Trial, the twelve following Men, Viz. Robert Ballard William Jenkins Stephen Young Hugh Jones John Whitchurch Henry Crosthrop John Seale Saml Crosthrop Simon Whaley George Seale and Henry Howell Thomas Seale were sworn upon his Jury. Then the Indictment was, a second time, read to him, and the Jury charged.	The indictment charged Jenkins with breaking into William Hayes's house in James's Valley at night, intending to steal money and goods from inside. It described this as a burglary against the King's peace and contrary to statute. A second count alleged that on the same night Jenkins attacked Hayes himself. He was said to have beaten, stabbed and wounded Hayes so badly that his life was feared for, and to have done him other harm. Jenkins denied the charges. The following 12 men were sworn as the jury for his trial: Robert Ballard William Jenkins Stephen Young Hugh Jones John Whitchurch Henry Casthorpe John Seale Samuel Casthorpe Simon Whaley George Seale Henry Powell Francis Seale The indictment was read to Jenkins a second time, and the case was formally put to the jury. **Interpretations** The first count charged burglary even though nothing was said to have been stolen. In English law the crime was complete once a person broke into a dwelling house at night intending to commit a felony there. The theft itself need not take place, so interrupting the intruder did not reduce his guilt. Burglary carried the death penalty without benefit of clergy, which made this the gravest charge the court had faced since the storehouse robbery of 1771. The indictment paired the capital burglary count with a separate count of assault, a misdemeanour. This structure gave the jury a choice. If the jurors doubted that Jenkins broke in with intent to steal, they could still convict him of the violent attack on Hayes, which carried a discretionary penalty. The stabbing and the danger to Hayes's life showed that the intrusion had turned into a struggle, perhaps when Hayes confronted him inside his house.
352	342	Mr William Hayes Senr appearing before the Court, and being sworn, Saith that, on the sixth Day of July last about the Hour of twelve in the Night, his Wife informed him that she heard some Body breaking the	William Hayes senior came before the court and gave sworn evidence. At about midnight on 6 July 1774, his wife told him she could hear someone breaking in through the front door of the house, or that the intruder was perhaps already inside. Hayes leapt out of bed, grabbed the key to the door and ran

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		Front door of the House or that he had already broke or entered it, on which he instantly started out of Bed, took the Key of the sd Door in his hand, and ran to it: That, as he came out of his Room, he con= =ceived the Noise to proceed from the Inside, but, on opening the sd Door, and running into the Street, he saw a Man standing by the Window next above the Door who, on seeing the Witness, betook himself to Flight, but pursuing him close, he reached him op= =posite to Mr Dafell's Shop. That he then clapped his Hand on his Shoulder, on which the other struck him a Blow on the Chin, and repeated the Blow on the left side of his Head, which last Blow stunn'd him, but, being a little recovered, he a second time made up to him, and he, the Man, turned round, and cut him in a very violent and dangerous Manner over the left side of his Body (as he believes) with a Knife, afterwards stabbed him in the Breast, and then made a Cut at him which hit him in the Forehead. That about this Time, happening to hear the Screams of his Wife in the House, he ran to her Assistance, and on his finding her discovered her Screams proceeded from an Apprehension that some Villain had got into her Room, but found her in no Danger. That he then went to examine if the Window had been entered, and found the upper Sash of the sd Window let down, but	towards it. As he left his room he thought the noise came from inside the house. When he opened the door and ran out into the street, however, he saw a man standing by the window just above the door. On seeing Hayes, the man ran off. Hayes chased close behind and caught up with him opposite Mr Bazett's shop, where he grabbed him by the shoulder. The man punched him on the chin and then struck him again on the left side of the head. The second blow left Hayes dazed. Once he had partly recovered, he went for the man a second time. The man turned and slashed him badly and dangerously down the left side of his body, with what Hayes believed was a knife. He then stabbed Hayes in the chest and slashed at him again, catching him on the forehead. At about this moment Hayes heard his wife screaming in the house and ran back to help her. He found her unharmed. She had screamed out of fear that some criminal had got into her room. Hayes then went to check whether the window had been used to get in. He found its upper sash lowered. **Interpretations** Hayes's inspection of the window went to the legal core of the burglary charge. Burglary required an actual breaking to gain entry, and English courts held that opening a closed window, even by simply sliding a sash, counted as breaking. If the sash had been left open, climbing through would not have been enough. The lowered upper sash was therefore potentially decisive evidence of a breaking, provided it could be shown that it had been closed earlier in the night and that the intruder, not a member of the household, had moved it. Hayes was a regular juror at the island's courts, having sat on the juries that tried the two Catos in April 1772 and Caesar in April 1773. He now appeared before his fellow inhabitants as the victim of a violent attack. The small pool of settler families meant that the men who judged island crime were often also the people it touched, and none of the Hayes family sat on this jury.
353	343	not all the Way, being prevented by two Nails purposely fixed on each side in the Window Case. The Witness in this Part of his Evidence, being examined as to the Identity of the Prisoner says he believes him to be the Man as described in the former Part of his Evidence, as well from his Stile as from the Colour of his Clothes, but more particularly, from a Cut or Mark he had in his Forehead occasioned by a Stroke he, the Witness, had given him. Being asked by the Court if he knows on what particular Place he struck the Man, says he struck him between the Eyes, and that, on his seeing him the next Day when brought before the Governor he saw him marked on the very place he thought he had struck him. He further says that, before he went to Bed that Night, he made his House secure by fasten= =ing the Windows, and locking the Doors; That the Window which he found broken had a Shutter which he found cut to the place where an Iron pin traversed it and the Win= =dow case, and which pin was made fast on the Inside by a smaller [...]. That the Shutter being in that	The upper sash had not come all the way down, Hayes explained, because two nails had been fixed on either side of the window frame on purpose to stop it. Asked about the prisoner's identity, Hayes said he believed Jenkins was the man he had described. He based this on the man's height and the colour of his clothes, but above all on a cut or mark on his forehead from a blow Hayes had struck him. The court asked where exactly he hit the man. Hayes said he struck him between the eyes. When he saw Jenkins the following day, brought before Governor Skottowe, he found him marked in the very spot where he believed his blow had landed. Hayes added that before going to bed that night he secured the house by fastening the windows and locking the doors. The damaged window had a shutter held shut by an iron pin passing through it and the window frame, fixed on the inside with a smaller pin. He found that the shutter had been forced open at that point. With the shutter thrown back, a pane of glass in the lower sash had been broken. Hayes believed this was done so that a hand could reach through to the pin holding up the upper sash. He found that pin pulled out, which could not have happened by shaking alone. The prosecution closed its case, and Jenkins gave his defence. He said he had been sent ashore to the sick quarters. Throughout his stay, he claimed, he never left his quarters after 7pm, being barely able to raise his hand to his head. **Interpretations** Hayes's account of the window supplied every element the law needed for a breaking. The shutter was forced, a pane deliberately broken and the pin

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		Manner thrown open, a Pane of Glass was broke in the lower Sash, with Design, as he believes, to introduce a Hand in order to come at the Pin that kept the upper Sash from sliding Down, as he found the Pin pulled out, which could not otherwise have happened except by Shaking. The Evidence for the Crown closing here, the Prisoner in his Defence saith that he was sent a shore to Sick Quarters, and that, during the whole time, he never was out of his Quarters after seven in the Evening, being scarcely able to lift his Hand to his Head. That he received the	securing the upper sash drawn out from inside, all on a window that he swore he had fastened before bed. Each step showed a person working methodically to open a secured house. The nails that stopped the sash from falling fully were the only thing that prevented a complete entry, and the law did not require the intruder to get his whole body inside. Reaching a hand through the broken pane to withdraw the pin could itself count as entry. Jenkins's claim to have been in the sick quarters reflected a standard practice at St Helena. Company ships calling at the island landed their sick seamen to recover on shore with fresh food and water, away from the cramped conditions below decks. Such men were lodged in quarters in Jamestown under loose supervision. His defence therefore rested on an alibi of illness, though he did not deny being on shore and so within reach of Hayes's house. The mark between his eyes, observed when he was examined before the Governor the next day, remained the strongest evidence against him.
354	344	Mark he had on his Forehead by falling as he went to the Necessary house. He denies the whole Charge. The Prisoner having no more to say in his Defence, the whole was summ'd up to the Jury, and they retired to consider. On their Return they Declared their Verdict by which they found him "Not guilty". The Business of the Sessions being now ended, the Grand and Petit Juries were dismissed, and the Court was adjourned to the eleventh Day of January next ensuing. John Skottowe Dan Corneille M Bazett Wm Wrangham	Jenkins said the mark on his forehead came from a fall on his way to the privy. He denied every part of the charge. With nothing further offered in his defence, the whole case was summed up for the jury, who withdrew to consider it. On their return they found him not guilty. With its business finished, the court discharged the grand jury and the trial jury. It then adjourned until 11 January 1775. The record was signed by the following: John Skottowe Daniel Corneille Matthew Bazett William Wrangham **Interpretations** The acquittal came despite evidence that looked strong on its face: a victim who swore to the intruder's height and clothing and to a wound on his forehead matching the blow he struck. The case against Jenkins, however, rested almost entirely on Hayes's identification, made at midnight in a street by a man who had just been stunned and then badly cut. Height and the colour of a sailor's clothes fitted many seamen ashore, and Jenkins offered an innocent explanation for the mark on his head. A burglary conviction carried a certain death sentence without benefit of clergy. Faced with a single, shaken witness, the jurors evidently judged the proof too uncertain to take a man's life, and they declined even the lesser assault count that would have allowed a conviction without the gallows.
355	345	Mark he had on his Forehead by falling as he went to the Necessary house. He denies the whole Charge. The Prisoner having no more to say in his Defence, the whole was summ'd up to the Jury, and they retired to consider. On their Return they Declared their Verdict by which they found him "Not guilty". The Business of the Sessions being now ended, the Grand and Petit Juries were dismissed, and the Court was adjourned to the eleventh Day of January next ensuing. John Skottowe Dan Corneille M Bazett Wm Wrangham	On 5 October 1774, in the fourteenth year of the King's reign, an order under the commission of the peace went to John Goodwin, sheriff of St Helena. He received an order under the commission of oyer and terminer on 28 December 1774. A third order, for a gaol delivery, followed on 11 January 1775, in the fifteenth year of the reign. The General Quarter Sessions of the Peace sat in James's Valley on Wednesday 11 January 1775, together with courts of oyer and terminer and gaol delivery. That date fell in the fifteenth year of the reign of George III, King of Great Britain, France and Ireland and Defender of the Faith. Governor Skottowe presided with Daniel Corneille, Matthew Bazett and William Wrangham. The four men served as the King's justices appointed to keep the peace on the island and as commissioners of oyer and terminer. Their authority covered every felony, trespass and lesser offence committed there.

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356	346	The Court being opened upon the Com= =mission of the Peace, a Grand Jury consisting of seventeen of the Principal Inhabitants of the Body of the sd Island were sworn, who, being asked if they knew of any Busi= =ness upon that Commission, answered they did not. Then the Coroner returned the Proceedings of an Inquest held before him, which were read in Court, and the Over= =seers of the High Ways gave in the Returns of Work done in their respective Divisions. No other Business appearing upon that Commission, the Court of Oyer and Terminer was opened, a New Grand Jury were impanelled and sworn, and a Bill of Indictment was preferred to them. They found the Bill, and then the Court was opened upon the Goal Delivery. Arraignments. Dick, a Man slave, being set to the Bar of the Court, was arraigned upon the following Indictment, Viz. Island of St Helena for "The Jurors of our Sovereign Lord "the King upon their Oaths Do Present that Dick late "of High Peaks within the Island aforesaid Man slave "on the twenty first Day of November in the fifteenth "Year of the Reign of our Sovereign Lord George now King of Great Britain about the Hour of twelve in the Night	The court opened under the commission of the peace, and a grand jury of 17 leading inhabitants of the island was sworn. Asked whether they knew of any matters for that court, the jurors said they did not. The coroner then submitted the record of an inquest he had held, and it was read aloud. The overseers of the highways also handed in reports of the work done in their districts. No further matters arose under the commission of the peace, so the court of oyer and terminer was opened. A new grand jury was chosen and sworn, and a single draft indictment was laid before it. The jurors found it fit for trial, and the court then opened under its commission of gaol delivery. Arraignments Dick, a male slave, was brought before the court and charged under the following indictment for the island of St Helena. The jurors, sworn on the King's behalf, accused Dick, who lived at High Peak, of an offence committed at about midnight on 21 November 1774. That date fell in the fifteenth year of the reign of George III.
357	347	"of the same Day by force and Arms in James's Valley "within the Island aforesaid the Dwelling house of one Mary Beale there situated feloniously and burglariously did break and enter and four Pieces of coined Gold called "Venetians of the Value of two Pounds one Piece of coined "Gold called Pagodas of the Value of three pounds and "twelve Shillings five Pieces of coined Silver called Mexico Dollars of the Value of one pound and five Shillings one "Piece of coined Silver called Rix dollar of the Value of four Shillings one Piece of Silver called an unmilled Dollar "of the Value of five Shillings one Piece of coined Silver called Ducatoon of the Value of six Shillings seven English "half Crowns of the Value of seventeen Shillings and six "pence and five English Shillings Also one Gold Sleeve "Button of the Value of five Shillings fifteen Silver small "Buttons of the Value of six Shillings one Silver Sleeve button "of the Value of six pence one Silver Stock Buckle of the Value of four Shillings one Man's Hat of the Value of four Shillings one Silver Broach set with Stones of the Value of two Shillings one Pair of Nankeen Cloth Breeches "of the Value of three Shillings one pair of Trowsers of the "Value of two Shillings three blue Shirts of the Value of	The indictment charged that at the same hour Dick broke into the house of Mary Beale in James's Valley by force. From inside he was said to have stolen the following money and goods belonging to her: 4 gold Venetians, £2 0s 0d 9 gold pagodas, £3 12s 0d 5 silver Mexican dollars, £1 5s 0d 1 silver rix-dollar, £0 4s 0d 1 unmilled silver dollar, £0 5s 0d 1 silver ducatoon, £0 6s 0d 7 English half crowns, £0 17s 6d 5 English shillings, £0 5s 0d 1 gold sleeve button, £0 5s 0d 15 small silver buttons, £0 6s 0d 1 silver sleeve button, £0 0s 6d 1 silver stock buckle, £0 4s 0d 1 man's hat, £0 4s 0d 1 silver brooch set with stones, £0 2s 0d 1 pair of nankeen breeches, £0 3s 0d 1 pair of trousers, £0 2s 0d 3 blue shirts, £0 6s 0d 1 cotton shirt, £0 2s 0d 1 blue jacket, £0 4s 0d 1 piece of nankeen cloth, £0 3s 0d 1 small gold ring, £0 4s 0d 3 silk handkerchiefs, £0 3s 0d The indictment described this as a burglary and theft carried out at night. **Interpretations** The coins in Mary Beale's house showed how varied the money circulating on St Helena was. Venetians, the gold sequins of Venice prized in the Indian Ocean trade, were valued here at 10s each, and the southern Indian gold pagodas at 8s. The Mexican dollars were Spanish pieces of eight struck at the Mexico City mint, the most widely trusted silver coin in the world, reckoned at 5s. The rix-dollar, at 4s, was the Dutch money of account used at the Cape of Good Hope, the island's nearest trading neighbour.

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		"six Shillings one Cotton Shirt of the Value of two Shillings "one blue Jacket of the Value of four Shillings one Piece of Nankeen Cloth of the Value of three Shillings one small "Gold Ring of the Value of four Shillings and three Silk "Handkerchiefs of the Value of three Shillings the Goods "Chattles and Money of the sd Mary Beale in the said Dwelling house then and there being found then and there feloniously and burglariously did steal take and bear away	An unmilled dollar was an older hand-struck Spanish coin, often called a cob, with an irregular edge that made it easy to clip. The ducatoon came from the Low Countries or Italy. English half crowns and shillings made up only a small part of the hoard. Each coin was converted into sterling in the indictment because English law required the value of stolen goods to be stated in pounds, shillings and pence. The hoard made plain what a household's savings on the island looked like. With no bank and no single currency, a householder kept a mixed stock of whatever gold and silver passed through Jamestown from the ships, together with small valuables such as buttons, a ring and a brooch that could also serve as stored wealth. The total came to well over £10, a considerable sum for a private house. Mary Beale, like Margaret Greentree earlier, was a woman holding property in her own name. Dick came from High Peak, one of the highest and most remote parts of the island's interior, some distance from the house in James's Valley. A slave making a night journey down to the town to break into a house there suggested either planning or a runaway living outside his owner's control.
358	348	"against the Peace of our Sovereign Lord the King his "Crown and Dignity and also against the Form of "the Statute in that Case made and provided". To the above Indictment he pleaded "Not guilty". Trial The Prisoner being put on his Trial, the twelve following Men, Viz. John Robinson Wm Jenkins Stephen Young Francis Seale James Colgrave Simon Whaley John Whitchurch Hugh Jones Wm Hayes Senr Henry Crosthrop and John Desfountain Saml Crosthrop were sworn upon his Jury. Then the Indictment was, a second time, read to him, and the Jury charged. Jonas, a Man slave belonging to the Honble Company appearing before the Court, and being duly sworn, Saith that, on Thursday the twenty second of November last, Dick, the Prisoner now at the Bar, came to the Company's Black's house in the Country, and being, as he said, very hungry, called for some thing to eat. That thereon the Wife of one Frank, Butcher, and Aunt to the Prisoner, stopped him till the Return of her Husband who, as soon as he came home, (knowing the Prisoner	The indictment described the burglary as a breach of the King's peace and contrary to statute. Dick denied the charge. Trial The following 12 men were sworn as the jury for Dick's trial: John Robinson William Jenkins Stephen Young Francis Seale James Colgrave Simon Whaley John Whitchurch Hugh Jones William Hayes senior Henry Casthorpe John Desfountain Samuel Casthorpe The indictment was read to Dick a second time, and the case was formally put to the jury. Jonas, a male slave owned by the East India Company, came before the court and gave sworn evidence. On Thursday 22 December 1774, he said, Dick arrived at the house in the country where the Company's slaves lived. Dick said he was very hungry and asked for something to eat. The wife of Frank, a butcher, was Dick's aunt, and she kept him there until her husband came home. **Interpretations** The Company was itself one of the island's largest slaveholders, keeping slaves to work its plantations, fortifications and public works. Its slaves lived together in quarters in the country, separate from those owned by private settlers. Jonas's evidence showed that such quarters formed a community of their own, where a hungry fugitive could expect to find food and kin. Dick's appearance there a month after the burglary suggested he had been living at large since the night of 21 November 1774. Family ties ran across the boundaries of ownership. Dick's aunt was married to Frank, a butcher, and the household took in her nephew when he came asking for food. Yet the same household held him until Frank returned, which pointed towards handing him over. Slaves who sheltered a known runaway or suspect risked punishment themselves, and detaining him may have protected the family as much as it served the authorities.

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359	349	to be a Run away) tied both his Hands behind his Back, and gave him in Charge to the Witness, with Orders to take him to his Master Mr John Alexander. That, as they went along, being about half Way, he, the Prisoner, suddenly untied his Hands, and pulling a Knife out of his Pocket, told the Witness that, should he attempt to come near him, he would certainly stab him; On which the Witness struck him three or four Blows with his Stick which made the Knife fall from his hand. That having seized the sd Knife, he closed with the Prisoner and searched him, suspecting he might have an other Knife, but instead of a Knife, found a good deal of Money and other Things of Value upon him, which Money and Things he took from him, and then conveyed him to his Master's the said Mr Alexander. That at the Time he delivered the Prisoner up to the sd Mr John Alexander, he also gave him the Money and Things found upon him. Mr John Alexander, being duly sworn, Saith that, on the twenty second Day of November last between the Hours of eight and nine in the Evening, one Jonas on High gate and a Boy named Dick brought the Prisoner to his House, from whence he was run away a Week before, and that they informed him at same time they had found some Money upon him. That they then put into his Hands a Bag which he, on opening, found it contained in Cash to the Amount of eight Pounds sixteen Shillings and seven pence, besides a Gold Ring, a Gold Sleeve Button, a Silver Stock buckle and about fifteen or seventeen Silver Waistcoat Buttons, also two Handkerchiefs. That he kept the Prisoner confined till	Frank knew Dick to be a runaway, so he tied the young man's hands behind his back. He then handed him over to Jonas with instructions to take him to his master, John Alexander. About halfway there, Dick suddenly freed his hands and drew a knife from his pocket. He warned Jonas that he would stab him if he came any closer. Jonas struck him three or four times with his stick, knocking the knife from his hand. Having taken the knife, Jonas grappled with Dick and searched him in case he carried another. Instead of a second blade, he found a large sum of money and other valuables, which he took from him. Jonas then brought Dick to Alexander's house and handed over both the prisoner and everything found on him. John Alexander gave sworn evidence next. Between 8pm and 9pm on 22 November 1774, he said, Jonas and a boy named Phil brought Dick to his house. Dick had run away from there a week earlier. The two told Alexander they had found money on him and gave him a bag. On opening it he found £8 16s 7d in cash. The bag also held a gold ring, a gold sleeve button, a silver stock buckle and about 15 or 16 silver waistcoat buttons, together with two handkerchiefs. Alexander kept Dick locked up after that. **Interpretations** Dick's capture depended entirely on other slaves. Frank recognised him as a runaway and bound him, and Jonas and the boy Phil escorted him to his master and overpowered him when he drew a knife. Slaves on the island were expected to seize runaways, and failing to do so could bring punishment on themselves. Jonas's decision to hand over every coin and valuable he found, not keep any, showed how closely such captors were watched and how much they had to lose by being thought complicit. The recovery came within a day of the burglary, and most of Mary Beale's cash and small valuables were still in the bag. The items Alexander listed, a gold ring, a gold sleeve button, a silver stock buckle and silver buttons, matched those in the indictment closely. Dick had evidently had no chance to spend or hide the proceeds before he went looking for food among the Company's slaves. The prisoner went first to his owner, not to a magistrate. A master's household served as the first place of confinement for a captured slave, and Alexander held Dick under his own control before the law took over. Private authority and public justice thus worked in sequence, with the owner acting as gaoler until the case reached the court.
360	350	to be a Run away) tied both his Hands behind his Back, and gave him in Charge to the Witness, with Orders to take him to his Master Mr John Alexander. That, as they went along, being about half Way, he, the Prisoner, suddenly untied his Hands, and pulling a Knife out of his Pocket, told the Witness that, should he attempt to come near him, he would certainly stab him; On which the Witness struck him three or four Blows with his Stick which made the Knife fall from his hand. That having seized the sd Knife, he closed with the Prisoner and searched him, suspecting he might have an other Knife, but instead of a Knife, found a good deal of Money and other Things of Value upon him, which Money and Things he took from him, and then conveyed him to his Master's the said Mr Alexander. That at the Time he delivered the Prisoner	Alexander kept Dick locked up until the following Friday, 25 November 1774. During that time a slave named Will came to him and asked whether he had sent some stolen goods down to the main guard, to be displayed there so their owner could be traced. Will explained that he had been robbed and had reason to think the goods were his. Alexander asked how much money he had lost. Will estimated about £8 15s 0d. The goods taken from him, he said, included a gold ring, a gold sleeve button, a silver brooch and the waistcoat buttons, among many other things. Once this came to light, Alexander took Dick before a magistrate. Will, a male slave owned by the widow Beale, then gave sworn evidence. On Thursday 24 November 1774 he came from his mistress's country house on an errand to her house in town. On entering, he went first into the hall and then into the passage. There he saw, sitting on the kitchen doorstep, a trunk he had left beneath the dresser in the kitchen. Going up to it, he found it still secure and undamaged. The fact that it had been moved troubled him, so he went upstairs to check a chest he kept in a room of the house. He found the chest

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		up to the sd Mr John Alexander, he also gave him the Money and Things found upon him. Mr John Alexander, being duly sworn, Saith that, on the twenty second Day of November last between the Hours of eight and nine in the Evening, one Jonas on High gate and a Boy named Dick brought the Prisoner to his House, from whence he was run away a Week before, and that they informed him at same time they had found some Money upon him. That they then put into his Hands a Bag which he, on opening, found it contained in Cash to the Amount of eight Pounds sixteen Shillings and seven pence, besides a Gold Ring, a Gold Sleeve Button, a Silver Stock buckle and about fifteen or seventeen Silver Waistcoat Buttons, also two Handkerchiefs. That he kept the Prisoner confined till	forced open. On searching it, he at once found that some money he had left inside was missing, along with a number of other items. **Interpretations** The stolen money and valuables belonged in practice to Will, yet the indictment named them as the property of his mistress, Mary Beale. English law, as applied to slaves, did not allow a slave to own property in his own right, so anything he held counted in law as his owner's. The prosecution had to describe Will's savings as Mary Beale's goods to bring a valid charge. The case thus revealed a gap between legal form and daily reality. Slaves on the island could evidently build up considerable savings of their own, but the law recognised them only through the master. Will's savings of nearly £9 in gold and silver coin, with a gold ring and silver buttons besides, were striking for a slave. Slaves earned money through hiring out their labour, selling produce from their own gardens or trading with the crews of passing ships. A slave trusted to travel between his mistress's country and town houses on business had more opportunity than most to earn and keep money, and his chest in the town house served as his private strongbox. The main guard was the garrison guardhouse in Jamestown, a central, staffed building in constant use. Displaying recovered goods there turned it into a public lost-property office, where anyone who had been robbed could come to identify their belongings. The practice explains how Will learned so quickly that property matching his loss had been found.
361	351	out of his Chest consisting of Venetians, Pagodas, English half Crowns, English Shillings, Ducatoons, milled Dollars and one unmilled or Cob Dollar, the whole amounting, as near as he can guess, to the Sum of eight Pounds fifteen Shillings. That there were also taken out of his Chest one Gold Sleeve Button, one Gold Ring, one Silver Sleeve button, fifteen small Buttons of the same Metal, one Silver Broach set with red Stones, one Hat, one pair of Nankeen Breeches, one Pair of Canvas Trowsers, one Piece of Nankeen Cloth, three Chequer'd Shirts, one Cotton Shirt, three Hand= =kerchiefs and a blue Jacket. He further saith that he found the Store room Door broke open and an other Door, and that both Doors open on the Outside into the Yard. The Money and some of the stolen Things being produced in Court and shewn to the Witness, he can't positively swear to the Money, which being counted in Court, and a= =mounting in the whole to eight Pounds sixteen Shillings and seven pence, and answering to the Description in Specie or different Pieces, he presumes it was the Money stolen out of his Chest, and as to some of the Things he positively affirms his Knowledge of them, such as, the Gold Sleeve Button, the Gold Ring, the fifteen Silver Waistcoat Buttons, two Buttons which he had made into a Sleeve button, but which appear now without a Link, the Silver Stock buckle and one of the Handkerchiefs which he	Will said the money taken from his chest was a mixture of Venetians, pagodas, English half crowns and shillings, ducatoons, milled dollars and one unmilled or cob dollar. By his best estimate, it came to about £8 15s 0d. Also missing from the chest were a gold sleeve button, a gold ring, a silver sleeve button and 15 small silver buttons. The thief had taken a silver brooch set with red stones as well, along with a hat, a pair of nankeen breeches, a pair of canvas trousers and a piece of nankeen cloth. Three checked shirts, a cotton shirt, three handkerchiefs and a blue jacket completed the list. Will added that he found the storeroom door and one other door forced open. Both doors opened outward into the yard. The money and some of the stolen items were produced in court and shown to Will. He could not swear with certainty to the money itself. When it was counted in court, however, it came to £8 16s 7d and matched his description of the kinds of coin. He therefore concluded it was the money taken from his chest. He was able to swear with certainty to several of the other items. These included the gold sleeve button, the gold ring, the 15 silver waistcoat buttons and the silver stock buckle. He also recognised two buttons he had joined into a sleeve button, now missing their link, and a handkerchief he knew by a distinctive mark. Will explained that he heard John Alexander had sent some stolen goods to the fort to be claimed. Suspecting they were his, he went to Alexander's house. Alexander showed him the money and other items found on Dick, and Will recognised them at once as the property taken from his chest. **Interpretations** Will's inability to swear to the money reflected a real difficulty in proving theft of coin. One gold pagoda or Spanish dollar looked exactly like another, so an owner could rarely identify particular pieces. The court instead relied on matching the total and the mixture of coin types to the owner's description. A hoard combining Venetians, pagodas, ducatoons, English coins and a single cob dollar was distinctive enough that its composition served as a fingerprint.

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		knows by a particular Mark. That, on hearing that Mr John Alexander had sent some stolen Goods to the Fort to be owned to, and having some Reason then to think they were the Things stolen from him, he went to the sd Alexander's, who shewed him the Money and other Things found on the Prisoner, and he instantly knew them to be the Things stolen out of his Chest.	The personal items carried more weight, and Will's recognition of a handkerchief by its mark and of two buttons he had joined himself gave the prosecution certain identification. The forced storeroom door and second door, both opening on the yard, supplied the evidence of breaking that the burglary charge required. They showed that the intruder came in from outside by force, not through an open entrance. With the trunk moved to the kitchen doorway and the upstairs chest broken open, Will's account traced the thief's path through the house from yard to storeroom to the room where the savings were kept.
362	352	Jack, a Man slave belonging to Lieut Garling on his Oath, saith that Will, the last Witness, went to him some time ago (he does not recollect the Day) and told him he had been robbed, and that his Chest was broke open, on which he went along with him to Mrs Beale's, where he saw the Store Room broke open, then went up stairs, and there saw the Chest broke open. The Evidence for the Crown closing here, the Prisoner is put on his Defence, and he therein Saith that he found the Handkerchiefs and the Money and Things contained in them lying on the Ground near Mr Young's Punch house. That he bought the Drawers and Breeches of a Soldier whom he knows not, it being a Dark Night when he bought them. He denies the whole Charge. The whole Evidence being summ'd up to the Jury, they retired to consider. On their Return, they declared their Verdict, by which they found the Prisoner "Guilty Death". The Verdict being recorded, and the Prisoner having Nothing to offer in Stay of Judgment, the President pronounced the Sentence usual in like Cases, and he was moved from the Bar.	Jack, a male slave owned by Lieutenant Garling, gave sworn evidence. Some time earlier, on a day he could not recall, Will came to him and said he had been robbed and his chest broken open. Jack went with him to Mrs Beale's house. There he saw that the storeroom had been forced, and upstairs he saw the chest broken open. The prosecution closed its case, and Dick was called on to answer the charge. He claimed he found the handkerchiefs, with the money and other items wrapped inside them, lying on the ground near Mr Young's punch house. He said he bought the drawers and breeches from a soldier he did not know, the night being too dark to see who it was. He denied the whole charge. The evidence was summed up for the jury, who withdrew to consider it. On their return they found Dick guilty of a capital offence. The verdict was recorded, and Dick offered no reason why sentence should not be passed. The president then passed the sentence of death normally given in such cases, and Dick was taken from the dock. **Interpretations** The jury returned a full capital verdict, which the clerk recorded in the customary shorthand as guilty and death. In other cases the island's juries had spared defendants by reducing the value of goods or finding a lesser offence, and they could have done the same here by convicting Dick of theft without the burglary. They chose not to. The evidence against him was unusually complete: forced doors and a broken chest, most of the money and several identifiable valuables found on him within a day, his status as a runaway and his drawing of a knife on his captor. His explanation of finding the goods in the street and buying clothes from an unknown soldier in the dark carried little weight against it. Burglary lay outside benefit of clergy, so the verdict left the court no choice but a death sentence.
363	353	The Business of the Sessions being now ended, the Grand and Petit Juries were dismissed, and the Court was, by Proclamation, adjourned to the twenty sixth Day of April next ensuing. On the twenty third following, a Warrant for the Execution of the sd Dick was issued out to the Sheriff, and he was executed pursu= =ant thereto on the Saturday following. John Skottowe Dan Corneille M Bazett Wm Wrangham	With its business concluded, the court discharged the grand jury and the trial jury. A public announcement then adjourned it until 26 April 1775. On 23 January 1775 a warrant for Dick's execution was issued to the sheriff, and he was hanged under its authority on Saturday 28 January 1775. The record was signed by the following: John Skottowe Daniel Corneille Matthew Bazett William Wrangham
364	354	On the eleventh Day of January, in the fifteenth Year of his Majesty's Reign, a Precept on the Commission of the Peace was issued out to the Sheriff of the Island of St Helena. On the twelfth Day of April following, a Precept upon the Oyer and Terminer was issued out to the sd Sheriff. Island of St Helena.	On 11 January 1775, in the fifteenth year of the King's reign, the sheriff of St Helena received an order under the commission of the peace. A further order, under the commission of oyer and terminer, was sent to him on 12 April 1775. The General Quarter Sessions of the Peace sat in James's Valley on Wednesday 26 April 1775, together with a court of oyer and terminer. That date fell in

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		The General Quarter Sessions of the Peace and Sessions of Oyer and Terminer holden in James's Valley for the sd Island of St Helena on Wednesday the twenty sixth Day of April in the fifteenth Year of his Ma= =jesty's Reign, Before John Skottowe, Daniel Corneille, Matthew Bazett and William Wrangham Esquires four of his Majesty's Justices, assigned to keep the Peace in and for the sd Island also Commissioners of Oyer and Terminer, authorized to hear and Determine all Felonies, Trespasses and other Misdemeanors in the sd Island committed. The Court being opened upon the Commission of the Peace, a Grand Jury consisting of seventeen of the principal Inhabitants of the sd Island were sworn; But no Business appearing upon that Commission, the Court of Oyer & Terminer	the fifteenth year of the King's reign. Governor Skottowe presided with Daniel Corneille, Matthew Bazett and William Wrangham. The four men acted as the King's justices appointed to keep the peace on the island and as commissioners of oyer and terminer. Their authority covered every felony, trespass and lesser offence committed there. The court opened under the commission of the peace, and a grand jury of 17 leading inhabitants of the island was sworn. No matters arose for it under that commission.
365	355	was opened and a New Grand Jury impanelled and sworn, and as no Bills were preferred, and no Business appeared upon that Commission, the Court was opened upon the Goal Delivery, and the Petit Jury were called: Nothing appearing also on that Commission, the Overseers of the High Ways gave in the Returns of Work done in their respective Divisions, and the Sheriff and Constable elect for the ensuing Year were admin= =istered the Oaths, and were duly sworn in their different Offices. As Nothing more appeared to be done at this Sessions, the Grand and Petit Juries were dismissed and the Court was, by Proclamation, adjourned to the twelfth Day of July next ensuing. John Skottowe Dan Corneille M Bazett Wm Wrangham	With nothing to deal with under the commission of the peace, the justices opened the court of oyer and terminer, and a new grand jury was chosen and sworn. No draft indictments were presented and no other matters arose under that commission. The court then opened under its commission of gaol delivery, and the trial jurors were called. Nothing arose under that commission either. The overseers of the highways handed in their reports of the work carried out in their districts. The sheriff and the constable chosen for the coming year then took their oaths and were formally sworn into office. As no further business remained, the grand jury and the trial jury were discharged. A public announcement adjourned the court until 12 July 1775. The record was signed by the following: John Skottowe Daniel Corneille Matthew Bazett William Wrangham **Interpretations** The swearing in of a sheriff and a constable described as elect for the coming year confirmed that both offices were filled annually by selection among the inhabitants, with the new holders taking their oaths in open court at the April sitting. This explains the changes of sheriff recorded between the April and July courts in earlier years. Swearing these officers before the justices bound them personally to the court whose orders they would carry out, from summoning juries and holding prisoners to making arrests and executing sentences.
366	356	On the twenty sixth Day of April, in the fifteenth Year of his Majesty's Reign, a Precept upon the Commission of the Peace was issued out to the Sheriff of the Island. On the twenty eighth Day of June following, a Precept upon the Commission of Oyer & Terminer was issued out to Mr John Alexander the then Sheriff of the sd Island. On the twelfth day of July following, a Precept on the Goal Delivery was issued out to the sd Sheriff. Island of St Helena. The General Quarter Sessions of the Peace, Sessions of Oyer and Terminer, and Sessions of Goal Delivery, holden at the Hall in James's Valley for for the sd Island, on Wednesday, the twelfth Day of July, in the fifteenth Year of the Reign of our Sovereign Lord George the third of Great Britain, France and Ireland	On 26 April 1775, in the fifteenth year of the King's reign, the island's sheriff was sent an order under the commission of the peace. An order under the commission of oyer and terminer followed on 28 June 1775, addressed to John Alexander, who then held the office of sheriff. A third order, for a gaol delivery, reached him on 12 July 1775. The General Quarter Sessions of the Peace met at the Hall in James's Valley on Wednesday 12 July 1775, sitting together with courts of oyer and terminer and gaol delivery. That date fell in the fifteenth year of the reign of George III, King of Great Britain, France and Ireland and Defender of the Faith. Governor Skottowe presided with Daniel Corneille and William Wrangham. The three men served as the King's justices of the peace and as commissioners of oyer and terminer. Their authority covered every felony, trespass and lesser offence committed on the island. **Interpretations**

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		King, Defender of the Faith, and so forth, Before John Skottowe, Daniel Corneille and Wm Wrangham Esqrs three of his Majesty's Justices of the Peace and Com==missioners of Oyer & Terminer, authorized to hear and Determine all Felonies, Trespasses and other Misde==meanors in the sd Island committed.	John Alexander, the new sheriff sworn in at the April sitting, was the owner of Dick, the slave hanged for burglary on 28 January 1775. Only months after losing a slave to the gallows, Alexander took charge of the office that summoned juries, held prisoners and carried out the court's sentences, including executions. The appointment showed again how the island's few leading households moved between the roles of property owner, witness, victim and officer of justice.
367	357	The Court being opened upon the Commission of the Peace, a Grand Jury consisting of seventeen of the Principal Inhabitants of the Body of the sd Island were sworn; And being asked if they knew of any Business upon that Commis==sion answered they knew of none. Then William Jenkins a Planter begd Leave to lay before the Bench some Papers relative to an Award published in a Cause of Dispute sub==mitted to Arbitration wherein he was Plaintiff and William Seale and John Seale Defendants. The Papers being read, and duly examined William Jenkins was ordered to the Bar, and being sworn, Saith that the Matter in Dispute between him and William Seale who is his father in law and John Seale, who is his Brother in law had been by their Joint Consents submitted to the Adjustment and final Determination of Messrs Orlando Bagley and Henry Howell, and that Mr James Colgrave was appointed as Mediator or Umpire, in Case there should arise any Difference of Opinion between the Arbitrators above mentioned. That the twenty second of June last was the Day appointed by the Parties to hear the Proofs and Allegations on both Sides, and to adjust and determine the Matter of Controversy in that Case, and they accordingly met, heard the several Proofs and examined other Matters of Evidence brought before them, and consequent thereupon published their Award, to which the Defendants objected and refused to abide by. The sd Parties being called, and their Bonds being shewn to them, they acknowledged it to be the Obligation which they had bound themselves by to abide by the Award in that Case to be made by the Arbitrators; And they being called and sworn, say that in the Matter of Controversy which they were appointed and authorized to hear and Deter=	The court opened under the commission of the peace, and a grand jury of 17 leading inhabitants of the island was sworn. Asked whether they knew of any matters for that court, the jurors said they knew of none. William Jenkins, a planter, then asked permission to place before the bench some papers concerning an arbitration award. The dispute behind it was between Jenkins as claimant and William Seale and John Seale as defendants. The papers were read and examined, and Jenkins was called to the bar and sworn. He explained that William Seale was his father-in-law and John Seale his brother-in-law. By joint agreement the three men had put their dispute to Orlando Bagley and Henry Powell for final settlement. James Colgrave was named as umpire, to decide the matter should the two arbitrators disagree. The parties fixed 22 June 1775 as the day for the arbitrators to hear evidence and arguments from both sides and to settle the dispute. The arbitrators duly met on that day, heard the evidence and examined other material put before them. They then issued their award, but the Seales objected to it and refused to accept it. The parties were called and shown their bonds. They acknowledged these as the undertakings by which they had committed themselves to abide by the arbitrators' decision. The arbitrators were then called and sworn, and began to explain how they had dealt with the dispute they were appointed to hear and settle. **Interpretations** The bonds shown to the parties were the device that gave private arbitration its force. Each side signed a penal bond, pledging to forfeit a stated sum if he failed to accept the award. An English statute of 1698 further allowed parties to make their agreement to arbitrate a rule of court, so that refusing the award could be punished as contempt. By bringing the papers before the justices, Jenkins sought the court's backing to compel his in-laws to honour an award they had promised to obey. The quarter sessions here acted as a civil enforcement body, a role well beyond its usual criminal business. Arbitration suited a dispute within a family on a small island. It kept the quarrel out of formal litigation, placed it before neighbours of standing whom both sides trusted, and allowed a quick settlement without the cost of lawyers. The arbitrators Bagley and Powell and the umpire Colgrave were all men who sat regularly on the island's juries. The system relied on the parties' readiness to accept the verdict of their peers, and it faltered only when, as here, one side refused.
368	358	they acted without Favour, Bias or Partiality to either Side, and founded their Judgments upon Equity, and what to them appeared most reasonable and proper. Mr William Seale, the principal Defendant being	The arbitrators told the court that they acted without favour, bias or partiality towards either side. They based their decision on fairness and on what seemed to them most reasonable and proper.

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		called and asked if he had any thing to offer against the proceedings therein had, or if he suspected that any or both of the Arbitrators had been under any Bias, or had received any Reward by which they might have been biassed. Says he has not, nor can he produce any thing to invalidate the Award. The above Premises being duly examined, were ap= =proved by the Bench, and the Award was confirmed. No other Business appearing upon that Commission, the Court of Oyer and Terminer was opened, and a New Grand Jury were impanelled and sworn. Then a Bill of Indictment was preferred to them, which they found, and the Court was opened upon the Goal Delivery. Arraignments York, a Man slave belonging to John Desfountain and Woodberry, a Boy slave belonging to John Worrall, being set to the Bar, were arraigned upon the following Indictment, Viz. Island of St Helena for "The Jurors of our Sovereign Lord the King upon "their Oaths Do Present that York late of Sheik's Valley "within the sd Island of St Helena Man slave and Wood= "berry late of Hay's Valley also within the sd Island	William Seale, the chief defendant, was then called. The court asked whether he had any objection to raise against the arbitration, or whether he suspected either arbitrator of bias or of taking a payment that might have swayed him. He said he had no such complaint and could offer nothing to overturn the award. After examining these matters, the bench approved the proceedings and confirmed the award. No further matters arose under the commission of the peace, so the court of oyer and terminer was opened. A new grand jury was chosen and sworn, and a single draft indictment was laid before it. The jurors found it fit for trial, and the court then opened under its commission of gaol delivery. Arraignment York, a male slave owned by John Desfountain, and Woodberry, a slave boy owned by John Worrall, were brought before the court together. They were charged under the following indictment for the island of St Helena. The jurors, sworn on the King's behalf, brought charges against York, who lived at Shark's Valley, and Woodberry, who lived at H[...]'s Valley. **Interpretations** The questions put to William Seale followed the narrow grounds on which an arbitration award could be challenged. Under the English statute of 1698, a court could set aside an award only where the arbitrators had acted corruptly or improperly, for instance by accepting a bribe or favouring one side. Disagreement with the outcome was not enough. By asking Seale directly whether he suspected bias or payment, and by recording his admission that he could point to none, the bench established that no lawful ground existed to overturn the decision. Its confirmation of the award left the Seales bound by their bonds to comply.
369	359	"Boy slave on the twenty eighth Day of April in the fifteenth "Year of the Reign of our Sovereign Lord George now King of "Great Britain by force and Arms at a Place called Parker's =gate plain within the Island aforesaid one Ewe Sheep of the "Value of eighteen Shillings of the Goods and Chattels of one "Matthew Bazett then and there being found feloniously did "steal take kill and bear away against the Peace of our "Sovereign Lord the King his Crown and Dignity and also "against the Form of the Statute in that Case made and "provided". To which they severally pleaded "Not guilty". The twelve following Men, Viz. Stephen Young Henry Howell John Whitchurch Saml Crosthrop John Robinson Simon Whaley John Seale Richard Harper William Jenkins Wm Hayes Junr and Henry Crosthrop James Pritchard were sworn upon their Jury, then the Indictment was, a second time, read to them, and the Jury charged. Trial Mr Richard Mason appearing before the Court, and being sworn, Saith that, on the twenty first Day of May last in the Afternoon, he and one Mr Beale went to the Place where the two Prisoners now at the Bar had been appre= =hended, and that not far from thence they found some Rib=	The indictment charged that on 28 April 1775, in the fifteenth year of the reign of George III, York and Woodberry used force at Hutt's Gate plain to seize a ewe belonging to Matthew Bazett. The ewe was valued at £0 18s 0d. According to the charge, the two killed the animal and carried it off, in breach of the King's peace and contrary to statute. Both prisoners denied the charge. The following 12 men were sworn as their jury: Stephen Young Henry Powell John Whitchurch Samuel Casthorpe John Robinson Simon Whaley John Seale Richard Harper William Jenkins William Hayes junior Henry Casthorpe James Pritchard The indictment was read to the prisoners a second time, and the case was formally put to the jury. Trial Richard Mason came before the court and gave sworn evidence. On the afternoon of 21 May 1775, he said, he and a Mr Beale went to the place where the two prisoners had been caught. Not far away they found some bones with flesh still on them, which looked to them like part of the loin and neck of a sheep or goat. Some time later, searching a crevice in the rocks, they came upon some feet. **Interpretations** Matthew Bazett was once again the owner of a stolen sheep, as he had been when the second Cato was hanged on 13 May 1772. On that earlier occasion Bazett gave evidence as a private owner before

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		=bones with some Flesh thereon, which appeared to them to be a Part of the Loin and Neck of either a Sheep or Goat. That in some time afterwards looking thro' the Crevice of a Rock they found some Feet which (to the best of their	joining the bench two months later. This time he held a justice's seat but was absent from the court that tried the case, leaving Governor Skottowe, Daniel Corneille and William Wrangham to preside. Whether by design or chance, his absence avoided the spectacle of a justice sitting in judgment on the theft of his own flock. Hutt's Gate lay on the high central ridge of the island, open grazing country where livestock roamed with little supervision. Sheep there were easy to take, and the rocky ground offered crevices in which to hide the remains, as Mason and Beale discovered. The prosecution's first task was to prove that the remains came from a sheep and not a goat, since only then would the capital statute on sheep stealing apply. The feet, which distinguished the two animals, were therefore an important find.
370	360	Knowledge, were the Feet of a Sheep, which he, the Witness, took, desiring the sd Beale to take and shew them to a Justice of the Peace. That, next Morning, the sd Beale brought the same Bones back to him, and he thereon went to Mr Desfountain's the Owner of York, one of the Prisoners, and desired he would send for the sd York, and examine him very strictly in Respect to the Feet and other Parts shewn to him. That accordingly the sd Desfountain did examine the sd York, and asked him what he knew, or if he knew any thing about the Bones there shewn to him, who denied knowing any thing about them. That he, the Witness, then went to Mr Worrall's, but not finding him at home, he ordered a Man he had along with him to wait there till he (Worrall) was returned, and to beg he would strictly examine Woodberry (the other prisoner) as to the Bones, it having been so ordered by a Justice of Peace. Mr William Beale appearing before the Court on his Oath Deposeth that, on the twenty first of May last, he went along with Mr Richd Mason to [...] the Place where the two Prisoners had been taken, and there in a Hole they found some Bones, which seemed to them to be either the Bones of a Sheep or Goat. That then they went to search for the Skin, and in their Search, found some Meat under Ground which they discovered by raking it: That thereon the sd Mason looking about found some Feet which they took to be Sheep's Feet, and taking the Bones, Flesh and Feet so found, they	Mason said that, to the best of his knowledge, the feet found in the rocks were a sheep's. He took charge of them and asked Beale to carry them to a justice of the peace. The next morning Beale brought the bones back to him. Mason then went to the house of John Desfountain, York's owner. He asked Desfountain to call York in and question him closely about the feet and other remains shown to him. Desfountain did so, asking York what he knew about the bones placed before him. York denied knowing anything about them. Mason next went to John Worrall's house to have Woodberry questioned the same way, but found Worrall out. He left a man with him there to wait for Worrall's return. The man was to ask Worrall to question Woodberry closely about the bones, since a justice of the peace had given instructions to that effect. William Beale then came before the court and gave evidence on oath. On 21 May 1775, he said, he went with Richard Mason to the place where the two prisoners had been caught. In a hole there they found some bones that seemed to them to come from either a sheep or a goat. They then searched for the skin, and while raking the ground they uncovered some meat buried underneath. Looking about, Mason found some feet that the two men took to be a sheep's. **Interpretations** The justice's order that each owner should question his own slave showed how the island's criminal investigation leaned on masters' private authority. A slave's owner could interrogate him at home with a degree of pressure no constable could lawfully apply, and the slave had every reason to fear the consequences of lying to him. Mason's errand to Desfountain and then to Worrall turned the owners into agents of the inquiry. The approach was efficient, but it relied on the owners' willingness to act against their own property, since a conviction for sheep stealing would cost each of them a slave. The search for the skin echoed the trial of the second Cato in April 1772, when a sheep's head skin with its ear marks tied the stolen animal to Matthew Bazett. Mason and Beale knew that bones, meat and feet could prove only that a sheep had been killed. The skin, and especially the ears, would be needed to show whose sheep it was.
371	361	tied them up, and he, the Witness, brought them to this Valley, and shewed them to a Magistrate, acquainting him at the same time that as the Prisoners had been taken up the Day before in the same Place, he strongly suspected they were the Persons who had killed the Sheep or Goat.	Beale said he and Mason tied up the bones, meat and feet they had found. Beale carried them down to the valley and showed them to a magistrate. He told the magistrate that since the prisoners had been caught at that same spot the day before, he strongly suspected them of killing the sheep or goat. John Worrall then came forward and was sworn. Woodberry, he said, was his slave. The boy ran away from him on 20 April 1775 and was brought back on

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		Mr John Worrall appearing and being sworn, Saith that Woodberry (one of the Prisoners) is his Slave, and that he ran away from him on the fourteenth Day of April last, and was brought back to him on the twentieth of May following, by two of Mr Desfountain's Servants. That on the twenty third of the same Month, on his Return from the Long Wood he found one Frank, a Man slave belonging to Mr Mason at his House, having some Bones tied up in a Handkerchief and four Feet which, he supposed, were the Feet of a Sheep. That the sd Frank informed him that the same Bones and Feet had been found in the Place where the Prisoners had been taken. That thereon the Witness called (one of the Prisoners) and observed to him that he could not but know some thing concerning the Bones and Feet then shewn to him, the more so, as they had been found in the very Place where he and York had been caught, and he answered saying he knew Nothing about them. But being given to understand by the Witness that it would be better for him to tell the Truth, as he must certainly know how they came there, he replyd "Master, I'll tell the Truth; "York caught and killed the Sheep. I did not kill it, for I had no Knife". Adding that if he, the Witness, would go along with him next Morning, he would shew him	20 May 1775 by two of John Desfountain's servants. On 23 May 1775, returning home from Longwood, Worrall found Frank, a male slave belonging to Richard Mason, at his house. Frank had some bones tied up in a handkerchief, along with four feet that Worrall took to be a sheep's. Frank told him these had been found at the place where the prisoners were caught. Worrall then called Woodberry in. He told the boy that he must know something about the bones and feet in front of him, especially as they had turned up at the very spot where he and York were caught. Woodberry replied that he knew nothing about them. Worrall then gave him to understand that it would go better for him if he told the truth, since he certainly knew how the remains got there. At this Woodberry promised his master he would be honest. He said that York caught and killed the sheep. He himself did not kill it, he explained, because he had no knife. **Interpretations** Woodberry's confession came only after his master told him it would be better for him to tell the truth. English judges were then coming to regard such a hint of advantage as enough to make a confession unreliable, a rule firmly stated a few years later. Worrall's pressure was milder than the binding and promises used to extract Cato's confession in April 1772, but it rested on the same power of a master over his slave. The court heard the statement without objection. Its weight lay chiefly in pointing to York, and in its detail that Woodberry lacked a knife, which cast him as a follower and not the one who did the killing. Both prisoners were runaways at the time of the theft. Woodberry had fled on 20 April 1775, eight days before the sheep was taken at Hutt's Gate on 28 April 1775, and was still at large until 20 May 1775. As with the second Cato and with Dick, a slave living outside his master's control had to find food, and the island's open grazing land offered livestock that could be taken, killed and eaten in hiding. The pattern tied sheep stealing closely to running away, which made both offences a direct concern to the planters who dominated the island's juries.
372	362	the Place where they had hid the Head, Paunch, Skin and Guts, and he accordingly went with him next Morning. That between Prosperous bay plain and Dry gut he found under some Stones he had turned up the Skin, Paunch and Guts, and that the Head lay uncovered in the same Place. That by the Mark he found made in the Sheep's Ears he was convinced of what Woodberry had previously told him, (to wit) that the Sheep belonged to Mr Bazett which they had killed. That he pulled the Ear that lay uppermost off, and cut off the other. That the Prisoner then told him that, at a small Distance from where they then stood, they had killed the Sheep, and he would shew him the Spot, and he went accordingly thither, and there saw the Blood clotted and covered with some loose Dirt. That the Prisoner further informed him that York (the other Prisoner) having one Day said to him he was very hungry proposed at same time their killing a Sheep, and they set out together on that Design, and that York caught a Sheep which he gave him to hold while he (York) was a killing it. The Witness being desired by the Court to Describe the Marks he found on the Sheep's Ears Says the Left Ear was cropped and the Right Ear slit, having the Upper part	Woodberry told his master that if Worrall went with him the next morning, he would show him where the head, stomach, skin and guts had been hidden. Worrall went with him the following morning. Between Prosperous Bay Plain and Dry Gut, under some stones he turned over, Worrall found the skin, stomach and guts, with the head lying uncovered nearby. The mark cut into the sheep's ears convinced him that Woodberry had told the truth when he said the animal belonged to Matthew Bazett. Worrall pulled off the ear lying uppermost and cut off the other. Woodberry then told his master that they had killed the sheep a short distance from where they stood and offered to show him the spot. Worrall went there and found clotted blood covered over with loose earth. Woodberry went on to explain how the theft came about. One day York told him he was very hungry and suggested they kill a sheep, and the two set off together with that purpose. York caught a sheep and handed it to Woodberry to hold while he killed it. The court asked Worrall to describe the marks he found on the ears. He said the left ear was cropped. The right ear was slit, with the upper part of the half nearest the forehead cut away. Matthew Bazett then gave evidence on oath. **Interpretations** The ear marks Worrall described matched almost exactly the pattern John Desfountain gave in April 1772 for the sheep the second Cato was hanged for

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		of the Half Ear next to the Forehead cut off. Matthew Bazett Esquire, being duly sworn, saith	stealing: one ear cropped and the other slit with its upper part removed. Bazett's mark had stayed the same for at least three years, which was the whole point of the system. A fixed and publicly known mark let any islander recognise an owner's stock, alive or dead. Worrall's decision to remove both ears preserved that evidence, just as the constable's paper tracing had done in 1772. Woodberry's account made him a full participant in the eyes of the law, whatever his intentions. By holding the sheep while York killed it, he joined directly in the taking and killing, and the statute on sheep stealing made no distinction between the man with the knife and the one who held the animal. His claim that he had no knife therefore offered him no legal defence, though it might sway a jury inclined towards mercy for a boy acting under an older man's direction. The remains were hidden between Prosperous Bay Plain and Dry Gut, in the dry, barren eastern part of the island some distance from Hutt's Gate where the sheep was taken. Carrying the carcass there put the killing ground and the hiding place far from the grazing land and from any likely search. Only Woodberry's guidance allowed his master to find the evidence in that broken country.
373	363	that, on the twenty fifth of May last the Lt Governor sent to him to come to his House, and there shewed him the Ears of a Sheep that had been killed, and desired he would be so good to Inspect them, that he may be able to know whose Property the Sheep so killed was; and he having examined the Ears thereof, found them cut in his proper Mark. The Evidence for the Crown closing here, the Prisoners were put on their Defence, and York (one of the Prisoners) for himself saith that he is innocent of the Crime laid to his Charge, and denies having stolen or killed the Sheep. Woodberry (the other Prisoner) on his Part, saith that he is ignorant of the Matter, he denies the Charge. The whole Evidence being impartially summed up to the Jury, they retired to consider. On their Return they declared their Verdict, by which they acquitted the two Prisoners, and they were discharged. The Business of the Sessions being now ended, the Grand and Petit Juries were dismissed, and the Court was, by Proclamation, adjourned to the fourth Day of October next ensuing. John Skottowe Dan Corneille Wm Wrangham	Matthew Bazett stated on oath that on 25 May 1775 the Lieutenant Governor summoned him to his house. There he was shown the ears of a slaughtered sheep and asked to examine them to establish whose animal it had been. On inspecting them, Bazett found them cut with his own mark. The prosecution closed its case, and the prisoners were called on to answer the charge. York declared himself innocent and denied stealing or killing the sheep. Woodberry said he knew nothing of the matter and likewise denied the charge. The whole of the evidence was summed up fairly for the jury, who withdrew to consider it. On their return they acquitted both prisoners, and the two were released. With its business concluded, the court discharged the grand jury and the trial jury. A public announcement adjourned it until 4 October 1775. The record was signed by the following: John Skottowe Daniel Corneille William Wrangham **Interpretations** The acquittal came despite a chain of evidence much like the one that hanged the second Cato in May 1772: remains found where the prisoners were caught, a hidden skin and head recovered on a prisoner's guidance, and ear marks identified by the owner. The difference lay in how the key evidence was obtained and whom it touched. Woodberry's confession came only after his master hinted that it would go better for him to speak, which weakened its reliability. Against York, the only direct evidence was Woodberry's account, and an accomplice's statement could not in law convict another man. Sheep stealing carried a mandatory death sentence with no lesser verdict available, so the jury faced a stark choice between hanging both prisoners and releasing them. It chose release. Woodberry's withdrawal of his confession at trial, claiming to know nothing, also undercut the prosecution. A statement made to his master under pressure was the kind of evidence a jury could readily discount once the prisoner denied it in court. The case showed that even on a small island dominated by livestock owners, a jury could refuse to send two slaves to the gallows on evidence it judged unsafe.

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374	364	On the twelfth Day of July in the fifteenth Year of his Majesty's Reign, a Precept upon the Commission of the Peace was issued out to the Sheriff of the Island of St Helena. On the thirtieth Day of September following, a Precept upon the Commission of Oyer and Terminer was issued out to the sd Sheriff. Island of St Helena. The General Quarter Sessions of the Peace Holden in James's Valley for the sd Island of St Helena the fourth Day of October, in the fifteenth Year of the Reign of our Sovereign Lord George the third of Great Britain, France and Ireland King, Defender of the Faith and so forth, Before John Skottowe, Danl Corneille, Matthew Bazett and William Wrangham Esquires, four of his Majesty's Justices, assigned to keep the Peace in and for the sd Island, also Commissioners of Oyer and Terminer, authorized to hear and Determine all Felonies, Trespasses and other Misdemeanors within the sd Island committed. The Court being opened upon the Commission of the Peace, a Grand Jury consisting of seventeen of the Principal Inhabitants of the Body of the sd Island were sworn, and being asked if they knew of any Business	On 12 July 1775, in the fifteenth year of the King's reign, the sheriff of St Helena received an order under the commission of the peace. An order under the commission of oyer and terminer followed on 30 September 1775. The General Quarter Sessions of the Peace for the island sat in James's Valley on 4 October 1775. That date fell in the fifteenth year of the reign of George III, King of Great Britain, France and Ireland and Defender of the Faith. Governor Skottowe presided with Daniel Corneille, Matthew Bazett and William Wrangham. The four men acted as the King's justices appointed to keep the peace on the island and as commissioners of oyer and terminer. Their authority covered every felony, trespass and lesser offence committed there. The court opened under the commission of the peace, and a grand jury of 17 leading inhabitants of the island was sworn.
375	365	upon that Commission, the Foreman answered for them, and said he knew of none; On which the Coroner returned the Proceedings of two Inquests held before him within the Course of the last Quarter, and they were publickly read in Court. No other Business appearing ready for this Sessions, the Grand Jury was Dismissed, and the Court was, by Proclama= =tion, adjourned to the tenth Day of January next ensuing. John Skottowe Dan Corneille M Bazett Wm Wrangham	When the grand jury was asked whether it knew of any matters for the court under the commission of the peace, the foreman replied on the jurors' behalf that he knew of none. The coroner then submitted the records of two inquests he had held during the previous quarter, and both were read aloud in court. With no other business ready for this sitting, the grand jury was discharged. A public announcement adjourned the court until 10 January 1776. The record was signed by the following: John Skottowe Daniel Corneille Matthew Bazett William Wrangham
376	366	On the fourth Day of October in the fifteenth Year of his Majesty's Reign, a Precept was issued out to the Sheriff. On the twenty fifth day of December following, a Precept upon the Oyer and Terminer was issued out, and Delivered to the sd Sheriff. Island of St Helena. The General Quarter Sessions of the Peace holden in James's Valley for the said Island of St Helena, the tenth Day of January in the sixteenth Year of the Reign of our Sovereign Lord George the third of Great Britain, France and Ireland King, Defender of the Faith and so forth, Before John Skottowe, Danl Corneille, Matt: Bazett and Wm Wrangham, Esquires, four of his Majesty's Justices of the Peace and Commis= =sioners of Oyer & Terminer, authorized to hear and Determine all Treasons, Felonies, Trespasses and other Misdemeanors in the sd Island committed. The Court being opened upon the Commission of the Peace, a Grand Jury consisting of seventeen of the principal Inhabitants of the Body of the sd Island were	On 4 October 1775, in the fifteenth year of the King's reign, an order was issued to the sheriff. On 25 December 1775 he was sent and handed an order under the commission of oyer and terminer. The General Quarter Sessions of the Peace for the island sat in James's Valley on 10 January 1776. That date fell in the sixteenth year of the reign of George III, King of Great Britain, France and Ireland and Defender of the Faith. Governor Skottowe presided with Daniel Corneille, Matthew Bazett and William Wrangham. The four men served as the King's justices of the peace and as commissioners of oyer and terminer. Their authority extended to every treason, felony, trespass and lesser offence committed on the island. The court opened under the commission of the peace, and a grand jury of 17 leading inhabitants of the island was sworn. The jurors had no matters to present. **Interpretations** The description of the justices' powers now included treason, which had not appeared in the formula at any earlier sitting recorded here. Treason was the gravest offence in English law, covering any plot against the King or his government and carrying

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		sworn, and having no Business to present, Hugh Jones	the most severe punishments. Its addition perhaps reflected a newly issued or reworded commission reaching the island, since commissions of oyer and terminer in England commonly named treason first among the offences the judges could try. Whatever its origin, the change widened the court's formal jurisdiction to the full range of criminal charges.
377	367	Publican and late Constable, committed in the Course of the last Quarter for having violently beat one Saunders a Matross, so as to endanger his Life, and afterwards admit= =ted to Bail, was called, and on his Appearance, was bound over in a new Recognizance giving sufficient Sureties to appear, and was for that Time Dismissed. The Overseers of the High Ways then gave in the Returns of the Work Done in their respective Divisions, and the Court, for Want of any other Business, was, by Proclamation, ad= =journ'd to the seventeenth Day of April next ensuing. Dan Corneille M Bazett Wm Wrangham	Hugh Jones, a publican and former constable, was then called before the court. During the previous quarter he had been committed to custody for beating a matross named [...] so violently that the man's life was in danger, and had later been released on bail. Jones appeared as required. The court bound him over under a fresh recognizance, with adequate sureties guaranteeing his next appearance, and released him for the time being. The overseers of the highways then handed in their reports of work carried out in their districts. With no other business to deal with, the court was adjourned by public announcement until 17 April 1776. The record was signed by the following: Daniel Corneille Matthew Bazett William Wrangham **Interpretations** A recognizance was a formal acknowledgement of debt to the Crown, in which the accused and his sureties each pledged a sum of money that would be forfeited if he failed to appear when required. Binding Jones over again, instead of trying him, kept him answerable to the court without holding him in gaol. The likeliest reason for the delay lay in the matross's condition. English law treated a death within a year and a day of an assault as caused by it, so if the injured soldier died, the charge against Jones would become one of homicide. Until his recovery or death was certain, the court could not know what offence to try. Jones had served until recently as one of the island's constables, the officers responsible for keeping the peace, making arrests and carrying out the justices' warrants. As a publican he also kept one of the drinking houses where soldiers and sailors gathered. A former officer of the law now stood accused of a serious assault on a soldier, probably arising from trouble at his own premises. His release on bail with sureties reflected his standing as a householder whose neighbours were willing to guarantee his appearance.
378	368	On the tenth Day of January, in the sixteenth Year of his Majesty's Reign, a Precept upon the Commission of the Peace was issued out to John Alexander Esqr Sheriff of the Island of St Helena. On the second Day of April following, a Precept upon the Oyer and Terminer was issued out and Delivered to the sd Sheriff. Island of St Helena. The General Quarter Sessions of the Peace, holden at the Hall in James's Valley for the sd Island of St Helena on Wednesday, the seventeenth Day of April, in the sixteenth Year of the Reign of our Sovereign Lord George the third, of Great Britain, France and Ireland King, Defender of the Faith and so forth, Before John Skottowe, Daniel Corneille, Matthew Bazett and Wm Wrangham Esquires four of his Majesty's Justices of the Peace, and Commissioners of Oyer and Terminer, authorized to hear and Determine all Trea= =sons, Murders, Felonies and other Trespasses in the sd Island committed.	On 10 January 1776, in the sixteenth year of the King's reign, an order under the commission of the peace went to John Alexander, sheriff of St Helena. A further order, under the commission of oyer and terminer, was issued and handed to him on 2 April 1776. The General Quarter Sessions of the Peace for the island met at the Hall in James's Valley on Wednesday 17 April 1776. That date fell in the sixteenth year of the reign of George III, King of Great Britain, France and Ireland and Defender of the Faith. Governor Skottowe presided with Daniel Corneille, Matthew Bazett and William Wrangham. The four men sat as the King's justices of the peace and as commissioners of oyer and terminer. Their authority reached every treason, murder, felony and other offence committed on the island. The court opened under the commission of the peace, and a grand jury of 17 leading inhabitants of the island took the oath. Asked whether they knew of any matters or had anything to present to the bench under that commission, the jurors said they had not.

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		The Court being opened upon the Commission of the Peace, a Grand Jury consisting of seventeen of the Principal In= =habitants of the Body of the sd Island were sworn; And being asked if they knew of any Business or had any thing to pre= =sent to the Bench on that Commission, said they had not.	
379	369	On which the Coroner returned the Proceedings of an Inquest held before him in the last Quarter, which Proceedings were read in Court and entered. Then Hugh Jones who stood bound over in a Recognizance to the King since the last Qr Sessions, was called, And he appearing along with his Bail, they were bound over in a fresh Recognizance to appear at the subsequent Ses= =sions, which done, the Sheriff elect for the ensuing Year appeared, and the Oath of his Office was administered to him, the Con= =stable was also sworn in. No other Business appearing to the Court, the Grand Jury was dismissed, and the Court was, by Proclamation, adjourned to the tenth Day of July next ensuing. John Skottowe Dan Corneille M Bazett Wm Wrangham	The coroner then submitted the record of an inquest he had held during the previous quarter, which was read aloud in court and entered in its records. Hugh Jones, bound over to the Crown since the last Quarter Sessions, was called next. He appeared with his sureties, and all were bound over under a new recognizance for his appearance at the following sitting. Once this was done, the sheriff chosen for the coming year came forward and took the oath of his office. The constable was sworn in as well. With no further business before the court, the grand jury was discharged. A public announcement adjourned the court until 10 July 1776. The record was signed by the following: John Skottowe Daniel Corneille Matthew Bazett William Wrangham **Interpretations** Jones's recognizance was renewed for a second time without any indictment being laid against him. Criminal prosecutions in this system depended largely on the injured party bringing a bill before the grand jury, and no such bill had yet appeared. Keeping Jones under a recognizance from sitting to sitting held him and his sureties answerable to the court and exposed them to forfeiture if he misbehaved or absconded. The arrangement acted as a form of security for good conduct while the question of prosecution remained open.
380	370	Island of St Helena. On the seventeenth Day of April, in the sixteenth Year of his Majesty's Reign, a Precept on the Commission of the Peace was issued out to the Sheriff of the sd Island. On the twenty fifth Day of June following, a Precept on the Commission of Oyer & Terminer was issued out to Mr Geo: Harper then Sheriff of the sd Island of St Helena. The General Quarter Sessions of the Peace, holden at the Hall in James's Valley, for the sd Island of St Helena, the tenth Day of July in the sixteenth Year of the Reign of our Sovereign Lord George the third, of Great Britain, France and Ireland King, Defender of the Faith, and so forth, Before Jno Skottowe, Danl Corneille, Matt: Bazett, Wm Wrangham and Henry Bazett Esqrs five of his Majesty's Justices of the Peace in and for the sd Island, also Commissioners of Oyer and Terminer autho= =rized to hear and Determine all Felonies, Trespasses and other Misdemeanors in the sd Island committed. The Court being opened upon the Commission of the Peace, a Grand Jury consisting of seventeen of the Principal Inhabitants of the Body of the the sd Island were sworn; And being asked if they knew of any Business upon that Commission, answered they knew of none. Then Henry Bazett Esqr took his Seat on the Bench, and the Oath of Justice of the Peace was administered	On 17 April 1776, in the sixteenth year of the King's reign, the sheriff of St Helena received an order under the commission of the peace. An order under the commission of oyer and terminer followed on 25 June 1776, addressed to Richard Harper, then sheriff of the island. The General Quarter Sessions of the Peace for the island sat at the Hall in James's Valley on 10 July 1776. That date fell in the sixteenth year of the reign of George III, King of Great Britain, France and Ireland and Defender of the Faith. Governor Skottowe presided with Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett. The five men served as the King's justices of the peace for the island and as commissioners of oyer and terminer. Their authority covered every felony, trespass and lesser offence committed there. The court opened under the commission of the peace, and a grand jury of 17 leading inhabitants of the island was sworn. Asked whether they knew of any matters for that court, the jurors replied that they knew of none. Henry Bazett then took his seat on the bench and was sworn in as a justice of the peace. **Interpretations** Two newly prominent figures in the island's justice system had both appeared earlier in its courtroom in very different roles. Henry Bazett, now joining the bench, was the Captain Henry Bazett whose slave Caesar was pilloried in April 1773 for assaulting a young child. Richard Harper, now sheriff, was the punch house keeper whose back yard saw the fatal fight between Christopher Nugent and John Read in April 1774, and who gave evidence at that trial. With Henry sitting alongside Matthew Bazett,

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			one family now held two of the five seats on the bench. The pattern confirmed how a handful of settler households supplied the island's justices, officers, jurors and witnesses in turn.
381	371	to him, which done, the Overseers of the High Ways gave in Returns of the Work done by each of them in their respective Divisions. Hugh Jones who had been bound over at the last Qr Sessions, and his Sureties were called, and, on their Appearance, were further bound over in a fresh Recognizance to the ensuing Sessions. It appearing by the Sheriff's Return of the Goal, that there were no Prisoners for the time being, the Grand Jury were dismissed, and the Court was, by Proclamation, adjourned to the ninth Day of October next ensuing. John Skottowe Dan Corneille M Bazett Wm Wrangham Hen: Bazett	Once Henry Bazett had taken the oath, the overseers of the highways handed in their reports of the work each had carried out in his district. Hugh Jones, bound over at the previous Quarter Sessions, was called along with his sureties. They appeared and were bound over again under a new recognizance until the next sitting. The sheriff reported that the gaol held no prisoners at that time. The grand jury was therefore discharged, and a public announcement adjourned the court until 9 October 1776. The record was signed by the following: John Skottowe Daniel Corneille Matthew Bazett William Wrangham Henry Bazett
382	372	Island of St Helena. On the tenth Day of July, in the sixteenth Year of the Reign of our Sovereign Lord George the third, under the Shrievalty of Mr Geo: Harper, a Precept on the Commission of the Peace was issued out and Delivered to the Sheriff of the sd Island. On the twenty third Day of September following, a Precept on the Oyer & Terminer was issued out to the sd Sheriff. On the ninth Day of October following a Precept upon the Goal Delivery was issued out to the sd Sheriff. The General Qr Sessions of the Peace, Sessions of Oyer & Terminer and Sessions of Goal Delivery holden at the Hall in James's Valley for the sd Island of St Helena on Wednesday the Ninth Day of October in the sixteenth Year of the Reign of our Sovereign Lord George the third of Great Britain, France and Ireland King, Defender of the Faith and so forth, Before John Skottowe, Danl Corneille, Matt: Bazett, Wm Wrangham and Henry Bazett, Esqrs five of his Majesty's Justices of the Peace in and for the sd Island, also Commissioners of Oyer & Terminer authorized to hear and Determine all Treasons, Murders, Felonies, Trespasses and other Misdemeanors in the sd Island committed.	On 10 July 1776, in the sixteenth year of the reign of George III and during Richard Harper's term as sheriff, an order under the commission of the peace was issued and handed to the island's sheriff. He received an order under the commission of oyer and terminer on 23 September 1776. A third order, for a gaol delivery, followed on 9 October 1776. The General Quarter Sessions of the Peace sat at the Hall in James's Valley on Wednesday 9 October 1776, together with courts of oyer and terminer and gaol delivery. That date fell in the sixteenth year of the reign of George III, King of Great Britain, France and Ireland and Defender of the Faith. Governor Skottowe presided with Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett. They sat as the King's justices of the peace for the island and as commissioners of oyer and terminer. Their authority reached every treason, murder, felony, trespass and lesser offence committed there.
383	373	The Court being opened upon the Commission of the Peace, a Grand Jury consisting of seventeen of the Principal Inhabitants of the Body of the sd Island were sworn, whereon the Coroner returned the Proceedings of an Inquest held before him in the Course of the last Quarter which Proceedings were openly read in Court: Then Hugh Jones and his Sureties were called, who appearing, were again bound over in a fresh Recognizance to the ensuing Qr Sessions, and the Overseers of the High ways were sworn into Office, and their Warrants	The court opened under the commission of the peace, and a grand jury of 17 leading inhabitants of the island was sworn. The coroner then submitted the record of an inquest held during the last quarter, and it was read aloud in court. Hugh Jones and his sureties were called and, on appearing, were once again bound over under a new recognizance until the next Quarter Sessions. The overseers of the highways were sworn into office and each received his warrant. The grand jury was then asked whether it knew of any matters or had anything to present under the commission of the peace, and the jurors replied that they knew of none.

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		were respectively given to them. Which Done, the Grand Jury were asked if they knew of any Business, or had any thing to present on that Commission they answered they knew of none. Then the Court was opened upon the Oyer and Terminer, a new Grand Jury impanelled and sworn, and two Bills of Indict= =ment were preferred to them. They found one of the sd Bills, and the Court was opened upon the Goal Delivery. Arraignment. Billy, a Boy slave being set to the Bar of the Court, was arraigned upon the following Indictment, Viz. Island of St Helena for "The Jurors of our Sovereign Lord the King upon their "Oaths Do Present that Billy late of Fisher's Valley within the said "Island of St Helena Boy slave, on the twenty second Day of July in the sixteenth "Year of the Reign of our Sovereign Lord George now King of Great Britain "about the Hour of twelve in the Night of the same Day by Force and Arms in James's Valley within the said Island one Pair of woollen Cloth Breeches "of the Value of two Shillings one Gingham Shirt of the Value of six pence "one Cotton Handkerchief of the Value of nine pence one Pair of Canvas "Drawers of the Value of six pence and some Salt meat and Yams of the "Value of one Shilling of the Goods and Chattles of one John Whaley then "and there being found in the Dwelling house of the said John Whaley "feloniously did steal take and bear away against the Peace of our "Sovereign Lord the King his Crown and Dignity And also against the "Form of the Statute in that Case made and provided".	The court next opened under the commission of oyer and terminer. A new grand jury was chosen and sworn, and two draft indictments were laid before it. The jurors approved one of them, and the court then opened under its commission of gaol delivery. Arraignment Billy, a slave boy, was brought before the court and charged under the following indictment for the island of St Helena. The jurors, sworn on the King's behalf, accused Billy, who lived at Fisher's Valley, of a theft committed at about midnight on 22 July 1776, in the sixteenth year of the reign of George III. According to the charge, he took the following goods belonging to John Whaley from Whaley's house in James's Valley: 1 pair of woollen cloth breeches, £0 2s 0d 1 gingham shirt, £0 0s 6d 1 cotton handkerchief, £0 0s 9d 1 pair of canvas drawers, £0 0s 6d Some salt meat and yams, £0 1s 0d The indictment described the theft as a breach of the King's peace and contrary to statute. **Interpretations** Billy was very probably the same slave boy, owned by John Whaley, who was branded on the hand in January 1774 for stealing clothes from Joseph Griffiths's kitchen. If so, he now faced a far graver position than before. Benefit of clergy could be claimed only once, and the brand on his thumb existed precisely to show that he had already used it. A second conviction for a felony above the value of 1s would leave the court no alternative to a death sentence. The low values set on the goods in the indictment, totalling under 5s, may already have reflected awareness of the stakes. Gingham was a light cotton cloth woven with a checked or striped pattern, originally made in India and shipped westward by the Company. On St Helena it was a cheap and common material for working shirts. The salt meat and yams in the list pointed to the food Billy took along with the clothing. Yams were a staple crop on the island, grown widely to feed slaves, and their presence alongside salt provisions suggested that hunger lay behind at least part of the theft.
384	374	To the above Indictment the Prisoner pleaded "Not guilty". Trial. The Prisoner being again set to the Bar, was put on his Trial, and the twelve following Men, Viz. Stephen Young Francis Seale Elisha Fracker Benja Mason Senr John Desfountain Martin Bagley John Worrall Simon Whaley John Whitchurch James Crosthrop and John Seale William Jenkins were sworn upon his Jury. Then the Indictment was, a second time, read to him, and the Jury charged. John Whaley appearing before the Court, and being duly sworn, Saith that on the twenty third day of July last in the Morning, one Joseph, his Servant told him that his House had been robb'd the Night before and that out of his, the sd Joseph's Chest a good many Things had been stolen or taken away, and recollects he then informed him that the sd Chest stood in the Kitchen, and that the Things stolen were a coarse Shirt a Pair of coarse Drawers, two Handkerchiefs and some other Articles, and that a Piece of Salt Meat and some Yams and a Cloth Pair of Breeches were stolen at the same time.	Billy denied the charge. Trial Billy was brought back to the dock and put on trial. The following 12 men were sworn as his jury: Stephen Young Francis Seale Elisha Isaacke Benjamin Mason senior John Desfountain Martin Bagley John Worrall Simon Whaley John Whitchurch Samuel Casthorpe John Seale William Jenkins The indictment was read to Billy a second time, and the case was formally put to the jury. John Whaley came before the court and gave sworn evidence. On the morning of 23 July 1776, as he got up, his servants told him the house had been robbed the night before. A good many things had been taken from his chest, which stood in the kitchen. The stolen items included a coarse shirt, a pair of coarse drawers, two handkerchiefs and some other articles. A piece of salt meat, some yams and a pair of cloth breeches had been taken at the same time. Some time later Whaley went down to the kitchen and found a shirt there, apparently left behind by the thief. He strongly suspected that it belonged to Billy and

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		That he, the Witness, in some time after went down to the sd Kitchen, and there found a Shirt supposed to have been left there by the Person who had stolen the sd Things, and strongly suspected it belong'd to, and was there left by the Prisoner, whereupon he immediately sent it to the Country to Mr Richd Mason, to whom the Prisoner belongs. That his Suspicion in Respect to the Prisoner were chiefly founded upon the single Circumstance of knowing that he was at that very time a run away and at large. That the sd Mason sent the Shirt back to him, and when the Prisoner	that Billy had left it. He at once sent it out to the country to Richard Mason, Billy's owner. His suspicion rested mainly on one fact: he knew Billy was a runaway at that very time and was dressed in rags. Mason sent the shirt back to him. **Interpretations** The shirt left in the kitchen told its own story. A runaway in rags who broke into a house for clothes and food would naturally strip off his worn garment and put on the stolen one, leaving the old shirt behind. Sending it to Billy's owner for identification made sense because masters issued their slaves' clothing and could often recognise it. The case therefore turned on whether Mason could connect the discarded shirt to his missing slave. As in the cases of Dick and Woodberry, the theft grew directly out of a slave's flight, and the stolen items, clothing and food, were exactly what a fugitive needed to survive.
385	375	was afterwards taken, he also sent him to him: And he then discovered that he, the Prisoner, actually wore and had on the Identical Breeches he, some time before that, had given to his Servant, the sd Careless. The said Pair of Breeches being produced to the Witness, he positively says they are the his own undoubted Property, and the very same wore by and found on, the Prisoner when brought down to him. Careless, appearing before the Court and Jury, upon his Oath, Saith that, in the Morning of the twenty third of July last, he discovered that a Shirt, two Handkerchiefs, a Yard of Ribbon, and a small blue Box containing a Metal Buckles and Button were stolen out of his Chest; And that a Pair of Breeches which hung in the Kitchen, and half a Piece of Meat and some Yams were stolen out of an other Chest, and that both Chests stood in the Kitchen. That he at same time found a Shirt in the sd Kitchen that was not his Property, but suspected it belong'd to the Prisoner, and his Reason for such particular Suspicion in Respect to the Prisoner, was because he knew he was then a Run= =away, and when that was the Case, it was customary with him to come out of the Country, and robb their House (meaning his Master's House). Saith, that on the Prisoner's being taken, and sent down to his Master he saw upon him the very Breeches stolen from him, which Breeches had been given him by his Master, the sd Whaley. The sd Breeches being produced to the Witness, he positively affirms they are the Breeches which the Prisoner wore at the time he was brought down out of the Country, and the same stolen from him. A striped Jacket and a Cotton Handkerchief found on the Prisoner when taken being also produced to him, he positively says they were also stolen out of his Chest.	When Billy was later caught, Mason sent him down to Whaley as well. Whaley then found that Billy was actually wearing the very breeches he had given some time earlier to his servant Careless. The breeches were produced in court and shown to Whaley. He swore firmly that they were his own property and the same pair found on Billy when he was brought in. Careless then gave sworn evidence before the court and jury. On the morning of 23 July 1776, he said, he found that a shirt, two handkerchiefs, a yard of ribbon and a small blue box holding metal buckles and buttons had been taken from his chest. A pair of breeches that hung in the kitchen had also gone, along with half a piece of meat and some yams from another chest. Both chests stood in the kitchen. At the same time Careless found a shirt in the kitchen that was not his and suspected it belonged to Billy. He had good reason for that suspicion, he explained. He knew Billy was a runaway at the time, and whenever Billy ran away he made a habit of coming down from the country to rob houses such as his master's. Careless added that when Billy was caught and sent down to Whaley, he saw Billy wearing the very breeches stolen from him, which Whaley had given him. The breeches were produced and shown to Careless, and he swore they were the pair Billy wore when brought in from the country and the same ones taken from him. A striped jacket and a cotton handkerchief found on Billy at his capture were also shown to him. He swore these too had been stolen from his chest. **Interpretations** Most of the stolen clothing belonged in practice to Careless, Whaley's slave, yet the indictment named it as Whaley's property. As in Dick's case in January 1775, where Will's savings were charged as his mistress's goods, the law recognised no property in a slave, so anything he held was treated as his master's. Whaley's own evidence captured the arrangement exactly. He described the breeches as his undoubted property while acknowledging that he had given them to Careless. Clothing issued to a slave remained, in law, the master's, and a theft from the slave was a theft from the owner.
386	376	The Evidence for the Crown closing here, the Prisoner is	The prosecution closed its case, and Billy was called on to answer the charge. He said he had never in his life robbed Whaley's house. He claimed he had

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		put on his Defence. He saith that he never in his Life robbed Mr Whaley's House, and accounts for the Things found upon him when taken, and proved to in Court as things accidentally found by him near the half way house. Says the Shirt produced in Court does not, and never did, belong to him. He denies the whole Charge. The above Evidence being read, and summ'd up to the Jury, they, without withdrawing, agreed of their Verdict in Court, and brought in the Prisoner Guilty. And the President gave him Judgment to be whipt at the Stocks till his Body be bloody: Which Judgment was put in due Execution against him. The Business of the Sessions being now ended, the Juries were Dismissed, and the Court was adjourned to the fifteenth Day of January next ensuing. John Skottowe Dan Corneille M Bazett Wm Wrangham Hen: Bazett	come across the items found on him, now identified in court, by chance near the Half Way House. The shirt produced in court, he insisted, was not his and never had been. He denied the whole charge. The evidence was read and summed up for the jury, who reached their verdict in court without withdrawing. They found Billy guilty. The president sentenced him to be whipped at the stocks until his back bled, and the sentence was duly carried out. With the court's business finished, the juries were discharged. The court was then adjourned until 15 January 1777. The record was signed by the following: John Skottowe Daniel Corneille Matthew Bazett William Wrangham Henry Bazett **Interpretations** The jury's decision to give its verdict without leaving the courtroom showed how little doubt it felt. The evidence was overwhelming: Billy was a known runaway, was caught wearing the stolen breeches, jacket and handkerchief, and had left his own shirt in the kitchen. His story of finding the goods by the Half Way House, a resting point on the road up from Jamestown into the interior, persuaded no one. The sentence of whipping, not branding or death, suggested the court treated the offence as petty larceny. The verdict recorded no value, and the goods in the indictment, though worth more than 1s in total, were individually trivial items of clothing and food. By imposing the punishment normally reserved for thefts under 1s, the bench kept a hungry runaway's raid on a kitchen out of the capital category, in keeping with the island's pattern of tempering the criminal law in small cases. For a slave, a whipping also returned him quickly to his owner's service.
387	377	On the ninth Day of October, in the sixteenth Year of his Majesty's Reign, a Precept was directed to Mr Gabriel Harper, Sheriff of the Island of St Helena which Precept was on the Commission of the Peace. On the thirty first Day of December following in the seventeenth Year of his Majesty's Reign, a Precept upon the Oyer & Terminer was directed and Delivered to the sd Sheriff. Island of St Helena. The General Quarter Sessions of the Peace holden at the Hall in James's Valley for the sd Island of St Helena the fifteenth day of January in the seventeenth Year of the Reign of our Sovereign Lord George the third of Great Britain, France and Ireland King, Defender of the Faith and so forth, Before Jno Skottowe, Danl Corneille, Matt: Bazett, Wm Wrangham and Henry Bazett Esquires, five of his Majesty's Justices, assigned to keep the Peace in and for the sd Island, also Commissioners of Oyer & Terminer, authorized to hear and Determine all Treasons, Murders, Felonies, Trespasses and other Misdemeanors within the sd Island committed. The Court being opened upon the Commission of the Peace, a Grand Jury consisting of seventeen of the Principal Inhabitants of the Body of the sd Island were sworn, who, being asked if they knew of any Business upon that Commission, answered	On 9 October 1776, in the sixteenth year of the King's reign, an order under the commission of the peace was sent to Gabriel Harper, sheriff of St Helena. On 31 December 1776, in the seventeenth year of the reign, a further order, under the commission of oyer and terminer, was sent and delivered to him. The General Quarter Sessions of the Peace for the island sat at the Hall in James's Valley on 15 January 1777. That date fell in the seventeenth year of the reign of George III, King of Great Britain, France and Ireland and Defender of the Faith. Governor Skottowe presided with Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett. The five men served as the King's justices appointed to keep the peace on the island and as commissioners of oyer and terminer. Their authority reached every treason, murder, felony, trespass and lesser offence committed there. The court opened under the commission of the peace, and a grand jury of 17 leading inhabitants of the island was sworn. Asked whether they knew of any matters for that court, the jurors answered through their foreman that they knew of none. Hugh Jones had been bound over to the Crown for an assault on Henry Oulander, a matross, a year earlier. He was called and appeared with his sureties, and the court released them all finally from their recognizance. The overseers of the highways then handed in reports of the work each had carried out in his district. Daniel Corneille, second in rank on the bench, then rose to address the court. **Interpretations** Jones's final release came after the assault on Henry Oulander was more than a year old. English law treated a death within a year and a day of an

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		by their Foreman that they knew of none. Hugh Jones who stood bound over to the King in an Assault made on Henry Saunders a Matross a year ago, was called, and appearing together with his Sureties, they were finally discharged from their Recognizance. On which the Over= =seers of the High Ways gave in Returns of the Work done by each of them in their respective Divisions. Then Mr Corneille, second Justice on the Bench spoke to the	injury as caused by it, so only once that period had safely passed, with the matross alive, could the court be sure the case would never become one of homicide. With no bill of indictment brought against Jones in the whole of that time, there was nothing further to hold him for. The court's handling of the case, renewing his recognizance at every sitting and discharging it only at this point, followed that rule precisely.
388	378	following Effect. "Gentlemen, I take this to be the fittest Time and Place for laying before you all here assembled my Apprehensions in Respect to the horned Cattle of this Island, the Destruction whereof seems threatened tho' yet at a Distance, if some Expedient be not devised, if some Portion of Care and Diligence be not speedily put in Practice to prevent it. I mean the Fly bred in bred and Springs from the Worms so frequently found of late in the Cattle here. You Gentlemen, Planters and Proprietors of Stock have already experienced the Evil resulting from sd Fly, and the Dangerous Effect it produces when lodged upon, and having penetrated the Hide. You all know the Madness it occasions, how the Cattle when stung run wild, and headlessly precipitate themselves down the steepy Sides of Hills, regardless of the Highest Fences, that at last they tumble, and often break their Necks or some other Parts. This Evil increases, and may become irremediable, if not timely checked. And it is my Opinion that the most efficacious Method there is, is often to examine yr Cattle, and wherever you find the Appearance of Tumour or Bump, then make a small Incision, and you will certainly find the Worm which is easily extracted and Destroyed. For if all the Worms be extracted before the Transmutation which gives Birth to this destructive Fly, the Evil will cease. This being premised, I would recommend to you to have a Meeting soon, and consult among yourselves on the Ways and Means most effectually to stop, retard or lessen this growing Enemy so fatal to yr Property, so alarming to the whole Island. And I wish that the Result of your Deliberations in this Respect may be ordered to the Press and have the Force of a Law or Constitution of this Island, by which the Diligent and those Affected among you may receive some honorary Mark of Approbation while the Indolent and Transgressing may be bound under Penalties. I am but too sensible of the Interest every Individual have in the Preservation of his own Property, but I also know that some are less active than others, Wherefore as we all have a common Interest in this Matter it is incumbent on us all mutually to assist, and by a joint Endeavour, if possible, this spreading Evil". After which, the Increase of Horses already too considerable in so circumscribed an Island was Discussed and considered as having a bad tendency if the Number thereof were suffered to multiply beyond due Bounds. It was	Daniel Corneille told the assembled inhabitants that this was the right time and place to share his concerns about the island's cattle. He feared they faced destruction, still some way off, unless a remedy was found and careful precautions were quickly adopted. The threat, he explained, came from a fly that bred from the grubs so often found lately in the island's cattle. Corneille reminded the planters and stock owners that they had already seen the harm this fly caused once it settled on an animal and burrowed into its hide. Stung cattle ran wild and hurled themselves recklessly down the steep hillsides, ignoring even the highest fences. In the end they fell and often broke their necks or other bones. The problem was growing, he warned, and could become impossible to cure if not tackled in time. In his view the best method was to inspect the cattle regularly. Wherever a swelling or lump appeared, a small cut would reveal the grub, which could easily be drawn out and destroyed. If every grub was removed before it changed into the fly, the problem would come to an end. With this in mind, Corneille urged the landholders to meet soon and agree among themselves on the most effective way to stop, slow or reduce a threat so damaging and alarming to the whole island. He hoped their conclusions could be given the form and force of a law of the island. Under it, the careful and hard-working could receive some mark of public recognition, while the idle and those who broke its rules would face penalties. He acknowledged that every owner had a strong interest in protecting his own property. Some, however, were less diligent than others. Since all shared a common interest, he argued, it fell to every one of them to help, so that by a joint effort they might if possible halt this spreading harm. The court then turned to the growing number of horses. It judged that numbers were already too high for so small an island and that allowing them to multiply unchecked would do harm. It therefore resolved that every colt should be gelded within its first year and that no mare should be put to a stallion for some time. **Interpretations** Corneille was describing the warble fly, whose larvae burrow under the skin of cattle and form lumps along the back before emerging as adult flies. The adult fly's attempts to lay eggs on the legs of cattle cause a frenzy known in England as gadding, in which animals bolt in panic regardless of obstacles. On St Helena, with its steep cliffs and narrow ridges, that panic was deadly. His remedy of cutting out the grubs before they hatched rested on a correct grasp of the insect's life cycle and matched the best practice of English farmers, who squeezed out warbles by hand for the same reason. Cattle were among the island's most valuable assets, supplying fresh beef to the Company's ships as well as to the garrison and inhabitants, so any threat to them struck at the settlement's main purpose. Corneille's proposal for a law framed by the landholders themselves, with honours for the diligent

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		therefore resolved that every Colt should be gelt within the Year and that no Mare should be covered for some time, as the Number of Horses	and penalties for the negligent, pointed to how the island was governed in practice. The Company's representatives preferred to secure the settlers' agreement to common rules instead of simply imposing them, and the quarter sessions, attended by the island's leading inhabitants as jurors, provided a ready assembly for the purpose. The measure recognised a problem English farmers faced individually but that on a small island became collective, since one owner's infested herd would breed flies that attacked his neighbours' cattle. The restriction on horses reflected the island's limited grazing. Every horse competed for pasture with the cattle and sheep on which the settlement's provisioning of ships depended. Compulsory gelding of colts and a halt to breeding were blunt instruments of control, possible only because the island's small, closed population of animals could be managed as a single stock under one authority.
389	379	now on the sd Island by far exceeds any thing hitherto known. The Business of the Sessions being now ended, the Grand Jury were dismissed, and the Court was, by Proclamation, adjourned to the ninth Day of April next ensuing. John Skottowe Dan Corneille M Bazett Wm Wrangham Hen: Bazett	The court gave as its reason for restricting the breeding of horses that their numbers on the island were already far greater than at any earlier time. With its business concluded, the court discharged the grand jury. A public announcement adjourned the court until 9 April 1777. The record was signed by the following: John Skottowe Daniel Corneille Matthew Bazett William Wrangham Henry Bazett
390	380	On the fifteenth day of January in the seventeenth Year of his Majesty's Reign, a Precept upon the Commission of the Peace was issued out and delivered to the Sheriff of the Island of St Helena On the twenty fourth Day of March following, a Precept upon the Commission of Oyer & Terminer was issued out and delivered to the sd Sheriff Island of St Helena. "The General Quarter Sessions of the Peace, and "Sessions of Oyer and Terminer holden at the Hall in "James's Valley for the sd Island of St Helena, on Wednes= "day the ninth day of April, in the seventeenth Year of the "Reign of our Sovereign Lord George the third of Great - "Britain, France and Ireland King Defender of the Faith, "and so forth, Before Danl Corneille, Matthew Bazett, Wm "Wrangham and Henry Bazett Esquires, four of his Majesty's "Justices, assigned to keep the Peace in and for the sd Island, "Also Commissioners of Oyer & Terminer, authorised "to hear and determine all Felonies, Trespasses and "other Misdemeanors in the sd Island committed. The Court being opened upon the Commission of the Peace, a Grand Jury consisting of seventeen of the Principal Inha- -bitants of the Body of the sd Island were sworn, who, being asked if they	On 15 January 1777, in the 17th year of the King's reign, the Sheriff of St Helena received a precept issued under the commission of the peace. A second precept, this time under the commission of oyer and terminer, reached the Sheriff on 24 March 1777. The island's General Quarter Sessions of the Peace sat at the Hall in James's Valley on Wednesday 9 April 1777, together with a sitting of oyer and terminer. The date was recorded as falling in the 17th year of the reign of George III, King of Great Britain, France and Ireland and Defender of the Faith. Four of the King's justices of the peace for the island made up the bench: Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett. The same four also sat as commissioners of oyer and terminer, with power to try felonies, trespasses and lesser offences committed on the island. After the court opened under the commission of the peace, 17 of the island's leading inhabitants took the oath as a grand jury. **Interpretations** The precepts were written orders from the justices telling the Sheriff to summon jurors, witnesses and anyone bound over to appear. The Sheriff received them weeks before the hearing so that he had time to gather these people from across the island. Two precepts went out because the court drew on two separate commissions, and each commission needed its own summons. The commission of the peace gave the justices their ordinary quarter sessions powers over lesser offences. The commission of oyer and terminer, a Norman French phrase meaning "to hear and determine", added the power to try serious crimes, including felonies that could carry the death penalty. In England such cases usually went to the assize judges who toured the country. St Helena had no visiting judges, so the same local justices held both commissions and sat in a single sitting. The grand jury did not decide guilt. Its task was to examine the charges brought before the court and decide whether each one had enough substance to go

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			to trial. The jurors came from the island's leading inhabitants, so its principal landholders controlled which accusations against soldiers, servants, slaves and poorer settlers went forward.
391	381	Knew of any Business upon that Commission, answered they knew of none. Then the Sheriff and Constables for the ensuing Year were sworn into their respective Offices, and the Overseers of the High Ways gave in Returns of the Work done by each of them in their several Divisions. As it appeared by the Sheriff's Return of his Majesty's Goal that there were no Prisoners for the time being, the Court was opened upon the Oyer and Terminer, and the Pannel of the Petit Jury was called over. No other Business coming before the Court, it was, by Proclamation, adjourned to the sixteenth Day of July next ensuing. Danl Corneille M Bazett Wm Wrangham Hen: Bazett	When the grand jury was asked whether any matters awaited it under the commission of the peace, its members replied that they knew of none. The court then swore in the Sheriff and the constables for the coming year. Each overseer of the highways reported on the road work carried out in his own district. According to the Sheriff's report on the King's gaol, no prisoners were being held at that time. The court nevertheless opened under the commission of oyer and terminer, and the names on the petty jury panel were read out. With nothing further to hear, the court was adjourned by public proclamation to 16 July 1777. Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett signed the record. **Interpretations** The overseers of the highways were local men appointed to keep the island's roads and paths in repair within set districts. Their reports to the court show that road maintenance on St Helena fell under the justices' supervision, as it did in English counties. The bench used the quarter sessions to check that each overseer had done his share. This mattered on an island whose steep valleys and ridges made a few tracks the only links between the farms, the forts and James Town. The Sheriff's report on the gaol was the step that decided whether the oyer and terminer commission had any serious work to do. With the cells empty, no felony trials could follow. The justices still opened that commission and called over the petty jury, the panel of 12 who would decide guilt at trial. Going through these steps and then adjourning by proclamation to a fixed date kept the commission formally in being. The court could therefore meet again in July without having to begin the process afresh with new precepts.
392	382	Island of St Helena. On the ninth day of April in the seventeenth year of his Majesty's Reign, a Precept upon the Commission of the Peace was issued out and delivered to Mr Richd Goodwin Sheriff of the sd Island. On the first day of July following a Precept upon the Commission of Oyer & Terminer was issued out to the sd Sheriff The General Quarter Sessions of the Peace held at the Hall in James's Valley for the sd Island of St Helena on Wed= nesday the sixteenth day of July in the seventeenth year of the Reign of our Sovereign Lord the King, before Danl Corneille, Matt Bazett, Wm Wrangham and Henry Bazett Esqrs four of his Majesty's Justices of the Peace and Commissioners of Oyer and Terminer, authorised to hear and determine all Felonies, Trespasses and other Misdemeanors within the sd Island committed. The Court being opened upon the Commission of the Peace and the Grand Jury called, Mr Thos Petham, who had been duly summoned not appearing, the Officer who had summoned him was called and Sworn - He deposed that he had personally summoned the sd Petham, and that he,	On 9 April 1777, in the 17th year of the King's reign, a precept under the commission of the peace went out to Richard Goodwin, Sheriff of St Helena. A further precept under the commission of oyer and terminer reached him on 1 July 1777. The island's General Quarter Sessions of the Peace met at the Hall in James's Valley on Wednesday 16 July 1777. Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett presided as justices of the peace. They also held commissions of oyer and terminer, giving them power to try felonies, trespasses and lesser offences committed on the island. The court opened under the commission of the peace and the grand jury was called. Thomas Pelham had been properly summoned as a juror but failed to attend. The officer who delivered the summons was called and gave evidence on oath. He stated that he served Pelham in person and that Pelham never gave him any reason for staying away, either then or later. The court recorded Pelham's absence as a default. The justices reduced the penalty set by law for this contempt and fined him only £1 0s 0d. Seventeen of the island's leading inhabitants then took the oath as the grand jury. Asked whether any matters awaited them under that commission, they replied that they knew of none. The overseers of the highways next reported the road work each had carried out in his district. The coroner also presented his report to the court. **Interpretations** Jury service was a compulsory duty, and the penalty for Pelham's absence shows how the court

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		Petham, had not then or afterwards acquainted him of any Cause of Absence he had, his Default was markt, and the Justices on the Bench, in Mitigation of the Fine prescribed by Law for such Contempt, fined him in twenty Shil= lings only. - Then the Grand Jury consisting of seventeen of the Principal Inhabitants of the sd Island were sworn, who being asked if they knew of any Business upon that Commission, answered they knew of None. - On which the Overseers of the High Ways made Returns of the Work done by each of them in their respective Divisions, and the Coroner returned the	enforced it. The officer's sworn evidence established that the summons had been properly served and that no excuse had been offered. Only then did the court mark the default and impose a fine. The justices chose to fine him less than the law allowed, which suggests they wanted to uphold the duty without heavily punishing a leading settler in a small community. The grand jury drew on a narrow pool of principal inhabitants, so each absence mattered. The coroner held inquests into sudden, violent or unexplained deaths and reported his findings to the justices. His report at quarter sessions brought these deaths under the court's review. Any inquest that pointed to a crime could then pass to the grand jury and, if a charge was found, to trial under the commission of oyer and terminer.
393	383	Proceedings of an Inquest held before him in the Course of the last Quarter, which were openly read in Court and approved of. - It appearing by the Sheriff's Return of his Majesty's Goal that there were then no Prisoners, and no other Business coming before the Justices, the Grand Jury were Dismissed, and the Court was, by proclamation, adjourned to the eighth day of Octobr next ensuing. - Danl Corneille M Bazett Wm Wrangham Hen: Bazett	The coroner presented the record of an inquest he had held during the previous quarter. It was read aloud in open court, and the justices approved it. The Sheriff's report on the King's gaol showed that no prisoners were being held at that time. With no other matters before the justices, the grand jury was released. The court was then adjourned by public proclamation to 8 October 1777. Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett signed the record. **Interpretations** Reading the inquest record aloud and having the bench approve it placed the coroner's work under public judicial scrutiny. Approval meant the court accepted the finding on the death as settled. A death found to be natural or accidental went no further, while any finding of unlawful killing would have been passed to the grand jury for a possible trial. The closing steps differed from those of 9 April 1777. On that occasion, with the gaol equally empty, the justices formally opened the commission of oyer and terminer and had the petty jury panel called before adjourning. This time the record mentions no such opening, even though a precept under that commission had gone to the Sheriff on 1 July 1777. The court simply dismissed the grand jury and adjourned, which suggests the bench treated the formal opening as unnecessary when no one awaited trial.
394	384	On the sixteenth Day of July in the seventeenth Year of his Majesty's Reign, a Precept upon the Commission of the Peace was issued out to Mr Richd Goodwin Sheriff of the Island of St Helena. On the twenty sixth day of September following a Precept upon the Commission of Oyer & Terminer was issued out to the sd Sheriff Island of St Helena. The General Quarter Sessions of the Peace holden at the Hall in James's Valley for the sd Island of St Helena, on Wednesday the eighth day of October, in the seventeenth year of our Sovereign Lord George the third, of Great Britain, France and Ireland King, Defender of the Faith, and so forth. Before John Skottowe Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett Esqrs, five of his Majesty's Justices assigned to keep the Peace in and for the sd Island, also Commissrs of Oyer & Terminer, authorised to hear and determine all Felonies,	Richard Goodwin, Sheriff of St Helena, received a precept under the commission of the peace on 16 July 1777, in the 17th year of the King's reign. A second precept, issued under the commission of oyer and terminer, followed on 26 September 1777. The island's General Quarter Sessions of the Peace met at the Hall in James's Valley on Wednesday 8 October 1777. The date was recorded as falling in the 17th year of the reign of George III, King of Great Britain, France and Ireland and Defender of the Faith. Five of the King's justices of the peace for the island made up the bench: Governor Skottowe, Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett. All five also held commissions of oyer and terminer, with power to try felonies, trespasses and lesser offences committed on the island. Once the court opened under the commission of the peace, 17 of the island's leading inhabitants took the oath as a grand jury. Asked whether they had any matters to raise under that commission, the jurors handed the bench a written complaint. Only one or two of them had signed it. The court regarded this way of bringing a complaint as without precedent and contrary to proper form, and it issued a direction to the jury in response. **Interpretations** A grand jury normally raised a grievance through a presentment, a formal statement agreed by the jury

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		Trespasses and other Misdemeanors within the said Island committed. The Court being opened upon the Commission of the Peace, a Grand Jury consisting of seventeen of the Principal Inhabitants of the Body of the sd Island were sworn, who, being asked if they knew of any Business upon that Commission, laid before the Bench a Paper containing Matter of Complaint and subscribed by one or two of them. But the Court considering such Mode of Presentment unprecedented and contrary to the Form, ordered the sd Jury	as a body and put forward in its collective name, usually signed by the foreman. A paper bearing the names of only one or two jurors did not carry the authority of the whole jury. The bench could therefore treat it as a private complaint slipped into the court's proceedings rather than as the voice of the island's leading inhabitants. The Governor sat on the bench at this sitting, although he did not appear at the sittings of 9 April 1777 or 16 July 1777. His name heads the list of justices, reflecting his rank as head of the island's government. His presence meant that any complaint by the grand jury came directly before the island's highest authority. **Speculations** The obvious course was to receive the grand jury's paper and consider the complaint, since the jurors had produced it in answer to the court's own question. The bench instead objected to its form, calling it unprecedented and improper. Rejecting the paper on procedural grounds allowed the court to avoid engaging with its substance. With the Governor present for the first time in these records, the complaint may well have touched on the conduct of the island's government, and a technical objection offered a way to set it aside without answering it.
395	385	to retire and consider of the Matter contained in sd Paper, and if they found it an Object worthy of their Attention to draw up a Presentment in Form therein specifying the Grievance and such Remedy as they shall find most answerable to the Suppression thereof in future, whereupon they retired. Mean While the Coroner returned into Court the Proceedings of an Inquest held before him in the Course of last Quarter, which were openly read, and approved of, and then the several Overseers of the High Ways made Returns of the Work done by each of them in their respective Divisions. On Return of the Grand Jury into Court, the Foreman laid the following Presentments before the Bench, Vizt Island of St Helena. "We the Grand Jury of the sd Island having had several "Complaints laid before Us of Persons who have Sheep upon the Commons "making a Practice of sending their Servants, and impounding singly without giving "previous Notice to any of the other Partners which Practice We deem highly illegal, "likely to become Detrimental to the Public here, therefore upon due Consideration "on sd Complaints agreed to the following Regulations. That no Proprietor "shall upon any Pretence whatsoever send his Blacks to impound Sheep without "giving Notice to two or more of the Partners and that such Blacks goes "with Orders to him or their Slaves that should the Sheep be brought away "the Pounds and no whole Person then on no pretence whatever to impound "them humbly submitting the same to yr Worship's Pleasure that you may "take such Measures as will prevent the like Abuse in future. The above Presentment being read, and the Worshipful Justices consider= ing the Abuse therein set forth, and complained of, made the following Order thereon, Vizt We his Majesty's Justices having examined the Matter	The court told the grand jury to withdraw and consider the matter raised in its paper. If the jurors judged it worth their attention, they were to draw up a formal presentment setting out the grievance and proposing whatever remedy they thought would best prevent it recurring. The jury then withdrew. While the jurors were out, the coroner presented the record of an inquest he held during the previous quarter. It was read aloud in court and approved. The overseers of the highways then reported the road work each had carried out in his district. When the grand jury returned, its foreman placed the following presentment before the bench. The jurors reported that they had received several complaints about sheep owners grazing flocks on the commons. Some of these owners made a habit of sending their servants to impound sheep on their own initiative, without first warning any of their fellow partners. The jury considered the practice seriously unlawful and a probable source of harm to the public. After weighing the complaints, the jurors agreed on a set of rules. No owner was to send his slaves to impound sheep for any reason without first informing two or more of the partners. Each slave sent on such an errand was to carry a clear written order from his master. [...] the pound, and no white person was on any account [...] to impound them. The jury put these rules to the justices so that the bench could take steps to stop the abuse in future. After hearing the presentment read, the justices considered the abuse it described and made an order on it. They found the complaint well founded and agreed that it called for a remedy. To meet so reasonable a request and end the practice, the justices ordered that no sheep owner should on any pretext send his own slaves or anyone else's to impound sheep. An owner first had to give timely notice to two or more of the partners. **Interpretations** Sheep on St Helena grazed the island's common land in shared flocks, with several owners holding a stake as partners. Impounding meant seizing animals found where they should not be and holding them in a pound until their owner paid a charge or made good any damage. Because the flocks were mixed, one partner acting alone could seize sheep belonging to the others and use the pound to gain an advantage over them. The requirement to notify two or more

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		of Complaint set forth in the Presentment now before Us find it well founded and deserving Redress; Wherefore, in Compliance with so just a Requisition and to put a Stop to such Practices, We ordain that no Proprietor of Sheep shall upon any Pretence whatever from henceforth send his own or any other Blacks to impound Sheep without having first given timely Notice to two or more of the Partners	partners placed each seizure under the eyes of the other stakeholders. The written order each slave had to carry served as a pass. It proved that the slave acted on his master's authority rather than on his own account. The rule tied responsibility for every seizure to a named owner, while also restricting the movement of slaves across the commons. Slaves did the physical work of herding and impounding, yet the regulation treated them purely as instruments of their owners' will. The episode shows how the bench's objection of 8 October 1777 worked in practice. The justices did not dismiss the jurors' grievance. They sent the jury away to recast its complaint as a proper presentment from the whole body. Once it came back in that form, the bench adopted its substance almost at once. The grand jury thereby acted as a channel through which the island's leading landholders could propose local regulations and have them turned into binding orders of the court.
396	386	in sd Range: And that each Master give strict Orders to his or their Slaves that, when the Sheep are brought near the Pound, and no white Person then there, on no Pretence whatever to impound them: And any Person in these Cases offending shall, on Proof thereof made before one or two of his Majesty's Justices, be and become liable to the Penalty of Twenty Shillings for the first Offence, and for the second, to such further Penalty as the Nature of the Offence shall seem to deserve. And We further ordain that this Law be proclaimed throughout the sd Island. Recorded in Court the 8th October 1777. No other Business appearing, the Grand Jury were dismissed, and the Court was, by Proclamation, adjourned to the fourteenth Day of January next ensuing. John Skottowe Dan Corneille M Bazett Wm Wrangham Hen: Bazett	The justices' order required that notice of any impounding go to partners holding sheep on the same grazing range. Each owner was also to give his slaves firm instructions about sheep brought near the pound. If no white person was present at the pound, the slaves were not to impound the animals on any pretext. Anyone who broke the order would face a penalty once the offence was proved before one or two of the King's justices. A first offence carried a fine of £1 0s 0d. A second offence would attract whatever heavier penalty its nature seemed to warrant. The justices further directed that the new law be proclaimed across the island. It was entered in the court record on 8 October 1777. With no further matters before the court, the grand jury was released. The court was then adjourned by public proclamation to 14 January 1778. Governor Skottowe, Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett signed the record. **Interpretations** A range was a defined tract of common grazing on which a particular group of owners ran their sheep together. Limiting the notice to partners on the same range tied the rule to the people with a real stake in the flock. It spared an owner from having to alert the whole island each time his slaves brought in strays. The order shows the quarter sessions acting as a law-making body as well as a court. The justices described their ruling as a law, attached penalties to it and had it proclaimed publicly so that no one could plead ignorance. They also provided that a breach could be proved before just one or two justices outside the full sessions. This summary procedure let the rule be enforced quickly between sittings without a grand jury or a trial. The ban on slaves impounding sheep when no white person was present made every seizure depend on the oversight of a free witness. The justices plainly distrusted slaves acting on their own at the pound, where a disputed seizure could harm an owner's property. The fine fell on the master, not the slave, which placed the burden of controlling the slave's conduct squarely on the owner.
397	387	On the eighth day of October, in the seventeenth year of his Majesty's Reign, a Precept upon the Commission of the Peace was issued out and delivered to Richd Goodwin Esqr Sheriff of the Island of St Helena. On the twenty eighth day of December following, a Precept upon	Richard Goodwin, Sheriff of St Helena, received a precept under the commission of the peace on 8 October 1777, in the 17th year of the King's reign. A precept under the commission of oyer and terminer followed on 28 December 1777. On 14 January 1778, in the 18th year of the reign, a further precept was handed to the Sheriff in open court.

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		the Oyer and Terminer was issued out to the sd Sheriff. On the fourteenth Day of January following in the eighteenth year of his Majesty's Reign, a Precept was issued out, and delivered in Court to the sd Sheriff. Island of St Helena. The General Quarter Sessions of the Peace, Sessions of Oyer and Terminer, and Sessions of Goal Delivery holden at the Hall in James's Valley for the sd Island, on Wednesday the fourteenth day of January, in the eighteenth year of the Reign of our Sovereign Lord George the third, of Great Britain, France and Ireland King, Defender of the Faith and so forth. Before John Skottowe, Danl Corneille, Matt Bazett, Wm Wrangham and Henry Bazett Esquires, five of his Majesty's Justices of the Peace and Commissioners of Oyer and Terminer assigned and authorised to hear and determine all Felonies, Trespasses and other Misdemeanors within the sd Island committed. The Court being opened upon the Commission of the Peace, a Grand Jury consisting of seventeen of the Principal Inhabitants of the Body of the sd Island were sworn, who, being asked if they knew of any Business upon that Commission, answered they knew of none. Then the Overseers of the Highways gave in Returns of the Work done by each of them in their respective Divisions, and the Coroner returned the Proceedings of an Inquest held before him in the Course of the last Quarter, which were read in Court and approved of. No other Business	The island's General Quarter Sessions of the Peace met at the Hall in James's Valley on Wednesday 14 January 1778, together with sittings of oyer and terminer and of gaol delivery. The date was recorded as falling in the 18th year of the reign of George III, King of Great Britain, France and Ireland and Defender of the Faith. Five of the King's justices of the peace sat on the bench: Governor Skottowe, Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett. All five also held commissions of oyer and terminer, with power to try felonies, trespasses and lesser offences committed on the island. Once the court opened under the commission of the peace, 17 of the island's leading inhabitants took the oath as a grand jury. Asked whether any matters awaited them under that commission, the jurors replied that they knew of none. The overseers of the highways then reported the road work each had done in his district. The coroner presented the record of an inquest he held during the previous quarter, and the court heard it read and approved it. No further business came forward. **Interpretations** The heading of this sitting added a session of gaol delivery, which had not appeared in the earlier records of 9 April 1777, 16 July 1777 or 8 October 1777. A commission of gaol delivery empowered the justices to try every prisoner held in the gaol at the time of the sitting and so clear it. Oyer and terminer allowed the court to try offences brought before it by indictment, whereas gaol delivery focused on the people already in custody. Naming it here suggests the bench expected to deal with someone held in the King's gaol. The precept delivered to the Sheriff in open court on 14 January 1778 departed from the usual pattern, in which precepts went out weeks before a sitting. The record does not say which commission it came under. Its handing over on the day of the sitting perhaps reflected the addition of gaol delivery, which required the Sheriff to produce any prisoners before the court.
398	388	Appearing upon that Commission, the Court was opened upon the Oyer & Terminer a Petit Jury empannelled and sworn, and the Bill of Indictment was presented to them, they whereof they found, and then the Court was opened upon the Goal Delivery Arraignments March and Billy brought to the Bar were arraigned upon the following Indictment, Vizt - Island of St Helena ss The Jurors of our Sovereign Lord the King upon their "Oaths Do Present that March late of Friar's Valley within the sd Island "Manslave and Billy late of Fisher's Valley within the sd Island Manslave "on the thirteenth Day of October in the seventeenth Year of the Reign of our "Sovereign Lord George now King of Great Britain in the Night of the same "Day by Force and Arms near a Place called Lot's in Sandy Bay within "the Island aforesaid one Sheep of the Value of fifteen Shillings of the "Goods and Chattels of some Person yet unknown then and there being found "then and there feloniously did steal, take and carry away against the "Peace of our Sovereign Lord the King his Crown and Dignity and also against "the form of the Statute in that Case made and provided." To which they	With no further matters under the commission of the peace, the court opened under the commission of oyer and terminer. A grand jury was empanelled and sworn, and four bills of indictment were placed before it. The jurors found [...] of them, and the court then opened under the commission of gaol delivery. Arraignments March and Billy were brought to the bar and charged on an indictment returned by the jurors on oath for the King. March, a male slave, lived in Lemon Valley, while Billy, also a male slave, lived in Fisher's Valley. The indictment stated that on the night of 13 October 1777, in the 17th year of the reign of George III, the two men stole a sheep near the place called Lot in Sandy Bay. The animal was valued at £0 15s 0d and belonged to an owner who had not been identified. The charge alleged that the theft breached both the King's peace and the relevant statute. Each man pleaded not guilty. Sportsman was then brought to the bar and charged on a second indictment. He was a male slave living in James's Valley. According to the jurors, at about midnight on 8 October 1777 he broke into the house of Robert Gosling in the same valley by force. The indictment charged him with stealing a woollen waistcoat valued at [...] and a shirt [...] from the house. **Interpretations** The reference to a statute in the indictment of March and Billy mattered because sheep stealing had been made a felony without benefit of clergy by an Act of 1741. A conviction therefore carried a

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		severally pleaded "Not guilty" - Sportsman, brought to the Bar, was arraigned upon the following Indictment, Vizt - Island of St Helena ss The Jurors of our Sovereign Lord the King upon their Oaths "Do Present that Sportsman of James Valley within the said Island "Manslave on the eighth Day of October in the seventeenth year of the Reign "of our Sovereign Lord George now King of Great Britain about the Hour of [...] "in the Night of the same Day by force and Arms in the Valley aforesaid within "the Island aforesaid the Dwelling house of one Robert [...] there situated feloni= "ously and burglariously did break and enter and one [...] of [...] "[...] of the Value of [...] and [...] "[...]	mandatory death sentence, and the justices could not reduce it by the ordinary plea available for lesser felonies. The owner of the sheep did not need to be named for the charge to stand. Describing the animal as the property of an unknown person allowed the prosecution to proceed on the fact of the theft alone. The charge against Sportsman was burglary, which in English law meant breaking into a dwelling house at night with intent to commit a felony. The stated time of about midnight was essential to the charge, because the same act by day was a lesser offence. Burglary was also a capital crime. The low value of the clothing did not reduce its gravity, since the offence lay in the night-time entry to a home rather than in the worth of the goods taken. All three accused were slaves, yet they came before the court on formal indictments found by a grand jury and entered pleas in the same way as free defendants in England. The island's criminal courts thus applied English procedure to slaves charged with felonies. The capital nature of both charges shows how heavily that law bore on thefts of property belonging to the settlers.
399	389	"Handkerchief of the Value of two Shillings two Pounds Weight of "Wax Candles of the Value of four Shillings three Yards of Cotton Stuff "called Cherry derries of the Value of two Shillings and three Shillings Sterling "in Money of the Goods and Chattels of the sd Robert Gosling in the said "Dwelling house then and there being found then and there feloniously and "burglariously did steal take and carry away against the Peace of our "Sovereign Lord the King his Crown and Dignity and also against the "Form of the Statute in that Case made and provided." To which he pleaded "Not guilty". - The said Sportsman was arraigned upon a second Indictment as follows, Vizt - Island of St Helena ss "The Jurors of our Sovereign Lord the King upon their Oaths "Do Present that Sportsman of James's Valley within the said Island "Manslave on the twenty ninth Day of September in the seventeenth Year of "the Reign of our Sovereign Lord George now King of Great Britain in the Night "of the same Day by force and Arms in the Valley aforesaid within the sd Island "aforesaid one Pair of Nankeen Cloth Breeches of the Value of four Shillings "two [...] and [...] of the Value of one Shilling one [...] of the Goods and "Chattels of one David Kay then and there being found in the Dwelling house "of the sd David Kay feloniously did steal take and carry away against the "Peace of our Sovereign Lord the King his Crown and Dignity and also against "the Form of the Statute in that Case made and provided". To which he pleaded "Not guilty" - Sportsman being removed from the Bar, March and Billy were put on their Trials, and the twelve following Men, Vizt John Whitehorsh Hugh Jones Richd Harper James Pritchard	The indictment against Sportsman also listed a handkerchief valued at £0 2s 0d and 2 pounds in weight of wax candles valued at £0 4s 0d. It further named 3 yards of the cotton cloth known as cherry derry, valued at £0 2s 0d, and £1 10s 0d in cash. All of these items belonged to Robert Gosling and were taken from his house during the night-time break-in. Sportsman pleaded not guilty. Sportsman then faced a second indictment. According to the jurors, on the night of 29 September 1777 he stole goods from the house of David Kay in James's Valley. The items taken were a pair of nankeen breeches valued at £0 4s 0d and two [...] valued at £0 1s 0d. The charge alleged a breach of both the King's peace and the relevant statute. Sportsman again pleaded not guilty. Sportsman was taken from the bar, and March and Billy were put on trial. The following 12 men were sworn as the trial jury: John Whitehurst Hugh Jones Richard Harper James Pritchard Henry [...] Simon [...] Francis Seale William Harper Gabriel [...] senior Henry [...]thorpe James [...]thorpe Joshua Talbott The indictment was read to the jurors a second time, and the court gave them their charge. **Interpretations** Cherry derry was a light Indian cloth, usually cotton or a mix of cotton and silk, woven in checks or stripes and often coloured in reds. It reached St Helena aboard East India Company ships returning from Bengal and the Coromandel coast, and it served for shirts, gowns and household linen. Nankeen was a hard-wearing cotton cloth of a natural yellowish colour, named after Nanking in China, from where it was first shipped. By the 1770s it was widely worn for breeches and summer trousers. Wax candles were a costly item compared with ordinary tallow candles. Their presence in Robert Gosling's house, along with £1 10s 0d in cash, points to a household of some means supplied through the island's trade with passing Indiamen. The two indictments against Sportsman differed in legal character. The charge relating to Robert Gosling's house alleged a night-time breaking and

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		Henry Bennett Simon Wholey Francis Seale William Harper Gabl Doveton Senr Henry Cristhorpe James Cristhorpe and Joshua Torbett. were sworn upon their Jury. Then the Indictment was a second time, read to them, and the Jury charged. -	entry and was framed as burglary, a capital offence. The charge relating to David Kay's house described a theft from a dwelling at night but made no mention of breaking in. It was therefore framed as larceny from a house, a lesser offence where the goods were of small value. The drafting of each indictment determined how severely Sportsman could be punished if convicted. The 12 men sworn here formed the petty jury, which decided guilt or innocence at trial. They were a separate body from the grand jury of 17, whose task had been only to decide whether the charges should go forward. Reading the indictment afresh to the trial jury and then charging them formally marked the start of the trial proper.
400	390	Jack, an Accomplice with the Prisoners now at the Bar, being admitted an Evidence for the King, in Consequence of an Oath taken by him in open Court, to make a free full and true Confession of the Felony he was concerned in, and prosecute the same with Effect against the sd Prisoners so as to convict them, and duly sworn, Saith that in the Evening of the twelfth of October last, as he was going from the Fort to his Master's house in Sandy Bay, he met Billy one of the Prisoners, and then a Runaway who told him he intended going to his Father to get a Mouthful of Victuals, but not waiting any longer with him, he went on to his Master's. That being there in that Night the house dogs began to bark, and one George, an other of the Servants went out to know why they barked, and on his coming in again brought the sd Billy along with him found by him, as he said, behind the House. That in the Middle of the Night the Billy got up, went to a Pot that had Yams in it, took some of them out, and carried them out of the House, but returning shortly afterwards, he came near the Place, where he, the Deponent lay, told him he had better go along with him as he wanted for Nothing. That roused by his Persuasions, he went off with him and travelling together, they came as far as Mr Benj: Seale's, and a little above it, he, Billy, took a Key out of his Pocket, and whistled with it, which being the Signal between him and March, the other Prisoner, and also a Runaway, the latter immediately answered by the Sound of "Yo ho", which directed them to the Place where he was, and they were joined here. That as they then had Nothing to eat, it was agreed between them to go and kill a Sheep, and they went to the Ridge above Lot's where they found some Sheep, which he and Billy watched and drove down a Ridge near which March lay concealed, who as they passed close by him jumped and caught one of them cut its throat and gave it to Billy to skin, which he did, and then it was put into a Gunny Bag. That they proceeded from thence to a Company's Plantation, where Henry Pearson lives, and that whilst March went into it, they waited outside in the Path, and when he, March returned to them, he brought two Bunches of Plantains, which he stole out of sd Plantation. That then they all three went directly to their Lurking hole, the usual Place of the Prisoners Abode, and	Jack, who had taken part in the theft alongside the prisoners at the bar, gave evidence for the Crown. Before testifying, he swore in open court to give a full and honest account of the crime and to press the case against the prisoners until they were convicted. According to Jack, on the evening of 12 October 1777 he was walking from the fort to his master's house in Sandy Bay when he met Billy. Billy had run away and told Jack that he meant to visit his father for something to eat. Jack left him and carried on to his master's house. That night the dogs began barking, and George, another slave of the household, went out to find the cause. He came back with Billy, whom he claimed to have found behind the house. Around midnight Billy rose, took some yams from a cooking pot and carried them outside. He soon came back to where Jack was lying and urged Jack to come away with him, promising that he would want for nothing. Jack gave in and left with him. The pair walked as far as the property of Benjamin Seale. A little beyond it, Billy took a leaf from his pocket and whistled through it. This was the agreed signal between Billy and March, the other prisoner, who was also a runaway. March answered at once with a call of "yoho", and the sound guided the two men to him. The three had nothing to eat, so they agreed to kill a sheep. They made for the ridge above Lot, where they found a small flock. Jack and Billy kept watch on the animals and drove them down past the spot where March lay hidden. As the sheep ran by, March leapt out, seized one and cut its throat. He handed the carcass to Billy, who skinned it, and the meat went into a gunny sack. From there the men went on to the Company's plantation, where Harry Pearson lived. Jack and Billy waited on the path while March went in alone. He came back with two bunches of plantains taken from the plantation. All three then headed straight for the hiding place where the prisoners usually lived. March lit a fire of ebony wood, and both shoulders of the sheep were cut off and grilled over it. The men ate part of the meat, stored the rest for the next day and lay down to sleep. On the Tuesday after, Peter, a slave belonging to George Hale, passed near the hiding place and caught sight of Billy's head. Before Peter could reach them, March slipped away with the remaining meat. Peter caught March as he was coming back and brought him to the hiding place. **Interpretations** Jack testified as king's evidence, a practice in which an accomplice escaped prosecution by confessing fully and helping to convict his fellow offenders. His oath bound him to secure a conviction, so his immunity depended on the outcome. In a capital case against runaways who had no other witnesses to the killing, an accomplice's testimony was often the only direct proof available. The arrangement gave the court its case but also gave

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		March having kindled a Fire of Ebony wood he then cut off both Shoulders of the Sheep, laid them on the Fire and broiled them. Which done, they eat a Part, and put up what was left for next Day, then laid themselves down and slept. That on the Tuesday following one Peter belonging to George Hale going by their Lurking hole happened to spy Billy's head, but before the Peter, could come up to him, March took an Opportunity of carrying off what remained of the Meat, but in the Return, was seized by the sd Peter, and conveyed by him back to their Lurking hole	Jack a strong motive to shape his account against the others. A gunny sack was a coarse bag woven from jute, made in Bengal and used across the East India trade for packing rice, grain and sugar. Empty sacks were a common item on St Helena, where most supplies arrived by ship from India. Ebony here meant the island's native St Helena ebony, a low shrub whose dense wood burned well. By the 1770s grazing goats and cutting for fuel had already made it scarce, so its use by runaways for a cooking fire reflected what remained in remote parts of the island. The account shows how runaway slaves survived in the island's interior. Billy and March lived in a hidden refuge, relied on a whistled signal and a called reply to find each other, and fed themselves by killing sheep and raiding the Company's plantation. Billy's visit to his father and his welcome at Jack's master's house suggest that runaways still depended on ties with slaves who remained on the farms. Those ties also made them vulnerable, since another slave, Peter, was the one who found and caught March. **Speculations** The obvious course was to indict all three men, since Jack admitted joining the runaways, keeping watch on the flock and eating the stolen meat. The Crown instead turned him into a witness and left him out of the charge. The terms of his oath make the reason plain, since he was bound to press the case until March and Billy were convicted. Jack, unlike the other two, was not a runaway but a slave living in his master's household. He was therefore perhaps seen as a man drawn in for one night rather than a settled offender, which made him the natural choice to trade immunity for testimony.
401	391	where, the sd Peter seized him as well as him, the Deponent, and Billy. That he tied the sd Billy's Arms and his the Deponent's with Ropes, but left the sd March loose, and then they three set out in Custody of the sd Peter in order to be brought down to the Fort, but being come a little above the Battery in Sandy Bay, March slipt them, and ran off, they continuing their Journey till they came to the Fort, meaning the Town in James's Valley. Saith that before he was lodged in Goal he freely confessed all he knew concerning the Sheep they had killed, and that next Day, being brought before the Lieut Governor, he confessed to him all he knew about that Matter, told him how he, March, had caught and killed it, and how the sd Billy had skinned and further disposed of it, and that he, himself had helped to catch it, and that he eat some of it. That he further informed the Lieut Governor that he knew and could direct to the Place where they had hid the Skin, Paunch and feet of the Sheep; In Consequence of which In= formation, he sent him in Charge of a Constable and the Bailiff to Sandy Bay, where he found the sd Skin, Paunch and Feet, which he, with the Help of sd Constable and Bailiff, brought down to the Fort. John Kempster the Constable, upon his Oath, Saith that, on the sixteenth Day of October last, he was ordered by the Lieut Governor to get a Bailiff and take Jack the King's Evidence, and go to Sandy Bay,	At the hiding place Peter also seized Jack and Billy. He tied the arms of both men with a rope but left March unbound. The three then set off under Peter's guard to be taken down to the fort. A little above the battery in Sandy Bay, March broke away and ran off. Jack and Billy continued with Peter until they reached the fort in James's Valley. Jack stated that before being locked in the gaol he openly admitted everything he knew about the sheep they had killed. The next day he was brought before the Lieutenant Governor and repeated his account in full. He described how March caught and killed the animal and how Billy skinned and dealt with the carcass. Jack also admitted that he helped catch the sheep and ate some of the meat. He told the Lieutenant Governor that he could lead the way to the spot where the skin, the stomach and part of the carcass lay hidden. On the strength of this, the Lieutenant Governor sent Jack to Sandy Bay in the charge of a constable and a bailiff. There Jack found the skin, the stomach and the tripe, and the three men carried them down to the fort. John Ham[...], the constable, gave evidence on oath. On 16 October 1777 the Lieutenant Governor ordered him to find a bailiff and take Jack, the Crown's witness, to Sandy Bay. Jack was to show them where the skin, stomach and part of a sheep killed by March and Billy had been hidden. The constable and a bailiff took Jack to Sandy Bay as instructed. When they came level with the place called Lot, on its eastern side, Jack pointed out the hiding place. The men climbed down and noticed blood between two rocks. A little further down they found the skin and stomach, which they gathered into their bag and brought back to the fort. The constable added that the skin looked quite fresh when he first found it, as though it had only just been removed. On the way home, Jack showed him where the sheep had been caught and described how it was killed and skinned. He gave a detailed account

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		where he, Jack would shew them the Place where the Skin, Paunch and feet of a Sheep killed by March and Billy had been hid. That accordingly he and a Bailiff took the sd Jack into Sandy Bay as ordered, and coming opposite to a Place called Lot to the Eastward he, Jack, shewed them the Place where the Skin &c. were hid; On which they went down to the Place, where between two Rocks they perceived some Blood and a little lower down they found the Skin and Paunch which they gathered up, put in to their Bag and brought to the Fort. On their Part of his Evidence the Deponent produced the sd Skin. Saith that, on his first finding the Skin, it ap= peared to him quite fresh and newly stript off, and he further adds that on their road homewards, the sd Jack shewed him the Place where they had caught the Sheep, and told him the other Circumstances about the killing and skinning it, and was particular in describing how the sd March lay concealed, jumped on the Sheep and caught it, of which Sheep so caught, the Skin was produced in the Court at Trial.	of how March lay hidden, sprang on the sheep and seized it. The skin of that sheep was produced in court. **Interpretations** The constable's evidence supplied the independent support that king's evidence needed to be safe. English courts treated an accomplice's word with caution and looked for proof from another source before convicting on it. The blood between the rocks, the freshly removed skin and the hiding place that Jack could find at once all showed that his account rested on real knowledge of the crime. Producing the skin in court turned his story into physical evidence the jury could see. The Lieutenant Governor acted here as an examining magistrate. He questioned the prisoner the day after his arrest, took his confession and ordered the search that recovered the evidence. On an island without a separate police or prosecution service, the second officer of the government directed the investigation himself before the case reached the grand jury. The arrest depended entirely on another slave. Peter, owned by George Hale, captured three men alone, bound two of them and marched them to the fort. His choice to leave March untied gave March the chance to escape near the Sandy Bay battery. That escape explains why the pursuit of March had to be taken up afresh.
402	392	George, a Manslave, upon his Oath, Saith that on one Sunday Night about three Months ago being at his Master's House in Green hill at Sandy Bay, the Dogs barked which made him go out to know why they barked, and going behind the House, found Billy one of the Prisoners there whom he took into the house. And that and the other Servants kept awake a good Part of the Night, but at last fell asleep, and while he and one Happy slept, the sd Billy and Jack, the King's Evidence slipped out of the House and ran away. The Evidence for the Crown being here, the sd March & Billy are put on their Defence. March in his Part, Saith that he never killed or caught the Sheep he is charged with, but that Billy, the Prisoner and Jack, the Evidence against him brought it to his Lurking hole. Confesses he was persuaded upon by them to eat of the Meat, which Billy broiled upon a Fire, and he ate some of it along with them. Billy, on his Part, denies having killed the Sheep, but confesses he eat some of it. The whole Evidence being summed up to the Jury, they retired to Consider; And on their Return, they declared their Verdict, by which they found the two Prisoners "Guilty Death". They being removed from the Bar, Sportsman was set to it, and the twelve following Men were sworn upon his Jury. John Whitehorsh Hugh Jones Richd Harper Jas Pritchard Henry Bennett Simon Wholey Francis Seale Willm Harper Gabl Doveton Senr Henry Cristhorpe	George, a male slave, gave evidence on oath. On a Sunday night about three months earlier he was at his master's house at Green Hill in Sandy Bay when the dogs began barking. He went out to see why and found Billy, one of the prisoners, behind the house. George brought him inside. The other servants stayed awake for much of the night but eventually fell asleep. While George and a slave named Happy slept, Billy and Jack, the Crown's witness, crept out of the house and ran off. The Crown's case closed at this point, and March and Billy were called on to answer the charge. March denied catching or killing the sheep. He claimed that Billy and Jack brought the animal to his hiding place. They then talked him into eating some of the meat, which Billy grilled over a fire, and he ate it with them. Billy also denied killing the sheep but admitted eating part of it. The evidence was summed up for the jury, and the jurors withdrew to consider it. On their return they found both prisoners guilty, a verdict that carried the death penalty. March and Billy were taken from the bar, and Sportsman was brought forward. The following 12 men were sworn as his jury: John Whitehurst Hugh Jones Richard Harper James Pritchard Henry [...] Simon Whaley Francis Seale William Harper Gabriel [...] senior Henry [...]thorpe James [...]thorpe Joseph Talbott The indictment was read to Sportsman a second time, and the court charged the jury. Robert Gosling was sworn and gave evidence. On 8 October 1777 he needed to go to his house in the country. Before leaving, he made sure his house in town was locked and secure. The next day Captain Bazett wrote to tell him that the town house had been broken into during the night. Gosling hurried

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		James Cristhorpe and Joseph Torbett, were sworn upon his Jury, then the Indictment was a second time read to him, and the Jury charged. Sergt Robert Gosling being duly sworn, Saith that, on the eighth of October last, he had Occasion to go to his House in the Country, and before he went, took Care to lock up and secure his house in Town. That, on the next Day Corpl Radcliffe wrote to him informing him his House in Town had been broke into the Night before, on which he immediately repaired to Town and going into his house, found the Door of his Front Room above Stairs thrown	back to town and went into the house, where he found the door of his upstairs front room open. **Interpretations** George's evidence corroborated the opening of Jack's account on a point Jack had no reason to invent. It confirmed that Billy was found behind the house on a Sunday night and that Jack left with him while the household slept. This placed the Crown's witness in the runaways' company from his own master's house, independently of his own testimony. The two prisoners conducted their own defence, as was usual for those accused of felony at this date, since defence counsel could not address the jury. Both denied the killing while admitting they ate the meat. That line of defence could not help them. The indictment charged them with stealing the sheep, and the constable's evidence, together with Jack's account, placed each man at the theft. Sheep stealing was capital by statute, so the guilty verdict left the court no discretion over the sentence. The jury that convicted March and Billy was sworn again in full to try Sportsman. Using the same 12 men for consecutive trials was common practice in England. On a small island with a limited pool of qualified inhabitants, it also meant that the same jurors carried their judgement of one case straight into the next.
403	393	open, and a Bureau and Hand Buckets which stood in sd Room also broke open, and from some Appearances on a Trunk perceived that Attempts had been made to break it open but to no purpose. That out of a Bundle he had purposely left on the Top of the Stairs to be sent into the Country, he discovered that a Waistcoat of fine Madrass Cloth, a Shirt a Stock and a Handkerchief had been carried away. That having made this Discovery a Manslave belonging to him called Jack informed him that his Chest which stood by the Kitchen of sd House had been also broke open, and that some Things were stolen out of it. That after this, he returned to his house in the Country, where Mrs Gosling informed him he had left some Wax and Spermaceti Candles in the Hand Lanthorn above mentioned, and on his Return to Town the next day he found by his Acct to him that a good Many of them had been taken away. That, on the tenth of November following, happening to be in the Street in conversation with Mr Kay he was by him informed that he had found upon one Sportsman [...] the Thief of some Clothes stolen from him, and that he was in the Prisoner's Box, a Waistcoat of fine Madrass Cloth which the Deponent judged ought to be his Coat Shirt [...] being [...] thereupon, he went to Mr Rennell's, the Prisoner's Master and begged he would permit him to examine the Prisoner's Box, which being readily granted he examined the Contents, and among them found a Waistcoat and Shirt which he knew to be his Property, and has now to produce in Court. That, in Order to have a thorough Certainty of that Matter he went home, and brought a Waistcoat of his, which when compared with that found in the Prisoner's Box, answered exactly in Quality and Make. That the Initials of his Name on the Shirt are yet to be seen by the remaining Impressions tho' the Silk which made or marked them are artfully picked out, and the Plan of marking corresponds with all his other Shirts. Saith that the Candles likewise	Gosling found the upstairs door had been forced. A bureau and a small portable writing desk in the same room had also been broken open. Marks on a trunk showed that someone had tried to force it as well, without success. Gosling had deliberately left a bundle at the top of the stairs, ready to be sent to his country house. From it, a waistcoat of fine Madras cloth, a shirt, a stock and a handkerchief were missing. Soon after this discovery, Gosling's slave Jack told him that his own chest, kept near the kitchen of the town house, had also been forced and some of his belongings stolen. Gosling then went back to his country house. There his wife told him that he had left a supply of wax and spermaceti candles in the writing desk. When he returned to town the next day, he found that a large number of them had gone. On 10 November 1777 Gosling met David Kay in the street. Kay told him that, while searching for clothes stolen from his own house, he had looked in the box belonging to the prisoner Sportsman. Inside he saw a waistcoat of fine Madras cloth. Gosling suspected it was his own stolen waistcoat. He called on Mr [...], Sportsman's master, and asked leave to search the prisoner's box, which the master readily gave. Among its contents Gosling found a waistcoat and a shirt that he recognised as his property, and he produced both in court. To be certain, Gosling went home and fetched another waistcoat of his own. Set beside the one from Sportsman's box, it matched exactly in cloth and cut. The shirt had once carried his initials in silk thread. Someone had carefully unpicked the stitching, but the impressions of the letters could still be seen. The style of marking also matched every other shirt he owned. The candles found in the box were of the same size, make and quality as those he had left at the house. The jury examined the shirt and waistcoat and agreed that they fitted his description in every respect. Captain Thomas Bazett was sworn next. Early on the morning of 9 October 1777, before he was up, Gosling's slave Jack came to his household with news that his master's house had been broken into overnight. One of Bazett's servants went upstairs to tell him, and he rose and dressed at once. He went straight to Gosling's house. Upstairs he found the door of one of the rooms plainly forced. On inspecting the furniture he saw that the upper section

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		found in the Prisoner's Box are of the same Size, Make and Quality with those left. Here he produced the Shirt and Waistcoat which being examined and Compared by the Jury they found them perfectly agreeable to the above Description. Captain Thomas Bazett, being duly sworn, Saith that, on the ninth of October last early in the Morning before he was out of Bed some of his People were informed by one Jack, a Manslave belonging to Mr Gosling that this Master's house had been broke open the Night before, on hearing which one of them came up Stairs to him, and acquainted him therewith, on which he started out of Bed, and put on his Clothes. That he, without Delay, went to the sd Gosling's house, and above Stairs found a Door of one of the Chambers evidently burst open, and examining the Furniture therein found the Top part of a Bureau and a Hand Lanthorn broke open, and that an unsuccessful Attempt had been made to break open a Trunk in the same Room. That from thence he proceeded to the Kitchen, where he found a small Chest forcibly broke open, and on his Coming out,	of a bureau and a small writing desk had been broken open. Someone had also tried and failed to force a trunk in the same room. Bazett then went down to the kitchen, where he found a slave's chest broken open by force. **Interpretations** Madras cloth was a fine cotton fabric woven around Madras on the Coromandel coast of India, often in checks or light stripes. It came to St Helena aboard East India Company ships and was prized for waistcoats and shirts because it was cool, fine and fashionable. A stock was a stiffened neckband worn by gentlemen in place of a loose cravat. Spermaceti candles were made from the waxy substance taken from the head of the sperm whale. They burned brighter and cleaner than tallow and cost more even than beeswax, so they marked a prosperous household. Gosling's identification of his shirt rested on the practice of marking household linen. Well-off families stitched initials and a numbering sequence into each shirt so that laundry could be sorted and counted. The unpicked silk showed that the thief knew the marks could betray him. Yet the needle holes left by the stitching, together with a marking pattern shared with Gosling's other shirts, still proved ownership. Bringing a matching waistcoat from home gave the jury a direct comparison rather than relying on Gosling's word alone. The search of Sportsman's box needed his master's permission, not his own. A slave's few possessions were treated as lying within his master's control, so Gosling approached the master directly and was allowed to go through the box. The same principle made the search lawful without any warrant from a justice.
404	394	As he passed thro' the Yard, he perceived a small Ladder standing agt the back Wall under the Stair Case Window of the Dwelling house, by which Means he supposes the Robber entered into sd House as appeared thro' sd Window, the upper part whereof was let down and then open and that he could observe some Traces or Marks newly made on the Wall under sd Window. That finding Things in that Situation, he went home, and wrote to the sd Gosling to inform him thereof. Lieut Robert Gosling being again called, and appearing is asked whether the Stair Case Window of his house was open or shut when he left it, answers that to the best of his Recollection, it was open, and that the Ladder found fixed agt the wall lay in the Yard at the time of his going into the Country. Jack, a Manslave appearing before the Court and Jury, upon his Oath, Saith that, on the Morning of the Ninth of October last on his return from fishing he went up to Captn Bazett's where it was his Custom to leave the Key of his Master's house upon such Occasions when his Master was in the Country, got the Key came down to the House and unlocked it, and went in. That going backwards, he was astonished to see a Ladder standing under the Stair Case Window, which made him lay down his Tackle, and he went up Stairs. That there he found the Door of the Front Room broke open and without then searching further, he returned to the sd Captn Bazett's to acquaint him with it, but not finding him	Captain Bazett also noticed, as he crossed the yard, a small ladder propped against the back wall beneath the staircase window. He concluded that the intruders climbed it to get into the house through that window. The upper sash was lowered and the window stood open. He could see fresh scuffs and marks on the wall just below it. Having found the house in that state, Bazett went home and wrote to Gosling to tell him what had happened. Lieutenant Robert Gosling was called back and asked whether he had left the staircase window open or closed. As far as he could remember, it was open. He added that the ladder later found against the back wall had been lying in the yard when he left for the country. Jack, a male slave, then gave evidence on oath before the court and jury. Early on 9 October 1777 he came back from fishing and went to Captain Bazett's house to collect his master's key. He always left it there when his master was away in the country. Jack returned to the house, unlocked it and went inside. Walking towards the back, he was startled to see a ladder beneath the staircase window. He put down his fishing gear and went upstairs, where he found the door of the front room forced. Without searching any further, Jack hurried back to Captain Bazett's house to report it. The hour was so early that Bazett was not yet up, so Jack described the state of the house to the servants and begged them to tell their master at once. He then went back and waited at the street door until Bazett came. The two men went in together and climbed the stairs. They found the front room door forced, along with the bureau and small writing desk inside. Jack noticed a key in the door of another room and assumed his master had left it there. When he asked about it later, his master told him that he had left that key inside the front room, not in the other door.

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		up it being then very early in the Morning he told the Situation he had found his Master's house in to his Servants, desiring them for Heaven's to tell their Master of it. That he then returned home, and waited at the Street door until the sd Captn Bazett came down to him and they both went in, and going up Stairs, they found the Door of the Front Room broke open together with a Bureau and Hand Lanthorn wch stood in it. That he searched a Key in the Door of an other Room, which he then thought might have forgot there, but enquiring concerning it, was apprised his Master that he had left that very Key in the Front Room and not in the Door as found by the Witness. That coming down he went into the Kitchen which he found wide open altho' on his going to fish the Evening before, he left the Door thereof locked and the Key in the Door. That a Chest which stood in sd Kitchen was also found by him broke open, and on examining the Things in it found that a Part or Remnant of a Piece of Cherry derries, about a Yard and half of long Cloth and three Shillings in Money had been stolen therout. That his Master some time afterwards told him he had seen a Waistcoat and [...] of Cherry derries in the Prisoner's Chest which he shewed him, and it agrees in Quality and Colour with some of the same Stuff he now produces in Court.	Coming downstairs, Jack found the kitchen standing wide open. When he left to go fishing the previous evening, he had locked that door and left the key in it. His own chest in the kitchen had been forced. On checking its contents, he found that a remnant of cherry derry, about a yard and a half of long cloth and £0 3s 0d in cash had been taken. Some time later his master told him that he had seen a piece of cherry derry in the prisoner's chest and showed it to him. It matched in quality and colour the cloth of the same kind that Jack produced in court. **Interpretations** Long cloth was a plain, closely woven Indian cotton sold in unusually long pieces, which gave it its name. It came mainly from the Coromandel coast and served for shirts, shifts and household linen. On St Helena such cloth reached households through the East India Company's ships, and even a slave might hold a remnant for his own clothing. Jack's evidence exposed how the law treated a slave's belongings. The indictment listed cherry derry and cash as the goods of Robert Gosling, yet Jack now identified the cloth and money as taken from his own chest. In law a slave could not own property in his own right, so anything he held counted as his master's. Jack's savings and cloth were therefore charged as Gosling's losses, even though they were plainly his in practice. The court's question to Gosling about the window went to the heart of the burglary charge. Burglary required a breaking as well as an entry at night, and climbing through a window already left open was not in itself a breaking. The forced door of the upstairs front room, the broken bureau and desk and the forced kitchen door therefore mattered. They supplied proof of breaking inside the house even if the intruder first came in through an open window.
405	395	The Evidence for the Crown ending here, the Prisoner is put on his Defence. He Saith that, on a certain Night between the Hours of seven and eight he bought the Shirt and Wt that is found in his Box and pro= duced in Court of a Sailor whom he knows not on Account of the Darkness of the Night. That on sailing of the Ship the Duke of Cumberland, the Prisoner's Servant who lived at his Master's, as he was packing up his Things, gave him a Part of a Piece of Cherry derries, which he, the Prisoner, made up into a Wt Coat, the same as produced in Court. Denies having ever broke into Mr Gosling's House. The Prisoner having no more to say or produce in his Defence, the above Evidence was summed up to the Jury, who retired to Consider. On their Return, they declared their Verdict, by which they acquitted the Prisoner of the whole Indictment, which Verdict being recorded, the sd Prisoner was put on his Trial on an other Indictment found agt him. The same Jury being again sworn, the Indictment was a second time, read to him, and the Jury charged. Lieut David Kay appearing and being duly sworn, Saith that, some time in the latter End of Septr last (he recollects not the Day) he came down Stairs one Morning in his House, and found his back Door open and sd back Window broken, and verily believes that both were left shut the over night on the Family's retiring to Sleep.	The Crown's evidence closed at this point, and Sportsman was called on to answer the charge. He said that one night, between seven and eight o'clock, he bought the shirt and waistcoat found in his box from a sailor. It had been too dark for him to recognise the man. He added that when the *Duke of Cumberland* sailed, the purser's servant, who had lodged at his master's house, gave him a scrap of cherry derry while packing his belongings. Sportsman made it into a waistcoat, the same one now produced in court. He denied ever breaking into Gosling's house. Sportsman had nothing more to say or show in his defence. The evidence was summed up for the jury, and the jurors withdrew. On their return they acquitted him on every part of the indictment. Once the verdict was entered, Sportsman was put on trial on the second indictment the grand jury had found against him. The same jury was sworn again, the indictment was read to him a second time and the court charged the jurors. Lieutenant David Kay was sworn and gave evidence. Towards the end of September 1777, though he could not fix the exact day, he came downstairs one morning and found his back room open and its windows broken. He firmly believed that both had been shut when the household went to bed the night before. He noticed nothing missing at first. Later that day, however, his wife told him that some clothes had gone from a bundle of dirty linen made up for washing. In November 1777 Kay heard that Sportsman had been arrested on suspicion of a felony. Some time afterwards he called at the house of Mr Stewart, Sportsman's master. Stewart told him that several items had been found in a box belonging to the prisoner. Kay was eager to see whether any of his belongings were among them and asked permission

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		That he at that time missed Nothing, but that some time in that Day Mrs Kay informed him some Clothes had been taken away out of a Bundle of foul Linen made up in Order to be sent to wash. That in the Month of November following, he was informed the Prisoner was taken up upon Suspicion of some Felony, and happening afterwards to go into Mr Stewart's (the Prisoner's Master) he was then told by Mr Stewart that several things were found in a Chest in his Box, (meaning the Prisoner's) which, as he was very certain he had honestly come by, on which he requested the Permission to go and look at them. That he did so, and in sd Box found a Pair of Breeches and a Muslin Stock, which he has the strongest Reason to believe are his Property, and is the better convinced thereof, as the sd Breeches are tied behind with a String of blue Persian Silk, which he particularly remembers to have tied them with. He produces the sd Breeches and Stock which exactly agree with the Descriptions. The Evidence closing with the Prosecutor's Deposition as above, and the Prisoner then put upon his Defence, Saith that he, one Night	to look. In the box he found a pair of breeches and a muslin stock that he felt sure were his. He was all the more certain because the breeches were fastened at the back with a string of blue Persian silk, which he clearly remembered tying on himself. He produced the breeches and stock in court, and both matched his description exactly. With Kay's evidence the Crown's case closed, and Sportsman was again called on for his defence. He began his account by describing what happened on a particular night. **Interpretations** Persian silk was a thin, plain-woven silk, used mainly for linings and trimmings rather than as a fabric in its own right. Its colour made it easy to recognise, which is why Kay could rely on a single blue string to identify his breeches. Muslin was a fine, light cotton from Bengal, and a muslin stock was a gentleman's neckband made from it. Both fabrics reached St Helena through the East India Company's trade and were commonplace in the island's better-off households. The acquittal is striking set against the evidence. Gosling had identified his shirt by the traces of his unpicked initials and matched the waistcoat against another from his own wardrobe. Against this, Sportsman offered only a purchase from an unknown sailor in the dark and a gift from a departed purser's servant. English juries facing capital charges often avoided the death penalty by returning a partial verdict, finding a defendant guilty of theft of goods below the capital value but not of burglary. This jury instead cleared Sportsman entirely. The record gives no reason, but the verdict shows that the jurors, the same men who had just condemned March and Billy, were unwilling to convict him of burglary on this evidence. Sportsman's claim about the purser's servant from the *Duke of Cumberland* shows how closely the island's households were tied to the shipping in the road. Ships' officers and their servants lodged ashore with settlers during a ship's stay. Cloth, clothing and other goods changed hands between them and the slaves of the household. Such exchanges gave a slave a plausible explanation for owning Indian textiles, and made it hard for a prosecutor to prove where any particular piece had come from.
406	396	went out and then a Soldier offered to sell him the same Breeches and Stock, which he bought; that he knows not the Soldier. Having no more to say, the Evidence was summed up to the Jury, and they retired. On returning into Court, they declared their Verdict, by which they acquitted the Prisoner. The Verdict being recorded, he was discharged. The Trials being gone thro', the Grand Jury laid the following Presentment before the Bench, Vizt To the Honble the Bench of Justices. "We the Grand Jury of the sd Island having had several Complaints "laid before Us by many of the Inhabitants of the Damage done by Dogs "to common Property, beg leave to lay the following Presentment before your "Worships now on the Bench. "Whereas the Increase of Dogs is become so notorious of late "and the Property of Individuals thereby so greatly injured by killing Sheep, "Goats, Lambs and Kids, We the sd Grand Jury truly sensible of "the Justness of the Complaint, and willing to prevent in future the Grievance	Sportsman told the court that one night he went out and met a soldier, who offered to sell him the same breeches and stock. He bought them but did not know who the soldier was. He had nothing further to add. The evidence was summed up for the jury, and the jurors withdrew. On their return they acquitted him. The verdict was entered, and Sportsman was released. When the trials were over, the grand jury presented a proposal to the justices. The jurors explained that many inhabitants had complained to them about the damage dogs were doing to property held in common. The number of dogs on the island had grown to a point that everyone had noticed. Individual owners were suffering serious losses as dogs killed their sheep, goats, lambs and kids. The jury accepted that these complaints were justified and wanted to prevent further harm. The jurors therefore proposed, subject to the bench's agreement, a yearly tax of £0 5s 0d on every dog. It would apply to all dog owners, whatever the breed and whether the animal was kept for guarding, for pleasure or for any other purpose. The churchwardens in office would collect the tax, which could be recovered in the same way as parish rates. The money would go to the same purposes as the rate levied on [...].

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		"therein set forth, do, We Propose, and with your Assent Enact that all "Owners of Dogs of what kind or denomination soever shall henceforth be "and become liable to pay an Annual Tax of five Shillings for each Dog "he, she or they shall have or keep either for Security, pleasure or otherwise. "The sd Tax to be paid to the Church Wardens for the time being to be "considered as Parish rates, and applied to the same Uses as that "assessed on Heads. And to prevent any Concealment or Evasion in "Payment of sd Tax, We propose, and under yr Authority enact "that the Owners of Dogs do and shall every Quarter on each Day as "the Sessions will be held give into this Court a true Account of "the Number of Dogs he, she or they shall then have and intend to "keep during the ensuing Quarter, such Returns of Dogs so to be made "to commence at Sessions in July next; And that a Copy or Transcript "thereof be drawn up by the Clerk of the Peace and forthwith delivered to "the Church Wardens respectively. And We further Enact under	To stop owners hiding dogs or understating their numbers, the jury proposed a system of quarterly returns. On each day the quarter sessions sat, every owner would give the court an accurate count of the dogs he then kept and meant to keep over the coming quarter. The first returns were to be made at the sessions of July 1778. The Clerk of the Peace would draw up a copy of each return and send it without delay to the churchwardens concerned. The jury then set out a further proposal. **Interpretations** The dog tax placed St Helena well ahead of England, where a general tax on dogs was not introduced until 1796. The island's grand jury proposed one in January 1778, nearly two decades earlier. The pressure behind it was local and practical. On a small island where sheep and goats grazed open commons, stray and half-wild dogs threatened the livestock on which the settlers depended for meat. The measure followed directly from the concern over the commons shown in the sheep-impounding regulation of 8 October 1777. The proposal relied on the island's parish machinery to raise and spend the money. The churchwardens already collected parish rates, so the dog tax could be folded into an existing system with its own means of recovering unpaid sums. The quarterly returns tied enforcement to the court's own calendar. Each owner had to declare his dogs in person at every sitting, and the Clerk of the Peace passed copies to the churchwardens so that every declaration could be checked against the payments. The grand jury's language went further than a request. The jurors wrote that they proposed the measure and, with the bench's consent, enacted it. This shows the grand jury acting as a local legislature, drafting binding rules that the justices then approved. With no elected assembly on the island, the leading inhabitants used the grand jury to shape the regulations that governed their own property. The second acquittal of Sportsman followed a defence that closely echoed his first. In each case he claimed to have bought the disputed clothing at night from a stranger he could not identify, first a sailor and now a soldier. The jury accepted both accounts. The record gives no reason, but the pattern suggests that the jurors required more than the owner's recognition of his goods before convicting a slave on a capital charge.
407	397	the Authority aforesd that any Person or Persons who shall at any time "after the Promulgation of this Law be detected of concealing or giving in or making "a false Return of the Number of his, her's or their Dogs in Order, as it may "be presumed, to evade the Payment of sd Tax be and shall be amerced for "such Concealment at the Discretion of any two of his Majesty's Justices "before whom Proof thereof shall be made. "We entertain no Doubt of your Sanction to so salutary a Law as "we now purpose to pass in this Session, it plainly appearing to be productive "of two very desirable Effects, the one, being Nothing less than the Preservation "of common Property, the other, an Alleviation of that hitherto necessary Tax on "Heads called "Head money". Done in the Grand Jury Room this 14th Day of January 1778. The Worshipful Justices finding the above Presentment contained Matter of serious Consideration, postponed their Assent thereto, and left it for their	The jury also proposed that anyone found hiding dogs or making a false return of their number, once the new law was proclaimed, should be fined for trying to avoid the tax. The amount would be left to any two of the King's justices before whom the offence was proved. The jurors declared themselves confident that the bench would approve so beneficial a measure. In their view it would bring two clear advantages. The first was the protection of property held in common. The second was relief from the head money tax, which had until then been unavoidable. The grand jury signed the proposal in the jury room on 14 January 1778. The justices judged that the proposal raised matters calling for careful thought. They therefore held back their approval and kept the document for further study. March and Billy, the two convicted prisoners, were then brought to the bar. The court asked whether either had any reason why judgment should not be passed on them. Neither offered anything. After a brief address, the presiding justice passed the customary sentence of death, and the two men were taken from the bar.

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		further Inspection. Which done, March and Billy the two convicted Prisoners were ordered to the Bar, and asked if they had any thing to say in Stay of Judgment. But having Nothing to offer, the President, after a short Exhortation pronounced the usual Sentence of Death upon them and they were taken from the Bar. The Business of the Session being concluded, the Grand & Petit Jury were dismissed, and the Court was, by Proclamation adjourned to the twenty ninth Day of April next ensuing. John Skottowe Dan Corneille M Bazett Wm Wrangham Hen: Bazett	With the business of the sessions complete, the grand jury and the petty jury were dismissed. The court was adjourned by public proclamation to 29 April 1778. Governor Skottowe, Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett signed the record. **Interpretations** Head money was a tax charged per head rather than on property, and it was the levy that the dog tax was meant to supplement. The grand jury's proposal to spend the new revenue on the same purposes shows that the jurors intended the tax on dogs to take part of the burden off this charge. Shifting the cost from every head to the owners of dogs would fall hardest on those whose animals caused the harm, and would lighten the load on households with many dependants or slaves. The question put to March and Billy before sentence gave a convicted prisoner the formal chance to show a legal bar to judgment. In England this was the moment to claim benefit of clergy or, for a woman, to plead pregnancy. The statute that made sheep stealing a capital felony had already removed benefit of clergy, so the question was a formality for these two men. Their silence left the court bound to pass the death sentence the law required. **Speculations** The grand jury expected immediate approval, writing that it had no doubt of the bench's consent. The justices had given exactly such swift approval to the jury's sheep-impounding proposal on 8 October 1777, adopting it as law the same day. Here they declined to do so and deferred their decision, giving as their reason that the proposal raised serious matters. The difference lay in what was asked of them. The sheep regulation only controlled conduct on the commons, whereas the dog tax created a new charge collected through the parish and touched the existing head money. A measure that altered the island's taxation called for more scrutiny than a rule about impounding, and the bench chose not to let the jury's confidence decide it at a single sitting.
408	398	On the fourteenth Day of January in the eighteenth Year of his Majesty's Reign, a Precept upon the Commission of the Peace was issued out in Court and delivered to the Sheriff. On the thirteenth Day of April following, a Precept upon the Commission of Oyer & Terminer was issued out, and delivered to the sd Sheriff. Island of St Helena. The General Quarter Sessions of the Peace and Sessions of Oyer and Terminer holden at the Hall in James's Valley for the sd Island of St Helena on Wednesday the twenty ninth Day of April in the eighteenth year of the Reign of our Sovereign Lord George the third of Great Britain France and Ireland King Defender of the Faith and so forth, Before John Skottowe, Danl Corneille, Matt Bazett, Wm Wrangham and Henry Bazett Esquires, five of his Majesty's Justices, assigned to keep the Peace in and for the sd Island, Also Commissioners of Oyer & Terminer, authorised to hear and determine all Murders, Felonies, Trespasses and other Misde= =meanors within the sd Island committed. The Court being opened upon the Commission of the	The Sheriff received a precept under the commission of the peace in open court on 14 January 1778, in the 18th year of the King's reign. A second precept, under the commission of oyer and terminer, reached him on 13 April 1778. The island's General Quarter Sessions of the Peace sat at the Hall in James's Valley on Wednesday 29 April 1778, together with a session of oyer and terminer. The date was recorded as falling in the 18th year of the reign of George III, King of Great Britain, France and Ireland and Defender of the Faith. Five of the King's justices of the peace for the island made up the bench: Governor Skottowe, Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett. All five also held commissions of oyer and terminer, with power to try murders, felonies, trespasses and lesser offences committed on the island. The court opened under both commissions at once, and 17 of the island's leading inhabitants took the oath as a grand jury. Asked whether any matters under either commission were ready to be dealt with, the jurors replied that they knew of none. The court then ordered that the grand jury's proposal from the previous sitting be read out. **Interpretations** The precept handed to the Sheriff in open court on 14 January 1778 turns out to have been the summons for this sitting under the commission of the peace. Issuing it on the last day of one sitting set the machinery for the next in motion at once. The Sheriff then had more than three months to summon jurors and those bound to appear, while the separate

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		Peace and on the Oyer & Terminer a Grand Jury consisting of seventeen principal Inhabitants of the sd Island were sworn. And being asked if they knew of any Business on either of the sd Commissions ready to be pro= =ceeded upon, answered, they knew of None. On which the Court order the Presentment of the foregoing Sessions to be read they recommended to	precept for oyer and terminer followed only a fortnight before the court met. The reading of the earlier proposal returned the dog tax to the grand jury after the justices deferred it on 14 January 1778. The bench put the measure before a freshly sworn jury rather than deciding it alone. A new body of leading inhabitants could thus confirm or revise the scheme, giving any tax that emerged the backing of more than one jury.
409	399	the Grand Jury to specify the Tax, proposed on Dogs, and in the performing thereof, to consider the Situation of the Inhabitants, the Utility of such a Tax and to measure it with the strictest Caution and Attention to the Welfare of the Community. They in consequence retired to the Gd Jury Room and there fixed the sd Tax at five Shillings pr Annum on each Dog. The Bill being a second time read, the Bench gave it their Sanction, and reduced it to the following Law, Vizt Island of St Helena. "The Grand Jury of the sd Island having Presented to Us "his Majesty's Justices as follows, on the fourteenth Day of January "one thousand seven hundred and seventy eight, setting forth that the Increase "of Dogs is of late notoriously Destructive by killing Sheep, Goats, Lambs "and Kids &c. We the sd Justices truly sensible of the Justness of "such Presentment and concurring with them in the future Prevention of the "Grievance therein specified, Do enact that all Owners of Dogs of whatever "kind soever shall from Quarter hereafter be liable to pay an annual Tax "of five Shillings for each Dog he, she or they shall have or keep either "for Security or Pleasure. The sd Tax to be paid to the Church Wardens "for the time being, to be considered as Parish Rates, and applied to the "same Uses as that assessed on Heads. And in order to prevent any "Evasion or Concealment in Payment of sd Tax, We enact that the "Owners of Dogs do and shall every Quarter on such Days as the "Sessions shall be held, give into this Court a true Account "of the Number of Dogs he, she or they shall have and intend to keep "during the ensuing Quarter, Such Return of Dogs so to be made to "commence at Sessions in July next. And be it hereby further enacted "that a Copy or Transcript thereof be drawn up by the Clerk of the "Peace, and forthwith delivered to the Church Wardens for the time being "respectively to each one Copy. And We also enact that any "Person or Persons who shall at any time, after the Promulgation of this "Law, be detected or discovered in giving in or making a false Return of his, "her's or their Dogs in order to evade the payment of sd Tax, be and shall "be amerced for such Concealment at the Discretion of any two of his	The court asked the grand jury to set the amount of the proposed dog tax. In settling it, the jurors were to weigh the circumstances of the island's inhabitants and the usefulness of the tax. They were to fix a figure that was strictly fair and served the good of the whole community. The jurors withdrew to their room and set the tax at £0 5s 0d a year for each dog. The proposal was read a second time, and the bench gave its approval. The justices then turned it into a formal law in the following terms. The law recorded that on 14 January 1778 the grand jury had complained to the justices at quarter sessions about the growing number of dogs. The animals had lately caused widespread losses by killing sheep, goats, lambs and kids. The justices accepted that the complaint was justified and agreed with the jury on the need to prevent such harm. They therefore laid down that every dog owner, whatever the breed, would pay £0 5s 0d a year for each dog kept for guarding or for pleasure, with liability running from Easter 1778. The churchwardens in office would collect the tax. It could be recovered in the same way as parish rates and would go to the same purposes as the head money. To guard against fraud or concealment, every dog owner had to give the court an accurate return of his dogs each quarter, on the day the sessions sat. Each return would state how many dogs the owner kept and meant to keep over the coming quarter. The first returns were due at the sessions of July 1778. The Clerk of the Peace would draw up a copy of the returns and send one without delay to each churchwarden in office. Anyone caught making a false return to avoid the tax, once the law was proclaimed, would be fined for the concealment at the discretion of any two of the King's justices. **Interpretations** The bench did not simply adopt the jury's figure of January 1778. It sent the question back with instructions to weigh the inhabitants' means and the good of the community. The jury then confirmed the same rate of £0 5s 0d. Making the jurors fix the sum themselves, under an explicit duty of fairness, placed responsibility for the burden on the leading inhabitants who would pay it. This gave the tax a stronger claim to consent than one imposed by the justices alone. Starting the tax from Easter tied it to the parish year. Churchwardens were chosen at Easter, and parish rates ran from that point. Aligning the dog tax with this cycle meant each set of churchwardens answered for a full year's collection, with the returns made at quarter sessions giving them a running check on who owed what. The penalty for false returns was a fine set by any two justices, which allowed the offence to be dealt with summarily outside the full sessions. Leaving the amount to their discretion let them match the fine to the number of dogs concealed and the tax evaded, rather than fixing a single sum that might be too light for a large owner.

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410	400	"Majesty's Justices before whom Proof thereof shall be made." Done in Court this twenty ninth day of April, in the eighteenth year of his Majesty's Reign, and in the year of our Lord one thousand seven hundred and seventy eight. (Signed) John Skottowe Dan Corneille Matthew Bazett Willm Wrangham Henry Bazett (Countersigned) (Richd Mahony Clk of ye Peace) The above Law was ordered to be proclaimed throughout the whole Island. The Business of the Session being concluded the Grand and Petit Juries were dismissed, and the Court was, by Proclamation, adjourned to the eighth Day of July next ensuing. John Skottowe Dan Corneille M Bazett Wm Wrangham Hen: Bazett	The fine for a false dog return was to be set by any two of the King's justices before whom the offence was proved. The law was made in open court on 29 April 1778, in the 18th year of the King's reign. It bore the signatures of Governor Skottowe, Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett. Richard Mahony, Clerk of the Peace, added his countersignature. The court ordered the new law to be proclaimed across the whole island. With the business of the sessions finished, the grand jury and the petty jury were dismissed. The court was then adjourned by public proclamation to 8 July 1778. The five justices signed the record of the sitting. **Interpretations** The Clerk of the Peace's countersignature authenticated the law as the formal act of the court rather than a private agreement among the justices. It also placed the text in his keeping. This mattered because the law made him responsible for copying each quarter's returns and sending them to the churchwardens, so the official who held the original also ran the machinery of collection. Proclamation across the island gave the law its force. The penalty for false returns applied only to concealment after the law was proclaimed, so public announcement marked the point from which owners could be fined. With the first returns due at the sitting of 8 July 1778, the proclamation gave every dog owner a full quarter's notice of the new obligation.
411	401	On the twenty ninth Day of April in the eighteenth Year of his Majesty's Reign a Precept was issued out to Brice Alexander Wright Esqr Sheriff of the Island of St Helena. On the twenty fifth day of June following a Precept upon the Commission of Oyer & Terminer was issued out to the Said Sheriff. Island of St Helena. The General Quarter Sessions of the Peace, and Sessions of Oyer & Terminer holden at the Hall in James's Valley for the sd Island of St Helena, On Wednesday the eighth Day of July, in the eighteenth year of the Reign of our Sovereign Lord George the third of Great Britain, France and Ireland King, Defender of the Faith and so forth, Before John Skottowe, Danl Corneille, Matt Bazett, Wm Wrangham and Henry Bazett Esquires, five of his Majesty's Justices of the Peace and Commissioners of Oyer and Terminer authorised to hear and determine all Treasons, Murders, Felonies, Trespasses and other Misdemeanors within the sd Island committed. The Court being opened upon the Commissions of the Peace and Oyer & Terminer, a Grand Jury consisting of seventeen of the principal Inhabitants of the Body of the sd Island was sworn, and the Court having asked them if they knew of or had any Business upon either of the sd Commissions they answered they knew of none. Then the Overseers of the High Ways gave in Returns of the Work done by each of them in their respective Divisions in the Course of the last Quarter, And the Owners of Dogs	On 29 April 1778, in the 18th year of the King's reign, a precept went out to Alexander Knight, the new Sheriff of St Helena. He received a second precept, under the commission of oyer and terminer, on 25 June 1778. The island's General Quarter Sessions of the Peace sat at the Hall in James's Valley on Wednesday 8 July 1778, together with a session of oyer and terminer. The date was recorded as falling in the 18th year of the reign of George III, King of Great Britain, France and Ireland and Defender of the Faith. Five of the King's justices of the peace made up the bench: Governor Skottowe, Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett. All five also held commissions of oyer and terminer, giving them power to try treasons, murders, felonies, trespasses and lesser offences committed on the island. The court opened under both commissions, and 17 of the island's leading inhabitants took the oath as a grand jury. Asked whether they knew of any matters under either commission, the jurors replied that they knew of none. The overseers of the highways then reported the road work each had carried out in his district during the previous quarter. The court next turned to the owners of dogs. **Interpretations** This was the first sitting at which dog owners had to make their returns under the law passed on 29 April 1778. The law required each owner to declare his dogs at quarter sessions, beginning in July 1778. Placing the returns straight after the highway reports shows the court treating the new tax as part of its routine administrative business rather than as an exceptional measure. The change of Sheriff from Richard Goodwin to Alexander Knight took place between the sittings of April and July 1778. The first precept for this sitting went to Knight on the very day the previous sessions ended. The Sheriff summoned jurors and produced prisoners, so the office had to be filled without a break for the court's work to continue. The description of the justices' powers now included treasons, which the earlier headings of 8 October 1777 and 29 April 1778 had not listed. The

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			record does not explain the addition. It perhaps reflected a fuller statement of the commission's terms rather than any new grant of authority.
412	402	being called upon to give in Returns of their Dogs they gave them in accordingly. On which the Worshipful Justices made the following Rule, Vizt That for the better collecting the Tax imposed on Dogs, and punish= ing such Persons as should be found to make false Returns in order to elude the Payment of sd Tax, the Constable shall, by Warrant from the Sheriff, make strict and diligent Search throughout the whole Island for all such Dogs as he shall find exceeding the Number specified in the List which is to be given to him by the Clerk of the Peace, and such Dogs as he shall find so exceeding that Number, he shall take to and secure in the Slaughter house, and there then keep for the Space of twenty four hours, and if not claimed within that time, he shall forthwith drown, kill or otherwise Destroy; for each of which Dogs so killed or Destroyed he shall receive one Shilling from the Church Wardens for the time being. And their Worships the said Justices have further agreed and ordered that any Owner or Owners of Dogs afterwards found to keep more Dogs than he or they have returned, shall, on Proof thereof being made before any two or more of their Worships the sd Justices be fined in such Sum or Sums of Money or such other Penalty as they in their Discretion shall Judge their Contempt to Deserve. Which Fines shall be levied on their Goods immediately upon Conviction. And all Fines arising from such Delinquencies, and Contempts shall be applied in Manner following. One half to the Use of the Poor of the Parish, the other half to the Constable.	The dog owners were called on to make their returns, and each duly did so. The justices then issued a rule to improve collection of the dog tax and to punish anyone who made a false return to avoid it. Under this rule the constable, acting on a warrant from the Sheriff, was to search the whole island thoroughly. The Clerk of the Peace would give him a list of the dogs each owner had declared. Any dog the constable found beyond the number on that list was to be taken to the slaughterhouse and held there for 24 hours. If no one claimed it within that time, he was to drown it, kill it or dispose of it in some other way. The churchwardens in office would pay him £0 1s 0d for every dog destroyed. The justices further ordered that any owner later found keeping more dogs than he had declared would be punished once the offence was proved before two or more of them. The penalty, whether a fine or some other punishment, would be whatever the justices thought his contempt deserved. Any fine was to be taken from the offender's goods as soon as he was convicted. Half of all fines raised in this way would go to the poor of the parish, and the other half to the constable. **Interpretations** The rule turned the constable into a paid enforcer with a direct stake in finding undeclared dogs. He earned £0 1s 0d for each dog he destroyed and half of every fine that followed a conviction. Like the common informer in English law, he was rewarded from the proceeds of enforcement rather than paid a fixed wage. The arrangement gave him every reason to search thoroughly, although it also risked zealous or unfair seizures. Holding seized dogs for 24 hours served two purposes. It gave a genuine owner the chance to reclaim an animal, but any owner who did so revealed that he kept more dogs than he had declared. He then laid himself open to prosecution for a false return. The short holding period thus doubled as a trap for concealment. Levying fines directly on an offender's goods upon conviction meant the court did not have to wait for payment or bring separate proceedings. The constable could seize and sell property at once to satisfy the penalty. This summary power, together with the reward system, made the dog law far more than a paper measure.
413	403	The Business of the Sessions being now ended, the Grand and Petit Juries were dismissed, and the Court was, by Proclamation, adjourned to the seventh Day of October next ensuing. John Skottowe Dan Corneille M Bazett Wm Wrangham Hen: Bazett	With the business of the sessions finished, the grand jury and the petty jury were dismissed. The court was adjourned by public proclamation to 7 October 1778. Governor Skottowe, Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett signed the record.
414	404	On the eighth day of July in the eighteenth Year of his Majesty's Reign, a Precept upon the Commission of the Peace was issued out in Court, and delivered to the Sheriff. On the twenty third day of September following a Precept upon the Oyer and Terminer was issued out to the said Sheriff. On the seventh day of October following a Precept upon the Goal Delivery was issued	The Sheriff received a precept under the commission of the peace in open court on 8 July 1778, in the 18th year of the King's reign. A precept under the commission of oyer and terminer followed on 23 September 1778. On 7 October 1778 he received a third precept, this time under the commission of gaol delivery. The island's General Quarter Sessions of the Peace sat at the Hall in James's Valley on Wednesday 7 October 1778, together with sessions of oyer and

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		out to the said Sheriff. Island of St Helena ss The General Quarter Sessions of the Peace Sessions of Oyer and Terminer and Sessions of Goal Delivery holden at the Hall in James's Valley for the said Island of St Helena on Wednesday the seventh day of October, in the eighteenth Year of the Reign of Our Sovereign Lord the King. Before John Skottowe, Daniel Corneille, Matthw Bazett, William Wrangham and Henry Bazett Esqrs five of his Majesty's Justices, assigned to keep the Peace in, and for the said Island also Commissioners of Oyer and Terminer. authorised to hear and determine all Felonies, Trespasses and other Misdemeanors within the said Island committed. The Court being opened upon	terminer and of gaol delivery. The date was recorded as falling in the 18th year of the King's reign. Five of the King's justices of the peace for the island made up the bench: Governor Skottowe, Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett. All five also held commissions of oyer and terminer, with power to try felonies, trespasses and lesser offences committed on the island. The court then opened for business. **Interpretations** The precept for gaol delivery went to the Sheriff on the very day the court sat, whereas the other two were issued weeks in advance. Gaol delivery empowered the justices to try whoever was being held in the gaol at the time, and it had last appeared at the sitting of 14 January 1778, when March and Billy were in custody. Its late issue here suggests that someone had been committed to gaol shortly before the sitting, so the bench needed the commission to bring that prisoner to trial.
415	405	the Commission of the Peace a Grand Jury consisting of seventeen of the principal Inhabitants of the body of the said Island was sworn, who being asked if they knew of any business on that Commission answered by their Foreman, that they knew of none. Then the Returns of the High way Works were given in, also the Return of Dogs. and the Court was opened upon the Oyer and Terminer. Which done, a New Grand Jury was impannelld and Sworn, and a Bill of Indictment was prefered to them. They found the Bill, and the Court was opened upon the Gaol Delivery Arraignment Billy Daniel a Man slave belonging to the Honble Company being set to the Bar of the Court, was arraigned upon the following Indictment Island of St Helena ss "The Jurors of Our Sovereign Lord the King "upon their Oaths do Present, that Billy Daniel late of "Plantation House Square within the said Island a Male Slave "on the twenty second day of August in the eighteenth year of "the Reign of Our Sovereign Lord George now King of Great "Britain &c about the hour of twelve in the Night of the same "Day by Force and Arms in James's Valley within the Island "aforesaid the Dwelling House of one Robert Roberts Budd "there situated feloniously and Burglariously and did break "and enter and one Mahogany Tea Chest of the Value of one "Pound some Guaze and Ribbon of the Value of ten Shillings "one Lawn Gown and one Lawn Petticoat of the Value of one Pound "two Muslin Aprons of the Value of six Shillings one Diaper "Table Cloth of the Value of two Shillings one Linnen Table "Cloth of the value of one Shilling one pair of Sheets of Irish "Cloth of the Value of four Shillings one Silk Handkerchief of	The court opened under the commission of the peace, and 17 of the island's leading inhabitants took the oath as a grand jury. Asked whether they knew of any matters under that commission, the jurors answered through their foreman that they knew of none. The returns of highway work and the returns of dogs were then handed in. The court next opened under the commission of oyer and terminer. A fresh grand jury was empanelled and sworn, and a bill of indictment was put before it. The jurors found the bill to be true, and the court then opened under the commission of gaol delivery. Arraignment Billy Daniel, a male slave owned by the East India Company, was brought to the bar and charged on an indictment returned by the jurors on oath for the King. He lived at Plantation House. The indictment stated that at about midnight on 22 August 1778, in the 18th year of the reign of George III, he broke into the house of Robert Roberts [...] in James's Valley. The goods he was charged with stealing included a mahogany tea chest valued at £1 0s 0d and a quantity of gauze and ribbon valued at £0 10s 0d. They also included a lawn gown and a lawn petticoat, valued together at £1 0s 0d, and two muslin aprons valued at £0 6s 0d. Among the household linen were a diaper tablecloth valued at £0 2s 0d, a linen tablecloth valued at £0 1s 0d and a pair of cotton sheets valued at £0 4s 0d. The list further named a silk handkerchief valued at £0 2s 0d and a length of worsted stocking cloth intended for breeches. **Interpretations** The goods named in the indictment reveal the furnishings of a comfortable household supplied through the East India Company's trade. A mahogany tea chest was a lockable wooden box, often lined and divided inside, for keeping costly tea leaves safe from servants and theft. Lawn was a very fine, sheer linen or cotton used for women's gowns and petticoats. Diaper was a linen woven with a small repeating diamond pattern, prized for tablecloths and napkins. Worsted stocking cloth was a knitted fabric of combed wool, made in the same way as stockings, and cut and sewn into close-fitting breeches. Billy Daniel was the property of the East India Company itself rather than of a private settler. The Company owned a large number of slaves on St Helena, who worked on its plantations, fortifications and public works. His residence at Plantation House, the Governor's country seat, suggests he served the Company's establishment there. A Company slave faced the same capital charge of burglary as any other, and the Company, as his owner, would bear the loss of his labour if he was convicted and hanged.

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		"the Value of two Shillings one Worsted Stocking piece for	
416	406	"Breeches of the Value of six Shillings two pounds Weight of "Tallow Candles of the Value of two Shillings two China Mugs "of the Value of two Shillings two China Bowls of the Value "of One Shilling, some Beef, Pork and some Ham of the Value "of seven Shillings of the Goods and Chattels of the said Robert "Roberts Budd in the said dwelling House then and there "being found then and there feloniously and burglariously "did steal take and bear away against the Peace of "Our Sovereign Lord the King his Crown and Dignity "and also against the Form of the Statute in that case "made and provided" To which he pleaded "Not guilty" - And the twelve following Men Vizt Stephen Young John Merrall John Robinson John Desfountain Hugh Jones Thomas Cole Simon Wholey James Pritchard William Hayes James Easthope George Hayes and George Seale were Sworn upon his Jury. Then the Indictment was a second time read to him, and the Jury Charged. Robert Roberts Budd, the Prosecutor appearing and being duly Sworn, Saith that, on the twenty second day of August last, on his coming down early in the Morning from his Bed Chamber, he found a Bottle in the middle of a Room in the lower part of his House, and looking saw it was empty, tho' on his going to Bed the Night before, the same Bottle was half full of Wine. That surprized at this he looked round and saw the Back door of the House wide open, and on examining, found the Lock of said Door almost wrenched off, hanging only by a single Nail. That then he went into the Parlour and instantly missed a Mahogany Tea Chest and examining further found that some Guaze and Ribbon had been carried off. That in another Room he found	The indictment against Billy Daniel valued the worsted stocking cloth for breeches at £0 6s 0d. It went on to list 2 pounds in weight of tallow candles valued at £0 2s 0d, two china mugs valued at £0 2s 0d and two china bowls valued at £0 1s 0d. The last item was a quantity of beef, pork and ham valued at £0 7s 0d. All these goods belonged to Robert Roberts Budd and were taken from his house during the night-time break-in. The charge alleged a breach of both the King's peace and the relevant statute. Billy Daniel pleaded not guilty, and the following 12 men were sworn as his jury: Stephen Young John Worrall John Robinson John Desfountain Hugh Jones Thomas [...] Simon Whaley James Pritchard William Hayes James Easthope George Hayes George Seale The indictment was read to him a second time, and the court charged the jury. Robert Roberts Budd, who brought the prosecution, was sworn and gave evidence. Early on the morning of 22 August 1778 he came down from his bedroom and found a bottle standing in the middle of a room on the ground floor. On looking at it he saw that it was empty, although it had been half full of wine when he went to bed. Surprised, he looked around and saw the back door of the house standing wide open. When he examined it, he found the lock almost torn away, hanging by a single nail. He then went into the parlour and noticed at once that his mahogany tea chest was missing. A closer search showed that some gauze and ribbon had also been taken. He then went into another room. **Interpretations** The china mugs and bowls were Chinese export porcelain, carried home in bulk aboard East India Company ships from Canton. On those voyages porcelain often served as ballast beneath the more valuable tea cargoes, and it was sold cheaply at St Helena when ships called. Their low valuation, two mugs for £0 2s 0d and two bowls for £0 1s 0d, reflects how common such wares were in island households compared with England. Budd appeared as the prosecutor as well as the victim. English criminal justice at this date had no public prosecutor, so the injured party usually brought the case, gathered the witnesses and gave the main evidence. The forced lock hanging by a single nail mattered to the charge, since it supplied the breaking that burglary required, while the emptied wine bottle showed that someone had been inside during the night.
417	407	there had been carried off a Gown and Petticoat a pair of Sheets and two Table Cloths, a worsted Stocking piece for Breeches, two Aprons and a Handkerchief - That he discovered taken out of the Pantry, some Sugar and Candy and a quantity of Sope, also two China Bowls and Muggs, and some Candles That, out of a Back Room he found that three pieces of Beef and Pork, and half a Ham had been carried away. - He	In another room Budd found that a gown and a petticoat, a pair of sheets and two tablecloths had gone. The thieves had also taken the worsted cloth for breeches, two aprons and a handkerchief. From the pantry they removed some sugar candy, a quantity of soap, the two china bowls and mugs and some candles. In a back room, three pieces of beef and pork and half a ham were missing. Budd believed the intruders climbed the back wall into the yard and then forced the back door open to get into the house. On 9 September 1778, as Budd was setting off for work, a message reached him from Mr Yates, the gaoler. It reported that the man who had broken into

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		thinks the sd House was broke into by some persons getting over the Back Wall into the Yard, and from thence by violently throwing open the back door effected an entrance into his House - That as he was going down to Work, the ninth Day of September following, he received a Message from Mr Yates the Gaoler, importing a discovery of the Person who had broke into, and robbd his House, and that he was then secured in Gaol - On which he immediately repaired thither, and found it was the Prisoner, now at the Bar - That, he the Prisoner then freely confessd to the Witness that he, and one Jack London were the Persons who had broke into, and robbed his House, particularising some of the things they had stolen; And on his, the Prisoners, suggesting that he would lead to a Recovery of the said things, as he knew where they were lodged, he was in Consequence sent in Charge of a proper Officer to the Plantation House Square, which was the place, he said the things were concealed in - That he, the Witness, glad to recover his Goods, went up to the sd Square along with the Prisoner, and others, and as they were going up, the Prisoner again repeated his Account of the things they had stolen, and was particular in his description of the Tea Chest - which answered exactly to the one stolen - That, as they came into a Room in said Square to which they were conducted by the Prisoner, he pointed to a Chest, which he said belonged to the said Jack London, and which contained, he said, the Stolen Goods, but, on opening it, there was not a single Article thereof found in it John Johnson, a Serjeant, being duly	his house had been found and was now held in the gaol. Budd went there at once and saw that it was the prisoner now standing trial. Billy Daniel openly admitted to him that he and Jack London had carried out the break-in, and he described some of the items they took. He also said he could lead them to the goods because he knew where they were hidden. On the strength of this, he was sent under guard of an officer to Plantation House Square, which he named as the hiding place. Budd was eager to get his property back and went up to the Square with the prisoner and several others. On the way, Billy Daniel repeated his account of the stolen items. He described the tea chest in detail, and his description matched the missing one exactly. At the Square he led them into a room and pointed to a chest, which he said belonged to Jack London and held the stolen goods. When it was opened, however, not one of the missing items was inside. John Johnson, a sergeant, was then sworn. **Interpretations** Sugar candy was sugar crystallised into large, hard lumps by slow evaporation of a strong syrup. It was produced chiefly in China and Bengal and reached St Helena aboard Company ships. Households kept it for sweetening tea and for medicinal uses, and its value made it a natural target alongside the tea chest. Plantation House Square was the block of quarters at the Governor's country residence where Company slaves lived. Billy Daniel's claim that the goods lay in a chest belonging to Jack London placed the loot in the heart of the Company's own establishment. The empty chest cut both ways. It left the prosecution without the physical evidence that had supported Jack's account in the sheep case, yet Billy Daniel's detailed and accurate description of the tea chest still tied him closely to the theft. The confession was made to Budd himself, the victim and prosecutor, while Billy Daniel was held in gaol. English courts admitted a confession only if it was given freely, without threats or promises of favour. The record's stress that he confessed openly anticipated any objection that it had been drawn from him under pressure.
418	408	duly Sworn, Saith that, on the eighth of September last, about twelve at Night, as he, and one Clough came out of Serjeant Clary's Room, and coming as far as the Bridge, he, Clough, saw the Prisoner standing at Mr Jones's Back Door, whom they challenged, but he answered not. That then the said Clough went over the said Bridge, and he, the Witness returned Back went down behind Mr Yates's, crossed over the Run of Water, and seized the Prisoner - That, he the Prisoner had then, a bundle containing a Bottle of Beans, Cabbage some Potatoes, and as he supposes some Greens, and on his asking him how he came by them, said, he had them from the Governor's Gardener, but in expecting to be set free	John Johnson, the sergeant, gave evidence on oath. At about midnight on 8 September 1778 he and a man named Clough left the room of Sergeant Clary and walked as far as the bridge. From there Clough spotted the prisoner standing at the back door of Mr Jones's house. The two men called out to him, but he gave no answer. Clough then crossed the bridge, while Johnson doubled back, went down behind Mr Yates's house, crossed the stream and seized the prisoner. Billy Daniel was carrying a bundle holding a bottle of beans, a cabbage, some potatoes and what Johnson took to be some greens. Asked where he got them, he claimed they came from Governor Skottowe's gardener. Later, hoping to be released, he admitted that he had stolen them from the garden at Plantation House. Johnson asked what he was doing at Jones's house. Billy Daniel said he was going to sleep there with his brother, as he usually did when work kept him in town. Johnson believed none of this and marched him round to Jones's front door. On the way, the prisoner admitted that he had meant

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		he confessd he had stole them out of the Garden (meaning that belonging to the Plantation House) - That, on the Witness's asking him, what he was doing there, he said he was going to sleep at Mr Jones's along with his Brother and that it was his Custom so to do, when business kept him in Town - That he the Witness not crediting any thing he told him, took him round to Mr Jones's front Door, and as they went along he, the Prisoner confessd, that his design was, privately to get into Mr Jones's House, and steal some Wine and Beer thereout, which he knew where to find - namely upon a Shelf in the Bar of said House - That on his bringing the Prisoner before the said Jones, he, Jones desired him to take him over to Mr Yates, to be by him secured in Prison which he accordingly did - And as the said Yates and himself led him down to the Prison, he, Yates, asked him, if he knew any thing concerning the breaking open Mr Budd's House, and his reply was that said House had been broke open and robbd by him, and one Jack London, and on the said Yates's further questioning him, he mentioned a Tea Chest, and how they boiled some Tea in the Kitchen, and drank it Thomas Yates, Gaoler, on his Oath Saith that, late in the Night of the eighth of September last, some People knocked at his Door, and enquiring who they	to slip into the house unseen and steal wine and beer. He knew exactly where to find them, on a shelf in the bar. Johnson brought the prisoner before Jones, who asked him to hand Billy Daniel over to Mr Yates for safe keeping in the prison. Johnson did so. As Yates and Johnson were taking him down to the prison, Yates asked whether he knew anything about the break-in at Mr Budd's house. Billy Daniel replied that he and Jack London had broken in and robbed it. Pressed further by Yates, he mentioned a tea chest and described how the two of them brewed some tea in the kitchen and drank it. Thomas Yates, the gaoler, then gave evidence on oath. Late on the night of 8 September 1778 some people knocked at his door, and he called out to ask who they were. **Interpretations** Johnson's account drew a clear line between the prisoner's two confessions. The admission about the vegetables came only when Billy Daniel hoped to be let go, which in English law could make a confession unsafe, since one induced by hope of favour was open to exclusion. The confession to the Budd burglary came differently. Yates asked him directly on the way to the prison, and he answered without any offer or threat. That distinction strengthened the prosecution's reliance on the second admission. The bar at Jones's house shows that it served as a tavern or public house in James Town. Its stock of wine and beer made it an obvious target. Billy Daniel's claim that his brother lived there and that he often slept there when kept in town suggests that Company slaves moved between Plantation House and the town and had family ties across the island. That freedom of movement also made it hard for the authorities to tell an errand from a burglary. The detail about brewing tea in Budd's kitchen fitted the physical evidence Budd himself gave. He found the wine bottle emptied and the tea chest gone, which matched intruders who lingered in the house rather than grabbing goods and fleeing. The prisoner's knowledge of such details, volunteered before any goods were recovered, gave his confession weight even after Jack London's chest proved empty.
419	409	they were, was answered by Serjt Johnson (whose Voice he well knew) "We have a Prisoner" - That thereon the Witness ran to the Door and opened it, then called for a light, and desired the sd Johnson, and one Clough to take care of the Prisoner while he, the Witness, was putting on his Clothes, which done he came out to them, and then discovered, it was the Prisoner, now at the Bar, they had in Custody - That on the way to the Prison the said Johnson informed him that he the Prisoner was taken up behind Mr Jones's Back Door and that he confessed to them, that his design was to get over the Wall in order to rob the House. That on the Witness's hearing this, he asked him if he knew who it was, that had broke into, and robbd Mr Budd's House, which question seemd to shock him much, so as to cause a very visible trepidation and the said Johnson said to him, that if he knew any thing	Yates stated that when he asked who was knocking, Sergeant Johnson answered, and Yates recognised his voice at once. Johnson told him they had brought a prisoner. Yates hurried to the door, opened it and called for a light. He asked Johnson and Clough to keep hold of the prisoner while he dressed. When he came out, he saw that the man in their custody was the prisoner now on trial. On the way to the prison Johnson told Yates that they had caught the prisoner behind Mr Jones's back door. Billy Daniel had admitted to them that he intended to climb the wall and rob the house. On hearing this, Yates asked him whether he knew who had broken into and robbed Mr Budd's house. The question visibly shook him, and he began to tremble. Johnson told him that if he knew anything about that robbery, he had better say so. The prisoner then confessed without the slightest hesitation that he and Jack London had robbed Budd's house of meat, drink and women's clothing. Asked whether they drank anything there, he said they had both wine and tea. They had also found some candles while searching the house, which gave them light. He added that Jack London had kept everything they stole and refused to give him any of it. Yates locked the prisoner in the gaol and went home. The next morning he called on Governor Skottowe and told him everything that had happened. The Governor ordered him to bring the prisoner before him, and Yates did so. In the Governor's

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		concerning that robbery he would do well to mention it. That the Prisoner then without the least hesitation confessed, that Mr Budd's house had been robbd by him and Jack London of meat, Liquor and Clothes - That they were Woman's Clothes - And the Prisoner being asked if they drank any thing in sd House, said they drank both Wine, and Tea - And that they had Light, having found some Candles as they searched thro' the said House, that he said, that the said Jack London had all the things they had stolen, and would give him none of them - The Witness having secured the Prisoner in the Gaol returnd to his House, and next Morning waited on the Governor to whom he related the above Circumstances, and by him was Ordered to bring the Prisoner before him, he did so, and there he, the Prisoner, confessed that it was he and Jack London who broke open Mr Budd's house, and robbd it, he added, that he would, if allowed to go into the Country, find the things they had stolen on which the Governor Ordered the Witness to take the Prisoner up with him to the place he said, they had lodged the goods. and that he, the Witness, Robt Budd, and the said Clough, went with him to the Plantation house Square where he shewed them into the Room the said Jack London lived in, and telling them that the things where in a particular Chest in sd Room, to which he then	presence Billy Daniel again admitted that he and Jack London had broken into and robbed Budd's house. He added that if he were allowed to go into the country, he would find the stolen goods. The Governor therefore ordered Yates to take the prisoner to the place where he said the goods were hidden. Yates, Budd and Clough went with him to Plantation House Square. There he showed them into the room where Jack London lived. He told them the goods were in a particular chest in that room. **Interpretations** Yates's account complicated the picture of a freely given confession. Johnson told the prisoner that he would do well to speak if he knew anything about the robbery, and only then did Billy Daniel confess. In English law, a confession prompted by a suggestion that speaking would benefit the accused could be treated as induced and so excluded. The record's insistence that he spoke without hesitation reads as an effort to show that the admission came from him rather than from pressure. The visible trembling that Yates noted served the same purpose, presenting his reaction as the guilty response of a man caught out. The Governor acted as examining magistrate, as the Lieutenant Governor had done in the sheep case of October 1777. He heard the prisoner's confession in person and directed the search for the goods. Billy Daniel's offer to find the goods if allowed into the country suggests he hoped to use the search to his own advantage. The empty chest at Plantation House Square left that offer unfulfilled, and it added nothing to support his confession.
420	410	then pointed, they opened it, but found not one Article of the things, they were in search of The Evidence for the Crown ending here the Prisoner is put on his Defence and therein has nothing material to offer The whole being summd up to the Jury they retired to consider, on their Return they declared their Verdict, by which they acquitted the Prisoner of the Burglary, And found him Guilty of four Shillings and ten pence - for which he Received Sentence to be burnt in the Hand and Discharged. The above Sentence being duly executed against him, in the Face of the Court, the Grand and Petit Juries were dismissed, and the Court was, by Proclamation adjourned to the thirteenth Day of January next ensuing John Skottowe Dan Corneille M Bazett Wm Wrangham Hen: Bazett	Billy Daniel pointed out the chest in Jack London's room, and the search party opened it. It held not a single one of the items they were looking for. The Crown's case closed at this point, and the prisoner was called on for his defence. He had nothing of substance to offer. The evidence was summed up for the jury, and the jurors withdrew to consider it. On their return they acquitted him of burglary but found him guilty of stealing goods worth £0 4s 10d. The court sentenced him to be burnt in the hand and then released. The sentence was carried out on him in open court. The grand jury and the petty jury were then dismissed, and the court was adjourned by public proclamation to 13 January 1779. Governor Skottowe, Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett signed the record. **Interpretations** The verdict was a partial verdict of the kind English juries commonly used to spare a defendant the gallows. The indictment valued the stolen goods at well over £3, and burglary was capital. By acquitting Billy Daniel of the burglary and setting the value of what he took at £0 4s 10d, the jury reduced the offence to simple theft. That was a lesser felony carrying benefit of clergy, so the death sentence no longer applied. The jury reached this result despite

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			repeated confessions to Johnson, Yates and the Governor, which suggests that the empty chest and the pressure behind the first admission weighed with the jurors. Burning in the hand marked a person who had claimed benefit of clergy, which could be granted only once. The branding, usually the letter T for thief on the brawn of the left thumb, was done at the bar so the court could see it carried out. It served as both punishment and a permanent record, since a second conviction would then carry the full penalty. After branding, Billy Daniel was released, which for a Company slave meant a return to the Company's service rather than to freedom. The outcome placed St Helena's juries firmly within English practice. The jurors who convicted March and Billy on 14 January 1778 had no such option, since the sheep-stealing statute removed benefit of clergy entirely. Sportsman's jury had cleared him outright. Here, with an intermediate verdict available, the jury chose it, sparing a slave's life while still punishing the theft.
421	411	On the seventh Day of October in the eighteenth Year of his Majesty's Reign, a Precept upon the Commission of the Peace was Issued out and delivered to the Sheriff of the Island of St Helena. On the twenty ninth Day of December following a Precept upon the Oyer and Terminer was Issued out to the said Sheriff. On the thirteenth Day of January in the nineteenth Year of his Majesty's Reign, a Precept upon the Commission of Gaol Delivery was Issued out to the said Sheriff. Island of St Helena ss The General Quarter Sessions of the Peace Sessions of Oyer and Terminer and Sessions of Gaol delivery holden at the Hall in James's Valley for the said Island of St Helena on Wednesday the thirteenth Day of January in the nineteenth Year of the Reign of Our Sovereign Lord George the third, King of Great Britain, France and Ireland &c. before Jno Skottowe, Danl Corneille, Mattw Bazett, Willm Wrangham and Henry Bazett Esquires five of his Majesty's Justices of the Peace in and for the said Island, also Commissioners of Oyer and Terminer, Authorized to hear and Determine all Felonies, Trespasses and other Misdemeanors within the said Island Committed The Court being opened upon the Commission of the Peace a Grand Jury consisting of seventeen of the Principal Inhabitants of the Body of the said Island were sworn. And being asked if they knew of any business upon that Commission answered they knew of none. Then the Returns of the High Way Works were	The Sheriff of St Helena received a precept under the commission of the peace on 9 October 1778, in the 18th year of the King's reign. A precept under the commission of oyer and terminer followed on 29 December 1778. On 13 January 1779, in the 19th year of the reign, he received a further precept under the commission of gaol delivery. The island's General Quarter Sessions of the Peace met at the Hall in James's Valley on Wednesday 13 January 1779, together with sessions of oyer and terminer and of gaol delivery. The date was recorded as falling in the 19th year of the reign of George III, King of Great Britain, France and Ireland. Five of the King's justices of the peace for the island made up the bench: Governor Skottowe, Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett. All five also held commissions of oyer and terminer, with power to try felonies, trespasses and lesser offences committed on the island. The court opened under the commission of the peace, and 17 of the island's leading inhabitants took the oath as a grand jury. Asked whether they knew of any matters under that commission, the jurors replied that they knew of none. The returns of highway work were then presented.
422	412	were given in, also the Return of Dogs - And the Court was opened upon the Oyer and Terminer, a New Grand Jury impannelld and Sworn, and a single Bill of Indictment prefered to them - Which Bill they found - then the Court was opened upon the Gaol Delivery -	The returns of highway work and the returns of dogs were handed in. The court then opened under the commission of oyer and terminer. A fresh grand jury was empanelled and sworn, and a single bill of indictment was put before it. The jurors found the bill to be true, and the court then opened under the commission of gaol delivery. Arraignment

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		Arraignment. Israel Limbla and Andrew Stark Matrosses being set to the Bar were Arraigned upon the following Indictment Island of St Helena (to wit) The Jurors of Our Sovereign Lord the King "upon their Oaths Do Present that Israel Limbla of James's "Valley within the Island of St Helena a Matross not having the "Fear of God before his Eyes nor respecting the Order of Nature but "being moved and seduced by a Devilish Instigation On the sixth "Day of January in the nineteenth Year of the Reign of our now "Sovereign Lord George King of Great Britain by Force and Arms "in and upon one Andrew Stark a Male about the Age of twenty "two Years, feloniously did make an Assault and with the said "Andrew Stark then and there wickedly, devilishly feloniously "and against Nature had a Venereal Affair, and the said "Andrew Stark then and there carnally did know and the "most detestable abominable and Sodomitical Sin called Buggery "not to be named among Christians wickedly and devilishly "Feloniously and against Nature did commit and perpetrate in "great displeasure of Almighty God and disgrace of all human kind "And the Jurors aforesaid and on their Oaths aforesaid Do further "Present that the said Andrew Stark did in the Valley aforesaid "on the Day aforesaid thereunto consent and was patient against "the peace of our Sovereign Lord the King his Crown and Dignity "and also against the Form of the Statute in that case made "and provided" To which they severally Pleaded "Not guilty" And the	Israel Limble and Andrew Stark, both matrosses, were brought to the bar and charged on an indictment returned by the jurors on oath for the King. The indictment stated that on 6 January 1779, in the 19th year of the reign of George III, Limble of James's Valley assaulted Stark, a man of about 22. It alleged that Limble had sexual intercourse with Stark and so committed the offence of buggery. The indictment condemned the act in the strongest religious terms as a crime against nature, an offence to God and a disgrace to all mankind. The jurors further charged that Stark consented to the act in the same valley on the same day and took the passive part in it. Both men were accused of breaching the King's peace and the relevant statute. Each pleaded not guilty. **Interpretations** A matross was a private soldier in the artillery who assisted the gunners in loading, firing and moving the guns. On St Helena the East India Company kept a substantial artillery establishment to man the batteries guarding the island's landing places. Both accused were therefore Company soldiers, subject to military discipline, yet tried here before the civil court. Buggery had been a capital felony in England since a statute of 1533, and the law made no allowance for consent. Both partners were equally guilty, which is why the indictment charged Stark as well as Limble. It set out Stark's part separately, describing him as consenting and as the passive partner. The word assault in the charge against Limble was a standard formula in such indictments and did not mean that force was alleged. The prosecution had to prove penetration for the capital offence, so cases often ended in conviction for the lesser crime of attempting it instead.
423	413	the twelve following Men Vizt Stephen Young Benjamin Seale John Worrall John Robinson John Desfountain Hugh Jones Thomas Cole Simon Wholey James Pritchard William Hayes John Sampfill and George Hayes were Sworn upon their Jury. Then the Indictment was a second time read to them and the Jury Charged Richard Smith a Matross being duly Sworn Saith that On Wednesday last the sixth instant in the Forenoon he went into the House of William Hayes Publican and was there drinking in Company with Andrew Stark Israel Limbla, and others that finding Andrew Stark, one of the Prisoners had left the Room	The following 12 men were sworn as the jury: Stephen Young Benjamin Hale John Worrall John Robinson John Desfountain Hugh Jones Thomas Cole Simon Whaley James Pritchard William Hayes John [...] George Hayes The indictment was read to the jurors a second time, and the court gave them their charge. Richard Smith, a matross, was sworn and gave evidence. On the morning of Wednesday 6 January 1779 he went into the house of William Hayes, a publican, and sat drinking there with Andrew Stark, Israel Limble and others. Noticing that Stark, one of the prisoners, had left the room, Smith went towards the back of the house to look for him. One pane in the window of a back room was broken. Looking through it, he first heard a scuffling noise and then saw a man lying, as he believed, on a table. Suspecting

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		he went out the Back Part to seek for him, and looking through a Window belonging to a Back Room, a pain of Glass of which was broke, he first heard a Shuffling Noise and afterwards saw a Man in a Recumbent posture as he supposes upon a Table - That imagining there was indecent Behaviour carrying on in said Room, he immediately ran and called John Hawks who was then standing by the Bar of the aforesaid Punch House and told him that he (the Witness) thought there was indecent behaviour carrying on in said Back Room. That returning again to the Window before the coming of Hawks and listening he heard a Voice which he the Witness well knew to be Andrew Stark's saying "Push it on further" And Hawks about that time coming up pushed at the Door which only opened so much as to admit of his Head and Shoulders. That the Witness then left the said Hawks at the Door of the said Back Room and returned to the House to his Company - That presently after Israel Limbla and Andrew Stark, the Prisoners came into the Room, where he (the Witness) was sitting, when he observed upon the Waistband of the former's Breeches some Blood which appeared to him quite fresh - The Witness being asked by the Court if the Words which he says he heard Andrew Stark make use of "Push it on further" were uttered in a cautious or low Voice as if he did not mean to be overheard - Answers that they appeared to him as if they were	that something indecent was going on, he ran to fetch John Hawks, who was standing by the bar of the punch house. He told Hawks what he thought was happening in the back room. Smith returned to the window before Hawks arrived and listened. He heard a voice he knew well to be Stark's saying, "Push it in further." About then Hawks came up and pushed at the door, which opened only far enough for him to put his head and shoulders through. Smith left Hawks at the door and went back to his companions in the house. Shortly afterwards Limble and Stark came into the room where Smith was sitting. He noticed blood on the waistband of Limble's breeches, which looked quite fresh to him. The court asked Smith whether Stark had spoken the words cautiously or in a low voice, as though he did not want to be heard. Smith began his answer by describing how the words had sounded to him. **Interpretations** A punch house was a tavern specialising in punch, a mixed drink of spirits, usually arrack or rum, with water, sugar, lemon and spice. Arrack reached St Helena cheaply from India and Batavia aboard Company ships, and punch houses were a favourite resort of the garrison. That several matrosses were drinking there on a weekday morning reflects how closely the island's taverns were bound up with soldiers' lives. The court's question about the tone of Stark's words went to the heart of the capital charge. Buggery required proof of penetration, and Smith saw nothing directly through the window. The words he overheard were therefore crucial evidence that the act had taken place. By asking whether Stark spoke quietly or openly, the bench was testing whether the words could be heard reliably and whether Stark knew he was being overheard. The publican in whose house the offence was alleged shared his name with William Hayes on the jury, and a George Hayes sat beside him. The record does not say whether the juror and the publican were the same man. On an island with a small pool of qualified jurors, however, it was hard to empanel twelve men with no link to the people or places in a case.
424	414	John Hawks, Matross on his Oath Saith that On Wednesday the sixth instant about Noon he went into Mr Hayes's Punch House to get some Liquor - That while he waited at the Bar for the Liquor Richard Smith who was backwards called the Witness and told him some very indecent behaviour was carrying on in a Back Room there, that the Witness immediately came and pushed against the Door of the said Back Room but something being put against it on the inside to prevent its opening, he had only space enough to admit his Head and Shoulders and looking round the Room saw the two Prisoners, Andw Stark and Israel Limbla therein, Andrew Stark lying on his right side upon a Table with his Hand under his Head, And his left Leg somewhat drawn up. And that Israel Limbla was standing close behind him - That upon the Witness's looking into the Room Israel Limbla asked who he was and what he	John Hawks, a matross, gave evidence on oath. At about noon on Wednesday 6 January 1779 he went into Mr Hayes's punch house to buy a drink. While he waited at the bar, Richard Smith called to him from the back of the house. Smith told him that something very indecent was going on in a back room. Hawks went straight there and pushed at the door. Something had been placed against it on the inside to stop it opening, and he could get only his head and shoulders through the gap. Looking round the room, Hawks saw the two prisoners inside. Andrew Stark lay on his right side on a table, his hand under his head and his left leg slightly raised. Israel Limble stood close behind him. When Hawks looked in, Limble demanded to know who he was and what he wanted. Hawks gave no answer and went back to the room where he had been drinking. Smith then told him the words he had heard Stark speak, which led Hawks to suspect that the two men had been behaving indecently together. When Limble came into the drinking room, Hawks told him flatly that he would not drink in his company. As Limble rose from his seat to leave, Hawks noticed a spot of blood on the waistband of his breeches, with more that seemed to have run down from it. The court asked whether the breeches of either man were lowered or unbuttoned when Hawks saw Stark on the table. He replied that he had not noticed

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		wanted? But that without making him any reply he returned to the Room where he before had been a Drinking - That hearing Richd Smith repeat the Words he heard Andrew Stark make use of, that gave him a suspicion some indecencies had been carried on between them, And that when Israel Limbla came into the Room where he the Witness was Drinking he positively told him that he should not Drink in Company with him - Saith that, on Israel Limbla's getting from off his Seat to leave them, (the Witness) observed upon the Waistband of his Breeches a Spot of Blood and some more which appeared to have trickled down from it - Being asked whether at the time he saw Andrew Stark lying on the Table, his Breeches were let down or unbuttoned. Says that he did not observe that the Breeches of either of them were down - Being asked if at the time of his looking into the Room, there was any other Person, besides the Prisoners therein? Says there was no other Person, or Persons except the Prisoners in the Room - Being further Asked whether the Room wherein he saw the Prisoners was a Public Drinking Room, or not, Answers it was The Evidence for the Crown ending here the	either man's breeches being down. Asked whether anyone else was in the room at the time, he said the two prisoners were alone there. Asked whether the room was a public drinking room, he answered that it was. The Crown's case closed at this point. **Interpretations** The bench's questions exposed the weakness of the Crown's proof on the capital charge. Buggery required evidence of penetration, yet neither witness saw the act itself. Hawks now admitted that he saw neither man's breeches lowered or unfastened. The case rested on overheard words, a man lying on a table with another standing behind him, a blocked door and blood on Limble's waistband. These details raised strong suspicion but fell short of direct proof. The question whether the back room was a public drinking room cut in two directions. A room open to customers at noon made it less likely that two men would risk the act there, which favoured the defence. At the same time, the door barred from the inside suggested an effort to secure privacy in a room that should have been open. The court's concern with these points shows it weighing whether the circumstances could bear the weight of a capital conviction. Hawks's refusal to drink with Limble shows how quickly suspicion of sodomy turned into social exclusion among the soldiers. Before any verdict, a fellow matross publicly shunned him in the tavern. In a small garrison where men lived, drank and served together, such ostracism was a punishment in its own right.
425	415	the Prisoners are severally put on their Defence. Israel Limbla on his part Saith that being much in liquor he does not recollect having seen either Richard Smith or Andrew Stark on that Day That he remembers in the Morning to have gone into Mr Pasfitt's Punch House with Jno Lane and James Goodwin - that Lane was much in liquor and his Nose Bled - upon which he the Prisoner gave him a piece of woollen Rag to wipe his Nose in order to stop its Bleeding - That after having kept it for some time to his Nose, he threw it at the Prisoner and it lodged on the right side of his Breeches - Calls on Lane and Goodwin as to the Blood seen upon his Breeches John Lane a Matross on his Oath saith that, on Wednesday last in the Forenoon he was in at Mr Pasfitt's Punch House, and being much in liquor does not recollect the Company then present - That he well remembers his Nose having Bled and his having a woollen rag but does not know who gave it him - That he wiped his Nose with it until it ceased bleeding and threw it from him James Goodwin Drummer being Sworn Saith that, on Wednesday the sixth instant he went into Mr Pasfitt's Punch House along with Jno Lane, that while in=	The Crown's case closed, and each prisoner in turn was called on for his defence. Israel Limble said he had been very drunk and could not remember seeing either Richard Smith or Andrew Stark that day. He recalled going that morning to Mr Pasfitt's punch house with Lane and James Goodwin. Lane was very drunk, and his nose began to bleed. Limble handed him a piece of woollen rag to stem the bleeding. After holding it to his nose for a while, Lane threw it at Limble, and it landed on the right side of his breeches. Limble called Lane and Goodwin to explain the blood found on his breeches. John Lane, a matross, gave evidence on oath. He was at Mr Pasfitt's punch house on the morning of Wednesday 6 January 1779 but had been too drunk to remember who else was there. He clearly remembered his nose bleeding and having a woollen rag, although he did not know who gave it to him. He wiped his nose with it until the bleeding stopped and then threw it away. James Goodwin, a drummer, was sworn next. On 6 January 1779 he went into Mr Pasfitt's punch house with Lane. While they were drinking, Lane's nose began to bleed. Goodwin could not recall seeing any blood or the woollen rag thrown at Limble, who was sitting beside Lane. John Coffee, called by Limble, gave evidence on oath. He was at Mr Pasfitt's punch house on the morning of 6 January 1779. He heard Lane say that his nose was bleeding and ask for water to wash it. Andrew Stark then made his defence. On the morning of Wednesday 6 January 1779 he was at Mr Hayes's punch house and became very drunk. He could not remember anything that might have happened. He had been told, however, that Edward Ware was present at the time. **Interpretations**

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		Drinking together his (Jno Lane's) Nose bled, but does not recollect having seen any Blood thrown at Israel Limbla (who sat next to Lane) or the woollen Rag John Coffee being called upon by the Prisoner and being sworn Saith that, he was in at Mr Pasfitt's Punch House the sixth instant in the Forenoon, that he heard Lane say his Nose bled, and was asking for Water to wash it Andrew Stark on his part Saith that On Wednesday last in the Forenoon he was in at Mr Hayes's Punch House and got very much in liquor - does not recollect any thing which might have happened - But hath been told that Edward Ware was present at the time That	Limble's defence sought to explain away the most damaging physical evidence, the fresh blood on his waistband. His witnesses confirmed that Lane's nose bled at Mr Pasfitt's punch house that morning, but none could say that the bloody rag had struck Limble. Lane did not know who gave him the rag, and Goodwin, sitting beside the two men, saw nothing thrown. The defence therefore supplied an innocent source for blood in the room without tying it to Limble's breeches. By 1779 a prisoner on a felony charge could call witnesses who gave evidence on oath, as Lane, Goodwin and Coffee did here. Limble and Stark themselves, however, spoke unsworn, since an accused person could not testify on oath in his own case. Both men leaned on drunkenness to account for failing memory. Drunkenness was no defence in law, but it allowed them to deny recollection without directly contradicting the Crown's witnesses. The defence evidence placed Limble at Mr Pasfitt's punch house, whereas the Crown's witnesses described the events at Mr Hayes's. The record does not resolve whether these were two separate houses visited in the same morning or two names for one establishment. If they were separate, the discrepancy weakened the link between the nosebleed and the blood Hawks and Smith saw.
426	416	that some of the People of the House desired him to go to sleep. Edward Ware appearing and being Sworn, Saith that, on Wednesday the sixth instant in the Forenoon, he went into Mr Hayes's Punch House and met with the Prisoner Andrew Stark just within the Door, that he took the Witness by the Hand who being much in liquor, fell down, that he told him he had better get out of the way to avoid being trod upon. The Witness shortly after went away and returning, did not see the Prisoner John Kelly Serjeant being called upon by the Prisoner, and being Sworn Saith that, On Wednesday the sixth instant about Noon Andrew Stark was in at Mr Hayes's Punch House, and being very much in liquor was desired by Mrs Hayes to go into a Back Room and go to Sleep. That he immediately went. Says that some time after Richd Smith came to the Bar and told Mr Hayes that there was something very indecent transacted in one of his Back Rooms, but that the said Smith being in Liquor Mr Hayes pushed him from the Bar and he fell upon a Chest in the Room Willm Carter Serjeant on his Oath Saith that, on the Day and time abovementioned, he saw the Prisoner Andrew Stark in at Mr Hayes's Punch House very much in liquor, further says that Thomas Jones and John Thompson were in the House at the time and that one of them observed some Blood upon the Waistband of Israel Limbla's Breeches (then present) which he Limbla accounted for by saying it was Blood from the Nose of Jno Lane Matross	Stark added that he had been told some of the people of the house asked him to go and sleep. Edward Ware was sworn and gave evidence. On the morning of 6 January 1779 he went into Mr Hayes's punch house and met Stark just inside the door. Stark took his hand but was so drunk that he fell over. Ware told him he had better move out of the way before someone trod on him. Ware left soon afterwards, and when he came back he did not see Stark. John Kelly, a sergeant called by Stark, gave evidence on oath. At about noon on 6 January 1779 Stark was at Mr Hayes's punch house and very drunk. Mrs Hayes told him to go into a back room and sleep, and he went at once. Some time later Richard Smith came to the bar and told Mr Hayes that something very indecent was happening in one of his back rooms. Smith was drunk, however, and Hayes pushed him away from the bar. Smith fell against a chest in the room. William Carter, a sergeant, gave evidence on oath. At the day and time already mentioned he saw Stark at Mr Hayes's punch house, very drunk. Thomas Jones and John Thompson were also in the house. One of them noticed blood on the waistband of Israel Limble's breeches while Limble was there. Limble explained at the time that it came from the nose of John Lane, a matross. John Jones, a matross called by the court, gave evidence on oath. On the morning of 6 January 1779 he went into Mr Hayes's punch house and saw Stark, one of the prisoners, sitting on a chest and apparently very drunk. He watched Stark go into an inner room and lie down on a bench, as he supposed to sleep. Shortly afterwards Israel Limble, the other prisoner, came along. **Interpretations** The defence witnesses offered an innocent reason for Stark's presence in the back room. Kelly testified that Mrs Hayes sent him there to sleep off his drink, and Jones saw him lie down on a bench. Stark's position lying on his side on the table, which the Crown presented as suspicious, could then be read as a drunken man asleep. Kelly also undermined Smith as a witness by describing him as so drunk that Hayes pushed him from the bar, where he fell over a chest.

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		John Jones Matross being called upon by the Court and being Sworn Saith that, On Wednesday the sixth instant in the Forenoon he went into Mr Hayes's Punch House and saw Andrew Stark one of the Prisoners sitting on a Chest seemingly much in liquor - that he saw him go into an Inward Room and lie upon a Form, (as he supposes to sleep) That presently after Israel Limbla the other Prisoner came	Carter's evidence helped Limble on the question of the blood. It showed that Limble gave the nosebleed explanation on the spot, when the blood was first noticed in the punch house, rather than inventing it for his trial. An explanation offered at once carried more weight than one produced later, and it tied the blood to Lane's nosebleed from the start. John Jones was called by the court itself rather than by either side. The bench could summon a witness on its own initiative when it wanted to clear up a doubtful point. Calling a sober account of Stark's movements suggests the justices wanted a firmer picture than the conflicting evidence of drunken soldiers had given them.
427	417	came into the House but knows not whether he came in at the Front or Back Door - That John Thompson observing some Blood upon the Waistband of his (Limbla's) Breeches asked him how he came by it, and that he told him it was from Jno Lane whose Nose had been a bleeding - Being asked by the Jury whether he saw the Blood on Israel Limbla's Breeches before the Rumour was spread concerning the Prisoners, or after - Answers it was before said Rumour The whole Evidence being impartially summed up to the Jury, they retired to consider on their Return they declared their Verdict, by which they acquitted the Prisoners, and they were Discharged The Business of the Session being now ended the Grand and Petit Jurys were Dismissed, and the Court was by Proclamation adjourned to the fourteenth Day of April next ensuing John Skottowe Dan Corneille M Bazett Wm Wrangham Hen: Bazett	John Jones stated that Limble came into the house, though Jones did not know whether he entered by the front or the back door. John Thompson noticed blood on the waistband of Limble's breeches and asked how it got there. Limble told him it came from John Lane, whose nose had been bleeding. The jury asked Jones whether he saw the blood before or after the rumour about the prisoners began to spread. He answered that it was before. The evidence was summed up for the jury fairly and without bias, and the jurors withdrew to consider it. On their return they acquitted both prisoners, who were then released. With the business of the sessions finished, the grand jury and the petty jury were dismissed. The court was adjourned by public proclamation to 14 April 1779. Governor Skottowe, Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett signed the record. **Interpretations** The jury's own question to Jones settled the most damaging point against Limble. If Thompson noticed the blood and Limble explained it before anyone suspected him of sodomy, then the nosebleed account could not have been invented to meet the charge. Jones confirmed that the exchange came first. This timing turned the blood from evidence of the act into evidence consistent with the innocent explanation that Carter and the defence witnesses had already given. The jurors questioned a witness directly, which shows that the trial jury played an active part in testing the evidence rather than merely listening to it. The record's stress on an impartial summing-up points the same way. With no direct sight of the act, a key Crown witness described as drunk and a credible explanation for the blood, the acquittal followed from the gaps the jury and the bench had exposed in the proof.
428	418	On the thirteenth day of January in the nineteenth Year of his Majesty's Reign a Precept upon the Commission of the Peace was issued out to Mr Brittannicus Alexander Wright Sheriff for the Island of St Helena On the 30th day of March following a Precept upon the Commission of Oyer and Terminer was Issued out and delivered to the Sheriff On the 14th Day of April following a Precept upon the Gaol Delivery was Issued out in Court and Delivered to the said Sheriff Island of St Helena ss The General Quarter Sessions of the Peace Sessions of Oyer and Terminer and Sessions of Gaol Delivery holden at the Hall in James's Valley for the said Island	The Sheriff of St Helena, Britannicus Alexander Wright, received a precept under the commission of the peace on 13 January 1779, in the 19th year of the King's reign. A precept under the commission of oyer and terminer followed on 30 March 1779. On 14 April 1779 he received a precept under the commission of gaol delivery in open court. The island's General Quarter Sessions of the Peace met at the Hall in James's Valley on Wednesday 14 April 1779, together with sessions of oyer and terminer and of gaol delivery. The date was recorded as falling in the 19th year of the King's reign. Four of the King's justices of the peace made up the bench: Governor Skottowe, Matthew Bazett, William Wrangham and Henry Bazett. All four also held commissions of oyer and terminer, with power to try felonies, trespasses and lesser offences committed on the island.

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		of St Helena on Wednesday the 14th Day of April in the nineteenth Year of the Reign of our Sovereign Lord the King and in the Year of our Lord 1779 Before John Skottowe Mattw Bazett, Willm Wrangham and Henry Bazett, Esqrs four of his Majesty's Justices assigned to keep the Peace in and for the said Island, also Commissioners of Oyer & Terminer, authorized to hear and Determine all Felonies, Trespasses and other Misdemeanors within the said Island committed Proclamation being made, the Court was opened upon the Commission of the Peace, and a Grand Jury consisting of seventeen of the principal Inhabitants of the Body of the said Island were Sworn - The Coroner then returned Proceedings of two Inquests held before him in the course of the last Quarter.	After a public proclamation, the court opened under the commission of the peace, and 17 of the island's leading inhabitants took the oath as a grand jury. The coroner then presented the records of two inquests he had held during the previous quarter.
429	419	which were openly read and approved of - William Frake was then called to appear to a Recognizance on the good behaviour at the Suit of Gabriel Harper. He appeared and the Recognizance was voided by the Death of the said Harper - The Sheriff elect for the ensuing Year was then Sworn into his Office, as also the Constable and the Return of Dogs was given in and enrolled - Which done the Worshipful Justices gave to the Foreman of the Grand Jury a Paper writing purporting they had received many Complaints respecting a too great Increase of Sheep and Goats, hurtful to the raising of Black Cattle, and recommending to the Grand Jury to fall upon a Plan for reducing the same - On which the Grand Jury withdrew to deliberate on the matter and returning into Court, laid the following Presentment before the Bench, Vizt To the Worshipful Bench of Justices We the Grand Jury of the said Island having maturely considered the Contents of a writing delivered to Us from the Bench and perfectly coinciding in Opinion with your Worships in respect to the justness of the common grievance therein set forth do humbly propose that you'll be pleased to assemble a Vestry, and that a Committee be formed to examine the matter, and make such Regulations as shall appear most effectual for the Suppression of said Evil the same, under your Sanction to pass into a Law at the ensuing Sessions St Helena 14th April 1779 To which they gave their Assent No other Business appearing upon the Commission of the Peace, the Court was opened upon the Oyer and Terminer and a new Grand Jury impanelled and sworn; On which the Prosecutor for the Crown preferred a Bill	The coroner's inquest records were read aloud in open court and approved. William [...]ke was then called to answer a recognisance for good behaviour, entered on the complaint of Gabriel Harper. He appeared, and the recognisance was cancelled because Harper had died. The Sheriff chosen for the coming year was then sworn into office, together with the constable. The dog returns were handed in and entered in the record. The justices then gave the grand jury's foreman a written paper. It stated that the bench had received many complaints about the excessive growth in the number of sheep and goats, which was damaging the rearing of cattle. The paper urged the grand jury to devise a scheme to reduce their numbers. The jurors withdrew to discuss the matter and on their return put a proposal to the bench. The grand jury stated that it had carefully considered the justices' paper and fully shared their view that the complaint was well founded. The jurors proposed that the justices call a vestry meeting and set up a committee to examine the problem. The committee would draw up whatever rules seemed most effective to curb the harm. With the justices' approval, these rules would become law at the next sessions. The proposal was dated 14 April 1779, and the justices agreed to it. With no further matters under the commission of the peace, the court opened under the commission of oyer and terminer. A fresh grand jury was empanelled and sworn. The Crown's prosecutor placed a bill of indictment before it, and the jurors found the bill to be true. The court then opened under the commission of gaol delivery. Arraignment The first of the accused brought forward were William Clough, a tailor, and a man named Thomas. **Interpretations** The complaint marked a sharp reversal in the island's concern over its livestock. On 8 October 1777 and 29 April 1778 the court had acted to protect sheep and goats, first by regulating impounding on the commons and then by taxing dogs that killed them. Barely a year after the dog tax took effect, the bench faced complaints that sheep and goats had become too numerous. Goats in particular stripped young trees and ground cover, and both animals competed with cattle for the island's limited grazing. Cattle mattered because the Company needed fresh beef to supply the ships calling at the island, so an

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		of Indictment to them, they found the Bill, and the Court was opened upon the Gaol Delivery Arraignment William Clough Taylor and Thomas	imbalance on the pastures threatened the island's chief purpose. This time the initiative came from the bench rather than the grand jury. The justices put the problem to the jurors in writing and asked them to devise a remedy, reversing the usual order in which the jury raised a grievance and the bench responded. The jury passed the task to a vestry, a meeting of the parish's ratepayers, and a committee drawn from it. Any rules that emerged would therefore carry the backing of the landholders whose flocks would be cut back. A recognisance for good behaviour bound a person, usually with sureties, to keep the peace towards a named complainant on pain of forfeiting a sum of money. It existed to protect that complainant, so Gabriel Harper's death removed its purpose, and the court discharged it.
430	420	Thomas Harper Yeoman, being set to the Bar of the Court were Arraigned upon the following Indictment Island of St Helena (to wit) The Jurors of our Sovereign Lord the King "upon their Oaths Do Present that William Clough Taylor "late of James's Valley within the said Island and Thomas Harper "Yeoman late of the same place on the fifth day of December in "the eighteenth Year of the Reign of our Sovereign Lord George "now King of Great Britain by force and Arms near a place "called the Parsley Rock within the Island aforesaid two Kids "of the value of eight Shillings of the Goods and Chattels of some Person "yet unknown then and there being found then and there feloniously "did steal kill take and bear away against the Peace of our "Sovereign Lord the King his Crown and Dignity and also against "the Form of the Statute in that case made and provided" They thereunto severally pleaded "Not guilty" Their Plea being recorded they were put on their Trials, and the twelve following Men Vizt Stephen Young John Worrall John Robinson George Bird John Desfountain Thomas Cole Hugh Jones James Pritchard William Hayes Richard Frake Henry Easthope and George Hayes were Sworn upon their Jury then the Indictment was a second time read to them and the Jury Charged William Tiploe appearing and being duly Sworn Saith that, on Saturday, the fifth of December last in the Afternoon, Willm Clough and Thomas Harper, the Prisoners went a shooting and took him along with them, and the said Clough ordered him (who was then his Apprentice) to go to the Alarm House and bring his Firelock from thence to him, and meet him in	Thomas Harper, a yeoman, was brought to the bar with William Clough, and both were charged on an indictment returned by the jurors on oath for the King. The indictment stated that Clough, a tailor of James's Valley, and Harper, a yeoman of the same place, stole and killed two kids on 5 December 1778. The animals were taken near the place called Parsley Rock and were valued at £0 8s 0d. Their owner had not been identified. The charge alleged a breach of both the King's peace and the relevant statute. Each man pleaded not guilty. Their pleas were recorded, and the two men were put on trial. The following 12 men were sworn as their jury: Stephen Young John Worrall John Robinson George Bird John Desfountain Thomas Cole Hugh Jones James Pritchard William Hayes Richard [...]ke Henry Easthope George Hayes The indictment was read to the jurors a second time, and the court gave them their charge. William Tiploe was sworn and gave evidence. On the afternoon of Saturday 5 December 1778 the two prisoners went out shooting and took him along. Tiploe was then Clough's apprentice. Clough told him to fetch his musket from the Alarm House and bring it to meet them on the road known as Dunbar's Path. Tiploe did as he was told. From there all three went on together to the place called Parsley Rock. **Interpretations** The accused in this case were free settlers, a tailor and a yeoman, rather than slaves or soldiers. A yeoman was a man who farmed land of his own or held it on a secure tenure, standing below the gentry but above labourers. The prosecution of two such men for stealing goats shows that the island's concern over its livestock applied to its own settlers as much as to runaways. Kids were young goats, and goats were not named in the 1741 statute that made the theft of sheep and cattle capital. The reference to a statute in the indictment was probably a standard formula. The charge in substance amounted to grand larceny, theft of goods worth more than a shilling, which carried benefit of clergy. Clough and Harper therefore did not face the mandatory death sentence that had fallen on March and Billy for stealing a sheep. The Alarm House was a signal station on the high ground of the island's interior. It formed part of the chain of posts that relayed warning of

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		the road called Dunbar's Path. That he did so, and they all three proceeded to a Place called the Parsley Rock, where they found **Margin Notes:** +	approaching ships by gun signals and flags. Clough's musket being kept there suggests he served in the island's militia or was attached to the post. The evidence came from his own apprentice, who was bound to obey him and lived in his household, which placed Tiploe in an awkward position as a witness against his master.
431	421	found an Ewe Goat with two Kids - That the Prisoner Clough proposed shooting them, but was hindered by the Witness, Notwithstanding which he Clough, threw Stones at and stunned them, and then took a Crutch from Harper the other Prisoner and killed the Kids - That leaving the dead Kids there, they went to look for Partridges, and some time afterwards he Clough, sent the Witness for the said Kids, which he brought accordingly, and they towards Evening took their way back to the Town, bringing the Kids along with them - That coming to the House where the said Clough then lived the said Kids were locked up in a Room there and next Morning skinned by the Prisoners - That the Witness went to Church that same Morning and on his return, found the Kids were dressed and fit to eat. and that Serjt Johnson and one Richard Harper were then in the House upon Invitation of the Prisoner Clough The Witness being asked if on his coming to Town knowing the Kids were stolen, he acquainted any one withal Says he did not immediately acquaint any one therewith, because Clough the Prisoner told him that, as his Apprentice, he must keep his Secrets - But that in a week after, he told it to Serjeant Clary and asked his Advice, and he, Clary, went and informed the Constable Here the Prisoner Clough asks the Witness why he should take a Crutch from the other Prisoner to kill the Kids with as above deposed, when he could more conveniently do it with a Firelock he then had in his Hand, to which the Witness replies by saying that he had not the Firelock then in his Hand, but had left it at some distance from him and not far from the place, where the other Prisoner then happened to be John Johnson, Serjeant being duly Sworn saith that on Sunday in the beginning of December last (he recollects not the day of the Month) he went to Clough the Prisoner's house, and going up Stairs saw two dead Kids on a Floor in one of the Rooms when the said Clough asked him for the Loan of a Pot to boil them in and he lent it - That he, Clough, further asked him to come and eat part of them, which he also did - Saith that he heard no more of that Affair till one Night when the Band	At Parsley Rock the three men came across a nanny goat with two kids. Clough wanted to shoot them, but Tiploe stopped him. Clough then threw stones at the kids until he stunned them. He took a crutch from Harper, the other prisoner, and killed them with it. The men left the carcasses where they lay and went off to look for partridges. Some time later Clough sent Tiploe back for the kids, and he fetched them. Towards evening the three set off back to town, carrying the dead animals. When they reached the house where Clough was living, the kids were locked in a room. The next morning the two prisoners skinned them. Tiploe went to church that morning. When he returned, the kids had been prepared and were ready to eat. Sergeant Johnson and Richard Harper were in the house at the time, having been invited there by Clough. The court asked Tiploe whether he told anyone about the theft when he got back to town, knowing the kids were stolen. He replied that he did not do so at once, because Clough told him that as his apprentice he was bound to keep his master's secrets. About a week later, however, he confided in Sergeant Clary and asked his advice. Clary then went and reported the matter to the constable. Clough then questioned Tiploe himself. He asked why he would have taken a crutch from the other prisoner to kill the kids, as Tiploe claimed, when he had a musket in his hand that would have done the job more easily. Tiploe answered that Clough did not have the musket in his hand at that moment. He had put it down some distance away, close to where Harper happened to be standing. John Johnson, a sergeant, was sworn and gave evidence. On a Sunday early in December 1778, though he could not remember the exact date, he visited Clough's house. Going upstairs, he saw two dead kids lying on the floor of one of the rooms. Clough asked to borrow a pot to boil them in, and Johnson lent him one. Clough also invited him to stay and eat some of the meat, which he did. Johnson heard nothing more of the matter until one night when the band of singers, of which he was a member, met at Mr Clary's house. Tiploe was there, and Clough arrived and ordered him to leave. Interpretations Clough's claim that Tiploe had to keep his secrets rested on the standard terms of an apprenticeship indenture. English indentures bound the apprentice to serve his master faithfully and to keep his secrets, alongside promises not to waste his goods or frequent taverns. The clause was meant to protect a master's trade knowledge, not to shield him from prosecution. Clough's attempt to use it to silence his apprentice about a theft shows how far a master's authority over a young servant could extend in practice. Tiploe's decision to consult Sergeant Clary, rather than go to the constable directly, reflects the pressure he was under. Johnson's evidence made him an awkward witness for the Crown. He had accepted Clough's invitation, lent a pot for cooking the kids and eaten part of them. He had therefore shared in the proceeds of the theft, whether or not he knew the animals were stolen. His testimony corroborated Tiploe's account of the kids at Clough's house, but it

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		of Singers (of which he is one) met at Mr Clary's, and Tiploe being there, Clough the Prisoner, came and ordered him out, which Serjeant Clary	also showed how casually stolen livestock could pass into shared meals among neighbours. Clough cross-examined the witness in person, as defendants without counsel were entitled to do. His question about the musket aimed to make Tiploe's account seem improbable. Tiploe's answer, that the gun lay near Harper at the time, kept his story consistent and tied Harper more closely to the killing.
432	422	Clary resenting followed them out of the House, and being informed of the circumstances relative to the Kids went and gave Information thereof to the Constable The Prisoner Clough here asks the Witness whether the said Clary was or appeared to be in a passion when he went out of said House after them; answers, he remembers not, it being some time back The Evidence for the Crown ending here the Prisoners are put on their Defence. William Clough for himself saith that he did not kill the Kids but that as he went along he happened to fall, which occasioned some Stones to roll down from a Ledge, under which, unknown to him two Kids there lay, and on his coming under said Ledge, he first saw the Kids almost dead, by the Stones accidentally fallen down upon them, as he supposes, on discovery whereof he immediately called to Thomas Harper and William Tiploe acquainting them of what had happened and asked them what they thought most adviseable to be done on such a circumstance. That Harper said their best way would be to take them Home and make use of them, and if the Owner could be discovered to satisfy him - On which they took them up and bore them away, and on their Road met a Black boy to whom they told the Affair, and desired him if he discovered the Person they belonged to to tell him, that they would make him satisfaction for them, as they had been killed by accident. He confesses they were dressed and eat by him and others - That ten Weeks afterwards going by Mr Cole's Punch House he heard the said Tiploe singing in said House, on which he sent a black boy in to tell him, that he the Prisoner wanted to speak with him, and he came out and on his asking him what he was doing there he, Tiploe, told him he was drinking with Serjeant Clary - That he ordered the said Tiploe Home, and told him to wait there until he came - That just at that time the said Clary came out and asked him what he meant to do with the Boy, meaning the said Tiploe - to which he answered, only to send him Home as he would not suffer him to Drink in Punch	Johnson added that Clary followed Clough and Tiploe out of the house. Once Clary learned what had happened to the kids, he went and reported it to the constable. Clough then asked Johnson whether Clary had been, or seemed to be, angry when he followed them out. Johnson replied that he could not remember, as it was some time ago. The Crown's case closed at this point, and the prisoners were called on for their defence. Clough denied killing the kids. He said that as he walked along he slipped and fell, which sent some stones rolling down from a ledge. Unknown to him, two kids were lying beneath it. When he came below the ledge he found them almost dead, struck, as he supposed, by the falling stones. He at once called Thomas Harper and William Tiploe over, told them what had happened and asked what they thought was best to do. Harper suggested they take the kids home and use them, and pay the owner if he could be found. The three men picked up the animals and carried them off. On the way they met a black boy and told him what had happened. They asked him to tell the owner, if he found out who it was, that they would pay for the kids because they had died by accident. Clough admitted that he and others later prepared and ate them. According to Clough, some ten weeks later he was passing Mr Cole's punch house when he heard Tiploe singing inside. He sent a black boy in to fetch him. When Tiploe came out, Clough asked what he was doing there. Tiploe said he was drinking with Sergeant Clary. Clough ordered him home and told him to wait there until he returned. At that moment Clary came out and asked what Clough meant to do with the boy. Clough answered that he was simply sending him home, since he would not allow him to drink in punch houses. Clary then threatened that if Clough stopped Tiploe drinking with him, he would report Clough for stealing kids. Clary then went to the constable and reported him. **Interpretations** Clough's defence aimed at two targets. His account of the falling stones sought to remove the intent to steal, since theft required a deliberate taking of another's property. The offer to compensate the owner, passed to a passing black boy, was meant to show that the men never intended to deprive anyone of the animals. His second line of defence attacked the prosecution's origins. He presented the charge as Clary's revenge for being denied his drinking companion, not as a genuine report of crime. Clough's refusal to let Tiploe drink in punch houses rested on the same indenture that he claimed bound Tiploe to keep his secrets. Standard apprenticeship indentures forbade the apprentice to frequent taverns or alehouses, alongside the duty of faithful service. Clough thus invoked the master's authority twice, once to keep Tiploe silent and once to keep him out of taverns. The clash with Clary turned an apprentice's night out into a contest over who controlled him. The timing of the report became a point of conflict. Tiploe said he told Clary about a week after the theft, whereas Clough placed the tavern confrontation some ten weeks later. Clough's

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		Houses, on which the said Clary threatened that if he would not permit the said Tiploe to drink with him, he would inform against him for stealing Kids, and he accordingly went to the Constable and informed	question to Johnson about whether Clary was angry sought to confirm that the report sprang from a quarrel. Johnson's failure to remember left that claim without support from the Crown's own witness.
433	423	informed him thereof - That next Morning the said Clary sent for him and told him, he was sorry for what he had done, and that he would go to the Constable to endeavor to hush the Affair, but that the Constable refused him, alledging his duty and the Obligations of his Oath Richard Harper being Sworn on behalf of the Prisoner Saith that he heard the said Clary tell him, the Prisoner, that he would go to the Constable and endeavor to have the Affair made up The Prisoner Clough calls upon Serjt Clary, who appears and is Sworn - He saith that in the Evening when the said Clough came to call the said Tiploe out of Mr Cole's Punch House, he, the Witness, was there along with him, and that they sat in a private Room, and on the said Tiploe's going out, he followed him, fearing he Clough meant to Beat him - That he told the said Clough he was not drinking in a Public Room, and begd he would not take him to Mrs Leake's as he had done before - To which the said Clough replied that, Tiploe being his Apprentice he would act in that case as he pleased - And he the Witness then said that he had been told he, Clough, had taken him to shoot Partridges and that they had shot Goats also, and further said he would Complain thereof, if he continued his bad treatment of the said Tiploe - and he afterwards went and told the whole Affair to the Constable - That after this Richard Harper came to him to intercede for the said Clough, and on the latter's coming, they talked the matter over, and at their request, the Witness went along with them to the Constable, who would not be prevailed upon to conceal a Crime of that Nature Thomas Harper the other Prisoner, on his part, Saith that he and William Clough went one Evening a shooting, and that when they came as far as the Road called Dunbar's Path being a little on the side thereof, they parted, and shortly after, he, Harper, heard the noise of Stones rolling down the Hills upon which the said Clough called to and desired him to come to him, to this he at first objected, alledging the Difficulty of the way, but on the other's pressing him, he made shift to come - That he then saw two Kids lying dead, and asked the said Clough how or by whom they had been killed, he, Clough, replied they were	Clough said Clary reported him to the constable. The next morning Clary sent for him, said he regretted what he had done and offered to go to the constable to have the matter dropped. The constable refused, pointing to his duty and the obligations of his oath. Richard Harper was sworn on Clough's behalf. He said he heard Clary tell Clough that he would go to the constable and try to have the matter settled privately. Clough then called Sergeant Clary, who was sworn. Clary said he was with Tiploe in a private room at Mrs Cole's punch house on the evening Clough came to fetch the boy out. When Tiploe went out, Clary followed, fearing that Clough meant to beat him. He told Clough that Tiploe was not drinking in a public room and begged Clough not to [...] him as he had done before. Clough replied that Tiploe was his apprentice and he would deal with him as he saw fit. Clary then said he had heard that Clough took Tiploe out to shoot partridges and that they had shot goats as well. He warned that he would report it if Clough kept mistreating the boy. Clary later went and told the constable the whole story. After this, Richard Harper came to Clary to plead for Clough. When Clough himself arrived, the three men talked the matter over. At their request Clary went with them to the constable, but the constable could not be persuaded to cover up a crime of that kind. Thomas Harper, the other prisoner, then made his defence. He said that he and Clough went out shooting one evening. When they reached the road called Dunbar's Path, they separated, with Harper keeping a little to one side of it. Shortly afterwards he heard stones rolling down the hill. Clough called and urged him to come over. Harper at first refused because the ground was hard going, but when Clough pressed him he managed to make his way across. There he saw two kids lying dead. He asked Clough how they had died or who had killed them, and Clough gave him an account. **Interpretations** The attempt to have the matter settled privately touched a serious offence in its own right. Compounding a felony, agreeing to conceal or drop a charge in return for some benefit or settlement, was itself criminal in English law. The constable's refusal, grounded in his oath, shows that once a felony had been reported, the private parties could not simply withdraw it. Clough presented Clary's offer as proof of a spiteful and changeable accuser, but the episode also showed Clough and his friends trying to make the charge disappear. Clary's own account, given as Clough's witness, turned the defence's point against Clough. Clary said he reported the theft because he feared Clough was mistreating the boy, not because Clough had spoiled his drinking. His claim that Clough had beaten Tiploe before gave the apprentice's evidence a background of fear. It also explained why Tiploe first kept silent about the theft. Harper's defence separated him from the killing. He placed himself apart from Clough on the road and arriving only after the kids were already dead. This contradicted Tiploe's account that Clough killed the kids with a crutch taken from Harper. If the jury believed Harper, his share in the offence shrank to

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		killed	carrying away and eating animals that someone else had killed.
434	424	killed by the rolling down of Stones from the Hill - That they then agreed to take them Home and eat them, and make the owner Satisfaction, should they ever discover him, and as they came along they met a Black boy, to whom they imparted the Affair of the Kids, desiring him to enquire after the Owner, and if he found him, to tell him that by applying to them (Clough and Harper the Prisoners) he should receive Satisfaction therefor - He further confesses that they afterwards dressed and eat the said Kids The Prisoners having nothing more to move in their Defence, the whole Evidence was summed up to the Jury, who retired to Consider - On their Return they declared their Verdict, by which they found the Prisoners "Guilty to "the Value of ten Pence" The above Verdict being Recorded and confirmed by the Bench the President gave them Judgment to be whipt at a Carts Tail till their Bodys were bloody - The said Judgement was duly executed against them after Adjournment The Business of the Sessions being now ended, the Juries were dismissed, and the Court was adjourned to the fourteenth day of July next ensuing John Skottowe M Bazett Wm Wrangham Hen: Bazett	Clough told Harper that the kids had been killed by stones rolling down the hill. The two men agreed to take the animals home and eat them, and to pay the owner if they ever found out who it was. On the way back they met a black boy and told him about the kids. They asked him to look for the owner and, if he found him, to tell him that Clough and Harper would pay him on request. Harper admitted that they later prepared and ate the kids. The prisoners had nothing more to say in their defence. The evidence was summed up for the jury, and the jurors withdrew to consider it. On their return they found both men guilty of theft to the value of £0 0s 10d. The verdict was recorded and confirmed by the bench. The presiding justice sentenced both men to be whipped at the tail of a cart until their backs bled. The sentence was carried out after the court adjourned. With the business of the sessions finished, the juries were dismissed. The court was adjourned to 14 July 1779. Governor Skottowe, Matthew Bazett, William Wrangham and Henry Bazett signed the record. **Interpretations** The jury's valuation of the kids at £0 0s 10d, against £0 8s 0d in the indictment, deliberately placed the theft below one shilling. That threshold divided grand larceny, a felony, from petty larceny, a lesser offence. Grand larceny carried benefit of clergy, branding and the lasting mark of a felony conviction. Petty larceny was punished by whipping and carried no forfeiture of goods. By cutting the value, the jury convicted both men while sparing them the status of felons, as the jury had done in a different form for Billy Daniel on 7 October 1778 by reducing his theft to £0 4s 10d. Whipping at the tail of a cart was a public punishment. The offender was tied to the back of a cart and flogged as it moved slowly through the streets, so that the punishment served as a warning to onlookers. The sentence fell on two free settlers, a tailor and a yeoman. Their punishment shows that the island's concern for its livestock produced a sharp, visible penalty even for men whose standing had kept them from a felony conviction.
435	425	On the 14th day of April in the nineteenth Year of his Majesty's Reign a Precept upon the Commission of the Peace was issued out and delivered to James Desfountain Esqr Sheriff for the Island of St Helena On the 30th day of June a Precept upon the Commission of Oyer and Terminer was issued out to the Sheriff On the 14th day of July following a Precept upon the Gaol Delivery was issued out and Delivered to the said Sheriff Island St Helena ss The General Quarter Sessions of the Peace Sessions of Oyer and Terminer and Sessions of Gaol Delivery holden at the Hall in James's Valley for the said Island of St Helena on Wednesday the 14th day of July in the nineteenth Year of the Reign of our Sovereign Lord George now King of Great Britain, France and Ireland &c and in the Year of our Lord 1779 before Jno Skottowe, Danl Corneille, Mattw	The Sheriff of St Helena, James Desfountain, received a precept under the commission of the peace on 14 April 1779, in the 19th year of the King's reign. A precept under the commission of oyer and terminer followed on 30 June 1779. On 14 July 1779 he received a precept under the commission of gaol delivery. The island's General Quarter Sessions of the Peace met at the Hall in James's Valley on Wednesday 14 July 1779, together with sessions of oyer and terminer and of gaol delivery. The date was recorded as falling in the 19th year of the reign of George III, King of Great Britain, France and Ireland. Five of the King's justices of the peace made up the bench: Governor Skottowe, Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett. All five also held commissions of oyer and terminer, with power to try felonies, trespasses and lesser offences committed on the island. The court opened under the commission of the peace, and 17 of the island's leading inhabitants took the oath as a grand jury. Asked whether they knew of any matters under that commission, the jurors answered through their foreman that they knew of none. David Kay was then called forward. The island's freeholders had already chosen him without a

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		Bazett, Willm Wrangham and Henry Bazett Esquires five of his Majesty's Justices assigned to keep the Peace in and for the said Island, also Commissioners of Oyer and Terminer Authorized to hear and Determine all Felonies Trespasses and other Misdemeanors within the said Island Committed The Court being opened upon the Commission of the Peace, a Grand Jury consisting of seventeen of the Principal Inhabitants of the Body of the said Island were Sworn and being asked if they knew of any business upon that Commission answered by their Foreman, they knew of none - Then Mr David Kay who had been previously elected by the unanimous Voice of the Freeholders of the Island to succeed to the Office of his Majesty's Coroner vacated by the absence of Mr Philip Mahony was called, who appearing was Sworn into the said Office by the Sheriff in open Court - after which the Returns of High way Work was given in also the Return of Dogs No other Business appearing upon the Commission	single dissenting voice to become the King's coroner. The post had fallen vacant because Philip Mahony had left the island. Kay appeared and was sworn into office by the Sheriff in open court. The returns of highway work and the dog returns were then handed in. No further business came forward under the commission of the peace. **Interpretations** The coroner was one of the few officers on St Helena chosen by election rather than appointment. In England, coroners had been elected by the freeholders of the county since the Middle Ages, and the island followed the same practice. Election gave the office a measure of independence from the Governor and Council, which suited an officer whose duty was to inquire into violent and unexplained deaths, including those that might implicate people in authority. Swearing Kay in before the full court made his authority public and placed his appointment on the court's record.
436	426	Commission of the Peace the Court was opened upon the Oyer and Terminer a new Grand Jury Impanelld and Sworn and three Bills of Indictment were prefered to them - They found the Bills, and then the Court was opened upon the Gaol Delivery Arraignments. Peg a Woman slave being brought to the Bar of the Court was Arraigned upon the following Indictment Vizt Island of St Helena (to wit) The Jurors of our Sovereign Lord the "King upon their Oaths do present that Peg late of James's Valley "within the said Island of St Helena Woman slave On the twenty "eighth day of March in the nineteenth Year of the Reign of "our Sovereign Lord George now King of Great Britain &c in "the Night of the same day by force and Arms in the Valley "aforesaid within the Island aforesaid three Chintz Window "Curtains of the value of ten shillings three Fans of the value "of five Shillings one Hood of the value of one shilling one Apron "of the value of two shillings of the Goods and Chattels of John "Whaley also one Handkerchief made in imitation of a Shawl "of the value of thirty shillings of the Goods and Chattels of one "James Harker in the dwelling House of the said John Whaley "then and there being found then and there feloniously did "steal take and bear away against the Peace of our Sovereign	With nothing further under the commission of the peace, the court opened under the commission of oyer and terminer. A fresh grand jury was empanelled and sworn, and three bills of indictment were placed before it. The jurors found all three to be true, and the court then opened under the commission of gaol delivery. Arraignments Peg, a female slave, was brought to the bar and charged on an indictment returned by the jurors on oath for the King. She lived in James's Valley. The indictment stated that on the night of 28 March 1779 she stole goods from the house of John Whaley in the same valley. Whaley's losses were listed as three chintz window curtains valued at £0 10s 0d, three fans valued at £0 5s 0d, a hood valued at £0 1s 0d and an apron valued at £0 2s 0d. She was also charged with stealing a handkerchief made to look like a shawl, valued at £1 10s 0d, which belonged to James Harker and was kept in Whaley's house. The charge alleged a breach of both the King's peace and the relevant statute. Peg pleaded not guilty. Dick, a male slave, was then brought to the bar and charged on a further indictment. **Interpretations** Chintz was a cotton cloth from India, painted or printed with brightly coloured floral designs and often glazed to give it a sheen. It was prized in Europe for curtains, bed hangings and gowns, and it reached St Helena directly aboard Company ships from the Coromandel coast. The fans were probably Chinese, made of lacquer, ivory or painted paper, and shipped home from Canton. The handkerchief made to look like a shawl imitated the costly woven shawls of Kashmir, which were becoming fashionable among wealthy women. Its valuation at £1 10s 0d, far above any other item, shows how highly such pieces were rated even as copies. The indictment charged Peg with stealing from a dwelling house rather than with burglary, since it alleged no breaking in. Under a statute of 1713, stealing goods worth 40 shillings or more from a dwelling house was a capital felony without benefit of

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		"Lord the King his Crown and Dignity and also against the Form "of the Statute in that case made and provided" - To which she pleaded "Not guilty" Dick a Manslave being brought to the Bar of the Court was arraigned upon the following Indictment Vizt Island of St Helena ss - "The Jurors of our Sovereign Lord the "King upon their Oaths Do Present that Dick late of James's	clergy. The items listed against her together exceeded that threshold, largely because of the shawl-handkerchief. The valuation therefore placed her life at stake, and it left the jury the familiar option of reducing the value below 40 shillings to spare her.
437	427	"James's Valley within the said Island of St Helena Manslave on the "twenty sixth day of May in the nineteenth Year of the Reign of our "Sovereign Lord George now King of Great Britain &c by force and "Arms in Sandy Bay within the Island aforesaid the House of Charles Ross "Stewart there situated and now in the occupation of one James Collins "feloniously did break and enter and one piece and an half of Salt Pork "of the value of two shillings and six pence, some Rice and some Yams "of the value of five pence one pound of Tobacco of the value of two "shillings one Clasp Knife of the value of three pence one Cotton "Handkerchief of the value of two shillings one Jar containing Fat "of the value of four pence and five Shillings and six pence in Money "numbered of the Goods, Chattels and Money of the said James Collins "in the said House then and there being found then and there "feloniously did steal take and bear away against the Peace of "our Sovereign Lord the King his Crown and Dignity and also "against the Form of the Statute in that case made and provided" To which he pleaded "Not guilty" Chatham a Manslave being brought to the Bar was Arraigned upon the following Indictment Vizt Island of St Helena (to wit) "The Jurors of our Sovereign Lord the King "upon their Oaths Do Present that Chatham late of Sandy Bay "within the Island of St Helena Manslave on the fourth day of March "in the nineteenth Year of the Reign of our Sovereign Lord George "now King of Great Britain &c by Force and Arms in Sandy Bay "aforesaid within the Island aforesaid the House of Charles Ross "Stewart there situated and now in the occupation of one James "Collins feloniously did break and enter and sixteen pieces of coined "Gold called Pagodas of the value of six pounds eight Shillings "fourteen pieces of Coined Silver called Rupees of the Value of one "pound eleven shillings and six pence one pair of Silver Knee "Buckles of the value of seven shillings one China box of the "value of five shillings four Shirts of the value of ten Shillings "one pair of Cotton Stockings of the value of four Shillings one	Dick, a male slave of James's Valley, faced an indictment stating that on 26 May 1779 he broke into a house at Sandy Bay. The house belonged to Charles Ross Stewart and was occupied at the time by James Collins. Dick was charged with stealing the following goods and money belonging to Collins: One and a half pieces of salt pork, £0 2s 6d Some rice and some yams, £0 0s 5d 1 pound of tobacco, £0 2s 0d 1 clasp knife, £0 0s 3d 1 cotton handkerchief, £0 2s 0d 1 jar containing fat, £0 0s 4d Cash, £0 5s 6d The charge alleged a breach of both the King's peace and the relevant statute. Dick pleaded not guilty. Chatham, a male slave of Sandy Bay, was then brought to the bar. His indictment stated that on 4 March 1779 he broke into the same house of Charles Ross Stewart at Sandy Bay, occupied by James Collins. He was charged with stealing the following: 16 gold coins known as pagodas, £6 8s 0d 14 silver coins known as rupees, £1 11s 6d 1 pair of silver knee buckles, £0 7s 0d 1 china box, £0 5s 0d 4 shirts, £0 10s 0d 1 pair of cotton stockings, £0 4s 0d 1 nankeen waistcoat and 1 pair of nankeen breeches, £0 12s 0d 1 pair of shoes, £0 2s 6d 1 silk handkerchief, £0 3s 0d 2 pounds of tobacco, £0 4s 6d The list went on to name a bottle. **Interpretations** Pagodas were gold coins minted in southern India, chiefly around Madras, and served as the standard coin of the Company's Madras presidency. Rupees were the silver coins of Mughal India and the Company's Bengal and Bombay territories. Both circulated at St Helena because Company ships and their crews brought Indian coin to the island and spent it there. The indictment valued each pagoda at 8 shillings and each rupee at about 2 shillings and 3 pence, converting them into sterling so the value of the theft could be fixed under English law. Collins's store of Indian gold and silver shows how far the island's money supply depended on the passing trade from the East. The indictments named the house as Stewart's but the goods as Collins's, because burglary was an offence against the dwelling of its occupier. The law protected the person who actually lived in the house, so Collins's occupation made the house his dwelling for the purposes of the charge, even though Stewart owned it. The same house was broken into twice within three months. The first break-in, by Chatham in March, took coin and clothing worth well over £10, while the second, by Dick in May, took mostly food, tobacco and small change.

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		"Nankeen Waistcoat and pr of Breeches of the value of twelve "shillings one pair of Shoes of the value of two shillings and six "pence one Silk Handkerchief of the value of three shillings two "pounds of Tobacco of the value of four shillings and six pence a Bottle	
438	428	"Bottle of Florence Oil of the value of one shilling a Piece of Pork of the "value of two shillings and some Potatoes and Bread of the value of "two shillings of the Goods Chattels and Monies of the said James Collins "in the said House then and there being found then and there "feloniously did steal take and bear away against the Peace of our "Sovereign Lord the King his Crown and Dignity and also against "the Form of the Statute in that case made and provided" To which, he pleaded the General Issue "Not guilty" Trials. Chatham and Dick being moved from the Bar Peg was put upon her Trial and the twelve following Men Vizt Stephen Young Benjamin Seale John Robinson John Desfountain Hugh Jones Thomas Cole James Pritchard John Sampfill George Hayes Henry Easthope Richard Frake and George Seale were Sworn upon her Jury; then the Indictment was a second time read to her and the Jury Charged John Whaley being duly Sworn, Saith that, On the 28th of March last in the Night, there was stolen out of his House three Chintz Window Curtains, three Fans, an Hood and an Apron - That some time after Willm Bridgeford a Soldier hearing that the Witness's House had been robbd and being present when the Curtains were offered for Sale, took them and brought them to the Witness, who, upon seeing of which immediately knew them to be the same that were stolen out of his House on the 28th March last, upon which discovery he went and gave information thereof to a Justice of the Peace - The Curtains he produces in Court - The Witness being asked, whether the Door which he supposes the Prisoner must have come in at was locked when he went to Bed, - Answers that the Key of the Door was left in it on the outside, but is not certain whether it was locked	Chatham's indictment also listed the following items belonging to James Collins: 1 bottle of Florence oil, £0 1s 0d 1 piece of pork, £0 2s 0d Some potatoes and bread, £0 2s 0d The charge alleged a breach of both the King's peace and the relevant statute. Chatham entered a general plea of not guilty. Trials Chatham and Dick were taken from the bar, and Peg was put on trial. The following 12 men were sworn as her jury: Stephen Young Benjamin Seale John Robinson John Desfountain Hugh Jones Thomas Cole James Pritchard John [...] George Hayes Henry Easthope Richard [...]ke George Seale The indictment was read to her a second time, and the court gave the jury its charge. John Whaley was sworn and gave evidence. On the night of 28 March 1779 three chintz window curtains, three fans, a hood and an apron were stolen from his house. Some time later William Bridgeford, a soldier, heard that Whaley's house had been robbed. Bridgeford happened to be present when someone offered the curtains for sale, so he took them and brought them to Whaley. Whaley recognised them at once as the ones stolen on 28 March 1779. He then reported the discovery to a justice of the peace. He produced the curtains in court. The court asked Whaley whether the door through which he supposed the prisoner entered had been locked when he went to bed. He replied that the key had been left in the lock on the outside, but he could not be sure whether the door was actually locked. **Interpretations** Florence oil was olive oil from Tuscany, shipped in thin glass flasks wrapped in straw or rush and sealed with a layer of oil on top in place of a cork. It was the standard fine salad and cooking oil of the period in English households. Its presence in Collins's house, alongside Indian coin and nankeen clothing, shows how goods from both the Mediterranean and the East reached the island through the shipping that called there. The recovery of the curtains depended on the vigilance of a soldier who had heard of the theft and recognised the goods when they were offered for sale. The island had no police force, so stolen property was traced largely through word of mouth and the watchfulness of ordinary inhabitants. Whaley took the matter to a justice of the peace, who could examine suspects and commit them for trial, which set the prosecution in motion. The court's question about the door went to how Peg got into the house. Her indictment charged theft from a dwelling house, not burglary, so no breaking had to be proved. Whaley's uncertainty about

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			whether the door was locked, with the key left outside, suggests the house was easy to enter. This perhaps explains why the prosecution framed the charge as theft rather than burglary.
439	429	James Harker appearing and being Sworn Saith that, On the 29th March last in the Morning he was informed by Mr Whaley that the House had been robbd the foregoing Night and that some thirty Window Curtains, some Fans, an Hood and an Apron were carried off - Shortly after this Robbery had been Committed Mrs Harker the Witness's Wife discovered that an Handkerchief made in imitation of a Shawl belonging to her, which the Witness is certain was in the House on the Night of the 28th March last, had been also carried away - That some time after, one Haywood a Matross brought to him an Handkf answering exactly in make and Colour to the one he had lost, and which, the said Haywood having taken out of his Pocket in at Mr Pritchard's Shop, was told by the said Pritchard that he believed it belonged to the Witness - Whereupon Haywood immediately brought it to him - The Witness upon enquiring of the said Haywood how he came by the said Handkf was told by him that he had borrowed it of one Marson a Corporal and further told the Witness that if he would follow him he would shew him where Corporal Marson was that he went with him accordingly, and having seen Marson was informed by him, that he received the Handkf from the Prisoner at the Bar when he was on Duty at Munden's Point - The said Marson desiring the Witness would take the Handkf he took it and now produces in Court, which is like unto the one he lost - Being asked how the Handkerchief came to be in Mr Whaley's House - Answers that at the time of the Robbery himself and Wife were Lodgers in the said House Thomas Marson, Corporal, being Sworn Saith that, on the 30 or 31 March last being on Duty at Munden's Point, the Prisr came there and asked for some Water that having had the Water, she upon going away gave him an Handkf in imitation of a Shawl (and which he believes to be the same as that now produced in Court) That before he received it he asked if it was hers, who replied she had found it. - Saith that some time after being in at Jones's Punch House Haywood a Matross being there also who seeing the Witness take of his Pocket an Handkf desired he would lend it to him to tye some Books in - That he accordingly lent it to him -	James Harper was sworn and gave evidence. On the morning of 29 March 1779 Mr Whaley told him that the house had been robbed the night before. Chintz window curtains, some fans, a hood and an apron had been taken. Shortly after the robbery, Harper's wife found that her handkerchief made to look like a shawl was also missing. Harper was certain it had been in the house on the night of 28 March 1779. Some time later a matross named Haywood brought him a handkerchief that matched the lost one exactly in style and colour. Haywood had taken it out of his pocket in Mr Pritchard's shop, and Pritchard told him he thought it belonged to Harper. Haywood at once brought it to him. When Harper asked how he came by it, Haywood said he had borrowed it from a corporal named Marson. He offered to take Harper to Marson, and Harper went with him. Marson told Harper that the prisoner had given him the handkerchief while he was on duty at Munden's Point. At Marson's request Harper took the handkerchief, which he produced in court and which resembled the one he lost. Asked why the handkerchief had been in Whaley's house, Harper explained that he and his wife were lodging there when the robbery took place. Thomas Marson, a corporal, was sworn next. On 30 or 31 March 1779 he was on duty at Munden's Point when the prisoner came and asked for some water. After drinking it, she gave him a handkerchief made to look like a shawl as she left. He believed it was the same one now produced in court. Before accepting it, he asked whether it was hers, and she replied that she had found it. Some time later Marson was in Jones's punch house with Haywood, a matross. Haywood saw Marson take a handkerchief from his pocket and asked to borrow it to wrap some books, and Marson lent it to him. Haywood left and, on returning, called Marson outside to speak to him about the handkerchief. **Interpretations** Munden's Point was one of the fortified batteries guarding James Bay, the island's main anchorage, and was manned by soldiers of the Company's garrison. Peg's visit there and her gift of the handkerchief to a corporal on duty show how slaves and soldiers mixed at the island's posts. Her claim that she had found the handkerchief was the standard explanation for having goods of uncertain origin, and Marson's question about ownership before accepting it suggests he knew the gift might be suspect. The prosecution traced the handkerchief step by step from Peg to Marson, from Marson to Haywood and from Haywood back to Harper. Pritchard's recognition of it in his shop set the whole chain in motion. On a small island where most people knew each other's belongings, a distinctive item could be traced back to its owner through a series of casual encounters. The same process had recovered Whaley's curtains through a soldier who saw them offered for sale.

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		Haywood then went away and on his return called the Witness out of the House and told him that the Handkf he had lent him	
440	430	him was suspected to be the one that Mr James Harper had lost at the time Mr Whaley's House was robbd and further that the said Harper wanted to see him - That he went to him, who asked the Witness how he came by the Handkf and that he told him he had received it of the Prisoner at the Bar when he was on Duty at Munden's Point - The Witness being asked by the Court whether he can bring any Evidence to prove that the Prisoner gave him the Handkf - Says that at the time he received it there was no one else present Thomas Hayes being called upon by the Prosecutor John Whaley, appears and is Sworn, Saith that, On the 31st March last as he was coming out of Pasfitt's Punch House met at the Door Peter McKenzie and James Smith Soldiers, the former of which gave to him an Handkf tied up and desired he would sell what was in it - That upon asking what it contained was told by the said McKenzie that there was a piece of Chintz in it - That he carried it into the House and asked one Bridgeford a Soldier whether he would buy it - That upon opening the Handkf found it contained Chintz Window Curtains, and knowing that the House of Mr Jno Whaley had been robbd of Window Curtains - The Witness along with the said Bridgeford took the said Curtains and immediately carried them to the said Whaley who upon seeing of which knew them to be his and the same that were stolen out of his House Peter McKenzie Matross appearing and being Sworn, Saith that some time back (doth not recollect the day of the Month) he was standing at the Door of Mr Pasfitt's Punch House, that James Smith who was there also gave him an Handkerchief in which there was (as he told him) a piece of Chintz - Thomas Hayes being present, the Witness gave it to him and desired he would sell it - That the said Hayes took the Chintz into the House where it being known, was carried immediately to Mr John Whaley - The Jury asketh the Witness whether, at the time he received the Handkf and Chintz from the said Smith, he enquired how he came by it - Answers he did not	Marson said Haywood told him the handkerchief was thought to be the one Mr James Harper lost when Mr Whaley's house was robbed. Harper wanted to see him, so Marson went to him. Harper asked how he came by the handkerchief, and Marson said the prisoner gave it to him while he was on duty at Munden's Point. The court asked whether he could produce anyone to confirm that the prisoner gave it to him. He replied that no one else was present when he received it. Thomas Hayes, called by John Whaley as prosecutor, was sworn next. On 31 March 1779 he was leaving Pasfitt's punch house when he met two soldiers, Peter McKenzie and James Smith, at the door. McKenzie handed him a tied-up handkerchief and asked him to sell whatever it held. When Hayes asked what was inside, McKenzie told him it was a piece of chintz. Hayes took it into the house and asked a soldier named Bridgeford whether he wanted to buy it. When they opened the handkerchief, they found chintz window curtains inside. Hayes knew that Mr John Whaley's house had been robbed of window curtains. He and Bridgeford took the curtains straight to Whaley, who recognised them as his own and as the ones stolen from his house. Peter McKenzie, a matross, was sworn and gave evidence. Some time earlier, though he could not remember the date, he was standing at the door of Mr Pasfitt's punch house. James Smith was there too and gave him a handkerchief holding, so Smith said, a piece of chintz. Thomas Hayes was present, so McKenzie handed it to him and asked him to sell it. Hayes took the chintz into the house, where it was recognised and taken straight to Mr John Whaley. The jury asked McKenzie whether he had asked Smith how he came by the handkerchief and chintz. He said he had not. **Interpretations** The evidence traced the curtains back through Hayes and McKenzie to James Smith, a soldier, but not to Peg. Unless another witness linked Smith to her, the Crown had no direct proof that Peg took the curtains at all. The only evidence placing stolen goods in her hands was Marson's account of the handkerchief, and he admitted that no one else saw her give it to him. The case against her therefore rested on a single uncorroborated witness for one item and on nothing yet for the rest. The jury's question to McKenzie probed whether he had knowingly handled stolen goods. Receiving stolen property knowing it to be stolen was a separate offence, and a man who passed goods on for sale without asking where they came from invited suspicion. By answering that he never asked, McKenzie avoided admitting knowledge, but the question showed the jurors weighing whether the soldiers were more deeply involved than the prisoner.
441	431	James Smith Soldier on his Oath, Saith that on the 31 March last, he went to Munden's Point Guard	James Smith, a soldier, gave evidence on oath. On 31 March 1779 he went to the guard post at Munden's Point, where he found the prisoner sitting on a cot beside Corporal Marson. In Marson's

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		and there saw the Prisoner sitting on a Cot with Corporal Marson That the Prisoner gave unto the Witness two Remnants of Chintz (while Corporal Marson was present) like unto the Curtains produced in Court, and upon asking her how she came by it answered she had found it - Saith that he brought the said Chintz to the Fort without ever opening it, and gave it to Peter McKenzie - desires that Corpl Marson may again be called, who appearing and on the Oath already taken, Saith that, in the time above noted the Witness Smith, came to Munden's Point where he then was, that he saw the Prisoner, who was present give unto the said Smith something tied up in an Handkf but knows not what it was The Evidence for the Crown closing here the Prisoner is put on her Defence - Saith that she had been absent from her Mistress for several Weeks, and in that time had been partly in the Country, but being almost starved by staying out and having little to eat came down to the Fort, and one Night as she passed behind the Black Square found a piece of white Cloth in which was tied up a Shawl Handkf and two Remnants of Chintz - That then she went upon Munden's Point Hill, and the next day went down to the Guard and asked the Corporal, who was Thomas Marson for something to Eat and Drink, that he answered he had nothing for her to eat and only gave her some Water - Saith that she stayed there about a Quarter of an hour and sat upon the Cot along with the Corporal, that just before she left the Guard James Smith came to it - That she gave the two Remnants of Chintz she had found to the said Smith and to Corporal Marson the Handkerchief The whole Evidence being summed up to the Jury they retired to Consider on their Return they declared their Verdict by which they found the Prisoner "Guilty to "the value of four shillings and ten pence" - She was removed from the Bar Dick being set to the Bar was put upon	presence she handed Smith two remnants of chintz resembling the curtains produced in court. When he asked how she came by them, she said she had found them. Smith carried the chintz to the fort without ever unwrapping it and gave it to Peter McKenzie. Smith asked for Corporal Marson to be recalled. Marson came forward and, still under his earlier oath, confirmed that Smith arrived at Munden's Point at the time described. He saw the prisoner hand Smith something tied up in a handkerchief, but did not know what it was. The Crown's case closed at this point, and Peg was called on for her defence. She said she had run away from her mistress several weeks earlier and spent part of that time in the country. Close to starving and with little to eat, she came down to the fort. One night, passing behind the [...] Square, she found a piece of white cloth wrapped around a shawl-handkerchief and two remnants of chintz. She then went up Munden's Point Hill. The next day she went down to the guard post and asked the corporal, Thomas Marson, for food and drink. He told her he had nothing to eat and gave her only water. She stayed about a quarter of an hour, sitting on the cot with him. Just before she left, James Smith arrived. She gave Smith the two remnants of chintz she had found and gave Marson the handkerchief. The evidence was summed up for the jury, and the jurors withdrew to consider it. On their return they found Peg guilty of theft to the value of £0 4s 10d. She was taken from the bar. Dick was then brought to the bar and put on trial. **Interpretations** The jury's verdict valued the stolen goods at £0 4s 10d, far below the £2 8s 0d the indictment implied and well under the 40 shillings that made theft from a dwelling house capital. The same figure had been used for Billy Daniel on 7 October 1778. Its repetition suggests the island's juries treated it as a standard valuation when they wished to convict without exposing the prisoner to death. Women had been entitled to benefit of clergy on the same terms as men since 1692, so Peg faced the lesser penalty for a clergyable felony. Peg's defence revealed the hardship of a runaway slave's life on St Helena. She had spent weeks away from her mistress, partly in the island's interior, and came down to the fort driven by hunger. Her approach to the guard post for food shows how runaways turned to the garrison for help, and how soldiers on lonely posts might tolerate or befriend them. The picture of her sitting on the corporal's cot, receiving water and handing over cloth, suggests a familiarity between runaways and soldiers that the authorities could do little to control.
442	432	upon his Tryal and the twelve following Men Vizt Stephen Young Benjamin Seale John Robinson John Desfountain Hugh Jones Thomas Cole James Pritchard John Sampfill George Hayes Henry Easthope Richard Frake and George Seale were Sworn	Dick was put on trial, and the following 12 men were sworn as his jury: Stephen Young Benjamin Seale John Robinson John Desfountain Hugh Jones Thomas Cole James Pritchard John [...] George Hayes Henry Easthope Richard [...]ke George Seale

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		upon his Jury, then the Indictment was a second time read to him and the Jury Charged James Collins the Prosecutor being duly Sworn, Saith that, some time in the Month of May last, when he returned to the House where he lived belonging to Mr Stewart after having been at work in the Garden about an Hour - on opening the Door saw the Prisoner upon the Wall of the House which he had entered by breaking a hole in the Thatch - That he had in his Hand an Handkf tied up with something in it - And that the Prisoner upon seeing the Witness, jumped from off the Wall and ran away - That the Witness followed calling to and asking him what he meant by treating him in that manner - Who replied he had got a Cruel Master who would not give him any Victuals to Eat and then made off - That when the Witness came back to the House he discovered there had been carried away a piece and half of Salt Pork, a Clasp Knife, some Rice & some Yams an Handkf some Tobacco, Money to the amount of five shillings and six pence and a small Jar with some Fat in it - The Prisr he shortly after heard was taken by a Black Man belonging to Mr Greentree, whom he desires may be called Sam a Manslave belonging to Mr James Greentree appearing and being Sworn, Saith that, on a Thursday about six Weeks ago, a Boy of his Master's saw the Prisoner at a place called Broad Bottom, who came and told it to his Master - That thereupon his Master ordered the Witness immediately to go and take the Prisr that he went and caught him and afterwards brought him to the Fort - That when he first took the Prisr he found on him a Clasp Knife an Handkf, some Tobacco and some Salt Meat - The Knife is produced in Court	The indictment was read to him a second time, and the court gave the jury its charge. James Collins, who brought the prosecution, was sworn and gave evidence. One day in May 1779 he came back to the house he rented from Mr Stewart after working in the garden for about an hour. On opening the door he saw the prisoner on the wall of the house. Dick had got in by breaking a hole in the thatched roof and was holding a tied-up handkerchief with something inside. As soon as he saw Collins, Dick jumped down from the wall and ran. Collins chased after him, shouting to ask why he had treated him this way. Dick called back that his master was cruel and would not give him anything to eat, and then got away. When Collins returned to the house, he found that a piece and a half of salt pork, a clasp knife, some rice and yams, a handkerchief, some tobacco, £0 5s 6d in cash and a small jar of fat had been taken. He heard soon afterwards that the prisoner had been caught by a black man belonging to Mr Greentree, and he asked the court to call this man. Sam, a male slave owned by Mr James Greentree, was sworn and gave evidence. On a Thursday about six weeks earlier, a boy belonging to his master spotted the prisoner at a place called Broad Bottom and reported it to Greentree. Greentree at once sent Sam to seize him. Sam went, caught Dick and later brought him to the fort. When he first took hold of the prisoner, he found on him a clasp knife, a handkerchief, some tobacco and some salted meat. The knife was produced in court. **Interpretations** Dick's shouted explanation, that his master starved him, set the theft in the context of hunger rather than gain. Almost everything he took was food, and the cash was small. Like Peg, who told the court she came down to the fort half-starved, Dick presented himself as driven to steal by his owner's neglect. The court record preserves the complaint, but the law gave a slave no remedy against a master who withheld food, and hunger was no defence to theft. Collins's account shows the house had a thatched roof, which Dick broke through to get in. Cutting through a roof counted as a breaking in law just as forcing a door or window did. Collins described returning after an hour in the garden, which suggests the break-in took place by day. The indictment, unlike those for burglary earlier, did not allege a night-time entry, so the charge rested on housebreaking rather than burglary. Sam's capture of Dick shows how the island relied on slaves to police other slaves. Greentree learned of the runaway through a slave boy and sent another slave to seize him. Sam then gave sworn evidence against Dick in court. Slaves thus served as lookouts, captors and witnesses in the system that controlled them, often at their masters' direction.
443	433	which the Prosecutor declares to be his property from the Initials of his Name being marked upon it and the foregoing Witness that it is the same he found on him at the time he took the Prisoner The Prisoner being put upon his Defence Saith that, he went to the House where the Prosecutor lived and asked him for something to eat, who gave him some Yams and a piece of Pork - The Knife he says he found upon the High Peak - denies the whole Charge The Evidence being summed up to the Jury	Collins identified the clasp knife as his own because his initials were marked on it. Sam confirmed that it was the same knife he found on the prisoner when he caught him. Dick was then called on for his defence. He said he went to Collins's house and asked for something to eat, and Collins gave him some yams and a piece of pork. He claimed he found the knife on High Peak. He denied the charge entirely. The evidence was summed up for the jury, and the jurors withdrew to consider it. On their return they found Dick guilty of theft to the value of £0 4s 10d. He was taken from the bar. Chatham was then brought to the bar and put on trial. The following 12 men were sworn as his jury: Stephen Young

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		they retired to Consider, on their Return they declared their Verdict by which they found the Prisoner "Guilty to the Value of four shillings and ten "pence" - He was removed from the Bar Chatham being brought to the Bar of the Court was put upon his Trial and the twelve following Men Vizt Stephen Young Benjamin Seale John Robinson John Desfountain Hugh Jones Thomas Cole James Pritchard James Sampfill George Hayes Henry Easthope Richard Frake and George Seale were Sworn upon his Jury, then the Indictment was a second time read to him and the Jury Charged James Collins appearing and being duly Sworn Saith that, On the 4th Day of March last he left the House belonging to Mr Stewart, and where he then lived, about Sun Set to go to the Fort upon a Double Alarm, and on his leaving the said House he secured it and locked the Door - That he returned the next day between the hours of ten and eleven o'Clock, and found the Window burst open and four panes of the Glass broke, that some Attempts had been made to force the Door open, but without effect, that on going into the House saw his Chest wide open and found there had been taken thereout a pair of Silver Knee Buckles (which he now produces in Court) a China Snuff box, an Handkerchief four	Benjamin Seale John Robinson John Desfountain Hugh Jones Thomas Cole James Pritchard James Sampell George Hayes Henry Easthope Richard [...]ke George Seale The indictment was read to him a second time, and the court gave the jury its charge. James Collins was sworn and gave evidence. At about sunset on 4 March 1779 he left the house he was living in, which belonged to Mr Stewart, to go to the fort in answer to a double alarm. Before leaving he secured the house and locked the door. He returned between ten and eleven o'clock the next morning. He found the window forced open and four panes of glass broken, and someone had tried and failed to force the door. Inside, his chest stood wide open. A pair of silver knee buckles, which he produced in court, a china snuff box and a handkerchief had been taken from it. The list of stolen goods went on. **Interpretations** A double alarm was one of the island's graded warning signals, relayed by guns from the signal posts on the heights. A single alarm reported the sighting of a ship, while a double alarm indicated a more serious threat, such as several ships or a possible enemy, and summoned the militia to their posts. Collins, a settler bound to militia service, left his house empty for the night to answer it. France had entered the American war against Britain in 1778, which gave such alarms real weight. The break-in shows how a thief could exploit the island's defence routine, knowing that houses would stand empty while their occupants mustered at the fort. The jury again returned a verdict of £0 4s 10d, as it had for Peg in the same sitting and for Billy Daniel on 7 October 1778. Dick had been charged with breaking into a house, yet the jury's valuation reduced the matter to a clergyable theft and spared him from a capital sentence. By this point the figure had become a fixed formula on St Helena, used whenever juries wanted to convict a slave while keeping him from the gallows.
444	434	four white Shirts, a Nankeen Waistcoat and pr of Breeches a pr of Shoes, sixteen Pagodas, fourteen Rupees, two pounds of Tobacco & a pr of Cotton Stockings - That there had also been taken out of the House a Bottle of Sweet Oil a pc of Salt Meat a Loaf of Bread and some Potatoes. - That about three weeks ago the Witness was informed by Thomas Ferris that the pr of Knee Buckles which he had lost were found on Donas a black Man - Saith that upon this Information he went to the said Donas and discovered he had the Buckles - That upon this discovery he immediately took the said Donas before Matthew Bazett Esqr the acting Justice who acknowledged before him that, he had bought them of the Prisr at the Bar, who thereupon was apprehended Donas appearing and being Sworn declares he bought the Knee Buckles, found upon him of Chatham	Collins listed the remaining items taken from his chest as four white shirts, a nankeen waistcoat and breeches, a pair of shoes, 16 pagodas, 14 rupees, 2 pounds of tobacco and a pair of cotton stockings. A bottle of sweet oil, a piece of salt meat, a loaf of bread and some potatoes had also been taken from the house. About three weeks before the trial, Thomas Ferris told him that his missing knee buckles had been found on Donas, a black man. On hearing this, Collins went to Donas and found that he did have the buckles. He took Donas at once before Matthew Bazett, the acting justice. There Donas admitted that he had bought them from the prisoner, and Chatham was then arrested. Donas was sworn and confirmed that he bought the knee buckles found on him from Chatham, paying him £0 4s 6d. In his defence Chatham said that on Easter Eve, 3 April 1779, his master sent him with some meat to Mr Mahony. Returning to the country that evening, he came by the side path near the water run, where a soldier followed him and called on him to stop. Chatham turned and asked what he wanted. The soldier said he had a pair of knee buckles to sell and asked Chatham to buy them. He unfastened them from his knees and showed them to Chatham, who

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		the Prisoner, for which he paid him four shillings and six pence - The Prisoner in his Defence Saith that on Easter Eve he was sent by his Master with some Meat to Mr Mahony - that on his return to the Country in the Evening coming by the way of the Side Path and near the Water Run a Soldier followed him and desired he would stop - that he turned about and asked what he wanted, who replied he had got a pr of Knee Buckles to sell and desired he would buy them - That thereupon the Soldier took them from his Knees and shewed them to the Prisoner, who asked the price of them, and was told it was five shillings - The Prisoner not having so much Money about him offered the Soldier two Rupees, which he took and gave him the Buckles - That they then parted, the Soldier (whom he afterwards found to be the Prosecutor) returning to the Fort, and the Prisoner to the Country - That being come home he shewed the Buckles to the Servants of his Master telling them he had bought them of a Man belonging to the Garrison for four shillings and six pence. Saith that about three Weeks after he sold the said Knee Buckles to Donas for what he gave for them The Prosecutor being asked where he was on Easter Eve - Saith he was in the Valley but has not been near the Water Run for these six Months past	asked the price and was told £0 5s 0d. Chatham did not have that much money with him, so he offered two rupees, which the soldier accepted before handing over the buckles. The two then went their separate ways, the soldier back to the fort and Chatham to the country. Chatham said he later discovered that the soldier was the prosecutor himself. When he got home, he showed the buckles to his master's servants and told them he had bought them from a man of the garrison for £0 4s 6d. About three weeks later he sold them to Donas for the same price he had paid. The court asked Collins where he was on Easter Eve. He said he was in the valley but had not been near the water run for the past six months. **Interpretations** Chatham's story of buying the buckles with two rupees fitted the rate of exchange used in his own indictment, which valued each rupee at about 2 shillings and 3 pence. Two rupees therefore came to £0 4s 6d, exactly the sum he said he told his master's servants and the sum Donas paid him. The consistency gave his account a surface plausibility. It also shows how readily Indian coin served as everyday money on the island, even in a small bargain between a slave and a soldier on a hillside path. His claim that the seller was Collins himself was a bold defence. If true, it meant the prosecutor had sold his own buckles and then accused the buyer of theft. The court tested it directly by asking where Collins was on Easter Eve. Collins's reply placed him in the valley but denied he had been near the water run for six months. The defence rested wholly on Chatham's word against the prosecutor's, with no witness to the alleged sale. Donas's arrest shows how the law pressed on anyone found with stolen goods. Collins took him straight before a justice, where the burden fell on Donas to explain how he came by the buckles. By naming Chatham as the seller, he cleared himself and passed the suspicion along. On an island where goods moved through many hands, the person caught holding them had to give up his source or risk the charge himself.
445	435	Thomas Ferris being Sworn is asked, how long it was after the Robbery had been Committed before that the Prosecutor told him of it, and what were the Articles he mentioned had been stolen from him? Says - that he is not certain as to the time that Collins informed him of the Robbery committed on the 4th March but believes it was about a fortnight after - That he remembers particularly when Collins told him of the things which had been stolen, he mentioned a pr of Knee Buckles Mr Thomas Cole one of the Petit Jury upon his Oath Saith that, he heard the Prosecutor James Collins the day after the Robbery had been committed, say in his (Cole's) House, that he had lost some Pagodas, Rupees, Linen, Provision and a pr of Knee Buckles out of the House at the time it was broke open The whole Evidence being impartially summed up to the Jury they retired to Consider - on their Return into Court they declared their Verdict by which they found the Prisoner "Guilty to the value of four shillings and	Thomas Ferris was sworn and asked how long after the robbery Collins told him about it, and which items Collins said had been stolen. Ferris could not be sure of the date on which Collins told him about the robbery of 4 March 1779, but thought it was about a fortnight afterwards. He clearly remembered that when Collins listed the stolen goods, he mentioned a pair of knee buckles. Thomas Cole, a member of the trial jury, gave evidence on oath. On the day after the robbery, he heard Collins say at Cole's own house that pagodas, rupees, linen, food and a pair of knee buckles had been taken from his house when it was broken into. The evidence was summed up for the jury fairly and without bias, and the jurors withdrew to consider it. On their return they found Chatham guilty of theft to the value of £0 4s 10d. The verdict was recorded, and he was taken from the bar. Peg, Dick and Chatham were then brought to the bar together. Each was sentenced to be burnt in the hand and then released. The sentences were carried out in court before the sitting ended. With the business of the sessions finished, the grand jury and the petty jury were dismissed. The court was adjourned by public proclamation to 6 October 1779. Governor Skottowe, Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett signed the record. **Interpretations** The evidence of Ferris and Cole was aimed squarely at Chatham's defence. Chatham claimed that

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		ten pence" - Their Verdict being Recorded the Prisoner was removed from the Bar The Prisoners Peg Dick and Chatham being brought to the Bar of the Court received Sentence severally to be burnt in the Hand and discharged, which Sentence was duly executed against them in Court before Adjournment The Business of the Sessions being now Ended the Grand and Petit Juries were dismissed and the Court was by Proclamation adjourned to the sixth Day of October next ensuing John Skottowe Dan Corneille M Bazett Wm Wrangham Hen: Bazett	Collins himself sold him the buckles on Easter Eve, 3 April 1779. Both witnesses showed that Collins had reported the buckles stolen well before that date, one day after the robbery according to Cole and about a fortnight after according to Ferris. Collins could hardly have been wearing and selling buckles he had already reported missing. The testimony destroyed the defence without the need for any witness to the alleged sale on the hillside path. Cole gave his evidence while sitting as a juror in the same trial. English law permitted a juror with personal knowledge of the facts to be sworn and testify in open court, so that the other jurors and the prisoner could hear what he knew. What was forbidden was for a juror to share private knowledge with his fellows in the jury room. On a small island where jurors often knew the parties, this rule allowed their knowledge to be used openly while keeping it subject to the same scrutiny as any other witness.
446	436	On the 14th day of July in the nineteenth Year of his Majesty's Reign a Precept upon the Commission of the Peace was Issued out and delivered to the Sheriff On the 22 day of September following a Precept upon the Commission of Oyer and Terminer was also Issued and delivered to the said Sheriff Island of St Helena (to wit) The General Quarter Sessions of the Peace, Sessions of Oyer and Terminer and Sessions of Gaol Delivery held at the Hall in James's Valley for the Island of St Helena on Wednesday the 6th day of October in the nineteenth Year of his Majesty's Reign and in the Year of our Lord 1779 Before Jno Skottowe, Danl Corneille, Mattw Bazett, Willm Wrangham and Henry Bazett Esquires five of his Majesty's Justices of the Peace in and for the sd Island also Commissioners of Oyer and Terminer authorized to hear and Determine all Treasons, Felonies, Trespasses and other Misdemeanors within the said Island committed The Court being opened upon the Commission of the Peace a Grand Jury consisting of seventeen principal Inhabitants of the Body of said Island were Sworn - The Coroner then returned the Proceedings of an Inquest held before him in the course of the last Quarter which was read and approved of, the Return of Dogs was also given in and enrolled - Which done the Regulations of the Committee chosen in Vestry held the 26 day of April last respecting Sheep and Goats, in consequence of a Presentment from the Grand Jury to the Bench for that purpose at Sessions held the 14 of same Month, were now laid before the Bench by said Committee, and are as follow Resolutions of the Committee appointed in Vestry held in the Chappel in James's Valley the 26 day of April 1779 in consequence of a Presentment of the Grand Jury setting forth the increase of Sheep to the great prejudice of Black Cattle, also in repeated Complaints of	The Sheriff received a precept under the commission of the peace on 14 July 1779, in the 19th year of the King's reign. A precept under the commission of oyer and terminer followed on 22 September 1779. The island's General Quarter Sessions of the Peace sat at the Hall in James's Valley on Wednesday 6 October 1779, together with sessions of oyer and terminer and of gaol delivery. Five of the King's justices of the peace made up the bench: Governor Skottowe, Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett. All five also held commissions of oyer and terminer, with power to try treasons, felonies, trespasses and lesser offences committed on the island. The court opened under the commission of the peace, and 17 of the island's leading inhabitants took the oath as a grand jury. The coroner presented the record of an inquest he held during the previous quarter, which was read and approved. The dog returns were handed in and entered in the record. The committee chosen at the vestry meeting of 26 April 1779 then placed its rules on sheep and goats before the bench. The vestry had met in response to the grand jury's proposal at the sessions of 14 April 1779. The committee's resolutions were as follows. The committee had been appointed at a vestry held in the chapel in James's Valley on 26 April 1779. Its task arose from the grand jury's complaint that the growing number of sheep was doing great harm to the island's cattle. There had also been repeated complaints of goats and sheep straying onto private land, especially from the tame flocks. The committee agreed the following rules. First, only landholders would be permitted to keep sheep. The sole exception was the clergyman in office, who would keep up to 40 sheep as a customary right attached to his position. Secondly, each landowner could keep sheep at a rate of two sheep for every three acres of land he held, and no more. Tame flocks kept in enclosed pastures were to count towards this limit. The rule went on to deal with any sheep found beyond it. **Interpretations** The committee's rules copied a long-established English method of managing common grazing, known as stinting. English villages with open commons commonly limited each holder to a fixed number of animals in proportion to his land, so that no one could overgraze at his neighbours' expense. The island adapted the same principle, tying the right to keep sheep to the amount of land a man owned. The result shut out the landless entirely, including

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		the trespass of Goats and Sheep particularly the tame Flocks - Have agreed on the following Regulations First. That no Person upon the Island but Land holders be allowed to keep Sheep, the Clergyman for the time being excepted, who shall have that indulgence not exceeding forty head as a Prescriptive right Secondly That every Proprietor of Land shall have the liberty of keeping Sheep, in the proportion of two Sheep to every three Acres of Land he possesses, and no more, and that all tame Flocks of Sheep kept in Pastures be included in the said proportion, and for every Sheep that shall be found	soldiers, tradesmen and free black inhabitants, who might otherwise have run a few animals on the commons. The clergyman's allowance of 40 sheep was described as a customary right attached to his office rather than a personal privilege. It resembled the grazing rights that English parsons enjoyed through their glebe land and customary dues. Protecting it in writing ensured the minister's income from livestock survived a rule that otherwise restricted sheep to landholders, a group to which he might not belong. The committee met in the chapel in James's Valley, the church serving the town. The vestry was the parish's meeting of ratepayers, and in England it handled roads, poor relief and local rates. On St Helena it became a forum for drafting regulations on land use, which the bench could then turn into law at the next sessions.
447	437	found exceeding this proportion by the Inspectors appointed for this purpose shall be subject to the fine of five shillings, and if any Sheep should be found belonging to any Person not entitled to keep them, they shall be killed and the Owners acquainted therewith. Thirdly. That a proper Person in each Division of the Island be chosen at the Annual Vestry held for Parish Officers (and by Warrant from the Governor and Council) to inspect the respective flocks of Sheep in the Month of December Yearly and make a Return thereof to them (upon Oath if required) And that all Owners of Sheep be obliged to send Persons to assist in pounding them on the Days appointed by such Inspectors, or in default thereof be liable to pay the Sum of ten shillings for each default to be paid to the Church Wardens for the use of the Poor of the Parish, and for the due performance of the above regulation the Proprietors of Sheep shall be subject to one penny pr head pr Annum to be paid to the Inspectors for their trouble Fourthly That all Persons who keep tame flocks of Goats or Sheep in pastures be answerable they do not trespass upon their Neighbours enclosed Land, and in case of such trespass after Notice given in writing three times without effect to the Owners thereof, it shall be lawful for the Person so injured to impound such Goats and Sheep on his own Land, which shall pay expences of head before redeemed Lastly The Committee is further of Opinion that the first day of October in the Year 1780, be allowed as a sufficient time to enable the Owners of Sheep and Goats to regulate their respective Flocks, in compliance with the foregoing Regulations. (Signed) Jonathan Doveton Benjn Mason Jno Bagley Jas Greentree Robt Gosling Richd Greentree Jno Goodwin the 13 Septr 1779 The Worshipful Justices finding the above Regulations	Any landowner found by the inspectors to be keeping sheep beyond his permitted number would be fined £0 5s 0d. Sheep found belonging to someone not entitled to keep them at all were to be killed, and the owner informed. Thirdly, a suitable person was to be chosen in each district of the island at the yearly vestry meeting for electing parish officers. Acting on a warrant from Governor Skottowe and the Council, he would inspect the flocks in his district every December and report his findings, on oath if required. Every sheep owner had to send people to help pen the flocks on the days the inspectors set. Anyone who failed to do so would pay £0 10s 0d for each default to the churchwardens, for the relief of the parish poor. To pay for this work, sheep owners would give the inspectors £0 0s 1d a year for every sheep they kept. Fourthly, anyone keeping tame flocks of goats or sheep in pastures was responsible for stopping them straying onto neighbours' enclosed land. If the animals trespassed after the owner had been warned in writing three times without result, the injured party could impound them on his own land. Each animal would be released only on payment of £0 0s 6d. Lastly, the committee judged that owners should have until 1 October 1780 to bring their flocks into line with these rules. The committee's report was dated 13 September 1779 and signed by the following members: Jonathan Doveton Benjamin Mason John Bagley James Greentree Robert Gosling Richard Goodwin John Goodwin The justices found the rules well grounded and necessary to curb the heavy growth in sheep and goats, which was damaging the cattle. They approved them and ordered that they be proclaimed across the island and read at every sessions until they came fully into force. With no further business under the commission of the peace, the court opened under the commission of oyer and terminer. The Sheriff's report on the King's gaol showed that no one was being held, so the court only had the names on the petty jury panel read out. It was then adjourned by public proclamation to 12 January 1780. The Governor, Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett signed the record. **Interpretations** The scheme paid for its own enforcement. Inspectors drew a penny a head from the flocks they counted, so their income rose with the thoroughness of the count. Fines for failing to help with penning went to the parish poor, which gave the

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		well founded and necessary towards preventing the great increase of Sheep & Goats to the prejudice of Black Cattle, gave it their Sanction, and Ordered that the same be Proclaimed throughout the Island and read at every future Sessions until they ultimately take place No other business appearing upon the Commission of the Peace the Court was opened upon the Oyer and Terminer But it appearing by the Sheriff's Return of his Majesty's Gaol that there was no Prisoner for the time being the Pannel of the Petit Jury was only called over, and the Court by Proclamation adjourned to the 12 day of January next ensuing John Skottowe Dan Corneille M Bazett Wm Wrangham Hen: Bazett **Margin Notes:** +	churchwardens an interest in collecting them. Linking the inspectors to the parish vestry and a warrant from the Governor and Council combined local election with government authority, so the inspectors could act with the backing of both. The trespass rule protected enclosed land while giving owners fair warning. An injured neighbour could impound straying animals only after three written warnings had failed. This required a record of repeated neglect before seizure, which limited quarrels and prevented a neighbour from seizing animals on a single occasion. The fee of sixpence a head made persistent trespass costly without ruining the owner. The committee that drew up these rules was made up of the island's leading landholders, including Robert Gosling, the victim of the burglary tried on 14 January 1778, and James Greentree, whose slave captured Dick. Richard Goodwin had served as Sheriff until 1778. The men who would bear the burden of the new limits were the same men who wrote them. This gave the rules their authority, but it also meant they were framed to suit landowners, while shutting out the landless from keeping sheep at all.
448	438	On the 6th day of October in the nineteenth Year of his Majesty's Reign a Precept upon the Commission of the Peace was issued out and delivered the Sheriff of the Island On the 28 day of December following in the twentieth Year of his Majesty's Reign a Precept upon the Commission of Oyer and Terminer was Issued out to the Sheriff aforesaid On the 12 January 1780 a Precept upon the Commission of Gaol Delivery was issued out in Court and delivered to the Sheriff Island of St Helena ss The General Quarter Sessions of of the Peace Sessions of Oyer and Terminer and Sessions of Gaol Delivery held for the Island of St Helena on Wednesday the 12 day of January in the twentieth Year of the Reign of our Sovereign Lord George now King of Great Britain &c and in the Year of our Lord 1780 Before Jno Skottowe Danl Corneille Mattw Bazett, Willm Wrangham and Henry Bazett Esquires, five of his Majesty's Justices of the Peace in and for the said Island also Commissioners of Oyer and Terminer Authorized to hear and determine all Treasons, Felonies Trespasses and other Misdemeanors within the said Island Committed - The Court being opened upon the Commission of the Peace and the Pannel of the Grand Jury being called over Danl Corneille Esqr excepted against Jno Worrall then impannelled from serving upon said Grand Jury and desired his Exception might be entered upon the Proceedings of this day - which is to the following purport - Jno Worrall laying under a Criminal Accusation is "excepted against as one of the Grand Jury, by Mr Corneille - The rest of the Justices upon Consideration entered the following Vizt "Having considered the exception against Jno Worrall one of the Grand	The Sheriff received a precept under the commission of the peace on 6 October 1779, in the 19th year of the King's reign. A precept under the commission of oyer and terminer followed on 28 December 1779, in the 20th year of the reign. On 12 January 1780 the Sheriff received a precept under the commission of gaol delivery in open court. The island's General Quarter Sessions of the Peace sat on Wednesday 12 January 1780, together with sessions of oyer and terminer and of gaol delivery. The date was recorded as falling in the 20th year of the reign of George III, King of Great Britain. Five of the King's justices of the peace made up the bench: Governor Skottowe, Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett. All five also held commissions of oyer and terminer, with power to try treasons, felonies, trespasses and lesser offences committed on the island. The court opened under the commission of the peace, and the names of the grand jury panel were read out. Daniel Corneille objected to John Worrall, who had been empanelled, serving on the grand jury. He asked that his objection be entered in the day's record. It stated that Worrall faced a criminal charge and should therefore be excluded from the grand jury. The other justices considered the objection and recorded their decision. They agreed that Worrall should not sit on the grand jury. At the same time, they made clear that they did not regard him as unfit to serve, since no crime had yet been proved against him by due process of law. Worrall was told of Corneille's objection and the other justices' ruling, and he withdrew. Seventeen of the island's leading inhabitants were then sworn as the grand jury. Asked whether they knew of any matters under that commission, they replied that they knew of none. The coroner then came forward. **Interpretations** A grand juror had to be a person of good standing, since the grand jury decided whether others should be put on trial. Allowing a man facing a criminal charge to sit on it risked his judging cases alongside, or even involving, his own. Corneille's objection was therefore a challenge to Worrall's standing rather than to any bias in a particular case. Worrall had served repeatedly on trial juries at earlier

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		"Jury by Mr Corneille agreed that the said Jno Worrall should not "serve upon said Grand Jury, at same time do not consider the "said Worrall as incompetent to serve, as they know not of any "Criminal Act yet proved upon him by due course of Law" Mr Corneille's Exception and the determination of the rest of the Justices, being made known to the said Jno Worrall he withdrew After which seventeen of the principal Inhabitants of the Body of the said Island were Sworn, who being asked if they knew of any business upon that Commission answered they knew of none. The Coroner then	sittings, which shows that until this point he was counted among the island's respectable inhabitants. **Speculations** The expected course was for Worrall to serve, since he had been lawfully empanelled and had served on juries before. The bench departed from that course by removing him, because Corneille pointed to the charge pending against him. Yet the justices also rejected the fuller step of declaring him unfit, stating that no crime had been proved against him by due process. They chose to keep the grand jury clear of any suspicion while refusing to treat an accusation as a conviction. The distinction protected Worrall's standing for future service and upheld the principle that a man was not to be penalised for a charge that had not yet been tried.
449	439	now returned Proceedings of two Inquests held before him in the course of the last Quarter which were read and approved of - The Overseers then gave in Returns of Work done in their respective Divisions and the Return of Dogs was also given in - Nothing further appearing to be done upon the Commission of the Peace The Court of Oyer and Terminer was opened a new Grand Jury impannelled and Sworn, Mr Corneille's exception holding good together with the rest of the Justices determination respecting Jno Worrall (as entered upon the Proceedings of the Commission of the Peace) who was also impannelled upon this Jury - and a Bill of Indictment was preferred to them, they found the Bill and the Court was opened upon the Gaol Delivery Arraignment John Hill otherwise John Davis being set to the Bar of the Court was Arraigned upon the following Indictment Island of St Helena (to wit) "The Jurors of our Sovereign Lord the King upon their Oaths "Do Present that John Hill otherwise John Davis late of the Ship Triumph "Royal Mariner On the twenty first day of December in the twentieth Year "of the Reign of our Sovereign Lord George now King of Great Britain &c by "Force and Arms in James's Valley within the Island aforesaid in and upon "one Priscilla Smith of the age of twenty seven Years then and there being in "the Peace of God and of our Sovereign Lord the King did make an Assault "with an Intention the said Priscilla Smith against the Will of the said "Priscilla feloniously to ravish and carnally to know and the said Priscilla "then and there by Force and Arms did [...] and other Enormities to the "said Priscilla then and there by Force and Arms did offer to the great "damage of the said Priscilla and against the Peace of our Sovereign Lord "the King his Crown and Dignity" - To which he pleaded "Not Guilty" and the twelve following Men Vizt Hugh Jones Thomas Cole James Pritchard	The coroner presented the records of two inquests he held during the previous quarter, and both were read and approved. The overseers of the highways then reported the work done in their districts, and the dog returns were handed in. With nothing further to deal with under the commission of the peace, the court opened under the commission of oyer and terminer. A fresh grand jury was empanelled and sworn. John Worrall had been named on this panel too, but Corneille's objection and the other justices' ruling from earlier in the day still applied to him. A bill of indictment was put before the jury, which found it to be true. The court then opened under the commission of gaol delivery. Arraignment John Hill, also known as John Davis, was brought to the bar and charged on an indictment returned by the jurors on oath for the King. He was a seaman who had served aboard the ship [...]. The indictment stated that on 21 December 1779, in the 20th year of the reign of George III, he assaulted Priscilla Smith, aged 27, in James's Valley. It charged that he attacked her intending to rape her against her will and subjected her to other outrages, to her great harm and in breach of the King's peace. He pleaded not guilty. The following 12 men were sworn as his jury: Hugh Jones Thomas Cole James Pritchard William Hayes John Sampell Henry Easthope Richard [...]ke George Seale James Harper Joshua Torbett Gabriel [...]ke junior John Scott The indictment was read to him a second time, and the court gave the jury its charge. Priscilla Smith, who brought the prosecution, was sworn and gave evidence. On 21 December 1779 the prisoner came to the parish house with a bottle of liquor and offered her a drink. She refused at first, but when he pressed her again she drank some. He then asked her to go with him to Mr Hayes's punch house, which she declined. Isabella, a black girl who was with her at the time, persuaded her to go, and Priscilla went with Isabella to Mr Hayes's. **Interpretations** The charge was assault with intent to rape, not rape itself. Rape was a capital felony requiring proof of penetration, whereas an assault with intent to commit it was a misdemeanour punishable by fine, imprisonment or the pillory. Framing the charge this

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		William Hayes John Sampfill Henry Easthope Richard Frake George Seale James Harper Joshua Torbett Gabl Doveton Junr and John Scott were Sworn upon his Jury then the Indictment was a second time read to him and the Jury Charged Priscilla Smith the Prosecutrix appearing and being duly Sworn Saith that, On the 21 December last Jno Hill the Prisoner came to the Parish House and brought with him some liquor in a Bottle, that he asked the Witness to drink, but she refused tho' upon his asking her again she drank part thereof - That then he asked the Witness to go with him to Mr Hayes's Punch House which she declined - Isabella a black Girl being then with the Witness persuaded her to go and she went along with the said Isabella to Mr Hayes's	way meant the prisoner's life was not at stake, and the prosecution needed only to prove the attack and his purpose rather than the completed act. The parish house was the building maintained by the parish, often used to house the poor and others dependent on parish relief. Priscilla Smith's presence there perhaps indicates that she was among those supported by the parish. That would help explain why a visiting seaman approached her there with drink, and why the parish, through its churchwardens and the court, took up her complaint. The note that Worrall had also been named on the second grand jury shows that the Sheriff had summoned him for both panels before the objection was raised. The court applied its earlier ruling to the new jury without fresh debate. Once made, a decision on a juror's fitness governed the whole sitting.
450	440	Hayes's Punch House, That being there she saw the Prisoner who had got a Bowl of Liquor and wanted her to go with him into a back Room to drink of it, but which she refused and went into another Room away from the Prisoner, thither however he followed her and being there he struck her some Blows - Upon which she immediately quitted the House, that the Prisoner came after and overtaking her took hold of and dragged her along the Street near to the Parish House and wanted her to go in, but that she refused, upon which he forced her into the House, and into a Room which the Witness used to live in and being there shut the Door of said Room and secured it with a Bolt, then swore he would have his Will of her and that he would lie with her - that she obstinately refused and requested he would let her open the Door, but that he would not and prevented her by holding it, saying he would lie with her that she had "been great with other Men and should be so with him - To which the Witness replied that, was she ever so great a Whore, she would not consent to his Wishes - That then the Prisoner repeatedly struck her, at same time pulled her about the Room, and she having an Handkf about her Neck he drew it so tight as almost strangled her to prevent her calling out - That getting from him a little while she called out "Murder" several times, whereupon he threw her on the Ground, at which instant some Person came to the Window and desired the Prisr would desist from	At Mr Hayes's punch house Priscilla Smith found the prisoner with a bowl of liquor. He wanted her to go into a back room and drink it with him. She refused and moved to another room to get away from him, but he followed her there and struck her several times. She left the house at once. The prisoner came after her, caught hold of her and dragged her along the street to near the parish house, where he tried to make her go inside. When she refused, he forced her into the house and into the room where she used to live. He shut the door, bolted it and swore that he would have his way with her and sleep with her. She flatly refused and begged him to let her open the door, but he held it shut. He told her she had been intimate with other men and should be with him too. She answered that even if she were the lowest of prostitutes, she would never consent to him. He then struck her again and again and pulled her about the room. She had a handkerchief round her neck, and he twisted it so tightly to stop her crying out that he nearly strangled her. Breaking free for a moment, she cried out several times that she was being murdered. He threw her to the floor. At that moment someone came to the window and told the prisoner to leave her alone, warning that a party of soldiers was on its way to take him. He carried on attacking her regardless, swearing he would kill her if she did not sleep with him, and she still refused. Her repeated screams at last brought Mr Pasfitt, the constable, to the door, and he ordered it opened. Once inside, the constable heard her account. She told him she was glad he had come, because she feared the prisoner would have killed her. The constable then took the prisoner away. Priscilla Smith added that she had never given the prisoner the slightest encouragement. She disliked him and was very frightened of him. The court asked whether the prisoner had had sexual relations with her before this attack. She replied that he had, but always against her will. James Pasfitt, the constable, was sworn and gave evidence. On the afternoon of 21 December 1779 he was standing at his door when a black woman called out to him. She said there was a disturbance at the parish house, because she had heard Mrs Smith crying out that she was being murdered. **Interpretations**

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		meddling with the Witness telling him at same time that a File of Men were coming to take him away - Notwithstanding which the Prisoner still persisted in his ill treatment of the Witness swearing he would Murder her if she did not lie with him but which she still obstinately refused, till at last, by her repeated cries, brought Mr Pasfitt (the Constable) to the Door, who ordered it to be Opened - The Door being opened the Constable came in to whom the Witness related what had happened at same time telling him she was glad he was come for that she feared the Prisoner would have murdered her - That then the Constable took the Prisr away - The Witness further Saith that she never at any time gave the Prisoner the least encouragement, he being a Person she did not like, and was much afraid of him - - The Witness being asked by the Court, if the Prisr prior to this treatment ever had Carnal knowledge of her? Answers he has, but that it was always against her inclination James Pasfitt (Constable) being duly Sworn Saith that, On the 21 December last he was standing at his Door in the Afternoon and was called to by a Black Woman who told him there was a Riot in the Parish House, for that she heard Mrs Smith calling out "Murder"	The court's question about earlier sexual relations went to the heart of the defence the prisoner was likely to raise. In the eighteenth century a woman's sexual history was treated as relevant to whether she had consented, and evidence that she had previously been intimate with the accused could be used to cast doubt on her complaint. Priscilla Smith's answer, that he had done so before but always against her will, turned the question around. It suggested a pattern of abuse by the prisoner rather than a willing relationship. The prisoner's taunt that she had been with other men, and her reply, show how a complainant's reputation shaped the way such cases unfolded. A woman described as unchaste had far less chance of being believed. Her insistence that she would refuse him whatever her character asserted that consent belonged to her regardless of reputation. The charge of assault with intent, rather than rape, may reflect the difficulty of securing a capital conviction where the complainant's standing was open to attack. James Pasfitt served as constable while also keeping the punch house mentioned in earlier trials. On an island with few inhabitants, parish offices were filled by ordinary settlers alongside their trades. The warning shouted through the window, that a party of soldiers was coming, shows that the garrison could also be called on to restore order when the constable alone might not be enough.
451	441	"Murder" and believed black Jack (meaning the Prisoner) was beating her, that thereupon he went down to the Parish House and when he came there found the Door of the Room she was in fastned, that he knocked two or three times and the Door being he asked the Prisoner what was the matter who answered "nothing" - Mrs Smith, who was also in the Room said, she was glad he was come, for that otherwise she might have been murdered - Saith that some blood appeared upon the Face of the said Mrs Smith, and that he took the said Hill away and confined him in Prison - The Witness being asked if he saw any other marks of violence upon the said Mrs Smith? Answers he did not - The Witness further Saith that, when he has gone to unlock the Parish House Door of a morning he has seen the Prisoner and Mrs Smith together and once saw him sitting on a Stool putting on his Drawers where the said Mrs Smith was then lying Willm Mumford (Soldier) upon his Oath Saith that, On the 21 day of the last Month of the Year, he saw black Jack (meaning the Prisoner) strike Mrs Smith in the Entry of the Parish House, that he pulled her into a Room opposite the	Pasfitt said the black woman told him that she heard Mrs Smith crying out and believed Black Jack, meaning the prisoner, was beating her. He went straight down to the parish house and found the door of her room fastened. He knocked two or three times, and when the door opened he asked the prisoner what was going on. The prisoner said it was nothing. Mrs Smith, who was also in the room, told Pasfitt she was glad he had come, as she might otherwise have been killed. He saw blood on her face. He took Hill away and locked him in the gaol. Asked whether he saw any other signs of violence on her, he said he did not. Pasfitt added that when he went to unlock the parish house door in the mornings, he had seen the prisoner and Mrs Smith together. Once he saw the prisoner sitting and pulling on his underclothes in the place where Mrs Smith was lying. William Mumford, a soldier, gave evidence on oath. On 21 December 1779 he saw Black Jack, meaning the prisoner, strike Mrs Smith in the entrance passage of the parish house. The prisoner dragged her into a room across from the passage. While they were in the room, Mumford heard a commotion and Mrs Smith crying out that she was being murdered. He told Mr Pasfitt, the constable, who went down to the parish house at once. Asked whether he had seen the prisoner at the parish house before, Mumford said he had seen him there many times. He mentioned in particular the morning of 21 December 1779, when he saw the prisoner arrive with a bottle of liquor. William Hayes, a member of the trial jury, gave evidence on oath. On the evening of 21 December 1779 Mrs Smith came into his punch house. The prisoner was already there and ordered some punch, meaning to share it with her. She refused to drink and

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		said Entry and that they being in said Room he (the Witness) heard a noise, and Mrs Smith calling out Murder, upon which he informed Mr Pasfitt the Constable of the same, who immediately went down to the Parish House - The Witness being asked if he had ever before this time seen the Prisr at the Bar, in the Parish House? Answers he has repeatedly seen him there, and mentions the Morning of the 21 last Month when he saw him bring some liquor in a Bottle Mr William Hayes (one of the Petit Jury) upon his Oath Saith that, On the Evening of the twenty first December last Mrs Smith came into his Punch House - The Prisr being there, called for some Punch intending to give Mrs Smith a part thereof, but which she refused to drink, and went into another Room, being called thence by the Steward of the Island Cutter, thither the Prisr followed her and shortly after hearing the said Mrs Smith cry out, went and turned him out of the House - Saith that, the Prisoner followed her having his Punch behind John Eames (Soldier) appearing and being duly Sworn Saith that he was with Mrs Smith on the 23 Decr last in the Parish House, when one Shirty came to borrow a Bottle to put some Liquor in for black Jack (meaning the Prisr) who was then in Prison - That Mrs Smith said she thought the Prisr ought [...] in consideration of the ill treatment she had	went into another room, having been called there by [...]. The prisoner followed her. Shortly afterwards Hayes heard Mrs Smith cry out, went in and threw the prisoner out of the house. The prisoner then went after her, leaving his punch behind. John Eames, a soldier, was sworn and gave evidence. On 23 December 1779 he was with Mrs Smith at the parish house when a man named Christy came to borrow a bottle to carry liquor to Black Jack, meaning the prisoner, who was then in gaol. Mrs Smith remarked that, given the ill treatment she had suffered, the prisoner ought [...]. **Interpretations** Pasfitt's account cut two ways for the prosecution. He confirmed the locked door, the blood on Mrs Smith's face and her plea that she feared for her life. Yet he also volunteered that he had often found the prisoner with her in the mornings, and once saw him dressing where she lay. That evidence supported the prisoner's claim of an existing relationship. It sat uneasily with her testimony that he had always forced himself on her, and it gave the jury grounds to doubt that she was unwilling on this occasion. The name Black Jack suggests the prisoner was a black seaman, and his use of two names, John Hill and John Davis, was common among sailors who moved from ship to ship. Men of colour served widely in the crews of East India Company ships and other vessels calling at the island. His race is never raised in the proceedings, which treat him simply as a seaman answering a charge. The witnesses used the nickname as a plain means of identifying him. Hayes, like Thomas Cole in Chatham's trial, gave evidence while sitting on the jury. As keeper of the punch house where the evening began, he had direct knowledge of what happened there. His testimony confirmed that the prisoner pursued Mrs Smith from room to room and that she tried to avoid him, which supported her account of an unwanted advance.
452	442	had received of him the preceding Night Willm Parsons being duly Sworn Saith that, some time in the last Month, (does not recollect the day) he saw the Prisoner go into the Parish House about the Hours of four and five in the Afternoon and bring out Mrs Smith whom he threw upon the Ground in the Street that she getting away from him ran into Mr Tefsont's House, where the Prisoner followed her, pulled her out of the House and again threw her upon the Ground - That she getting away from him a second time went into the Parish House, thither the Prisoner also followed her, and the Witness saw no more of them The Evidence for the Crown closing here the Prisoner is put upon his Defence - He Saith that, On the 21 of December last, about the Hours of four and five in the Afternoon as he was coming up the Street, he saw Mrs Smith standing at the Door of the Parish House who called to him as he past, that he went to her and asked what she wanted? who replied she wanted something to Drink - that he gave her Money sufficient to purchase some liquor and it being brought Mrs Smith, the Prisoner and one Handley drank it; after which she asked	Mrs Smith's remark to Eames concerned the ill treatment she had suffered at the prisoner's hands the night before. William Parsons was sworn and gave evidence. One day in December 1779, though he could not recall which, he saw the prisoner go into the parish house between four and five in the afternoon. The prisoner brought Mrs Smith out and threw her to the ground in the street. She broke away and ran into Mr Desfountain's house, but the prisoner followed, dragged her out and threw her down again. She escaped a second time and went back into the parish house. The prisoner followed her there, and Parsons saw nothing more. The Crown's case closed at this point, and the prisoner was called on for his defence. He said that between four and five on the afternoon of 21 December 1779 he was walking up the street when he saw Mrs Smith standing at the door of the parish house. She called to him as he passed. He went over and asked what she wanted, and she said she wanted a drink. He gave her enough money to buy some liquor, and when it arrived, she, the prisoner and another woman drank it together. She then asked for more. He told her that if she came with him to Mr Hayes's he would buy her some, but he did not want to bring any more to the parish house. He went straight to Mr Hayes's and ordered £0 0s 9d worth of punch, and by the time it was ready Mrs Smith had arrived. He asked her to come into a back room, since there were people in the front. She refused and went alone into a room where two men

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		for more, the Prisoner told her if she would go with him to Mr Hayes's he would give her some, but that he did not choose to bring any more to the Parish House - Saith that, he immediately went to Mr Hayes's and called for nine penny worth of Punch and by the time it was made Mrs Smith came into the House. He asked her to go into a back Room (there being Company in the Front) which she refused and went, alone, into a Room where two Persons belonging to the Island Cutter were drinking, that he followed her into said Room bringing his Liquor along with him and asked her to drink, to which she replied that, she was otherwise engaged, and refused to drink any part of it - The Prisoner being somewhat angry at her refusing to Drink when it was on her Account he had the Liquor made, took hold of her Hand to pull her away from the Company she was with and in getting off the Seat, she fell down and immediately began to cry out Mr Hayes hearing her cries came and turned her out of the House and believes that, as she went down the Steps she fell by which means her Nose became bloody - Saith that, Mrs Smith then went to the Parish House, and in a short time after the Prisr followed, and went into a Room with her, that just as he was going in Jno Glass (since drowned) being at work in the Yard called to him to prevent his going into said Room, and was coming to take him away. And Mrs Smith said "let him alone, he is my Husband" and immediately took hold of the Prisoner, pulled him into the Room and bolted the door - The Prisoner further Saith that, the next day while in Prison Mrs Smith sent to him he would send her Money to purchase nine Penny worth of Liquor - to which the Prisoner returned for	from the cutter *Hind* were drinking. He followed her with his punch and asked her to drink. She told him she was already engaged and would not touch it. Annoyed that she refused a drink he had ordered for her sake, he took her hand to pull her away from the company she was with. As she got up from her seat she fell and began to scream. Mr Hayes heard her and turned her out of the house. The prisoner believed she fell going down the steps, which caused her nose to bleed. Mrs Smith then went back to the parish house, and the prisoner followed shortly afterwards and went into a room with her. As he was going in, John Close, who was working in the yard and has since drowned, called out to stop him and came over to take him away. Mrs Smith told Close to leave him alone because the prisoner was her husband. She then took hold of the prisoner, pulled him into the room and bolted the door. The prisoner added that the next day, while he was in gaol, Mrs Smith sent word asking him to give her money for £0 0s 9d worth of liquor. **Interpretations** The prisoner's claim that Mrs Smith called him her husband went to the root of the charge. English law at this date held that a husband could not be guilty of raping his wife, on the reasoning that marriage gave a continuing consent. If the jury accepted that the two lived as man and wife, even without a formal marriage, the idea of an assault with intent to rape her became hard to sustain. The claim also fitted Pasfitt's evidence that he had often found them together in the mornings. The only witness who could confirm that Mrs Smith called him her husband and pulled him into the room was John Close, who had since drowned. The prisoner thus rested a central part of his defence on the word of a man who could not be called. Because an accused could not give sworn evidence, his account stood as an unsworn statement set against her testimony on oath and the evidence of Parsons and Mumford, who saw him beating her in the street and in the parish house.
453	443	for Answer he would rather send her nine penny worth of Aqua fortis - Andrew Hendly appearing at the request of the Prisoner and being Sworn Saith that on the 21 day of last Month being at Work in the Yard of the Parish House [...] and looking thro' a Window saw Mrs Smith and black Jack (meaning the Prisoner) in the Room - that he went into said Room and either the Prisoner or Mrs Smith gave him some liquor Saith he shortly after left them clasped in each others Arms, and saying - That Jno Glass (who is since drowned) being there at the time requested of the Prisoner to leave Mrs Smith and come away, who replied "he "should not, that the Prisoner was her Husband" and immediately shut the Door - Saith that, the Day following about half after 8 o'Clock knowing	The prisoner said he replied that he would sooner send her £0 0s 9d worth of aqua fortis. Andrew Hendly, called at the prisoner's request, was sworn and gave evidence. On 21 December 1779 he was working at the parish house [...]. Looking through a window, he saw Mrs Smith and Black Jack, meaning the prisoner, in the room. He went in, and either the prisoner or Mrs Smith gave him some liquor. He left soon afterwards, and at that point the two were holding each other tightly and weeping. John Close, who has since drowned, was there too and asked the prisoner to leave Mrs Smith and come away. Mrs Smith told Close that the prisoner would not go, because he was her husband, and she shut the door at once. At about half past eight the next morning, knowing the prisoner was in gaol, Hendly went to Mrs Smith to borrow a bottle so that he could take him some liquor. Mrs Smith asked him to tell the prisoner to send her £0 0s 9d worth of punch, since she was very unwell. When Hendly passed on the message, the prisoner answered that he would sooner

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		the Prisoner was in Gaol went to Mrs Smith to borrow a Bottle intending to carry him some Liquor, when Mrs Smith desired he would ask the Prisoner to send her Nine pennyworth of Punch, for that she was very Sick - Saith, upon delivering the Message the Prisoner answered, he would rather send her Nine pennyworth of Aqua fortis, that if she was Sick it was her fault The whole Evidence being summed up to the Jury they retired to Consider, on their Return, they declared their Verdict by which they acquitted the Prisoner, the same being Recorded, he was discharged The Business of the Sessions being now ended, the Grand and Petit Jurys were dismissed and the Court was, by Proclamation adjourned to the fifth Day of April next ensuing John Skottowe Dan Corneille M Bazett Wm Wrangham Hen: Bazett	send her the same amount of aqua fortis, and that if she was unwell she had only herself to blame. The evidence was summed up for the jury, and the jurors withdrew to consider it. On their return they acquitted the prisoner. The verdict was recorded, and he was released. With the business of the sessions finished, the grand jury and the petty jury were dismissed. The court was adjourned by public proclamation to 5 April 1780. Governor Skottowe, Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett signed the record. **Interpretations** Aqua fortis was the common name for nitric acid, a highly corrosive liquid used by metalworkers, engravers and assayers for etching and dissolving metals. It was notorious as a poison and was sometimes thrown to disfigure. The prisoner's retort that he would rather send Mrs Smith aqua fortis than punch was a bitter jibe. Yet it was offered by the defence's own witness, which suggests the prisoner's side saw it as evidence of a lovers' quarrel between a couple rather than of predatory intent. Hendly's evidence confirmed the heart of the prisoner's defence, which until then rested on the word of a drowned man. He saw the pair embracing and weeping, heard Mrs Smith tell Close that the prisoner was her husband, and saw her shut the door on him. Coupled with Pasfitt's account of finding them together in the mornings, this gave the jury a picture of an established if stormy relationship. Because a husband could not be convicted of raping his wife, a jury that saw the two as living together had little room to convict him of an intent to rape her, and the acquittal followed.
454	444	On the 12 day of January 1780 a Precept upon the Commission of the Peace was Issued out and delivered to the Sheriff of the Island On the 20th day of March following a Precept upon the Commission of Oyer and Terminer was issued out and delivered to the Sheriff aforesaid Island of St Helena ss The General Quarter Sessions of the Peace Sessions of Oyer and Terminer and Sessions of Gaol Delivery Held at the Hall in James's Valley for the Island of St Helena on Wednesday the 5th Day of April in the twentieth Year of His Majesty's Reign and in the Year of our Lord 1780 Before Jno Skottowe, Dan Corneille, Mattw Bazett, William Wrangham and Henry Bazett Esquires five of His Majesty's Justices of the Peace in and for the said Island also Commissioners of Oyer & Terminer Authorized to hear and Determine all Treasons, Felonies Trespasses and other Misdemeanors within the said Island Committed The Court being opened upon the Commission of the Peace a Grand Jury consisting of seventeen principal Inhabitants of the Body of the said Island were Sworn, who being asked if they knew of any business upon that Commission, answered by their Foreman "they knew of none" - The Sheriff elect for the ensuing Year was then Sworn into his Office, also the Constable together with the Overseers of the High ways	The Sheriff received a precept under the commission of the peace on 12 January 1780. A precept under the commission of oyer and terminer followed on 20 March 1780. The island's General Quarter Sessions of the Peace met at the Hall in James's Valley on Wednesday 5 April 1780, together with sessions of oyer and terminer and of gaol delivery. The date was recorded as falling in the 20th year of the King's reign. Five of the King's justices of the peace made up the bench: Governor Skottowe, Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett. All five also held commissions of oyer and terminer, with power to try treasons, felonies, trespasses and lesser offences committed on the island. The court opened under the commission of the peace, and 17 of the island's leading inhabitants took the oath as a grand jury. Asked whether they knew of any matters under that commission, the jurors answered through their foreman that they knew of none. The Sheriff chosen for the coming year was then sworn into office, along with the constable and the overseers of the highways. The coroner presented the records of two inquests he held during the previous quarter, which were read and approved. The dog returns were handed in and entered in the record. The court then opened under the commission of oyer and terminer, and a fresh grand jury was empanelled. The Sheriff's report showed that no prisoners were held in the King's gaol, so the court only had the names on the petty jury panel read out. It was then adjourned by public proclamation to 12 July 1780. The Governor, Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett signed the record.

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		and the Coroner returned Proceedings of two Inquests held before him in the Course of the last Quarter, which were read and approved - The Return of Dogs was also given in and Enrolled. Which done the Court was opened upon the Commission of Oyer and Terminer and a new Grand Jury impannelled, but it appearing by the Sheriff's Return there was no Prisoners in his Majesty's Gaol for the time being, the Pannel of the Petit Jury was only called over and the Court, by Proclamation adjourned to the 12 day of July next ensuing John Skottowe Dan Corneille M Bazett Hen: Bazett Wm Wrangham	
455	445	On the 5 day of April 1780 a Precept upon the Commission of the Peace was Issued out and delivered to Mr Robert Leech Sheriff Elect for the ensuing Year On the 27 of June following a Precept upon the Commission of Oyer & Terminer was delivered to the Sheriff of the said Island On the 12 July following a Precept upon the Commission of Gaol Delivery was issued out in Court and delivered to the Sheriff Island of St Helena to wit The General Quarter Sessions of the Peace Sessions of Oyer and Terminer and Sessions of Gaol Delivery held for the Island of St Helena at the Hall in James's Valley on Wednesday the 12 day of July in the twentieth Year of his Majesty's Reign and in the Year of our Lord 1780 Before Jno Skottowe, Dan Corneille, Matt Bazett, Wm Wrangham and Henry Bazett Esquires five of his Majesty's Justices of the Peace in and for the said Island also Commissioners of Oyer and Terminer Authorised to hear and determine all Felonys Trespasses and other Misdemeanors within the said Island committed The Court being opened upon the Commission of the Peace and the Grand Jury called, Mr James Greentree, who had been duly Summoned not appearing, the Officer who had Summoned him was called and Sworn - He deposed that he had personally summoned the said Greentree and that he, Greentree, did not then or afterwards acquaint him of any cause of absence - his Default was markt, and the Justices on the Bench in mitigation of the Fine prescribed by Law for such contempt fined him only in the Sum of forty shillings after which a Grand Jury consisting of seventeen principal Inhabitants of the Body of the said Island were Sworn, who being asked if they knew of any business upon that Commission, requested leave to withdraw - On their return into Court they tendered by their Foreman the	Robert Leech, chosen as Sheriff for the coming year, received a precept under the commission of the peace on 5 April 1780. A precept under the commission of oyer and terminer was delivered to the Sheriff on 27 June 1780. On 12 July 1780 he received a precept under the commission of gaol delivery in open court. The island's General Quarter Sessions of the Peace sat at the Hall in James's Valley on Wednesday 12 July 1780, together with sessions of oyer and terminer and of gaol delivery. The date was recorded as falling in the 20th year of the King's reign. Five of the King's justices of the peace made up the bench: Governor Skottowe, Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett. All five also held commissions of oyer and terminer, with power to try felonies, trespasses and lesser offences committed on the island. The court opened under the commission of the peace, and the grand jury was called. James Greentree had been properly summoned but did not attend. The officer who served the summons was called and sworn. He stated that he delivered it to Greentree in person and that Greentree never gave him any reason for his absence, either then or later. The court recorded Greentree's absence as a default. The justices reduced the penalty set by law for this contempt and fined him only £2 0s 0d. Seventeen of the island's leading inhabitants were then sworn as the grand jury. Asked whether they knew of any matters under that commission, the jurors asked permission to withdraw. On their return their foreman handed in a formal proposal to the bench, dated 12 July 1780. The grand jury reported that it had considered a proposal put before it that day. **Interpretations** Greentree's fine of £2 0s 0d was double the £1 0s 0d imposed on Thomas Pelham for the same failure on 16 July 1777. In both cases the bench stressed that it was reducing the penalty the law allowed, yet the reduced sum had doubled in three years. The rise perhaps reflected growing impatience with leading inhabitants who ignored their summons. Greentree was a prominent landholder who had sat on the committee that drew up the sheep regulations of 13 September 1779. The heavier fine signalled that such standing gave no licence to neglect jury service.

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		following Presentment Vizt Island St Helena 12 July 1780 To the Worshipful the Bench of Justices Gentlemen We the Grand Jury of the said Island having taken into consideration a Presentment this day laid before us, setting forth the	
456	446	the great distress the Inhabitants are likely to sustain from the failure of Rushes occasioned by the long Drought - We in consequence thereof beg leave to offer our Opinion on the Propriety of prohibiting Black Cattle from grazing on that part of the Common known by the Name of Horse-pasture for three or four Years, in which time we judge that most useful Plant may recover itself on that spot and Soil which seems so natural to their Growth - And at this juncture when the Stocks of Cattle are so reduced by the Drought we conceive such prohibition can be attended with but little inconvenience to the public, but of the greatest utility to the Island in general We are also of Opinion that a Fine of 5s pr head should be laid on all Owners of such Black Cattle, found trespassing on said Common after the 1 day of August next, which Fine to be paid to the Church Wardens for the time being for the use of the Parish We further strongly recommend that a proportion of the Public Work be allotted Yearly for the Planting of Rushes upon the Commons, as we are persuaded such a measure would prove of the greatest advantage to the Island Done in the Grand Jury Room (Signed) Richd Goodwin Foreman The Bench of Justices having considered the above Presentment assented thereto, and have ordered that from the 1 of August next all Black Cattle which shall be found grazing upon that part of the Island called the Horse Pasture, the Owners thereof shall become subject to the Fine proposed in sd Presentment - After which the Coroner returned Proceedings of two Inquests held before him in the course of the last Quarter which were read and approved - The Overseers of the High ways then gave in Returns of Work done by them in their respective Divisions, and the Return of Dogs was also given in and Enrolled No other business appearing upon the Commission of the Peace the Court was opened upon the Oyer and Terminer a New Grand Jury impannelled and Sworn and a single Bill of Indictment was preferred to them, they found the Bill and then the Court was opened upon the Gaol Delivery Arraignment. Jatna a Man slave being set to the Bar of the Court was Arraigned upon the following Indictment Vizt **Margin Notes:**	The grand jury's proposal concerned the serious hardship the inhabitants were likely to suffer because the long drought had caused the rushes to fail. The jurors therefore recommended that cattle be barred from grazing the part of the commons known as the Horse Pasture for three or four years. In that time, they believed, the rushes could recover on ground whose soil seemed so well suited to them. With herds already much reduced by the drought, the jurors thought the ban would cause the public little inconvenience while bringing great benefit to the island as a whole. The jury further proposed a fine of £0 5s 0d for every head of cattle found trespassing on that part of the commons after 1 August 1780. The fines would be paid to the churchwardens in office for parish purposes. The jurors also strongly urged that part of the public labour be set aside each year for planting rushes on the commons, convinced this would greatly benefit the island. The proposal was signed in the grand jury room by Richard Goodwin as foreman. The justices considered the proposal and approved it. They ordered that from 1 August 1780 the owner of any cattle found grazing on the Horse Pasture would be liable to the fine the jury had proposed. The coroner then presented the records of two inquests he held during the previous quarter, which were read and approved. The overseers of the highways reported the work done in their districts, and the dog returns were handed in and entered in the record. With no further business under the commission of the peace, the court opened under the commission of oyer and terminer. A fresh grand jury was empanelled and sworn, and a single bill of indictment was put before it. The jurors found the bill to be true, and the court then opened under the commission of gaol delivery. Arraignment Tatna, a male slave, was brought to the bar and charged on an indictment. **Interpretations** Rushes mattered on St Helena chiefly as thatch. Many island houses were roofed with them, as the break-in at James Collins's house through a hole in the thatch showed at the trial of 12 January 1780. They were also woven into mats and used for bedding and floor coverings. A failure of the rush beds therefore threatened the repair of homes across the island, which explains why the grand jury described the loss as a cause of great hardship. The measure reversed the direction of the island's recent grazing rules. On 6 October 1779 the court restricted sheep and goats to protect the cattle, which were seen as the island's most valuable stock. Less than a year later, drought had so reduced the herds that cattle themselves were now shut out of the Horse Pasture to save a plant. The jury's argument that the ban would cost little, precisely because the herds were already depleted, shows how the drought altered the balance of priorities on the commons. The proposal to devote part of the public labour to planting rushes drew on the work parties the island kept for roads and other common works, as reported each quarter by the overseers of the highways. Turning that labour to replanting the commons

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		X	treated the rush beds as public infrastructure, to be restored by organised effort rather than left to recover on their own.
457	447	Island of St Helena The Jurors of our Sovereign Lord the King upon their "Oaths Do Present that Jatna late of Fisher's Valley within the Island "of St Helena a Man slave on the third day of May in the twentieth Year of "the Reign of our Sovereign Lord George now King of Great Britain &c about "the hour of twelve in the Night of the same day by force and Arms in "James's Valley within the Island aforesaid the Ware house of one James "Pritchard there situated and adjoining to the Dwelling house of one John "Sampfill feloniously and burglariously did break and enter and twelve "pounds weight of Tobacco of the value of one pound four shillings and "three called Sheep Tails of the Value of five shillings of the Goods and "Chattels of the said James Pritchard in the said Ware house adjoining "to the said Dwelling house then and there being found then and there "feloniously and burglariously did steal take and bear away against the "Peace of our Sovereign Lord the King his Crown and Dignity and also "against the form of the Statute in that case made and provided" To which he pleaded "not Guilty" and the twelve following Men Vizt John Desfountain John Sampfill Richard Frake James Harper Joshua Torbett John Bagley Senr Gabriel Leake Richard Bickerstaff John Fabian Robt Roberts Budd Joseph Seager and Henry Wrayfield were Sworn upon his Jury then the Indictment was a second time read to him and the Jury Charged James Pritchard the Prosecutor appearing and being duly Sworn Saith that, On Wednesday the 3 May last about six o'Clock in the Morning Mr Stephen Young acquainted him that he observed some loose Stones on the Roof of a Ware house belonging to the Prosecutor and from seeing them concludes the said Ware house had been broke into upon which he immediately went over to the said Ware house and on opening the Door saw a hole in the Roof which the Prosecutor supposes must have been broke sometime in the preceding Night - That then he examined to see what was missing and found that several pounds of Tobacco and some called Cape Sheep Tails had been taken away and the other Goods remaining in said Ware house scattered about in many Places - Saith he did not at that time discover any other Articles had been taken away - That	The indictment against Patna, a male slave of Fisher's Valley, stated that at about midnight on 3 May 1780, in the 20th year of the reign of George III, he broke into a warehouse in James's Valley. The warehouse belonged to James Pritchard and adjoined the house of John Sampell. Patna was charged with stealing 12 pounds in weight of tobacco valued at £1 4s 0d and [...] salted sheep's tails valued at £0 5s 0d, all belonging to Pritchard. The charge alleged a breach of both the King's peace and the relevant statute. Patna pleaded not guilty, and the following 12 men were sworn as his jury: John Desfountain John Sampell Richard [...]ke James Harper Joshua Torbett John Bagley senior Gabriel [...]ke Richard Bickerstaff John Fabian Robert Roberts Budd Joseph Leager Henry Wrayfield The indictment was read to him a second time, and the court gave the jury its charge. James Pritchard, who brought the prosecution, was sworn and gave evidence. At about six o'clock on the morning of Wednesday 3 May 1780, Mr Stephen Young told him he had noticed loose stones on the roof of Pritchard's warehouse. Young concluded that someone had broken in. Pritchard went straight over and, on opening the door, saw a hole in the roof, which he believed had been made during the night. He checked what was missing and found that several pounds of tobacco and some salted Cape sheep's tails had gone. The rest of the stock lay scattered about the warehouse, and at that point he found nothing else missing. On the following Sunday, Pompey, a male slave belonging to Mr Stephen Young, brought him a liquor keg and part of a Cape sheep's tail. Pompey told him he had found them in a hole among some rocks. **Interpretations** Cape sheep were the fat-tailed breed kept at the Cape of Good Hope, whose broad tails stored large amounts of fat. The tails were cut off, salted and shipped, and they were valued for their fat in cooking and as a substitute for butter or lard. Ships calling at St Helena on the way home from India often touched at the Cape first, so Cape produce reached the island merchants' stores. Pritchard's warehouse, holding tobacco and salted provisions, shows how island traders stocked goods from the Cape and the East for sale to settlers and passing ships. The indictment placed the warehouse next to John Sampell's house because burglary had to be committed against a dwelling house. A warehouse standing alone was not a dwelling, and breaking into it at night was not burglary in the strict sense. By describing it as adjoining a dwelling, the Crown sought to bring the break-in within the capital offence. The dwelling named, however, belonged to Sampell rather than to Pritchard, which left the charge open to challenge. Sampell himself sat on the jury, one more instance of the island's small pool of jurors being tied to the facts of the case.

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		on the Sunday following Pompey a Man slave belonging to Mr Stephen Young brought a Canvas bag, together with part of a Cape Sheep Tail, - which he informed the Prosecutor he found in a hole among some Rocks lain	
458	448	where the Prisr who was then Run away was lying when as he was conducting to his Master got away from him and made off - Saith he heard nothing more of this Affair until the 12 June last when Thomas Yates Gaoler informed him that the Prisoner (who had been since taken and secured in Prison) as he was going to have him punished, told him that himself together with one Harlequin were the Persons that broke into and robbed the Prosecutor's Ware house, and that if any one would go with him he would shew them where part of the Goods were hid - Upon which Thos Cole Constable and the Prosecutor together with the Prisoner went to the Batavia Gardens, a little beyond which among some Rocks on the side of the Hill to which they were directed by the Prisoner they found four pounds weight of Tobacco the Prisoner at same time went to another Place from whence he took three Hand Hatchets and a small Copper Kettle - Saith that altho' he did not discover that any Hatchets had been taken away at the time he found his Ware house had been broke open and robbed, yet he firmly believes those found by the Prisr to be his property their being exactly like some others he had in the Ware house at the time it was robbd - The Tobacco, Hatchets and part of a Cape Sheep Tail are now produced in Court - The Prosecutor is asked, if he can possibly ascertain the Quantity of Tobacco and Sheep Tails he lost at the time his Ware house was broke open and robbed - Says he is positive to the quantity specified in the Indictment, but verily believes much more was taken away - Being further asked if any other Person upon the Island sells Cape Sheep Tails? Says there is not Thomas Yates Gaoler upon his Oath Saith that, On the Monday preceeding that, on which Jatna the Prisr was committed to Gaol the Governor & Council having Ordered that he should be punished for Running away, as the Witness was taking him to punishment, the Prisr desired he would stay a little for that he wanted to Communicate something to a Magistrate, upon which the Witness asked him what it was? He replied it was with respect to the Robbing of Mr Pritchard's Ware house - that then the Witness further asked him, what he knew concerning it?	Pompey said he found the keg and sheep's tail close to where the prisoner, then a runaway, was hiding. Pompey caught him, but while taking him back to his master, the prisoner broke free and escaped. Pritchard heard nothing more of the matter until 12 June 1780. On that day Thomas Yates, the gaoler, told him that the prisoner had since been caught and locked up. As Yates was about to take him for punishment, the prisoner confessed that he and a man called Harlequin had broken into and robbed Pritchard's warehouse. He offered to show anyone who went with him where part of the goods were hidden. Thomas Cole, the constable, and Pritchard went with the prisoner to Maldivia Gardens. A little beyond the gardens, among rocks on the hillside, the prisoner led them to 4 pounds in weight of tobacco. He then went to another spot and brought out three hand hatchets and a small copper kettle. Pritchard had not noticed any hatchets missing when he discovered the break-in. He was nevertheless sure these were his, since they matched others he had in the warehouse at the time of the robbery exactly. The tobacco, the hatchets and part of a Cape sheep's tail were produced in court. The court asked Pritchard whether he could fix the amount of tobacco and sheep's tails he had lost. He said he was certain of the quantities stated in the indictment but firmly believed much more had been taken. Asked whether anyone else on the island sold salted Cape sheep's tails, he said no one did. Thomas Yates, the gaoler, gave evidence on oath. On the Monday before the prisoner was committed to gaol, Governor Skottowe and the Council ordered that he be punished for running away. As Yates was taking him to be punished, the prisoner asked him to wait, saying he wanted to tell a magistrate something. Yates asked what it was, and the prisoner said it concerned the break-in at Mr Pritchard's warehouse. Asked what he knew about it, he answered that he had broken in himself. Yates put him back in the gaol and asked whether anyone else had been involved. The prisoner said that Harlequin, a male slave belonging to Mr Stephen Young, had been with him. Yates went at once and reported the confession to a justice of the peace. Thomas Cole, the constable, was sworn and confirmed the part of Pritchard's evidence describing the search. **Interpretations** Patna confessed at the very moment he was being led to punishment for running away, which the Governor and Council had ordered. Punishment for a runaway slave meant a flogging, and a confession offered on the way to the whipping post invited the suspicion that he spoke to delay or escape it. English law excluded confessions obtained by threats or promises. Here, however, no one had offered him anything. He volunteered the information himself, and the discovery of the tobacco and hatchets where he pointed gave his confession independent support. Punishment for running away lay with the Governor and Council rather than the court. Absconding was treated as a breach of the master's rights and of public order to be dealt with administratively, whereas theft and burglary came before a jury. The same slave could thus face a summary flogging by executive order for one offence

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		Answered that he had broke it open - Upon which the Witness put him back into Gaol and asked him if any other Person was concerned with him at the time - Said that, Harlequin a Man slave belonging to Mr Stephen Young was with him - The Witness upon this Confession went immediately and Informed a Justice of the Peace thereof - Thomas Cole Constable appearing and being Sworn, Corroborates that part of the Prosecutor's Evidence, where they	and a jury trial for another arising from the same period of flight. Pritchard's statement that no one else on the island sold salted Cape sheep's tails made the tail found with Patna a strong link to the warehouse. Distinctive goods from a single supplier could be traced to their source far more easily than common items such as tobacco. The hatchets, which he had not missed and could identify only by their likeness to others, carried less weight, and he could not be sure of the amount taken.
459	449	they went, together with the Prisr to the Place where the Goods were found, which they brought away with them, the same now produced in Court Pompey a Man slave belonging to Mr Stephen Young upon his Oath Saith that, On a Saturday some time past as he was going to Wood he discovered Jatna the Prisr, who was then Run away, in a hole among some Rocks not far from a place called the Briars, that he took him and carried him to his Master who ordered the Witness to take the Prisr to Mr Chile Leake, that the Prisr went with him a short way and then ran off - Saith that, in the hole where he discovered the Prisr he found part of a Cape Sheep Tail and a Canvas bag, which he carried to Mr Pritchard The Evidence for the Crown being now gone thro' with the Prisr is put upon his Defence. He denies having broke into Mr Pritchard's Ware house And says that Harlequin a Man slave belonging to Mr Stephen Young was the Person who did it - Acknowledges having been with him at the time, and that he received a part of the things stolen, which was two Sheep Tails five pounds weight of Tobacco and three hand Hatchets, which he hid among some Stones above the Batavia Garden The Prisoner having nothing further to offer, the whole of the Evidence was impartially summed up to the Jury who thereupon retired to consider. On their Return into Court they declared their Verdict by which they found the Prisr "Guilty Death" Whereupon the President, after a short Exhortation pronounced the usual Sentence of Death - and he was removed from the Bar The Business of the Sessions being now ended the Grand & Petit Jurys were dismissed, and the Court was by Proclamation adjourned to the fourth day of October next ensuing Pursuant to the Sentence of Death passed upon Jatna at Sessions held the 12 instant. A Warrant for his Execution was issued on the 23 and he was accordingly Executed on the 26 of same Month John Skottowe Dan Corneille M Bazett	Cole confirmed that he and Pritchard went with the prisoner to the spot where the goods were found and brought them back. These were the same items produced in court. Pompey, a male slave belonging to Mr Stephen Young, gave evidence on oath. One Saturday some time earlier, while going to fetch wood, he came across the prisoner Patna, then a runaway, hiding in a hole among rocks near the place called the Briars. Pompey seized him and took him to his master. Young told Pompey to take the prisoner to Mr [...]. Patna went a short way with him and then ran off. In the hole where Pompey found him, he discovered part of a Cape sheep's tail and a canvas bag, which he took to Mr Pritchard. The Crown's case closed at this point, and the prisoner was called on for his defence. Patna denied breaking into Mr Pritchard's warehouse. He said the break-in was the work of Harlequin, a male slave belonging to Mr Stephen Young. He admitted that he was with Harlequin at the time and received part of the stolen goods. His share was two sheep's tails, 4 pounds in weight of tobacco and three hand hatchets, which he hid among stones above Maldivia Gardens. Patna had nothing further to add. The evidence was summed up for the jury fairly and without bias, and the jurors withdrew to consider it. On their return they found him guilty of the capital charge. After a brief address, the presiding justice passed the customary sentence of death, and Patna was taken from the bar. With the business of the sessions finished, the grand jury and the petty jury were dismissed. The court was adjourned by public proclamation to 4 October 1780. A warrant for Patna's execution, following the death sentence passed at the sessions of 12 July 1780, was issued on 23 July 1780. He was hanged on 26 July 1780. Governor Skottowe, Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett signed the record. **Interpretations** The jury returned a full verdict of guilty on the burglary charge rather than the reduced valuation used for Billy Daniel, Peg, Dick and Chatham. Patna's case differed from theirs in several respects. He had confessed to Yates, led the searchers to the hidden goods and admitted in court that he was present at the break-in and shared the loot. His defence, that Harlequin alone broke in, conceded everything but the act of entry, and in law an accomplice present at a burglary was equally guilty. The record gives no reason for the jury's choice, but the weight of his own admissions left little room for a merciful valuation. The execution followed the sentence by just two weeks. The warrant was issued eleven days after the sitting, and Patna was hanged three days later. In England a death sentence could be reviewed and often commuted to transportation through the royal pardon. On St Helena the Governor held the power

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		Wm Wrangham Hen: Bazett **Margin Notes:** M	to issue the warrant, and in this case he let the sentence take its course swiftly, leaving little time for any appeal for mercy.
460	450	Island of St Helena ss At a Special meeting of Justices at the Castle in James's Valley on Monday the seventeenth day of July in the twentieth Year of his Majesty's Reign, for the hearing a Complaint exhibited by Mr Robert Leech Sheriff Elect for the present Year against Benjamin Seale George Alexander and George Seale for Non attendance to serve on a Grand Inquest held on the 12 instant, when regularly Summoned also William Worrall for refusing to serve as Bailiff. by Jno Skottowe, Daniel Corneille, Matthew Bazett, Willm Wrangham and Henry Bazett Esquires five of his Majesty's Justices of the Peace for the said Island Mr Robert Leech appearing before the said Justices Saith that, Eight days before the last Sessions was held, Mr Benjn Seale, Geo: Alexander, and Geo: Seale were regularly Summoned to attend, to serve (if required) on that day - That on the day next before the Sessions, he received information from those Gentlemen that, on account of indisposition they were prevented giving their attendance according to Summons - Saith that, from the short notice and the many returned Sick on the General Summons he was hardly able to find a sufficient number to serve on the Jurys, and that, notwithstanding those Gentlemen informed him that indisposition prevented their attendance, he cannot help thinking it was feigned, and meant only as an Excuse, for that on the Monday preceeding the Sessions Mr Benjn Seale and George Seale were in Town on their own private business, and the Afternoon of the very Day on which the Sessions was held Mr George Alexander was down to an Auction, altho' not able to attend in the Morning - Mr Leech with Respect to William Worrall Saith that, He was agreeable to a Rule of Court made in the ninth Year of his Majesty's Reign by John Skottowe and Danl Corneille Esquires, two of his Majesty's Justices of the Peace regularly Summoned to serve as Bailiff - but that on the Evening before the Sessions he received a Note from him in which was expressed an Absolute Refusal to Attend, or serve as Bailiff Mr George Alexander and George Seale appearing and having nothing material to offer, the trivial Excuses	A special meeting of justices took place at the Castle in James's Valley on Monday 17 July 1780, in the 20th year of the King's reign. Governor Skottowe, Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett sat as justices of the peace for the island. They met to hear a complaint by Robert Leech, the Sheriff chosen for the current year. He accused Benjamin Seale, George Alexander and George Seale of failing to attend for grand jury service on 12 July 1780 despite being properly summoned. He also accused William Worrall of refusing to serve as a bailiff. Leech told the justices that eight days before the last sessions he had duly summoned Benjamin Seale, George Alexander and George Seale to attend and serve if needed. The day before the sessions, the three men sent word that illness would stop them coming. With so little notice, and with many others on the general summons also reported sick, Leech had struggled to find enough men for the juries. He believed their illness was invented as an excuse. On the Monday before the sessions, Benjamin Seale and George Seale had been in town on their own affairs. George Alexander, though unable to attend in the morning, went to an auction on the afternoon of the very day the court sat. As for William Worrall, Leech said he had summoned him in the proper way to serve as a bailiff. The summons followed a court rule made in the 9th year of the King's reign by the Governor and Daniel Corneille as justices of the peace. On the evening before the sessions, however, Leech received a note from Worrall flatly refusing to attend or serve as bailiff. George Alexander and George Seale appeared but offered nothing of substance in their defence. **Interpretations** The complaint shows how heavily the island's system of justice depended on unpaid service by its inhabitants. Jurors, constables, bailiffs and overseers were all drawn from a small population, and the court could not sit without enough of them. Leech's struggle to fill the juries when many men were reported sick reveals how fragile that system was. A handful of absences could leave the Sheriff unable to empanel the grand jury and the trial juries that each sitting required. The special meeting at the Castle, the seat of government, rather than the Hall where the sessions sat, dealt with the matter outside the ordinary quarterly cycle. Refusing a summons was treated as a contempt of the court's authority. By convening all five justices within days of the sitting, the bench signalled that it would not tolerate leading inhabitants excusing themselves on thin pretexts. Worrall's refusal to serve as bailiff defied a standing rule of court that made the office compulsory. Bailiffs carried out the court's orders, serving process and helping the Sheriff. Their duties were often unpopular because they brought the holder into conflict with neighbours. A flat refusal therefore struck at the machinery through which the court's decisions were enforced.
461	451	Excuses made, being deemed unreasonable - The Justices for their	The justices found the excuses offered unconvincing. For their contempt in failing to attend for jury service, George Alexander and George Seale

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		Contempt and non attendance to serve on Jurys and Willm Worrall for refusing to attend and serve as Bailiff, fined the former in the Sum of twenty Shillings each, and the latter in that of ten Shillings Mr Benjn Seale not appearing to answer the Complaint preferred by the Sheriff, Mr Wood Surgeon was sent for who appearing informed the Justices that Mr Benjn Seale had for some time past been afflicted with a Lameness, that he saw him in Town the Monday preceeding the Sessions, and that Mr Seale then informed him it still continued - Mr Wood concludes from hence, it was from this cause he was prevented attending the Sessions, as also the Justices this day agreeable to Summons John Skottowe Dan Corneille M Bazett Wm Wrangham Hen: Bazett Island of St Helena ss At a Special meeting of Justices at the Castle on Monday the 23 day of April in the twenty first year of his Majesty's Reign and in the Year of our Lord 1781 for taking into consideration an Indictment to be preferred against James Yond Serjeant Major in the Garrison of the said Island for Felony & Murder wherein it appeared that two Slaves were to be admitted as Evidences against the said James Yond Present John Skottowe, Daniel Corneille, Mattw Bazett, Willm Wrangham, and Henry Bazett Esquires Justices of his Majesty's of the Peace & in and for the said Island The Clerk of the Crown producing said Indictment together with the Names of those Persons admitted and	were each fined £1 0s 0d. William Worrall was fined £0 10s 0d for refusing to attend and serve as bailiff. Benjamin Seale did not appear to answer the Sheriff's complaint, so the justices sent for Mr Strond, a surgeon. Strond told them that Seale had been suffering from lameness for some time. He had seen Seale in town on the Monday before the sessions, and Seale told him then that the lameness continued. Strond concluded that this was what had kept Seale from attending the sessions and from appearing before the justices that day as summoned. Governor Skottowe, Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett signed the record. A further special meeting of justices took place at the Castle on Monday 23 April 1781, in the 21st year of the King's reign. The Governor, Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett sat as justices of the peace for the island. They met to consider an indictment for felony and murder that was to be brought against James Youd, sergeant major of the island's garrison. Two slaves were to be allowed to give evidence against him. The Clerk of the Crown produced the indictment together with the names of the witnesses. **Interpretations** The meeting of 23 April 1781 turned on the admission of slaves as witnesses against a free man. In most British slave colonies, slaves could not testify against white people at all, on the grounds that they were not free to speak without fear of their masters. St Helena's courts had heard slaves on oath against other slaves, as with Jack, Sam and Pompey. Allowing them to testify against the sergeant major of the garrison, on a charge of murder, was a far weightier step. The justices evidently judged it serious enough to need a special meeting before the case came to trial. The different treatment of Benjamin Seale shows the bench distinguishing a genuine excuse from a pretext. Leech had suggested that all three absentees were feigning illness, yet the justices sought independent medical evidence before acting against Seale. The surgeon's account of a continuing lameness gave a credible reason, whereas Alexander's trip to an auction and George Seale's business in town undercut their claims. The record names no fine against Benjamin Seale, which suggests the surgeon's evidence satisfied the bench.
462	452	and bound over by the former to Prosecute, wherein it appeared that one Man and one Woman Slave were to become Evidence against the said James Yond The Justices in consequence thereof came to the following Resolution That having already addressed the Honble Court of Directors on the propriety or impropriety of admitting Blacks Evidence against White Persons on this Island Do therefore postpone the Tryal of the said James Yond until the next Quarter Sessions or until such time as the Company's Determination may be had respecting the admission or non admission of Blacks Evidence against White Persons as aforesaid John Skottowe Dan Corneille M Bazett Wm Wrangham Hen: Bazett Island St Helena ss At a Special meeting of Justices at the Castle on	The Clerk of the Crown also produced the names of those bound over to prosecute. These showed that a male slave and a female slave were to give evidence against James Youd. In response, the justices resolved to postpone Youd's trial. They had already written to the Company's Court of Directors to ask whether black people should be allowed to give evidence against white people on the island. The trial would wait until the next quarter sessions, or until the Company had decided that question. Governor Skottowe, Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett signed the record. A further special meeting of justices took place at the Castle on Monday 9 July 1781, in the 21st year of the King's reign. The Governor, Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett sat as justices of the peace for the island. They met to consider the opinion of the Company's standing counsel, recently received from England, on whether black people's evidence should be admitted against white people in the island's courts. Henry Bazett was asked for his view first. He considered that the standing counsel's opinion should guide the bench on the question. As far as he understood it, the opinion favoured admitting black

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		Monday the 9 Day of July in the twenty first Year of His Majesty's Reign, and in the Year of Our Lord 1781 for taking into consideration the Opinion of the Company's standing Council, lately received from England Respecting the propriety or impropriety of admitting Blacks Evidence against White Persons in Courts of Judicature upon this Island Present John Skottowe, Daniel Corneille, Matthew Bazett William Wrangham and Henry Bazett Esquires five of His Majesty's Justices of the Peace in and for the said Island. Henry Bazett Esquire being called upon, gives his Opinion as follows. - That He thinks the Opinion of the Company's standing Council should be Our guide on the Question - And as far as he Comprehends that Opinion, it seems to be in favour of admitting the Evidence of Blacks against the Whites, except in a case of a Slave against his Master.	people's evidence against white people, except where a slave testified against his own master. **Interpretations** The question was referred to the Court of Directors because St Helena belonged to the East India Company, which governed the island and appointed its officials. The Company's standing counsel was its permanent legal adviser in London. His opinion carried the weight of English legal authority, which the island's justices, none of them trained lawyers, could not supply for themselves. Referring the matter home also spread responsibility for a decision that could unsettle the island's social order. The exception for a slave testifying against his own master protected the core of the master's authority. A slave who could accuse his owner in court threatened the discipline on which slavery rested, and the owner's control over the slave's life made such testimony hard to test. Admitting slave evidence against other white people while barring it against the master kept that authority intact, yet still allowed the courts to hear the only witnesses to crimes committed where no free person was present. Henry Bazett, the most junior justice, spoke first. In councils and courts martial it was customary for the junior member to give his opinion before his seniors, so that he could not be swayed by their views. The same practice appears to have governed this meeting, with each justice expected to state his opinion in turn. **Speculations** The ordinary course was to try James Youd at the sessions, since an indictment for felony and murder had been prepared and the witnesses named. The justices set that course aside and postponed the trial, explicitly because two of the witnesses were slaves and the admission of black people's evidence against white people was still undecided. Proceeding would have forced the bench to rule on that question itself. By waiting for the Company's decision, the justices avoided either convicting a white soldier on slave testimony without clear authority, or acquitting a man charged with murder by excluding the only witnesses against him.
463	453	William Wrangham Esqr Declares his Opinion as follows. That having taken into mature consideration the question as above stated, it appears to him, that as a compleat Legislative power over the Island of St Helena by a Charter of Charles the 2d is Delegated to the East India Company and by them to their Constituents abroad; and it having been the constant Custom and Usage of this place not to admit the Oaths of Black Slaves against Whites in Courts of Judicature, the Company have been Regularly informed of the same, and tacitly approved thereof; this also Coinciding with the Opinion of the Company's Standing Council. that to admit Slaves to an equal benefit of English Laws, would be to abolish the Relation of Master and Slave. The said Council having likewise Declared that he does not know how to advise a proceeding, when he cannot discover with certainty the Authority of the Laws, by which Justice is administered, by which Mr Wrangham supposes he means the Local Laws and Customs now subsisting. - Mr Wrangham is therefore	William Wrangham then gave his opinion. Having considered the question carefully, he held that a charter of Charles II had granted full law-making power over St Helena to the East India Company. The Company had in turn passed that power to its officers on the island. It had always been the island's settled custom not to accept the sworn evidence of black slaves against white people in its courts. The Company had been regularly informed of this practice and had tacitly approved it. Wrangham found support for this view in the standing counsel's own opinion. Counsel had written that giving slaves the full benefit of English law would destroy the relationship between master and slave. Counsel had also said he could not advise a course of action when he could not be certain what law governed justice on the island. Wrangham took this to mean the local laws and customs then in force. He therefore concluded that no slave lacking a recognised religion should be allowed to give evidence against white people in the island's courts. Matthew Bazett agreed with Wrangham's opinion. Daniel Corneille took the opposite view. In his opinion the standing counsel's advice had plainly been sent to guide the bench from then on. It followed that the evidence of every slave should be admitted in all cases, except where a slave testified directly against his own master.

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		of Opinion that no Slaves Evidence, not having a form of Religion should be admitted in Courts of Judicature against White Persons upon this Island. Matthew Bazett Esqr Coincides with the opinion of Mr Wrangham as stated above. Daniel Corneille Esqr Delivers his Opinion in the following manner That in answer to the opinion of the Honorable Company's Standing Council now under consideration, is clear that the same is sent out as our future guide Consequently that the Evidence of all Slaves are to be admitted in every case, excepting that of the Slave immediately against the Master. John Skottowe Esqr joins in opinion with Mr Wrangham that the Evidence of Slaves in no case whatever shall be admitted against White Persons, in Courts of Judicature upon this Island. From the Opinions severally stated as above, it appearing that the Majority of the Justices are for rejecting the Evidence of Slaves against White Persons in Courts of Judicature upon this Island. - It is therefore determined and agreed by the Majority aforesaid that the Evidence of Slaves, in no case whatever shall be admitted against White Persons. John Skottowe Dan Corneille M Bazett Wm Wrangham Hen: Bazett	Governor Skottowe sided with Wrangham. He held that slave evidence should never be admitted against white people in the island's courts, whatever the case. Since a majority of the justices favoured rejecting slave evidence against white people, the bench resolved by that majority that slaves' evidence would not be admitted against white people in any case whatever. The Governor, Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett signed the record. **Interpretations** Wrangham's reference to slaves lacking a recognised religion drew on the rule that an oath had value only if the witness believed in a God who would punish false swearing. English courts had accepted since 1744 that non-Christians could swear if they held such a belief. Yet St Helena's courts had repeatedly heard slaves on oath against other slaves, as with Jack, Sam and Pompey. The religious objection was therefore applied only when a slave's word threatened a white person. The ruling shows that the barrier rested on race and status rather than on any consistent view of the oath. The decision left the murder charge against James Youd, the garrison's sergeant major, without the two witnesses on whom it depended. A white man accused of a capital crime could thus escape trial wherever the only witnesses were slaves. The ruling protected every white inhabitant from slave testimony, not only masters from their own slaves, and so placed a large class of crimes against slaves beyond the reach of the courts. The vote divided the bench three to two. Henry Bazett and Daniel Corneille read the counsel's opinion as permitting slave evidence except against a master. The Governor, Wrangham and Matthew Bazett read the same opinion as confirming the island's custom of exclusion. The majority included the Governor, whose support gave the ruling the authority of the island's government. **Speculations** The expected course, urged by Henry Bazett and Corneille, was to follow the standing counsel's opinion, which the bench had sought specifically to settle the question and which Corneille described as sent to guide it. The majority instead set aside the reading of that opinion favouring admission and barred slave evidence against white people altogether. Wrangham gave the reasons on the record: the island's long custom of exclusion, the Company's silent approval of it, and counsel's own warnings that equal legal standing would dissolve the bond of master and slave and that he could not be sure of the local law. By treating the counsel's uncertainty about local law as deference to local custom, the majority turned advice that leaned towards admission into grounds for keeping the old rule.
464	454	Island of St Helena. Ordered at Sessions the twelfth July 1769 by the Worshipful John Skottowe and Danl Corneille Esqrs two of his Majesty's Justices for the sd Island, that henceforward, in Order to remove all Difficulties and Impediments which may arise from the Want of a sufficient Number of Officers in the due Execution of Justice, the Undernamed Persons, not having sufficient Cause to the Contrary, shall serve in that Capacity when and as often as it shall be lawfully required of them, on Pain and Penalty that shall fall thereon. Phil: Mahony Clerk of the Crown John Fabian	At the sessions of 12 July 1769, Governor Skottowe and Daniel Corneille, sitting as two of the King's justices for the island, made a standing order. Its aim was to overcome the difficulties caused when too few officers were available to carry out the court's business. The men listed below were to serve as bailiffs whenever lawfully called on to do so, unless they had good reason for exemption. Anyone who refused would face the prescribed penalty. The order was signed by Philip Mahony, Clerk of the Peace. John Fabian John Hayes junior Samuel Knipe junior Benjamin Hodgard John Sample Samuel Whaley Samuel Knipe senior

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		John Hayes Senr Saml Knipe Junr Benj: Hodgard John Sampfle Saml Whaley Saml Knipe Senr Willm Beale Robt Leech John Preston Joshua Worrall Willm Jarvis. The above Rule of Court stands good to Succeeding times, and authorizes Sheriffs to oblige sufficient Numbers to serve as Bailiffs, to be taken out of such Inhabitants as are unqualified to serve on Juries and are not obstructed by Common Usage or Law to serve as Bailiffs - Sheriffs Office.	William Beale Robert Leech John Preston Joshua Worrall William Jarvis The rule was to remain in force for the future. It empowered each Sheriff to compel enough men to serve as bailiffs. They were to be drawn from inhabitants who did not qualify for jury service and who were not barred by custom or law from acting as bailiffs or Sheriff's officers. **Interpretations** The rule placed the island's inhabitants in a ladder of public duty according to their standing. Men of property and position served as justices, sheriffs and grand jurors, while those below the jury qualification were made to serve as bailiffs. Bailiffs did the court's rough work, serving summonses, seizing goods and escorting prisoners, and the office carried little status. Assigning it to those unqualified for juries matched the burden of each office to the rank of those who bore it. This is the rule Robert Leech relied on in his complaint of 17 July 1780, when William Worrall refused to serve as bailiff. Its entry in the register at this point, eleven years after it was made, suggests the clerk copied it in to record the authority on which Worrall had been fined. Robert Leech himself appears on the 1769 list of men bound to serve as bailiffs. By 1780 he had risen to the office of Sheriff and was enforcing the same duty on others.
465	455	At the General Qr Sessions held for the Island of St Helena the 13th day of July 1774. Willm Wrangham Esqr took his Seat at the Bench having previously taken the Requisite Oaths for Qualification. At the General Quarter Sessions held for the Island of St Helena the 10 Day of July 1776 Henry Bazett Esqr took his Seat at the Bench - the requisite Oaths for qualification, being previously taken At Sessions held the thirteenth day of January 1779 Mr John Doveton being appointed Clerk of the Peace upon the resignation of Mr Philip Mahony (until the Honble Company's pleasure was known) took the Oath of Allegiance; as also the other requisite Oaths for Qualification Island St Helena ss The General Quarter Sessions of the Peace, Sessions of Oyer and Terminer and Sessions of Gaol Delivery held for the Island of St Helena on Wednesday	William Wrangham took his seat on the bench at the General Quarter Sessions of 13 July 1774, having first sworn the oaths required to qualify for office. Henry Bazett took his seat at the General Quarter Sessions of 10 July 1776, likewise after swearing the required oaths. At the sessions of 13 January 1779 John Doveton became Clerk of the Peace following the resignation of Philip Mahony. The appointment was to last until the Company's wishes were known. Doveton swore the oath of allegiance and the other oaths needed to qualify for the post. The record of the next General Quarter Sessions then began, covering sittings of the peace, of oyer and terminer and of gaol delivery on a Wednesday. **Interpretations** The oaths required for qualification were the standard oaths imposed on holders of public office under English law. They included the oath of allegiance to the King, the oath of supremacy rejecting papal authority and the oath of abjuration renouncing the Stuart claimants to the throne. Taking them before sitting on the bench confirmed that each justice was a loyal Protestant subject entitled to exercise the Crown's authority, even on an island governed by a trading company. The dates confirm the order of seniority on the bench. Henry Bazett joined in July 1776, two years after Wrangham, making him the most junior justice. This fits his giving his opinion first at the meeting of 9 July 1781 on slave evidence, in keeping with the custom that the junior member spoke before his seniors. Doveton's appointment was provisional because the Clerk of the Peace was a Company post. The justices could fill a vacancy at once to keep the court working, but only the Court of Directors in London could confirm the choice. With letters taking months to travel each way, the island routinely made such interim appointments pending the Company's decision.
466	456	At the General Quarter Sessions held on the	Henry Graeme took his seat on the bench at the General Quarter Sessions of 9 October 1782, in the

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		9th Day of October 1782 in the twenty Second Year of His Majesty's Reign Henry Graeme Esqr took his Seat at the Bench the Oath of Justice of Peace being administered as well as the other requisite Oaths for Qualification	22nd year of the King's reign. He was first sworn in with the oath of a justice of the peace and the other oaths required to qualify for office.
467	457	Blank page	
468	458	Blank page	
469	459	Blank page	
470	460	Entry of Fines levied at Quarter Sessions. Mr Jacky Doveton being duly summoned to appear and Serve upon a Grand Inquest to be held for the Island of St Helena the thirteenth Day of April in the eighth year of his Majesty's Reign, Not appearing in due time, as mentioned in the Summons, was fined in ten Shillings for his Default, and paid that Sum in Court. Mr Robt Gosling was, for his Default, being duly summoned, fined in the Sum of twenty Shillings at Sessions held the 8th July 1772 which fine, together with the above, was paid by the Defaulters into the Hands of Mr Phil: Mahony Clk of the Peace and paid by him to the Governor in Council. Mr Petham was fined for Default in not appearing according to Summons in the Sum of twenty Shillings at Sessions in April 1777 The Dog Act was made at Sessions held the twenty ninth Day of April, in the eighteenth Year of our Sovereign Lord George the third. John Skottowe Esqr Governor Brit: Alexr Wright Esqr Sheriff Phil: Mahony Esqr Clk of ye Peace.	The register recorded the fines imposed at quarter sessions. Mr [...] Doveton had been properly summoned to serve on a grand jury at the sitting held on 13 April 1768, in the 8th year of the King's reign. He failed to appear at the time stated in the summons and was fined £0 10s 0d for his default, which he paid in court. Robert Gosling was fined £1 0s 0d at the sessions of 8 July 1772 for failing to attend after being properly summoned. The defaulters paid both fines to Philip Mahony, Clerk of the Peace, who passed the money to Governor Skottowe and the Council. Mr Pelham was fined £1 0s 0d at the sessions of July 1777 for failing to appear as summoned. The dog law was made at the sessions of 29 April 1778, in the 18th year of the reign of George III. At that time the Governor held office, Britannicus Alexander Wright was Sheriff and Philip Mahony was Clerk of the Peace. **Interpretations** The fines for failing to attend as a juror rose steadily across the period recorded. Doveton paid £0 10s 0d in 1768, Gosling and Pelham each paid £1 0s 0d in 1772 and 1777, and James Greentree was fined £2 0s 0d on 12 July 1780. In each case the bench described the sum as a reduction from the penalty the law allowed, so the rise reflected a growing willingness to press harder rather than any change in the law. The steady increase points to a persistent problem of absent jurors among the island's leading inhabitants, which Robert Leech's complaint of 17 July 1780 confirms. The fines went to the Governor and Council, not to the parish. This set them apart from the dog tax and the sheep penalties, which the churchwardens collected for parish purposes. Contempt of the court's summons was treated as an offence against the government's authority, and the money it raised flowed into the Company's own accounts on the island.
471	461	On the 8th February 1779 it was agreed by the Justices that in future they would hear Complaints Quarterly in rotation, beginning with Daniel Corneille Esqr - And on the 12 was published for the Information of all Persons upon the Island such determination Jno Doveton Clerk of the Peace Mr James Greentree was fined for Default in not appearing according to Summons in the Sum of £2 0s 0d at Sessions held the 12 July 1780 Joshua Torbett and William Worrall were for default fined in the Sum of £0 10s 0d each - 25 April 1781 - [...] James Easthope and Jno Bagley Senr were for Non attendance at Sessions held the 11 July 1781 fined by the Justices in the Sum of £2 0s 0d each Joseph Seager was fined for default in not appearing according to Summons in the Sum of forty shillings at Sessions held the 3d October 1781	On 8 February 1779 the justices agreed that in future they would take turns, one each quarter, to hear complaints, beginning with Daniel Corneille. The decision was published on 12 February 1779 so that everyone on the island would know of it. John Doveton, Clerk of the Peace, signed the entry. The register then recorded further fines for failing to attend when summoned: James Greentree, absent when summoned, sessions of 12 July 1780, £2 0s 0d Joshua Tolbott, in default, 25 April 1781, £0 10s 0d William Worrall, in default, 25 April 1781, £0 10s 0d Joshua Tolbott and William Worrall together, 25 April 1781, £1 0s 0d James Easthope, absent from the sessions of 11 July 1781, £2 0s 0d John Bagley senior, absent from the sessions of 11 July 1781, £2 0s 0d Joseph Leager, absent when summoned, sessions of 3 October 1781, £2 0s 0d **Start of crossed out section**

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		George Alexander was fined for default in not appearing at the Sessions held 30 Apl 1783 in the Sum of forty Shillings Mr William Pierie for Default in not appearing at Sessions held the 12 October 85 (being legally Summoned) was, by Order of the Justices, Fined in the Sum of Twenty Shillings Mr Willm Pierie for Default in not appearing according to Summons was fined in the Sum of £2 0s 0d - 11 Jany 1786	George Alexander, absent from the sessions of 30 April 1783, £2 0s 0d **End of crossed out section** George Alexander, absent from the sessions of 30 April 1783, £1 0s 0d William Pierie, absent after lawful summons, sessions of 12 October 1785, £1 0s 0d William Pierie, absent when summoned, 11 January 1786, £2 0s 0d **Interpretations** The rotation agreed on 8 February 1779 gave the island a single justice on duty each quarter to deal with complaints between the formal sessions. Minor disputes, petty offences and applications for warrants could then go to one named magistrate rather than waiting for the full bench. Publishing the arrangement told inhabitants whom to approach, and sharing the burden in turn spread the work among the five justices. By 1781 the fine for a juror's absence had settled at £2 0s 0d, the sum imposed on Greentree in July 1780, compared with £1 0s 0d in the 1770s. William Pierie's two fines show the bench punishing repeat offenders more heavily. He paid £1 0s 0d for missing the sessions of 12 October 1785 and then £2 0s 0d when he failed to appear again on 11 January 1786. Doubling the fine for a second absence within a single quarter signalled that the justices would not let a leading inhabitant treat the penalty as the price of staying at home.
472	462	Blank page	
473	463	On the 12 Day of July in the 20 Year of His Majesty's Reign a Precept upon the Commission of the Peace was Issued out to Robert Leech Esqr Sheriff for the Island of St Helena On the 19 Septr a Precept upon the Commission of Oyer and Terminer was Issued out and delivered to the said Sheriff And on the 4th October following a Precept upon the Commission of Gaol Delivery was also Issued and delivered to the Sheriff aforesaid Island of St Helena ss The General Quarter Sessions of the Peace Sessions of Oyer and Terminer and Sessions of Gaol Delivery held for the Island of St Helena at the Hall in James's Valley on Wednesday the 4th Day of October in the twentieth Year of the Reign of our Sovereign Lord George the third of Great Britain France and Ireland King &c and in the Year of our Lord 1780 Before Jno Skottowe, Danl Corneille, Mattw Bazett, Willm Wrangham and Henry Bazett Esqrs five of his Majesty's Justices of the Peace in and for the said Island, also Commissioners of Oyer and Terminer Authorized to hear and Determine all Treasons Felonies and other Misdemeanors within the said Island committed The Court being opened upon the Commission of the Peace a Grand Jury consisting of seventeen Principal Inhabitants of the Body of the said Island were Sworn, who being asked if they knew of any Business upon that Commission, answered they knew of none - The Coroner then returned Proceedings of three Inquests held	Robert Leech, Sheriff of St Helena, received a precept under the commission of the peace on 12 July 1780, in the 20th year of the King's reign. A precept under the commission of oyer and terminer followed on 19 September 1780. On 4 October 1780 he received a precept under the commission of gaol delivery. The island's General Quarter Sessions of the Peace sat at the Hall in James's Valley on Wednesday 4 October 1780, together with sessions of oyer and terminer and of gaol delivery. The date was recorded as falling in the 20th year of the reign of George III, King of Great Britain, France and Ireland. Five of the King's justices of the peace made up the bench: Governor Skottowe, Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett. All five also held commissions of oyer and terminer, with power to try treasons, felonies and lesser offences committed on the island. The court opened under the commission of the peace, and 17 of the island's leading inhabitants took the oath as a grand jury. Asked whether they knew of any matters under that commission, they replied that they knew of none. The coroner presented the records of three inquests he held during the previous quarter, which were read and approved. The overseers of the highways reported the work done in their districts, and the dog returns were handed in. With no further business under the commission of the peace, the court opened under the commission of oyer and terminer. A fresh grand jury was empanelled and sworn, and a single bill of indictment was put before it. The jurors found the bill to be true, and the court then opened under the commission of gaol delivery. Arraignment Alexander Thoms, a seaman, was brought to the bar and charged on an indictment returned by the jurors on oath for the King.

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		before him in the course of the last Quarter which were read and approved of - The Overseers of the High Ways gave in Returns of Work done in their respective Divisions, and the Return of Dogs was also given in - No other Business appearing upon the Commission of the Peace the Court was opened upon the Oyer and Terminer a new Grand Jury impannelled and Sworn and a single Bill of Indictment was preferred to them, they found the Bill and then the Court was opened upon the Gaol Delivery Arraignment. Alexr Thoms Mariner being set to the Bar of the Court was Arraigned upon the following Indictment "Island of St Helena (to wit) "The Jurors of our Sovereign Lord the King upon	
474	466	"upon their Oaths Do Present that Alexander Thoms late of the "good Ship Royal Charlotte Mariner not having the fear of God before "his Eyes but being moved and seduced by the Instigation of the Devil "on the first day of August in the twentieth Year of the Reign of our "Sovereign Lord George now King of Great Britain &c about the hour "of eight in the Evening of the same day by Force and Arms in James's "Valley near the landing Steps within the Island aforesaid in and upon "one John Ellis in the Peace of God and of our Sovereign Lord the King "then and there being feloniously voluntarily and of his malice aforethought "did make an Assault and that the said Alexander Thoms then and there "with his Fist did knock down the said John Ellis and that while the "said John Ellis lay upon the Ground he the said Alexander Thoms with "a certain Barrel Stave which he the said Alexander Thoms in both "his Hands then and there had and held the said John Ellis in and "upon the Skull of the said John Ellis then and there feloniously "voluntarily and of his Malice aforethought did strike and the Skull "of the said John Ellis did mortally Fracture of which mortal Fracture "the said John Ellis from the first day of August in the Year aforesaid "unto the sixth day of the said Month of August in James's Valley "within the said Island languished and lived in a languishing Condition "on which said sixth day of August in the said Year the said John "Ellis in James's Valley within the said Island of the said Mortal Fracture "Died And so the Jurors aforesaid upon their Oaths aforesaid "Do say that the said Alexander Thoms the said John Ellis in manner "and form aforesaid feloniously and of his Malice aforethought did kill "and Murder against the Peace of our Sovereign Lord the King his	The indictment against Alexander Thoms, a seaman lately of the ship *Royal Charlotte*, accused him of murder. It stated that at about eight o'clock on the evening of 1 August 1780, in the 20th year of the reign of George III, he attacked John Ellis near the landing steps in James's Valley. Thoms knocked Ellis down with his fist. While Ellis lay on the ground, Thoms took a barrel stave in both hands and struck him on the head, fracturing his skull. Ellis lingered in James's Valley from 1 August until he died of the fracture on 6 August 1780. The jurors charged that Thoms killed Ellis deliberately and with premeditated malice, in breach of the King's peace and the relevant statute. The indictment condemned the act in the customary terms as the work of a man with no fear of God, driven on by the devil. Thoms pleaded not guilty, and the following 12 men were sworn as his jury: Benjamin Seale Stephen Young George Alexander George Bird John Desfountain Edward Bagley George Hayes Richard [...]ke George Seale John Torbett John Legg Gabriel [...]ke The indictment was read to him a second time, and the court gave the jury its charge. Trial William Smith Colly, formerly a midshipman aboard the East Indiaman *Royal Charlotte* under Captain Joseph Cotton, was sworn and gave evidence. One day in August 1780, though he could not remember which, he went down to the waterside to send a letter from Captain Cotton out to the ship. Near the landing steps he saw the prisoner and John Ellis talking together. He watched them for a short while. **Interpretations** The charge of murder turned on malice aforethought, the element that separated murder from manslaughter. A killing in a sudden quarrel, struck in hot blood, was manslaughter and carried benefit of clergy. Murder required a deliberate intent to kill or cause grave harm. The indictment's detail that Thoms struck Ellis with a barrel stave after he was already knocked down was crucial. Continuing the attack with a weapon on a man lying helpless

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		"Crown and Dignity and also against the Form of the Statute in that "case made and provided" To which he Pleaded "not Guilty" And the twelve following Men Vizt Benjamin Seale Stephen Young George Alexander George Bird John Desfountain Edward Bagley George Hayes Richard Frake George Seale John Torbett John Legg and Gabriel Leake were Sworn upon his Jury, then the Indictment was a second time read to him and the Jury charged Trial. Willm Smith Colly late a Midshipman on board the Royal Charlotte East Indiaman Captn Joseph Cotton Commander appearing and being duly Sworn Saith that, some time in the Month of August last (does not recollect the day of the Month) he went down to the water side in order to send a Letter on board Ship from Captn Cotton - that near to the Landing Steps he saw the Prisr & John Ellis dead talking together and after a short time he saw the Prisr knock	suggested an intent beyond a brawl, which the Crown needed to prove murder rather than manslaughter. Ellis's death five days after the blow fell well within the rule that a death had to follow the injury within a year and a day for the attacker to be charged with killing. The indictment's careful account of Ellis lingering from 1 August to 6 August 1780 established that the skull fracture, and not some later cause, brought about his death. The *Royal Charlotte* was an East Indiaman, a large merchant ship chartered by the East India Company for the trade with India and China. Such ships called at St Helena for water and fresh provisions on the homeward voyage. A seaman who committed a crime ashore fell under the island's courts, and his ship might sail before the trial, which explains why the witness is described as formerly a midshipman aboard her.
475	467	knock down the decd by a blow with his Fist and that while the decd lay upon the Ground the Prisr with a Barrel or Pipe Stave he held in his Hands struck at him, but does not know whether the Blows took place - The Prisr asketh of the Witness if he is certain he saw him strike at the decd John Ellis with a Barrel Stave? Answers he is sure that he saw the Prisr strike at the sd John Ellis as he lay upon the Ground with a Barrel or Pipe Stave - The Witness is asked by the Court whether at the time he saw the Prisr knock down John Ellis decd with his Fist he was near to any Wall or Place, which in the fall he might have struck his Head against? - Says that when he saw the Prisr strike the decd with his Fist, he was standing near to a Wall, which blow knockt him down, but it being quite dark at the time cannot say whether the decd struck his Head against the Wall or against Stones thereabouts in the fall. - The Witness is further asked if at the time he saw the Prisr strike at the decd John Ellis with a Barrel Stave he from the sound could distinguish whether the blows fell upon the decd or against the Wall the decd was near to? - Answers that, from the sound he could not distinguish. - Again the Witness is asked whether at the time the decd lay upon the Ground, being knock'd down by the blow	Colly said he saw the prisoner knock Ellis down with a blow of his fist. While Ellis lay on the ground, the prisoner struck at him with a barrel or pipe stave held in his hands. Colly could not tell whether the blows actually landed. The prisoner asked Colly whether he was certain he saw him strike at Ellis with a barrel stave. Colly replied that he was sure he saw the prisoner strike at Ellis with a barrel or pipe stave as he lay on the ground. The court asked whether there was a wall or other hard surface nearby when the prisoner knocked Ellis down with his fist, which Ellis might have hit his head on as he fell. Colly said that Ellis was standing near a wall when the blow felled him. It was so dark, however, that he could not say whether Ellis struck his head on the wall or on the stones around it as he went down. The court then asked whether, from the sound, Colly could tell if the blows of the stave fell on Ellis or on the wall beside him. He answered that the sound did not let him tell. Finally the court asked whether Ellis groaned or showed any sign of pain as he lay on the ground after the prisoner's blow. Colly said he did not. George Hitchcock, a seaman, was sworn and gave evidence. On a Monday or Tuesday in August 1780, though he could not recall the date, he saw Ellis lying on the ground near the landing steps with the prisoner standing over him. Hitchcock saw the prisoner punch Ellis twice in the side and twice on the head. He also saw the prisoner kick Ellis in the head as he lay there. The jury asked Hitchcock whether the prisoner had a barrel stave in his hand when he was beside Ellis. Hitchcock replied that he did not see any weapon in the prisoner's hand at that time. The court asked whether Ellis groaned or showed other signs of pain while the prisoner hit and kicked him. Hitchcock said Ellis groaned a little and seemed to be in some pain.

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		recd from the Prisr he heard him groan, or if he shewed any Signs of Pain? - Says he did not George Hitchcock Mariner being duly Sworn saith that, on a Monday or Tuesday in the Month of August last (cannot recollect the Day of the Month) he saw John Ellis decd laying upon the Ground near to the Landing Steps - the Prisr being then by, the Witness saw him strike the said Ellis twice on the side with his Fist and twice on his Head and that he also kicked him with his foot on the Head as he lay upon the Ground - The Jury asketh of the Witness whether the Prisr had in his Hand a Barrel Stave at the time he was near the decd? - Answers he did not see the Prisr have any Weapon in his Hand at the time - The Witness is asked by the Court whether at the time he saw the Prisr strike and kick as he lay upon the Ground the decd by groans or otherwise shewed signs of Pain? - Says the decd groaned a little and seemed somewhat in pain - Again the Witness is asked whether he knew of any previous Quarrel subsisting between the Prisr and the decd and whether he knew of or heard of any threatening expressions made use of by the Prisr or the decd? - Answers he never knew of any previous Quarrel between them or ever heard of any threatening expressions made use of by either - The Witness being again asked, if at the time he saw the decd laying upon the Ground, he was near to any wall - Says that the decd lay close to a Wall and that his head was very near to it	The court then asked whether Hitchcock knew of any earlier quarrel between the prisoner and Ellis, or had heard either man make threats. He said he knew of no earlier quarrel and had never heard either of them threaten the other. Asked again whether Ellis was lying near a wall, Hitchcock said Ellis lay right beside a wall, with his head very close to it. **Interpretations** The court's repeated questions about the wall tested whether the fatal fracture came from a deliberate blow or an accidental fall. If Ellis cracked his skull striking the wall or stones as he fell from a punch, the death was far less likely to be murder, since a single blow of the fist rarely showed an intent to kill. The barrel stave was central to the Crown's case for malice, yet Colly could not say whether its blows landed. Hitchcock saw no stave at all. The two eyewitnesses thus left open how the skull was broken. The question about an earlier quarrel or threats went directly to malice aforethought. Proof of a previous grudge or a threat to harm Ellis would have shown premeditation and supported a murder verdict. Hitchcock's evidence that he knew of no quarrel and had heard no threats pointed instead to a sudden fight between two seamen at the landing place. That was the classic setting for manslaughter rather than murder. A pipe was a large cask, holding about 126 gallons, used chiefly for wine such as Madeira. Its staves were long, heavy curved lengths of oak. Cask staves lay about wherever ships loaded and unloaded, so the landing steps offered a ready weapon. A stave wielded in both hands could easily fracture a skull, which is why the Crown placed such weight on whether Thoms used one.
476	468	Willm Smith Colly being again called into Court is asked whether at the time he saw the Prisr strike and knock down the decd John Ellis, he knowed the decd to be in liquor? - - Says that from the darkness of the Night he could not know whether the decd was in liquor or not Willm Arvil appearing and being Sworn Saith that on the first day of August last, (to the best of his recollection) John Ellis decd and one Barnet Seaman came to the Tent at the time that the Prisr and himself were there - Says that the Prisr had been the day past looking for these two Men to send them on board Ship by order of the Chief Mate but not being able to find them he had just then hailed the Ship in order to go on board again, when the said Men came to the Tent that after staying there a short time they left it and went towards the landing Steps, thither the Prisr followed them, taking	William Smith Colly was recalled and asked whether Ellis seemed drunk when the prisoner struck him and knocked him down. He said it was too dark that night for him to tell whether Ellis had been drinking. William Avril was sworn and gave evidence. As best he could remember, on 1 August 1780 John Ellis and a seaman named Barnet came to the tent while Avril and the prisoner were there. The prisoner had spent the previous day searching for these two men, under orders from the chief mate to send them back aboard ship. Having failed to find them, he had just hailed the ship to return aboard himself when the two men arrived at the tent. They stayed a short while and then left for the landing steps. The prisoner followed, carrying a barrel stave. Avril went too. Because the prisoner had orders to bring the two men aboard, Avril believed they might resist, and he thought the prisoner had taken the stave to protect himself. Avril saw the prisoner knock Ellis down with his fist beside a wall, and then returned to the tent. The court asked Avril whether he knew of any earlier quarrel between the prisoner and Ellis, or had heard either make threats. He replied that he knew of no quarrel and had never heard either man threaten the other. Asked whether Ellis hit his head on the wall as he fell, Avril said Ellis was very close to the wall and he thought his head did strike it in the fall.

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		along with him a Barrel Stave, that the Witness also followed supposing as the Prisr had orders to bring those two Men on board Ship they might make resistance, he therefore took the Stave to Defend himself - Saith that he saw the Prisr knock down the decd John Ellis with his Fist near to a Wall, whereupon the Witness left them and returned to the Tent - The Witness is asked by the Court if he knew of any previous Quarrel happening between the Prisr and decd or whether he ever knew or heard of any threatening Expressions made use of by the decd or Prisr - - Answers, he never knew of any Quarrel, or ever heard of any threatening expressions made use of by either - The Witness is further asked, whether or not, at the time the decd fell he did not strike his head against the Wall near to which he was - Replies that, the decd was very near to the Wall, he thinks his head did strike against it, in the fall Mr Thomas Wood Surgeon of the Island being duly Sworn Saith that, On Thursday the 3d August last when he returned home he was informed that Captn Cotton Commander of the Royal Charlotte had been enquiring for him that he accordingly waited on him and Captn Cotton told the Witness he had been looking for him to admit a Man into the Hospital who had met with an accident and that Mr Gardiner his Surgeon had informed him, he believed his Skull was fractured, Soon after Mr Gardiner came in and told the Witness the Man was bringing up and that he had directed he should be carried to the Hospital - Saith that in the Afternoon he went to the Hospital accompanied by Mr Kay and Mr Gardiner to Visit the Patient, whose Name was John Ellis - that they found him delirious and with evident symptoms that his Brain had recd some injury and that 'twas probable	Thomas Strond, the island's surgeon, was sworn and gave evidence. On returning home on Thursday 3 August 1780, he learned that Captain Cotton of the *Royal Charlotte* had been asking for him. Strond went to see the captain, who said he wanted a man admitted to the hospital after an accident. The ship's surgeon, Mr Gardiner, had told Cotton he believed the man's skull was fractured. Gardiner arrived soon afterwards and told Strond the man was being brought up the hill and that he had ordered him taken to the hospital. That afternoon Strond visited the patient at the hospital with Mr Kay and Mr Gardiner. The man was John Ellis. They found him delirious, with clear signs that his brain had been injured. **Interpretations** Avril's evidence recast the whole encounter. The prisoner was acting under the chief mate's orders to bring two absent seamen back aboard, which gave him a lawful duty and a reason to confront Ellis. Seamen who stayed ashore beyond their leave were a constant problem for ships at St Helena, and officers sent men to round them up. On this account the stave was carried in case the two men resisted, not as a weapon chosen to kill. That undercut the Crown's claim of malice and supported a sudden struggle arising in the course of duty. The tent was the shore station a ship set up near the landing place while in the road, used by the watering and provisioning parties and as a base for crew ashore. It explains why the prisoner, Avril and others from the *Royal Charlotte* were gathered at the waterside. Avril's belief that Ellis struck his head on the wall as he fell gave the jury a further explanation for the fracture that did not depend on the stave. Ellis was not taken to the hospital until 3 August 1780, two days after the blow. The Company maintained the island hospital, run by its surgeon, to treat the garrison, inhabitants and sick seamen landed from passing ships. The delay, and Ellis's delirium when Strond first saw him, bore on the medical evidence as to what had caused the injury and whether prompt treatment might have saved him.
477	469	probable his Skull was fractured - On examining his Head found two external wounds one upon his forehead about two inches long that appeared to have been done by some blunt Weapon, the other a small wound upon the top of his head - Saith that the left side of his head above his Ear was swelled and appeared a little bruized, on pressure the Man seemd to feel pain and cried out, which he did not on pressing the other wounds which made him conclude that was the Place he had recd the Injury - Upon the Scalp being removed there was discovered a fissure or crack	Strond said he thought it likely that Ellis's skull was fractured. On examining his head, he found two external wounds. One, on the forehead, was about two inches long and looked as if a blunt weapon had caused it. The other was a small wound on the top of the head. The left side of the head above the ear was swollen and slightly bruised. When Strond pressed there, Ellis showed pain and cried out, which he did not do when the other wounds were pressed. Strond concluded that this was where the injury lay. When the scalp was drawn back, Strond found a crack running through the parietal bone at the side of the skull. Following it down towards the ear, he found a triangular piece of bone missing. Searching for it, he discovered it lying loose, a little below the place it had come from. The force of the blow had torn the tissues away from the skull so completely

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		in the Parietal bone, that on tracing the fissure down towards his Ear he discovered a triangular piece of bone wanting and on searching for it found it seperated from the rest of the Skull and that the integuments from the violence of the Blow were so seperated from the Skull bone that that piece had fallen out and was lying a little below from whence it was seperated from the other part of the bone - Saith that, so great was the injury the Man had received that he had no hopes of his Recovery and concludes that the injury done to the brain was the cause of his Death, which happened on Saturday Night the 6 August about 12 o'Clock. - The Witness is asked, whether the blow given by a blunt Weapon upon the forehead so as to occasion a wound, might not at same time be the cause of the fracture above the Ear? - Answers, that he rather thinks the fracture was occasioned by a blow recd on the very place where it was and not by the blow recd on the forehead - The Witness is further asked, whether a blow given with a blunt Weapon so as to occasion a fracture would not at the same time occasion an external wound upon that part - Says that, it is possible, a blow might occasion a fracture and yet not make any external wound - - Being further asked whether the wound recd on the forehead & the injury on the left side of the decd's head could have happened at the same time by falling against a Wall? - Answers that, he does not think the wound upon his forehead and blow above his Ear could have happened at the same time by falling against a Wall. William Arvil being again called into Court and upon the Oath already taken is asked whether at the time the decd John Ellis came into the Tent, he perceived any wound upon his Forehead? - Says he did not - Mr David Kay Surgeon being duly Sworn and having heard the Evidence given by Mr Wood, together with the Questions asked; confirms the same, both with respect to the Facts and matter of Opinion The Evidence for the Crown being gone thro' with the Prisr is put upon his Defence - He saith that, on the 1 day of August last he was sent to fetch on board two Men who had absented themselves from the Ship - that having found them and on endeavoring to get them on board John Ellis decd one of said Men struck him several blows, upon which a scuffle ensued	that the fragment had fallen out. The injury was so severe that Strond held no hope of recovery. He was satisfied that the damage to the brain caused Ellis's death, which came at about midnight on Saturday 6 August 1780. The court asked whether a blow from a blunt weapon to the forehead, severe enough to cut it, might also have caused the fracture above the ear. Strond replied that he thought the fracture was caused by a blow landing on the very spot where it lay, not by the blow to the forehead. Asked whether a blunt weapon heavy enough to fracture the skull would also leave a visible wound, he said a blow could break the skull without breaking the skin. Finally the court asked whether the forehead wound and the injury above the left ear could both have come from a single fall against a wall. Strond did not think they could. William Avril was recalled and, under his earlier oath, asked whether he noticed any wound on Ellis's forehead when Ellis came into the tent. He said he did not. David Kay, a surgeon, was sworn. Having heard Strond's evidence and the questions put to him, Kay confirmed Strond's account on both the facts and the medical opinion. The Crown's case closed at this point, and the prisoner was called on for his defence. He said that on 1 August 1780 he was sent to bring back aboard two men who had absented themselves from the ship. When he found them and tried to get them aboard, John Ellis, one of the two, struck him several times, and a fight broke out. **Interpretations** The medical evidence weakened the defence theory that Ellis cracked his skull by falling against the wall. Strond found two separate injuries, a cut forehead and a fracture above the left ear, and judged that a single fall could not have caused both. He also held that the fracture came from a blow on that exact spot and that a heavy blow could break the skull without cutting the skin. This fitted a barrel stave struck at a man lying on the ground, as Colly described. Avril's evidence that Ellis had no forehead wound on reaching the tent placed that injury in the fight itself. The prisoner's defence set up provocation. If Ellis struck first while resisting a lawful order to return to the ship, the prisoner could argue that he acted in the heat of a fight he had not started. Provocation by blows could reduce a killing from murder to manslaughter, since it negated the cool deliberation that malice aforethought required. The contest now lay between the surgeon's evidence of a deliberate blow and the defence account of a scuffle begun by the dead man. David Kay had been elected coroner on 14 July 1779 and also practised as a surgeon. His confirmation of Strond's findings gave the Crown two medical opinions in agreement. As coroner he would also have held the inquest on Ellis's death, which brought the same man into the case in two capacities.
478	470	ensued and the said Ellis having got away from the Prisr fell down - Saith that he carried Ellis together with the other Man on board Ship but that Ellis as he was going up the Ship side happening to lose his	The prisoner said that during the struggle Ellis broke away from him and fell. The prisoner took Ellis and the other man back to the ship. As Ellis climbed the ship's side, he lost his grip and fell into the sea between the ship and the boat. Later, aboard

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		hold fell into the Sea between the Ship and Boat - He further says that when on board Ship and while in his hammock, by some accident the strings were broke with several others and the said Ellis fell down upon a Gun Thomas Arnold Mariner appearing and being Sworn on behalf of the Prisoner Saith that he was on board Ship at the time the Prisr came alongside with the two Men who had been absent - That John Ellis decd one of them as he was getting up the Ship side losing his hold of the Rope fell into the Water between the Ship and the Boat, The Witness on seeing which immediately got over the Ship side, caught him by his Hair and assisted in getting him into the Boat and then into the Ship - Further says that some time after as Ellis and several others lay in their Hammocks, the Battens gave way and they all fell upon the Deck - Ellis's Hammock being the second from the Ship side and over a Gun, he believes the decd must have fallen upon it when the Hammocks came down - The Prisoner requests of the Court that, the Deposition of Witnesses before the Coroner, upon the Inquest, respecting his Character might be inserted in the Proceedings of this day, the appearance of those Persons being prevented by their absence from the Island - Which being permitted were read as follows Vizt "Joseph Cotton Commander of the Royal Charlotte "appearing and being duly Sworn deposeth that, Alexr Thoms had "behaved himself extremely well ever since he came on board his Ship "which was, about three Months ago at the Island of Madeira, that "he never had any exception to his Conduct, but has all along "considered him as an orderly good Seaman, and further observes "that his Sentiments of him were so favorable that he had "appointed him Patroon of the Long Boat and upon leaving this "Island had intended that he should do the Duty of a Quarter Master" "John Quick Mariner appearing and "being duly Sworn Deposeth that he never knew that Thoms "quarrelled with the decd or heard him give an angry Word to "any Person in the Ship" - "Richard Flag Mariner appearing and "being duly Sworn deposeth that, he never knew the said Thoms to "be a Quarrelsome man or bear any ill will to any Person in the "Ship" The Prisoner having nothing further to offer the whole of the Evidence was impartially summed up to the Jury who thereupon retired to Consider - On their Return into Court they	ship, the lashings of Ellis's hammock and several others gave way by accident, and Ellis fell onto a gun. Thomas Arnold, a seaman called by the prisoner, was sworn and gave evidence. He was aboard the ship when the prisoner came alongside with the two absent men. As Ellis climbed the ship's side, he lost hold of the rope and fell into the water between the ship and the boat. Arnold at once climbed over the side, caught him by the hair and helped get him into the boat and then aboard. Some time afterwards, while Ellis and several others lay in their hammocks, the battens holding them gave way and all of them fell to the deck. Ellis's hammock was the second from the ship's side and hung above a gun, so Arnold believed Ellis must have landed on it when the hammocks came down. The prisoner asked the court to enter in the day's record the statements about his character that witnesses had given at the coroner's inquest, since those witnesses had left the island and could not attend. The court agreed, and the statements were read. Captain Joseph Cotton of the *Royal Charlotte* had stated on oath that Thoms had behaved extremely well since joining his ship at Madeira about three months earlier. The captain had never had cause to find fault with his conduct and had always regarded him as an orderly, capable seaman. He thought so well of Thoms that he had put him in charge of the longboat and meant to make him a quartermaster once the ship left St Helena. John Quick, a seaman, had stated on oath that he never knew Thoms to quarrel with Ellis or to speak an angry word to anyone aboard. Richard Flag, a seaman, had stated on oath that he never knew Thoms to be quarrelsome or to bear ill will towards anyone on the ship. The prisoner had nothing further to add. The evidence was summed up for the jury fairly and without bias, and the jurors withdrew to consider it. In due course they returned to court. **Interpretations** The defence offered two further explanations for the skull fracture that did not involve the prisoner. Ellis fell into the water while climbing aboard and, days later, fell from a collapsed hammock onto a gun. Either might have caused or worsened a head injury between the fight on 1 August and his admission to hospital on 3 August 1780. By multiplying possible causes, the defence sought to raise doubt that the blow at the landing steps was the one that killed him, since the Crown had to prove the prisoner's act caused the death. The court allowed statements taken at the coroner's inquest to be read in place of live evidence, because the witnesses had sailed with the *Royal Charlotte*. English law admitted depositions taken before a coroner or justice when the witness could not attend, and on an island visited by ships that stayed only days, this was often the only way to preserve a seaman's evidence. The statements went only to the prisoner's character, not to the events of the fight, which made their admission less contentious. A patroon was the seaman in charge of a ship's boat, responsible for its crew and handling. Placing Thoms in command of the longboat, and intending to rate him quartermaster, showed that his captain trusted him with authority over other men. This fitted the account that he was sent to fetch the absent seamen aboard. It supported the defence that he acted as a trusted man doing his duty, not as a quarrelsome brawler.

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479	471	they declared their Verdict by which they found him "not Guilty" he was discharged The Business of the Sessions being now ended the Grand and Petit Jurys were dismissed and the Court was by Proclamation adjourned to the 10 Day of January next ensuing John Skottowe Dan Corneille M Bazett Wm Wrangham Hen: Bazett On the fourth day of October in the twentieth Year of his Majesty's Reign a Precept upon the Commission of the Peace was issued out and delivered to the Sheriff of the Island of St Helena On the 26 day of December following in the twenty first Year of his Majesty's Reign a Precept upon the Commission of Oyer and Terminer was Issued out to the said Sheriff Island of St Helena (to wit) The General Quarter Sessions of the Peace Sessions of Oyer and Terminer and Sessions of Gaol Delivery held at the Hall in James's Valley for the Island of St Helena on Wednesday the tenth day of January in the twenty first Year of the Reign of our Sovereign Lord George the third King of Great Britain France and Ireland &c and in the Year of our Lord 1781 Before John Skottowe, Danl Corneille, Matt Bazett Willm Wrangham and Henry Bazett Esqrs five of his Majesty's Justices of the Peace in and for the said Island also Commissioners of Oyer and Terminer Authorized to hear and Determine all Treasons Felonys & other Misdemeanors within the said Island committed The Court being opened upon the Commission	The jurors returned and found Alexander Thoms not guilty, and he was released. With the business of the sessions finished, the grand jury and the petty jury were dismissed. The court was adjourned by public proclamation to 10 January 1781. Governor Skottowe, Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett signed the record. The Sheriff of St Helena received a precept under the commission of the peace on 4 October 1780, in the 20th year of the King's reign. A precept under the commission of oyer and terminer followed on 26 December 1780, in the 21st year of the reign. The island's General Quarter Sessions of the Peace sat at the Hall in James's Valley on Wednesday 10 January 1781, together with sessions of oyer and terminer and of gaol delivery. The date was recorded as falling in the 21st year of the reign of George III, King of Great Britain, France and Ireland. Five of the King's justices of the peace made up the bench: the Governor, Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett. All five also held commissions of oyer and terminer, with power to try treasons, felonies and lesser offences committed on the island. The court then opened for business. **Interpretations** The jury acquitted Thoms outright rather than convicting him of manslaughter, which was open to them on an indictment for murder. The surgeon's evidence pointed to a deliberate blow on the side of the head, yet the defence had supplied an innocent reason for the confrontation, a lawful order to bring the men aboard, and several other occasions on which Ellis might have injured his head. With no witness certain that the stave landed and strong evidence of good character, the jurors were evidently not satisfied that the prisoner's blow caused the death. The record gives no reason for passing over the lesser verdict.
480	472	Commission of the Peace a Grand Jury consisting of seventeen principal Inhabitants of the Body of the said Island were Sworn and a Single Bill of Indictment was preferred to them, they found the Bill whereupon a Writ was delivered to the Sheriff to return a Jury to try that Issue - Which done, the Defendant was called upon and the following Bill of Indictment read to him Island of St Helena ss "The Jurors of our Sovereign Lord the King "upon their Oaths Do Present that Francis Seale late of James's "Valley within the Island of St Helena Lieutenant on the fourth "day of December in the twenty first Year of the Reign of our "Sovereign Lord George now King of Great Britain &c with force and "Arms in James's Valley within the Island aforesaid in and upon one "Benjamin Mason in the Peace of God and of our Sovereign "Lord the King then and there being did make an Assault and "him the said Benjamin Mason did beat and evilly treat to the	The court opened under the commission of the peace, and 17 of the island's leading inhabitants took the oath as a grand jury. A single bill of indictment was put before them, and they found it to be true. The Sheriff then received a writ to summon a jury to try the case. The defendant was called forward and the indictment was read to him. The indictment charged that on 4 December 1780, in the 21st year of the reign of George III, Lieutenant Francis Seale of James's Valley assaulted Benjamin Mason there. It stated that he beat and mistreated Mason, causing him serious harm, setting a bad example to others and breaching the King's peace. Seale pleaded guilty. Once his plea was recorded, the presiding justice fined him £0 6s 8d, payable to the King. As no further charge stood against him, he was released. The men appointed to inspect the island's sheep then reported the number of animals they had counted in their districts. The dog returns were also handed in. The justices next turned to the sharp fall in the island's woodland in recent years and the hardship the inhabitants were likely to suffer from the resulting shortage of fuel. They proposed to the grand jury that the labour normally assigned to the roads be used to fence off a stretch of the Company's waste land known as the Barn Ground and plant it with trees. The grand jury was convinced of the value of the scheme and agreed at once. The jurors chose three of

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		"great damage of him the said Benjamin Mason and to the "evil example of all others offending in the like Case and against "the Peace of our Sovereign Lord the King his Crown and Dignity" To which he Pleaded "Guilty" The Defendant's Plea being Recorded, the President in consequence thereof pronounced Sentence that he should be Amerced in the Sum of six Shillings and eight Pence to the King and nothing further appearing against him, he was discharged The Persons appointed to Inspect into the Flocks of Sheep now made Returns of the Number found in their Respective Divisions - The Return of Dogs was also given in - After which the Justices on the Bench considering the great decrease of Wood on the Island of late Years and the distress the Inhabitants are likely to sustain for the want of Fuel from such decrease; proposed to the Grand Jury, the appropriating of the Work allotted for the high ways to Enclose a Piece of the Honble Company's Waste Land known by the Name of the Barn Ground for the purpose of Planting Trees The Grand Jury well assured of the great utility of such a measure immediately assented to the proposal of the Justices and chose from among themselves three Persons who should View said Land and determine where the Fence shall be made No other business appearing upon the Commission of the Peace, the Court was opened upon the Oyer and Terminer and a new Grand Jury impanelled but nothing appearing	their number to inspect the land and decide where the fence should run. With no further business under the commission of the peace, the court opened under the commission of oyer and terminer. A fresh grand jury was empanelled. **Interpretations** The fine of £0 6s 8d was a traditional sum in English courts, equal to half a mark, and was often used as a token penalty where the bench wished to mark an offence without punishing it heavily. A lieutenant who admitted assaulting Benjamin Mason, a landholder who had sat on the sheep committee of 13 September 1779, thus escaped with a nominal penalty. His guilty plea spared the parties a trial, and the light fine suggests that the bench regarded the affair as a quarrel between gentlemen rather than a serious breach of the peace. The scheme to plant trees responded to one of St Helena's most pressing problems. Goats, cattle and the constant cutting of wood for fuel had stripped much of the island's native forest since settlement. Unlike England, where coal was increasingly replacing wood as household fuel, St Helena had no coal of its own and depended on local timber for cooking and warmth. Diverting the road labour to fence and plant a plantation of trees treated the island's fuel supply as public infrastructure, in the same way as the replanting of rushes proposed on 12 July 1780. The sheep returns were the first fruits of the regulations approved on 6 October 1779. Those rules required inspectors chosen in each district to count the flocks every December and report the results. Their appearance at the January sitting shows that the scheme had been put into effect in time for owners to be held to the limit of two sheep for every three acres.
481	473	appearing to be done upon that Commission and by the Sheriff's Return of his Majesty's Gaol there being no Prisoners for the time present the Pannel of the Petit Jury was only called over and the Court by Proclamation Adjourned to the twenty fifth day of April next ensuing John Skottowe Dan Corneille M Bazett Wm Wrangham Hen: Bazett On the 10 day of January in the twenty first Year of his Majesty's Reign a Precept was issued out upon the Commission of the Peace to the Sheriff for the Island of St Helena On the 10 day of April following a Precept upon the Commission of Oyer and Terminer was issued out and delivered to the said Sheriff Island of St Helena ss The General Quarter Sessions of the Peace Sessions of Oyer and Terminer and Sessions of Gaol Delivery held for the Island of St Helena at the Hall in James's Valley on Wednesday the 25 day of April in the twenty first Year of his Majesty's Reign and in the Year of our Lord 1781 Before Jno Skottowe	No business came before the grand jury under the commission of oyer and terminer. The Sheriff's report on the King's gaol showed that no prisoners were being held, so the court only had the names on the petty jury panel read out. It was then adjourned by public proclamation to 25 April 1781. Governor Skottowe, Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett signed the record. The Sheriff of St Helena received a precept under the commission of the peace on 10 January 1781, in the 21st year of the King's reign. A precept under the commission of oyer and terminer followed on 10 April 1781. The island's General Quarter Sessions of the Peace sat at the Hall in James's Valley on Wednesday 25 April 1781, together with sessions of oyer and terminer and of gaol delivery. Five of the King's justices of the peace made up the bench: the Governor, Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett. All five also held commissions of oyer and terminer, with power to try treasons, felonies and lesser offences committed on the island. The court opened under the commission of the peace, and a grand jury of 13 of the island's leading inhabitants was assembled. **Interpretations** The grand jury at this sitting numbered 13 rather than the usual 17. English law required at least 12 grand jurors to agree before a bill could be found, so 13 was close to the minimum. The shortfall matches

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		Danl Corneille, Matt Bazett Wm Wrangham and Henry Bazett Esquires five of his Majesty's Justices of the Peace in and for the said Island also Commissioners of Oyer and Terminer Authorized to hear and Determine all Treasons, Felonys and other Misdemeanors within the said Island committed The Court being opened upon the Commission of the Peace a Grand Jury consisting of thirteen principal Inhabitants of	the fines imposed on Joshua Tolbott and William Worrall for default on this same day, 25 April 1781. It shows how the absences Robert Leech complained of on 17 July 1780 continued to strain the island's supply of jurors.
482	474	of the Body of the said Island were Sworn, who being asked if they knew of any business upon that Commission Answered they knew of none - Then James Harper who in the course of the last Quarter was bound over to the Peace for an Assault upon Thos Cole, was called, He appeared together with his Sureties, who entered into fresh Recognizance to keep the Peace, the ensuing Quarter - The Coroner now returned Proceedings of two Inquests held before him the preceeding Quarter, which were read, the Overseers of the High ways gave in an account of Work done in their Respective Divisions and the Return of Dogs was given in and Enrolled. After which the Justices ordered to be read Proceedings at a Special meeting and their determination for postponing the Tryal of James Yond, who in the course of the last Quarter was committed to Prison and stood Indicted for the Murder of Nanny a Woman Slave - In consequence of which the Persons bound over to Prosecute were called and appearing entered into fresh Recognizances for their further appearance at the Succeeding Sessions to Prosecute the said James Yond for the murder aforesaid - The Sheriff Elect for the ensuing Year was now Sworn into Office, together with the Constable and nothing further appearing to be done upon the Commission of the Peace the Court was opened upon that of the Oyer and Terminer and a new Grand Jury impannelled, but it also appearing there was no business to be done upon that Commission, it was dissolved - The Pannel of the Petit Jury being called over Joshua Torbett and Willm Worrall were marked Defaulters, the Summoning Bailiff being previously Sworn, who declared that he had regularly Summoned them in Person, and that they did not then, or had since, given him any Reason for their Non attendance - The Justices on the Bench, in consequence thereof, fined them the Sum of ten shillings each Nothing further appearing to be done	The grand jury was sworn, and when asked whether they knew of any matters under the commission of the peace, the jurors replied that they knew of none. James Harper was then called. During the previous quarter he had been bound over to keep the peace after assaulting Thomas Cole. He appeared with his sureties, who entered into new bonds guaranteeing that he would keep the peace for the coming quarter. The coroner presented the records of two inquests held during the previous quarter, which were read. The overseers of the highways reported the work done in their districts, and the dog returns were handed in and entered in the record. The justices then had read out the record of their special meeting and their decision to postpone the trial of James Youd. During the previous quarter Youd had been committed to gaol and indicted for the murder of Nanny, a female slave. Following the reading, those bound over to prosecute him were called. They appeared and entered into new bonds to attend the next sessions and pursue the murder charge against him. The Sheriff chosen for the coming year was sworn into office, together with the constable. With nothing further to deal with under the commission of the peace, the court opened under the commission of oyer and terminer and empanelled a fresh grand jury. As there was no business under that commission either, the jury was discharged. When the names on the petty jury panel were read, Joshua Torbett and William Worrall were recorded as absent. The bailiff who had summoned them was sworn. He stated that he had served each of them in person and that neither had given him any reason for failing to attend, either then or since. The justices fined each man £0 10s 0d. With nothing further to do, the juries were dismissed. The court was adjourned by public proclamation to 11 July 1781. Governor Skottowe, Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett signed the record. **Interpretations** The murdered woman was a slave named Nanny. This explains why the witnesses against Youd were slaves and why the question of their evidence arose at all. The victim's status and the witnesses' status were bound together, since crimes against slaves were most often seen only by other slaves. The ruling of 9 July 1781, two days before the next sitting, that slave evidence could never be admitted against a white person, therefore left Nanny's death with no admissible witnesses. A murder charge against the garrison's sergeant major collapsed not because the evidence was weak but because the law would not hear it. The renewal of recognizances kept both cases alive while they were suspended. A recognizance was a bond entered into before the court, binding a person to appear or to keep the peace on pain of forfeiting a sum. Harper's sureties bound themselves again for his good behaviour, while the prosecutors in Youd's case bound themselves to return and pursue the charge. The court used these bonds to

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		the Jurys were dismissed and the Court by Proclamation adjourned to the 11 day of July next ensuing John Skottowe Dan Corneille M Bazett Wm Wrangham Hen: Bazett	hold people to their obligations across the months between sittings, without needing to keep them in custody.
483	475	Blank page	
484	476	Blank page	
485	477	On the 25th day of April in the twenty first Year of his Majesty's Reign a Precept upon the Commission of the Peace was Issued out and delivered to Mr Benjamin Mason Sheriff of the Island of St Helena On the 26th June following a Precept upon the Commission of Oyer and Terminer was issued and delivered to the Sheriff of the Island of St Helena On the 11th July following a Precept upon the Gaol Delivery was issued & delivered to the Sheriff aforesaid Island St Helena ss The General Quarter Sessions of the Peace, Sessions of Oyer and Terminer and Sessions of Gaol Delivery held for the Island of St Helena on Wednesday the 11 Day of July in the twenty first Year of his Majestys Reign, and in the Year of Our Lord 1781 before John Skottowe, Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett Esquires five of His Majestys Justices of the Peace in and for the said Island, also Commissioners of Oyer Terminer, authorized to hear and determine all Treasons, Felonies and other Misdemeanors within the said Island Committed The Court being opened upon the Commission of the Peace a Grand Jury consisting of fifteen Principal Inhabitants of the Body of this Island were Sworn - James Harper was then called to appear to a Recognizance on the good behavior at the Suit of Thomas Cole, He appeared, and the Recognizance was voided thro' the prayer of the said Thomas Cole. The Coroner now returned Proceedings of two Inquests held before him in the course of the last Quarter which were read and approved. The Return of Dogs was also given in and Enrolled - After which a Bill of Indictment was prefered to the Grand Jury. They found the Bill - Whereupon a Writ was Delivered to the Sheriff to Return a Jury to Try that Issue. Which Done the Defendant was called upon, and the following Bill of Indictment Read to him - Island St Helena, to wit The Jurors of Our Sovereign Lord the King upon their	Benjamin Mason, Sheriff of St Helena, received a precept under the commission of the peace on 25 April 1781, in the 21st year of the King's reign. A precept under the commission of oyer and terminer followed on 26 June 1781. On 11 July 1781 he received a precept under the commission of gaol delivery. The island's General Quarter Sessions of the Peace sat on Wednesday 11 July 1781, together with sessions of oyer and terminer and of gaol delivery. Five of the King's justices of the peace made up the bench: Governor Skottowe, Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett. All five also held commissions of oyer and terminer, with power to try treasons, felonies and lesser offences committed on the island. The court opened under the commission of the peace, and 15 of the island's leading inhabitants took the oath as a grand jury. James Harper was then called to answer the bond for good behaviour he had entered into on the complaint of Thomas Cole. He appeared, and at Cole's request the bond was cancelled. The coroner presented the records of two inquests held during the previous quarter, which were read and approved. The dog returns were handed in and entered in the record. A bill of indictment was then placed before the grand jury, which found it to be true. The Sheriff received a writ to summon a jury to try the case. The defendant was then called forward to hear the indictment read. **Interpretations** The record of this sitting makes no mention of James Youd, although the prosecutors in his case had bound themselves on 25 April 1781 to appear here and pursue the murder charge. Two days earlier, on 9 July 1781, the justices had ruled that slave evidence could never be admitted against a white person. With Nanny's death witnessed only by slaves, the prosecution had nothing to put before a jury. The silence of the register at the very sitting where the case was due suggests that the charge was quietly allowed to lapse. A bond for good behaviour existed to protect the person who sought it. Once Thomas Cole asked for its release, the court had no reason to keep Harper bound. The complainant thus held real control over the outcome of such proceedings, and a quarrel between neighbours could be ended by agreement without any finding of guilt.
486	478	their Oaths Do Present that John Worrall late of Sharks Valley within the Island St Helena Planter on the twenty fourth Day of November in the Twentieth Year of the Reign of Our Sovereign Lord George the Third now King of Great Britain &c with force and Arms in Sharks Valley within	The indictment charged that on 24 November 1779, in the 20th year of the reign of George III, John Worrall, a planter of Sharks Valley, assaulted Woodberry, a male slave he owned. It stated that Worrall placed greased cotton wicks on Woodberry's hands and between his fingers and then set them alight. The burning was so severe that it damaged the tendons of the hands and fingers and left Woodberry

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		the Island aforesaid in and upon one Woodberry a Man Slave belonging to the said John Worrall in the Peace of God and of Our Sovereign Lord the King then and there being did make an Assault and upon the hands and between the Fingers of him the said Woodberry, the said John Worrall did place certain greased Wicks made of Cotton, which being lighted by him the said John Worrall, burnt the said Woodberry in a most violent Degree so that the Tendons of the Hands and Fingers being burnt by the lighted Wicks placed as aforesaid the motion and use of them was thereby impeded and other Wrongs did to the said Woodberry against the Peace of Our Sovereign Lord the King his Crown and Dignity. To which he pleaded "Not Guilty" And the Twelve following Men Vizt Stephen Young Benjamin Seale Thomas Cole Gabriel Leake Benjamin Mason Senr George Seale Senr William Seale John Young Senr John Scott Saml Knipe Junr John Fabian and Richard Bagley were Sworn upon his Jury. David Kay Surgeon Appearing, and being Duly Sworn, Saith, that on the 29 November 1779 he was Desired by the Governor and Council to look at the Hands of a Slave Man named Woodberry belonging to Mr John Worrall. Upon Examining his Hands he found a large Sore or Ulcer upon the back part of each of them with a considerable Discharge of matter, and several Bones of each Hand and of the Fingers, bare; That from the appearance of the Sores the Witness was of Opinion, they were occasioned by Burning but did not apprehend that the Slaves Life was in any Danger therefrom. During the course of the cure three or four pieces of the Bones of the hands or fingers exfoliated. That about the end of thirteen or fourteen Weeks the Sores were healed, but at that time, tho' the Sores were healed, the said Woodberry had not that free use of his Hands as formerly, the motion thereof, being in some degree impeded by the loss of substance, neither could he contract or extend his Fingers so well as before the injury happened. The Witness is asked, whether at the time he examined the Hands of the said Woodberry he enquired how he came by the Injury, says he asked the said Woodberry, how the injury happened, and he informed him that his	unable to move or use them properly. The indictment also charged Worrall with further mistreatment of Woodberry, in breach of the King's peace. Worrall pleaded not guilty, and the following 12 men were sworn as his jury: Stephen Young Benjamin Seale Thomas Cole Gabriel [...]ke Benjamin Mason senior George Seale senior William Seale John Young senior John Scott Samuel Knipe junior John Fabian Richard Bagley David Kay, a surgeon, was sworn and gave evidence. On 29 November 1779 the Governor and Council asked him to examine the hands of Woodberry, a male slave belonging to John Worrall. He found a large open sore on the back of each hand, discharging a great deal of pus, with several bones of the hands and fingers exposed. From their appearance he judged that burns had caused the sores, though he did not believe the slave's life was in danger. In the course of treatment three or four fragments of bone from the hands or fingers came away. The sores healed after about 13 or 14 weeks. Even then Woodberry had lost the free use of his hands, since the loss of tissue restricted their movement. He could no longer bend or straighten his fingers as well as before. The court asked whether Kay had asked Woodberry how he came by the injury when he examined him. Kay said he had, and that Woodberry gave him an account. **Interpretations** This was the criminal charge that led Daniel Corneille to object to John Worrall sitting on the grand jury on 12 January 1780. The offence was committed on 24 November 1779 and was known to the authorities within days, since the Governor and Council sent a surgeon to examine the slave on 29 November. The case therefore stood pending for some 18 months before reaching trial. The indictment charged assault, a misdemeanour, rather than any graver crime. The deliberate burning of a slave's hands to the bone was treated in law as a beating punishable by fine, not as a maiming or wounding carrying heavier penalties. The case nevertheless shows that the island's courts would prosecute a master for extreme cruelty to his own slave, and that the Governor and Council took an interest in such abuse, sending their own surgeon to record the injuries. The question put to Kay went to the problem that had troubled the bench over James Youd. The only witness to what Worrall did was Woodberry himself. Even the standing counsel's opinion, as Henry Bazett and Corneille read it, barred a slave from testifying against his own master. Kay's evidence of what Woodberry told him was a way of placing the slave's account before the jury through a white witness, though as hearsay it carried little legal weight.
487	479	his Master John Worrall had first put a Hook thro' his Ear, and Line being fastened to which, was tyed to a Beam, that he then tyed his Hands behind him	Kay said that Woodberry told him his master, John Worrall, first drove a hook through his ear and tied the line attached to it to a beam. Worrall then bound Woodberry's hands behind his back. While

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		and while in that situation, his Master placed between his Fingers, either greased Wicks or Candles, which being lighted, burnt him in the manner the Witness then saw. The foregoing Evidence only stating the situation the Slaves hands were found in, without positively saying by whom such situation was occasioned, except what the Slave informed him, which being thought insufficient by the Prosecutor for the Crown to Convict the Defendant, he produced and Read the Examination and Confession of the said John Worrall which is as follows Island St Helena ss The Examination and Confession of John Worrall taken before me Matthew Bazett Esquire one of His Majestys Justices of the Peace, in and for the said Island. This Examinant Saith that for several and repeated faults of his Slave Man Woodberry by Running away and Robbing this Examinant together with the Neighbours Adjoining, he to Punish him and to prevent if possible the like in future, placed between his Fingers greased Wicks, and afterwards set fire to them. That he did not apprehend at the time, that any bad consequence would ensue, neither would he then have used the before Described method of Punishment, but from being intoxicated, by having Drank more than usual. (Signed) John Worrall Taken and acknowledged at the Island of St Helena the 9 Day of July in the twenty first Year of His Majestys Reign and in the Year of our Lord 1780 Before Me (Signed) Mattw Bazett John Worrall being put on his Defence. Saith, that he does not know how the injury happened to the said Woodberry. That he had been Ran away some time and on his Return he first observed the Sores upon his Hands, whereupon he immediately sent to Mr Kay for Dressings	Woodberry was held in that position, his master placed greased wicks or candles between his fingers and lit them. The flames burned him in the way Kay later saw. Kay's evidence described only the state of the slave's hands. Apart from what Woodberry had told him, it did not establish who caused the injuries. The Crown's prosecutor judged this insufficient to convict Worrall, so he produced and read out Worrall's own examination and confession. The confession had been taken before Matthew Bazett, one of the King's justices of the peace for the island. In it Worrall stated that his slave Woodberry had repeatedly misbehaved, running away and stealing both from Worrall and from neighbouring households. To punish him and, if possible, stop him doing so again, Worrall placed greased wicks between his fingers and set them alight. He said he had not expected any serious harm to follow at the time. Nor would he have used that form of punishment had he not been drunk, having drunk more than usual. Worrall signed the statement, which he made and acknowledged before Bazett on 9 July 1781, in the 21st year of the King's reign. Worrall was then called on for his defence. He said he did not know how Woodberry's injuries had come about. Woodberry had run away for some time, and it was only on his return that Worrall first noticed the sores on his hands. Worrall said he at once sent to Mr Kay for dressings. **Interpretations** Worrall's confession supplied the proof that Woodberry's own evidence could not. A slave could not testify against his master, even under the more generous reading of the standing counsel's opinion, so the victim's account reached the court only as hearsay repeated by the surgeon. The confession was taken on 9 July 1781, the same day the justices ruled that slave evidence could never be admitted against a white person. Securing the master's own admission was perhaps the only way the Crown could keep the case alive once that ruling was made. The confession framed the burning as punishment for running away and theft. English colonial law allowed masters to discipline their slaves, and the question in such cases was usually whether the punishment went beyond what was considered reasonable correction. Worrall's excuse, that he acted while drunk and did not foresee the harm, conceded that the punishment was excessive while presenting it as a lapse rather than cruelty for its own sake. Worrall's defence in court contradicted his signed confession. He now claimed not to know how the injuries arose and suggested they occurred while Woodberry was away. Sending for the surgeon on the slave's return would, on this account, show a caring master rather than a torturer. The jury had to weigh his denial against his own written admission, made before a justice and signed in his hand. Dressings. Saith the said Woodberry remained at home about ten Days and then Ran away again, that at the time he went away, the cure of His hands was far advanced. Being asked Whether at the time he sent to Mr Kay for Dressings, he informed him who he wanted them for? Says he did not, but only desired that Mr Kay would send him Dressings for a Wound occasioned by burning. The Evidence being closed the whole was Summoned up to the Jury who Retired to consider. On their Return into the Court they Declared their Verdict, by which they found the Defendant Guilty, And Fined him in

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			the Sum of Twenty Pounds. No other Business appearing upon the Commission of the Peace, the Court was opened upon the Oyer and Terminer and a New Grand Jury impannelld and Sworn and a Single Bill of Indictment preferred to them, Which Bill they found, and the Court was opened upon the Gaol Delivery - Upon calling over the Pannel of the Petit Jury John Bagley Senr and James Easthope were marked Defaulters the Summoning Bailiff being previously Sworn who Declared he had Regularly Summoned them in Person, and that they did not then or had since assigned any Reason for their Non attendance - The Justices therefore, fined them in the Sum of Two pounds each. James Youd Serjeant Major in the Garrison of the said Island being Set to the Bar of the Court was Arraigned upon the following Indictment. Island St Helena to wit The Jurors of Our Sovereign Lord the King upon their Oaths Do Present that James Youd late of James's Valley within the Island St Helena Serjeant Major in the Garrison of the said Island not having the fear of God before his Eyes, but being moved and seduced by the instigation of the Devil on the twenty Eight Day of February in Twenty first Year of the Reign of Our Sovereign Lord George the Third King of Great Britain &c at James's Valley aforesaid in the said Island with force and Arms in and upon one Nanny a Woman Slave, then and there being in the Peace of God and of Our said Sovereign Lord the King feloniously, wilfully and of his Malice aforethought Did make an
488	480	Dressings. Saith the said Woodberry remained at home about ten Days and then Ran away again, that at the time he went away, the cure of His hands was far advanced. Being asked Whether at the time he sent to Mr Kay for Dressings, he informed him who he wanted them for? Says he did not, but only desired that Mr Kay would send him Dressings for a Wound occasioned by burning. The Evidence being closed the whole was Summoned up to the Jury who Retired to consider. On their Return into the Court they Declared their Verdict, by which they found the Defendant Guilty, And Fined him in the Sum of Twenty Pounds. No other Business appearing upon the Commission of the Peace, the Court was opened upon the Oyer and Terminer and a New Grand Jury impannelld and Sworn and a Single Bill of Indictment preferred to them, Which Bill they found, and the Court was opened upon	Worrall went on to say that Woodberry stayed at home for about ten days and then ran away again. By the time he left, his hands were well on the way to healing. The court asked whether, when Worrall sent to Mr Kay for dressings, he told Kay what they were for. Worrall replied that he had not. He had simply asked Kay to send dressings for a burn. With the evidence complete, the case was summed up for the jury, and the jurors withdrew to consider it. On their return they found Worrall guilty, and he was fined £20 0s 0d. With no further business under the commission of the peace, the court opened under the commission of oyer and terminer. A fresh grand jury was empanelled and sworn, and a single bill of indictment was placed before it. The jurors found the bill to be true, and the court then opened under the commission of gaol delivery. When the petty jury panel was called, John Bagley senior and James Easthope were recorded as absent. The bailiff who summoned them was sworn and stated that he had served each of them in person, and that neither had given any reason for failing to attend, either then or since. The justices fined each of them £2 0s 0d. James Youd, sergeant major of the island's garrison, was then brought to the bar and charged on an indictment. It stated that on 28 February 1781, in

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		the Gaol Delivery - Upon calling over the Pannel of the Petit Jury John Bagley Senr and James Easthope were marked Defaulters the Summoning Bailiff being previously Sworn who Declared he had Regularly Summoned them in Person, and that they did not then or had since assigned any Reason for their Non attendance - The Justices therefore, fined them in the Sum of Two pounds each. James Youd Serjeant Major in the Garrison of the said Island being Set to the Bar of the Court was Arraigned upon the following Indictment. Island St Helena to wit The Jurors of Our Sovereign Lord the King upon their Oaths Do Present that James Youd late of James's Valley within the Island St Helena Serjeant Major in the Garrison of the said Island not having the fear of God before his Eyes, but being moved and seduced by the instigation of the Devil on the twenty Eight Day of February in Twenty first Year of the Reign of Our Sovereign Lord George the Third King of Great Britain &c at James's Valley aforesaid in the said Island with force and Arms in and upon one Nanny a Woman Slave, then and there being in the Peace of God and of Our said Sovereign Lord the King feloniously, wilfully and of his Malice aforethought Did make an	the 21st year of the reign of George III, Youd of James's Valley attacked Nanny, a female slave, in James's Valley. The charge alleged that he acted unlawfully, deliberately and with premeditated malice. In the customary language, it described him as a man with no fear of God, driven on by the devil. **Interpretations** The court's question about the note to Kay exposed Worrall's attempt to conceal what he had done. Asking only for dressings for a burn, without explaining how it happened, kept the surgeon in ignorance while making Worrall appear a considerate master. His defence depended on presenting that request as evidence of care. The question turned it instead into evidence of concealment, and together with his signed confession it left the jury little room to accept his denial. The fine of £20 0s 0d was by far the heaviest penalty recorded in the register. It contrasted sharply with the £0 6s 8d imposed on Lieutenant Francis Seale for assaulting Benjamin Mason on 4 December 1780. Assault was a misdemeanour, and the court could not impose a harsher form of punishment on Worrall, but the size of the fine shows the bench treating the torture of a slave as a grave offence. On an island where the justices had just barred slaves from testifying against white people, the heavy fine suggests they wished to show that masters did not stand wholly beyond the law. Youd's case came to trial at this sitting, despite the ruling of 9 July 1781 that slave evidence could not be admitted against a white person. Nanny was a slave and the named witnesses were slaves. The Crown's decision to proceed meant it had to prove the charge from sources other than the evidence the bench had excluded.
489	481	an Assault, and that the said James Youd with a certain Staff made of Wood of the Value of two pence which he the said James Youd in his right hand then and there had and held her the said Nanny, upon the Head and upon both the Shoulders of her the said Nanny feloniously wilfully and of his malice aforethought did strike giving unto the said Nanny then and there with the said Staff in and upon her Head one mortal wound of the breadth of one Inch and the Depth of one Inch, and in and upon her right Shoulder one other mortal Wound of the Breadth of three Inches and Depth of half an Inch, and in and upon her left Shoulder one other mortal Wound of the Breadth of three Inches and Depth of half an Inch of which said several wounds the said Nanny at James's Valley aforesaid in the Island aforesaid languished and lived in a languishing condition from the said twenty Eight Day of February until the fifth Day of March in the Year aforesaid on which said fifth Day of March the said Nanny of the said Mortal Wounds at James's Valley aforesaid within the Island aforesaid did Die. And so the Jurors aforesaid upon their Oaths aforesaid Do say that the said James Youd her the said Nanny in manner and form aforesaid feloniously wilfully and of his Malice	The indictment went on to charge that Youd struck Nanny on the head and on both shoulders with a wooden staff, valued at £0 0s 2d, which he held in his right hand. It alleged that he acted unlawfully, deliberately and with premeditated malice. The blows left a fatal wound on her head an inch wide and an inch deep. They also left a fatal wound on each shoulder, each three inches wide and half an inch deep. Nanny lingered in James's Valley from 28 February 1781 until she died of these wounds on 5 March 1781. The jurors therefore charged that Youd murdered her deliberately and with premeditated malice, in breach of the King's peace. Youd pleaded not guilty, and the following 12 men were sworn as his jury: Stephen Young Benjamin Seale George Hayes Gabriel [...]ke John Torbett Benjamin Mason senior George Seale senior William Seale Joseph Leager Henry Wingfield William Knipe William Worrall The indictment was read to him a second time, and the court gave the jury its charge. Harriet St Maurice was sworn and gave evidence. One evening some time earlier, though she could not remember when, she was at home in her house next door to the prisoner's. She heard a woman crying out as though someone was beating her. Coming out of her parlour, she met one of her own servants, a sister of a girl, now dead, who had belonged to the

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		aforethought did Kill and Murder against the Peace of Our said Sovereign Lord the King his Crown and Dignity. To which he pleaded "Not Guilty" And the Twelve following Men Vizt Stephen Young Benjamin Seale George Hayes Gabriel Leake John Torbett Benjamin Mason Senr George Seale Senr William Seale Joseph Seager Henry Wrayfield William Knipe and William Worrall were Sworn upon his Jury, then the Indictment was a second time Read to him and the Jury Charged Harriet St Maurice appearing and being Duly Sworn, Saith that one Evening sometime past (cannot recollect when) being in her own House which adjoins to the Prisoners, She heard the Cries of a Female, as if some Person was beating her, That as the Witness came out of the Parlour, She met a Servant of hers (Who was Aunt to a Girl, now Deceased, belonging to the Prisoner) Who informed her that, "they were beating of poor Nanny" (meaning the Deceased) That the Witness immediately went to the Yard Door, opposite to which, there is a Window belonging to the Prisoners Kitchen. That She heard the Prisr calling out, "whats the matter", To which She the Witness Replied "matter enough you Brutes, you Monsters," Then left the Door, and returned into her House. Says She did not see the Prisoner at the time She heard his Voice, neither did She see the Girl Nanny (Now Deceased)	prisoner. The servant told her that they were beating poor Nanny, meaning the dead woman. Harriet St Maurice went straight to her yard door, which faced a window of the prisoner's kitchen. She heard the prisoner call out to ask what was the matter. She shouted back that there was matter enough, calling the people inside brutes and monsters. She then left the door and went back into her house. She said she did not see the prisoner when she heard his voice, nor did she see Nanny. **Interpretations** Nanny was Youd's own slave, as the description of her sister makes clear. The case therefore raised the very situation that even the more generous reading of the standing counsel's opinion excluded, a slave's evidence against the master. The Crown turned instead to a free white neighbour. Harriet St Maurice could speak to the sounds of a beating and to Youd's voice from the kitchen, but she saw neither the prisoner nor the victim. Her account of what her servant told her came only at second hand. The indictment valued the wooden staff at £0 0s 2d because of the law of deodand. Any object that caused a death was forfeit to the Crown, and its value had to be stated so the forfeiture could be assessed. The practice, surviving from medieval law, explains why indictments for killing routinely put a price on the weapon, however trivial. The detailed measurement of each wound, with its breadth and depth, was a standard feature of murder indictments. It was meant to show that the injuries were severe enough to cause death. It also echoed the coroner's inquest, where the body was examined and the wounds recorded. The Crown needed to prove that these blows, and not some other cause, killed Nanny during the five days she lingered.
490	482	Thomas Wood Surgeon being Sworn, Saith, that on the 5th March last, Mr Kay came to request he would go with him to see a Slave Girl belonging to the Serjeant Major (meaning the Prisoner) whom he had been sent for to Visit late the Saturday Evening before, and that he look'd upon her situation to be very Dangerous. That the Witness went accordingly with Mr Kay, to see the Girl. Saith that he found her in a very high putrid Fever. On Examining found many Sores in her Body, but more particularly about her Shoulders and Back, that many of the Sores upon her Shoulders were in a Mortifying State, and that they appeared to this Witness to have been occasioned by frequent Stripes with small Cords, Rattan or some such Weapon, on her whole Body and even her Thighs there were marks (tho then well) of a Punishment of that kind. Saith that her Head was in a dreadful situation many places being puffed up by matter Collected in them. By an opening which Mr Kay had made by removing part of the Scalp, upon pressure on different parts of her Head, the matter issued at the said opening, there being a communication. The	Thomas Strood, a surgeon, was sworn and gave evidence. On 5 March 1781 Mr Kay came and asked him to go and see a slave girl belonging to the sergeant major, meaning the prisoner. Kay had been called to her late on the previous Saturday evening, 3 March 1781, and considered her condition very dangerous. Strood went with Kay to see her. He found her in the grip of a severe putrid fever. On examining her he found many sores on her body, especially on her shoulders and back. Many of the sores on her shoulders had turned gangrenous. In his view they had been caused by repeated lashes with thin cords, canes or some similar instrument. Her whole body, down to her thighs, bore marks of similar punishment, although those had healed. Her head, Strood said, was in a dreadful state, with many places swollen by collected pus. Kay had made an opening by removing part of the scalp. When Strood pressed on different parts of her head, pus flowed out through that opening, which showed that the pockets were connected. Over most of her head, the membrane lying directly on the skull had come away from the bone, with pus forming between them. In his opinion the rotting state of her head and shoulders, from which infection spread into her body, caused the putrid fever, and the fever caused her death. He did not believe the skull itself was broken. Jeffery Bond, a soldier, was sworn and gave evidence. For four or five months he had lived beside the sergeant major, meaning the prisoner, in a house facing the prisoner's. Throughout that time the

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		Membrane which immediately covers the Skull bone over the greatest part of the Head was seperated from the Bone itself by matter being formed betwixt it. Saith it is his Opinion that the Putrid State of her Head and Shoulders, from the adoption of matter was the cause of the Putrid Fever, to which Putrid Fever he imputes her Death. Saith he does not believe the Skull Bone was Fractured. Jeffry Bond Soldier being Duly Sworn Saith that he has lived between four and five Months near to the Serjeant Major (meaning the Prisoner) in a House that Fronts towards that of the Prisoners. That during that period he has frequently been Disturbed by the Prisoners beating a Slave Girl of his (now Deceased) four, five and six times of a Night, particularly when the Prisoners Wife lay in, he has heard him, flog the said Girl six times in one night. Saith that on a Sunday he has known the Prisoner after having paraded the Soldiers for Church, return to his House and Flog the said Girl two or three times before Divine Service was Ended. That several times when the Prisoner has been punishing the said Girl, the Witness has called to him to desire he would desist, and altho' the Prisoner never returned any answer, he is sure, he must have heard him, because that upon his calling to him, he has removed the Girl from the Place he was before punishing her, to some more distant part of the House, from whence the Witness could but just hear her Cries and the sound of Stripes. Saith that much about this time, he saw the Girl (now Deceased) going Down the Street one Evening, and observing much Blood and Corrupted matter upon her Cloaths from her Waiste to her Shoulders, he asked her the Reason, why her Master had punished her so severely. To which She Replied. That her Master [...]	prisoner's beatings of his slave girl, now dead, often disturbed him four, five or six times in a night. When the prisoner's wife was in childbed, Bond once heard him flog the girl six times in a single night. On Sundays Bond had known the prisoner parade the soldiers for church, go home and flog the girl two or three times before the service ended. Several times while the prisoner was beating the girl, Bond called out to him to stop. The prisoner never answered, but Bond was sure he heard. Whenever Bond called, the prisoner moved the girl from where he was beating her to a more distant part of the house, from where Bond could only just hear her cries and the sound of the lashes. At about the same period, Bond saw the girl walking down the street one evening. Her clothes were soaked with blood and pus from her waist to her shoulders. He asked her why her master had punished her so severely, and she gave him an answer about her master. **Interpretations** Strood's evidence changed the medical basis of the charge. The indictment spoke of mortal wounds from a staff, but the surgeon found no fracture and attributed death to a putrid fever, a spreading infection arising from festering wounds on the head and shoulders. The prosecution now had to show that the beatings caused the infection that killed her. English law held a man responsible for a death that followed from wounds he inflicted, even where the immediate cause was an infection, so long as the wounds were its source. Bond's evidence was the Crown's answer to the ban on slave testimony. As a free white soldier and neighbour, he could describe months of repeated floggings, their frequency and Youd's awareness that others heard. This pattern of sustained cruelty went directly to malice aforethought, showing a settled course of brutality rather than a single chastisement gone wrong. His account of Youd moving the girl out of earshot when challenged suggested that the prisoner knew his conduct was wrong. Rattans were thin, flexible canes cut from climbing palms of the East Indies, shipped widely through the Company's trade and used for furniture, walking sticks and punishment. Strood's reference to marks made by cords or rattans placed the injuries within the common methods of disciplining slaves and servants, but at a level of frequency and severity that left the girl's body covered with old and fresh wounds alike.
491	483	whenever he sent her on an Errand, always observed by his Watch, the time She was absent, which if it exceeded what he thought was sufficient he was sure to Flog her. Saith that another Evening he saw the said Girl going Down the Street who staggered as She went, as if She had been almost a Sleep. The Girl having past about a quarter of an hour he saw the Prisoner follow and believes that he found her a Sleep, that as they came up together he heard the Prisoner say to the Girl, "You Bitch I will severely punish you for this", and after he got her into the House the Witness heard both the Prisoner and his Wife beat and kick the said Girl for near an hour and an half. Question. Whether the Witness at any time ever saw the Prisoner beat the said Girl? says he never did, but that he is sure it must have been the Prisoner from knowing his Voice and from living so near him.	Nanny told Bond that whenever her master sent her on an errand, he always timed her absence by his watch. If she took longer than he thought she should, he was certain to flog her. Bond said that on another evening he saw Nanny walking down the street, staggering as though half asleep. About a quarter of an hour after she passed, the prisoner went after her, and Bond believed he found her asleep. As the two came back together, Bond heard the prisoner call her a bitch and swear he would punish her severely for it. Once he had her inside the house, Bond heard both the prisoner and his wife beating and kicking her for nearly an hour and a half. Asked whether he had ever actually seen the prisoner beat the girl, Bond said he had not. He was nonetheless certain it was the prisoner, because he knew his voice and lived so close. Asked whether the punishments he heard might have been given to some other servant, Bond replied that the prisoner had no other servant. He was sure the beatings fell on Nanny, since he knew both her voice and the prisoner's well. The prisoner then asked Bond whether they had ever been acquainted since Bond came to the island.

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		Being asked, Whether the several Punishments he has heard inflicted, might not have been upon some other Servant. Says that the Prisoner had no other Servant, and that he is sure the Punishments were inflicted on her being well acquainted both with the Girls and Prisoners Voice. Question from the Prisoner. Whether since the time the Witness has been on the Island they have ever been acquainted with each other. Answers in the Negative, and further says, that he does not believe he ever exchanged forty words with the Prisoner in his life. Second Questn. Whether the Witness has ever been in the Prisoners House, since he has lived there? Says he has not. Willm Hamilton Soldier being called upon as an Evidence for the Crown, but appearing much intoxicated with liquor, consequently incompetent, he was Delivered into Charge of the Gaoler, and ordered to be Imprisoned for a Fortnight. Sarah Cash, called and Sworn. She saith that on the last Day of the Month of February, She heard the Prisoner beat a Slave Girl of his Named Nanny (now Deceased) twelve times, having severally counted them That this Witness lives near to the Prisoner a single Wall only parting the two Houses, and often when the Prisoner has been beating the said Girl she has heard him abuse her, by calling her a Brimstone and Bitch, and further has heard the Girl at same time Cry out, Pray Master, Dear Master I'll do it, but what She meant the Witness does not know. Says that the Girl once shewed this Witness her Back and that it appeared to her in a Mortifying State. Quest. Whether at the time the Girl shewed the Witness her Back, She asked her from what cause it became so. Answers She did, and that the Girl informed her it was occasioned by Punishments received from her Master.	Bond said they had not, adding that he doubted he had exchanged forty words with the prisoner in his life. The prisoner next asked whether Bond had ever been inside his house while living nearby. Bond said he had not. William Hamilton, a soldier, was called as a witness for the Crown. He appeared so drunk that he was unfit to give evidence. The court handed him to the gaoler and ordered him imprisoned for a fortnight. Sarah Cash was called and sworn. On 28 February 1781 she heard the prisoner beat his slave girl Nanny, now dead, twelve separate times, and she counted each one. Her house stood next to the prisoner's, with only a single wall between them. While beating the girl, she said, he often abused her, calling her a brimstone and a bitch. She also heard the girl cry out, begging her master for mercy with words Sarah Cash could not make out. Nanny once showed her back to Sarah Cash, who saw that it had turned gangrenous. Asked whether she had asked the girl how it came to be in that state, Sarah Cash said she had. Nanny told her it was the result of punishments her master had given her. **Interpretations** The prisoner's questions to Bond tested whether the witness bore him a grudge or knew his household well enough to be sure of what he heard. Bond's answers cut both ways. His lack of any acquaintance with Youd removed a motive for malice. His never having entered the house, however, left his identification of the voices resting on sound alone. The Crown's case thus depended on white neighbours who heard the beatings through walls but did not see them, since Nanny's own statements to them could only be repeated second hand. Sarah Cash's evidence was the most damaging so far. She fixed the beatings to 28 February 1781, the very day the indictment named, and counted twelve separate episodes in that single day. Her account of the prisoner calling the girl a brimstone, a term of abuse for a vicious or quarrelsome woman, showed the contempt with which he treated her. The detail that his wife joined in the beatings, from Bond's evidence, placed the cruelty within the whole household rather than a single outburst. The court's treatment of William Hamilton shows its insistence on sober witnesses. A drunk witness could not take a meaningful oath, and appearing in that state in a murder trial was a contempt of court. Imprisonment for a fortnight was a summary punishment the bench could impose on the spot. It also cost the Crown a witness whose evidence was never heard.
492	484	Quest. Whether at any time the Witness has seen the Prisoner Punish the said Girl and with what Weapon. Says she never saw the Prisoner punish said Girl but by the sound of the Stripes supposes it must have been done sometimes with a Cat and other times with a Rattan. Willm Warner Assistant at the Hospital being Sworn Saith that on Saturday the 3d of March last he received a Note from the Prisoner desiring he would send him a little sweet Oil and call at his House in the Evening, that he accordingly went, and the Prisoner told him he sent for him to look at a Black Girl of his, who had fallen down Stairs and hurt herself very much. Saith that before he saw the Girl the Prisoner took him to the Stairs, and shewed him on the landing place, on the head of the Stairs	Asked whether she had ever seen the prisoner punish the girl, and with what, Sarah Cash said she never had. From the sound of the blows, however, she supposed he sometimes used a cat and at other times a rattan. William Warner, an assistant at the hospital, was sworn and gave evidence. On Saturday 3 March 1781 he received a note from the prisoner asking him to send a little sweet oil and to call at the house that evening. Warner went, and the prisoner told him he wanted him to look at a black girl of his who had fallen down the stairs and hurt herself badly. Before Warner saw the girl, the prisoner took him to the stairs and pointed out bloodstains on the landing, at the top of the stairs and on several of the steps. The prisoner said the girl had fallen at about two o'clock the previous morning. The noise woke him, and he got out of bed and found her at the foot of the stairs covered in blood. Warner then saw the girl, now dead. She had a very high fever, several scratches on her face and a

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		and on several of the Steps Stains of Blood, and informed him that the Girl had fallen down about two o'Clock the morning preceeding, the noise of which awaking him, he got out of Bed and found her at the foot of the Stairs all Bloody. That the Witness went to see the Girl (now deceased) whom he found in a very high Fever with several Scratches on her Face and one of her Ears much Cut. On examining her Head found an incision in the Scalp, and the Scalp separated from the Skull Bone that on pressure there was a Discharge of Corrupted matter from said Incision, and Desired the Prisoner to get some lint, which he intended to apply. That while the Prisoner was absent the Witness asked the said Girl how she came to be in that situation, when she informed him (to the best of his Recollection) that her Master had either shoved or pushed her Down Stairs. That on the Prisoners Return he asked the Witness what he thought of the Girls situation, who told him he did not imagine that could possibly live and advised him to send immediately for Mr Kay. The Prisoner then asked him what he thought Mr Kay would do to the Girl, he told him he was certain, he would let Blood and afterwards remove some part of the Scalp in order to give vent to the matter, and also to see if there was any injury done to the Skull Bone. The Prisoner then asked what the Witness thought the Expence would be. He told him it was necessary he should send for a Surgeon, and that if he would permit him, he would send for Mr Kay. That he accordingly sent for Mr Kay and accompanyd him to the Prisoners House to Visit said Girl. Says he was present when She died which was on the Monday following being the 5 March. Says further that altho' when he first saw the Girl She told him her Master had pushed her Down Stairs, yet when Mr Wood and Kay together with the Prisoner were present the Girl being asked the same Question, She absolutely Denyd that her Master had pushed her Down Stairs, but that She had fallen.	badly cut ear. Examining her head, he found a cut in the scalp, which had come away from the skull. When he pressed on it, pus came out of the wound. He asked the prisoner to fetch some lint, which he meant to apply. While the prisoner was out of the room, Warner asked the girl how she came to be in such a state. As best he could remember, she told him her master had shoved or pushed her down the stairs. When the prisoner came back, he asked Warner what he thought of her condition. Warner said he did not believe she could survive and urged him to send for Mr Kay at once. The prisoner asked what Kay would do. Warner said he was sure Kay would bleed her and then remove part of the scalp to let the pus drain and to check whether the skull was damaged. The prisoner then asked how much Warner thought it would cost. Warner replied that a surgeon was essential and offered to send for Kay himself if the prisoner allowed it. He did so, and went with Kay to the prisoner's house to see the girl. Warner was present when she died on Monday 5 March 1781. Warner added that when he first saw the girl, she told him her master had pushed her down the stairs. Later, when Strood, Kay and the prisoner were all present and she was asked the same question, she flatly denied that her master had pushed her and said she had fallen. **Interpretations** A cat, or cat-o'-nine-tails, was a whip of several knotted cords on a handle, used for flogging in the army and navy. As sergeant major, Youd was responsible for carrying out floggings imposed on soldiers of the garrison, so the instrument was familiar to him. Its use on a household slave, alongside the rattan, fitted the surgeons' account of wounds made by cords or canes across her back and shoulders. The girl's two accounts show the pressure on a slave speaking in her master's presence. Alone with Warner, she said Youd had pushed her down the stairs. In front of Youd and the two surgeons, she denied it and said she fell. A slave who accused her master while he stood beside her risked further punishment if she survived. The court could weigh the private statement against the public denial, but both reached it only through a white witness, since the girl herself could not have testified against her master. The prisoner's question about the cost of treatment was damaging. It suggested that even with a girl near death, his concern was the expense of calling a surgeon. It also showed that he had delayed summoning proper medical help. Warner, only a hospital assistant, had to press him to send for Kay, and she died two days later.
493	485	Quest. from the Prisoner. Whether when the Witness has been dressing the Girls Wounds (the Prisoner not being Present) and has asked her the same question, as he did at the time he first saw her, that She has answered, her Master had not pushed her down Stairs but that She had fallen. Says She did. Peter Higgens Soldier appearing and being Sworn, Saith that he lived with the Prisoner as his Servant, the last time about a Month or six Weeks. That he has seen him beat his Slave Girl Nanny with a three or four times a day, and sometimes the Prisoners Wife in his Absence has done the same. But always when the Girl had her Clothes on. That as he did not Sleep in the House does not know what might be done during	The prisoner asked Warner whether, when he dressed the girl's wounds with the prisoner absent and put the same question to her as when he first saw her, she had replied that her master had not pushed her down the stairs but that she had fallen. Warner said she had. Peter Higgens, a soldier, was sworn and gave evidence. He had lived with the prisoner as his servant, most recently for about a month or six weeks. During that time he had seen the prisoner beat his slave girl Nanny three or four times a day. The prisoner's wife sometimes did the same when he was out. The beatings, however, were always given while the girl had her clothes on. Higgens did not sleep in the house, so he did not know what happened at night. When he arrived early in the morning, though, the girl would tell him that her master had been beating her the night before. The Crown's case closed at this point, and the prisoner was called on for his defence. He said that

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		the Night but says, that when he has come early in the Morning the Girl has told him, that her Master had been beating her the preceding Night. The Evidence for the Crown being gone thro' with, the Prisoner is put on his Defence. He saith, that whatever correction the Girl may have received from him it was always moderate and never undeserved That with respect to her Death he has every reason to believe it was occasioned by her falling Down Stairs and falling in the fire. Says that on Wednesday Night the 28 February he went to Bed about Eleven o'Clock, and shortly after (as he was informed) his Wife came leaving the Girl upon the head of the Stairs eating her Supper, whom She told as soon as She was done, to go to Sleep. Saith that about half after one o'Clock he was awakened by a noise occasioned by the Girls falling Down Stairs. That his (the Prisoners) Wife went to see what was the matter, and asked the Girl (who was then lying at the foot of the Stairs) if She had hurt herself. She replied "She had not". That the next Morning on coming Down Stairs he observed some Blood, and the plate which the Girl had had her Supper in, lying on the Stairs broke in two places. On seeing the Blood the Prisoner asked the Girl whether she had hurt herself. Who Replyd she had not, therefore concluded, the Blood which he saw must have proceeded from a wound She had on her Ear. That observing the Girl appeared to be sick and thinking She certainly must have hurt herself in the fall he ordered her to be put to bed gave her some Warm Drink and sent for Warner, who advised the Prisoner to send for Mr Kay. Saith that questioned the Girl again, Whether She had not hurt herself in falling Down Stairs, when She acknowledged She had, and that the wound on her Ear was occasioned by it, but that She feared to say so before, as she had been a Sleep and had falling down during the time that She was a Sleep and further that She had hurt her Back and Shoulders likewise in the fall. With respect to the situation of her Back, as Mr Wood found it, he was until that time totally Ignorant.	any punishment he gave the girl had always been moderate and never undeserved. He had every reason to believe that her death came from falling down the stairs and falling into the fire. On the night of Wednesday 28 February 1781 he went to bed at about eleven o'clock. He was told that his wife came up shortly afterwards, leaving the girl eating her supper at the top of the stairs and telling her to go to sleep as soon as she had finished. At about half past one he was woken by the noise of the girl falling down the stairs. His wife went to see what had happened and asked the girl, who was lying at the foot of the stairs, whether she was hurt. The girl said she was not. The next morning, coming downstairs, he noticed some blood, and the plate from the girl's supper lay broken in two on the stairs. Seeing the blood, he asked the girl whether she had hurt herself. She again said no, so he concluded the blood came from a wound on her ear. The girl looked unwell, and thinking she must have been hurt in the fall after all, he had her put to bed, gave her a warm drink and sent for Warner, who advised him to send for Mr Kay. He then asked the girl once more whether she had not hurt herself falling down the stairs. This time she admitted she had, and said the fall caused the wound on her ear. She had been afraid to say so earlier, because she had fallen asleep and tumbled down the stairs while asleep. She also said she had hurt her back and shoulders in the fall. The prisoner said he knew nothing of the state of her back until Strood examined it. **Interpretations** The prisoner's defence rested on the master's right of moderate correction. English law and colonial practice allowed masters to punish servants and slaves, provided the punishment was reasonable. A death caused by such correction could be treated as misadventure or manslaughter rather than murder. By insisting that his punishments were always moderate and deserved, and blaming the death on an accidental fall, Youd sought to take the case outside the charge of murder entirely. Higgens was a soldier serving as the sergeant major's personal servant, a common arrangement in the army. His evidence of beatings three or four times a day, sometimes by the prisoner's wife, confirmed what the neighbours had heard through the walls. His remark that the beatings were given through her clothing perhaps explained how the marks could go unseen by visitors. It also sat awkwardly with the prisoner's claim to have known nothing of her back until the surgeon examined it. The prisoner's account of Nanny's changing answers mirrored Warner's evidence but reversed its meaning. Warner treated her first private accusation as the truth and her later denial as the product of fear. Youd presented her denial as the truth and her eventual admission of a fall as the explanation of her wounds. The jury had to decide which of her statements reflected what happened, knowing that she could not testify herself and that each version reached the court through someone else.
494	486	James Smith Seaman appearing on behalf of the Prisoner and being Sworn, is asked by the Prisoner, what it was that he heard Jeffery Bond say respecting him. Saith that on a day as he was going on Board Ship, meeting with the said Bond he entered into conversation with him and asked his Opinion of the Affair of the Serjeant Major To which Bond replied, he had been much disturbed by the Cries of a Black Girl belonging	James Smith, a seaman called by the defence, took the oath and was questioned by the prisoner about remarks Jeffery Bond had made concerning him. Smith recalled meeting Bond one day while on his way out to a ship. The two fell into talk, and Smith asked Bond what he thought of the case against the Sergeant Major. Bond answered that the screams of a black girl owned by the Sergeant Major had greatly upset him. He added that if the island could not deliver justice, he would take the matter to England.

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		to him the Serjeant Major, and that if Justice could not be had here he would go to England. Margaret Goudy being called and Sworn on behalf of the Prisoner, Says that during the illness of the Prisoners Wife She staid at the House for seven or eight Days. That during that time She never knew the Prisoner to treat, in the smallest Degree, the Girl Slave with Severity. Quest. Whether during her stay in the House the Prisoner ever corrected his Girl Slave. Says that once She remembers, he gave her a few stripes with a small Rattan. Thomas Yates Gardener appearing on behalf of the Prisoner and being Sworn, is asked what it was he heard Jeffery Bond say respecting the Prisoner. Saith that he has in conversation with the said Bond heard him several times say that he would hang the Serjeant Major (meaning the Prisoner) if ever a Man was hanged. Upon hearing him say which, the Witness desired him not to do any thing thro' Malice, but steadily to adhere to truth. The Witness being asked what Answer the said Bond made when he recommended to him not to do any thing from Malice but to adhere to Truth. Says that his Answer was he should always steadily adhere to Truth. James Smith Corporal, William Ashfield and James Kemp Soldiers being called and Sworn, severally say that they never knew or saw the Prisoner treat his Slave Girl (now Deceased) with severity, altho' they have often and repeatedly been at his House. David Kay Surgeon appearing on behalf of the Prisoner and being Sworn is asked, What Answer the Slave Girl belonging to the Prisoner (now Deceased) made him when he asked her how She came by the Wound in her Head. Says that on the 5th March when he went to Visit the said Girl he enquired of her, how she came by the Wound upon her head. To which She replied She had fallen down Stairs the Wednesday or Thursday Evening before.	Margaret Goudy was then called and sworn for the defence. She told the court that she had lived in the prisoner's house for seven or eight days while his wife lay ill. Throughout that stay she had never seen him handle the slave girl harshly in any way. Asked whether he had ever punished the girl while she was there, she remembered one occasion when he struck her a few times with a small rattan cane. Thomas Yates, the gaoler, gave evidence on oath for the prisoner and was asked what he had heard Bond say about him. Yates stated that Bond had declared more than once in conversation that he would see the Sergeant Major hanged, if any man ever was. Yates had urged Bond to act from honesty rather than spite. When the court asked how Bond had responded to this advice, Yates said Bond assured him that he would always keep firmly to the truth. Corporal James Smith and two soldiers, William Ashfield and James Kemp, were called and sworn together. Each declared that he had never known or witnessed the prisoner treating the slave girl, now dead, with cruelty. All three stated that they had been guests at his house many times. David Kay, a surgeon, was sworn as a witness for the defence. He was asked what the dead slave girl had told him when he questioned her about the wound to her head. Kay replied that he had called to examine her on 5 March and had asked how the injury came about. The girl told him she had fallen down the stairs on the Wednesday or Thursday evening of the week before. **Interpretations** The defence case turned less on disproving the girl's injuries than on discrediting Jeffery Bond, who was evidently a leading prosecution witness. Smith and Yates were both brought forward to show that Bond had spoken of the case with personal animus, vowing to see the prisoner hanged and threatening to carry the matter to England. By establishing malice, the defence sought to persuade the court that Bond's account of cruelty was driven by hostility rather than observation. The questions were put by the prisoner himself, which reflects the usual position of a defendant in a criminal trial of this period, who conducted his own examination of witnesses rather than relying on counsel. A rattan was a length of cane cut from the stems of climbing palms native to South and South-East Asia, reaching St Helena through the East India Company's shipping. Light, flexible and tough, it was widely used for walking sticks and as an instrument of beating, both for slaves and in military discipline. The "few strokes" admitted by Margaret Goudy were presented as ordinary household correction. Her evidence shows that the defence treated routine physical punishment of a slave as unremarkable, drawing the line of criminality only at severity. The procession of a corporal and two soldiers testifying to the prisoner's conduct reflects his standing as a Sergeant Major in the garrison. Their evidence was character testimony from men under or alongside his command, whose frequent visits to his house were offered as proof that no cruelty could have gone unseen. Its weight was limited by that very relationship, since subordinates had reason to speak well of a senior non-commissioned officer. Kay's evidence was the most direct attempt to supply an innocent cause for the fatal injury. By reporting that the girl herself attributed the head wound to a fall on the stairs, the defence placed an explanation in the mouth of the victim. The court had no means of testing that account, since the girl was dead, and a slave speaking to a visitor in her owner's house was hardly free to name him as the cause of her injuries.

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495	487	The Witness being further asked to declare what were the Contents of a Note the Prisoner sent him the Evening the Girl Died. Says that it was to inform him of the Death of said Girl, specifying the time of her Death, and that he (the Prisoner) would not have the Body meddled with until the Witness had seen it. The Evidence on both sides being Closed the whole thereof was impartially summed up to the Jury, who retired to Consider. On their return into Court they Declared their Verdict by which they found the Prisoner "Not Guilty". He was Discharged. No other Business appearing, the Jury's were Dismissed and the Court by Proclamation, adjourned to the 3d Day of October next Ensuing. John Skottowe Dan Corneille [...] Bazett Wm Wrangham Hen. Bazett	David Kay, the surgeon, was next asked about a note the prisoner had sent him on the evening the slave girl died. Kay explained that the note reported her death and gave the hour at which it had occurred. The prisoner had also written that nobody would touch the body until the surgeon had examined it. With the evidence for both prosecution and defence complete, the whole case was summed up to the jury without favour to either side. The jurors withdrew to deliberate and later came back into court. They found the prisoner not guilty, and he was released. No further cases were brought forward, so the juries were stood down. The court was then adjourned by proclamation until 3 October following. The record was signed by the members of the bench. John Skottowe Daniel Corneille C. Bazett William Wrangham Junior Henry Bazett **Interpretations** The note was offered by the defence as evidence of a clear conscience. By sending for the surgeon immediately and forbidding anyone to disturb the body, the prisoner could present himself as a man inviting inspection rather than concealing injuries. Combined with Kay's earlier testimony that the girl blamed a fall on the stairs, it gave the jury an innocent narrative supported by the only medical witness. The reference to juries in the plural reflects the structure of criminal justice on the island, which mirrored English practice. A grand jury first decided whether an indictment should proceed to trial, and a separate trial jury then heard the case and gave the verdict. Once the day's business was finished, both bodies were released from attendance. The signatories were the Governor and members of Council sitting as the court of sessions. Governor Skottowe presided, and the bench was therefore composed of the colony's senior administrators rather than professional judges. The same men who governed the island on behalf of the East India Company sat in judgment over its criminal cases, a concentration of executive and judicial authority typical of Company settlements.
496	488	On the 11th Day of July in the Twenty first Year of his Majestys Reign a Precept upon the Commission of the Peace was Issued out and Delivered to Mr Benjamin Mason Sheriff of the Island of St Helena. On the 18th of September following a Precept upon the Commission of Oyer and Terminer was Issued and Delivered to the Sheriff of the Island of St Helena. On the 3d of October following a Precept upon the Gaol Delivery was Issued and Delivered to the Sheriff aforesaid. Island of St Helena &c. The General Quarter Sessions of the Peace, Sessions of Oyer and Terminer and Sessions of Gaol Delivery held for the Island of St Helena on Wednesday the 3d Day of October in the twenty first Year of His Majestys Reign, and in the Year of Our Lord 1781 Before John Skottowe, Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett Esquires five of His Majestys Justices of the Peace, in and for the said	A precept under the commission of the peace was issued to Benjamin Mason, Sheriff of St Helena, on 11 July 1781. On 18 September 1781 a second precept, this time under the commission of oyer and terminer, went to the Sheriff. A third precept, covering the delivery of the gaol, followed on 3 October 1781. The island's general quarterly court, combining the commissions of the peace, oyer and terminer and gaol delivery, sat on Wednesday 3 October 1781. Governor Skottowe presided alongside Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett. All five served as justices of the peace for the island. They also held commissions empowering them to try every treason, felony and lesser offence committed on St Helena. The court opened first under the commission of the peace. Seventeen leading inhabitants were sworn as a grand jury and asked whether they had any matters to bring forward. They replied that they had none. The coroner then submitted the records of two inquests he had conducted during the previous quarter. The annual count of dogs was also presented and entered in the register. With no further matters under that commission, the court reopened under the commission of oyer and terminer. A fresh grand jury was chosen and

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		Island, also Commissioners of Oyer and Terminer authorized to hear and determine all Treasons, Felonies and other Misdemeanors within the said Island Committed. The Court being opened upon the Commission of the Peace a Grand Jury Consisting of seventeen principal Inhabitants of the Body of the said Island were Sworn, who being asked if they knew of any Business upon that Commission Answered "they knew of none." The Coroner then Returned Proceedings of two Inquests held before him in the Course of the last Quarter. The Return of Dogs was also given in and Enrolled. No other Business appearing upon the Commission of the Peace, the Court was opened upon the Oyer and Terminer and a New Grand Jury empannelled and Sworn and a single Bill of Indictment preferred to them, which Bill they found, and the Court was opened upon the Gaol Delivery. Upon calling over the Pannel of the Petit Jury Joseph Seager was marked Defaulter. The Summoning Bailiff being Sworn Deposed he had regularly Summoned him. The Justices therefore fined him in the Sum of two pounds.	sworn. A single bill of indictment was laid before them, and they found it to be a true bill. The court then turned to the delivery of the gaol. When the list of trial jurors was read out, Joseph Seager failed to answer. The bailiff responsible for summoning jurors swore that Seager had received proper notice. The justices therefore fined him £2 0s 0d. **Interpretations** The three precepts were writs directing the Sheriff to summon jurors and prepare the court for each of its distinct powers. The commission of the peace covered routine local justice and allowed a grand jury to raise complaints about public order. Oyer and terminer, a Norman French phrase meaning "to hear and determine", empowered the justices to try indictments for serious crimes. Gaol delivery required them to deal with every prisoner held in custody, so that nobody remained in gaol untried. Opening the court successively under each commission reproduced the English assize system in miniature, with the same five men acting in every capacity. The need for two separate grand juries followed from this layered structure. The first, sitting under the commission of the peace, had no presentments to make. The second, sworn under oyer and terminer, examined the indictment and found it a true bill, which sent the accused forward for trial. The grand jury's role was only to decide whether the prosecution had a case to answer, not to judge guilt. The fine imposed on Seager shows how the court compelled attendance in a small community where the pool of eligible jurors was limited. A sum of £2 0s 0d was a heavy penalty for an ordinary inhabitant. The bailiff's sworn statement that the summons had been properly served was the necessary step before any fine could be levied, since a juror who had not been notified could not be punished for absence. The return of dogs was a register of the dogs kept by the island's inhabitants, recorded each quarter as part of the court's routine business. Such a count was probably kept to control dogs that attacked sheep and cattle, whose loss threatened an island that depended heavily on its own livestock to supply passing ships.
497	489	Arraignment Joshua Palmer Private in the Garrison of the said Island being put to the Bar of the Court was Arraigned upon the following Indictment. Island of St Helena (to wit) The Jurors of Our Sovereign Lord the King upon their Oaths Do Present that Joshua Palmer late of James Valley within the Island of St Helena Private in the Garrison of the said Island not having the fear of God before his Eyes, but being moved and seduced by the instigation of the Devil on the twenty eight Day of July in the twenty first Year of the Reign of Our Sovereign Lord George the Third King of Great Britain &c. about the hour of seven in the Evening of the said Day at James Valley aforesaid in the said Island with force and Arms in and upon one William McCormick then and there being Feloniously did make an Assault And that the said Joshua Palmer with	Joshua Palmer, a private soldier in the island garrison, was brought before the court and arraigned on the following indictment. The grand jury charged that Palmer, a private of the garrison living in James Valley, had attacked William McCormick at James Valley at about seven o'clock on the evening of 28 July 1781. According to the charge, Palmer struck McCormick a single fatal blow with his left hand on the left ear. McCormick died from that blow between eleven o'clock and midnight on the same day. The grand jurors accordingly accused Palmer of the wilful killing and murder of McCormick, in breach of the King's peace and in defiance of his crown and authority. Palmer denied the charge. Twelve men were then sworn to try him. Stephen Young George Seale Senior Thomas Cole John Bagley Senior Benjamin Mason Senior George Hayes John Knipe Gabriel Leache Edward Joyce William Seale Richard Leache John Legg

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		his left hand the said William McCormick then and there Feloniously did Strike on the left Ear one mortal Blow, of which mortal Blow, between the hours of Eleven and Twelve of the Night of the said twenty eight of July the said William McCormick Died. And so the Jurors aforesaid Upon their Oaths aforesaid Do Say that the said Joshua Palmer the said William McCormick Feloniously Did Kill and Murder against the Peace of Our Sovereign Lord the King his Crown and Dignity. To which he pleaded "Not Guilty" and the twelve following Men Vizt Stephen Young George Seale Senr Thomas Cole John Bagley Senr Benjamin Mason Junr George Hayes John [...] Gabriel [...] Edward Joyce William Seale Richard Leache, and John Legg, were Sworn upon his Jury, then the Indictment was a Second time read to him and the Jury Charged. Trial Joseph Dowler Serjeant being Called and Sworn, Saith, that on the 28th of July last he was in the Country with	The indictment was read to Palmer once more, and the jury received its instructions from the bench. Sergeant Joseph Dowler was the first witness for the prosecution to be called and sworn. He began his evidence by stating that on 28 July 1781 he had been out in the countryside of the island. **Interpretations** The indictment followed the rigid form required in English criminal law, and each element served a legal purpose. It named the place, the hour and the hand used, and it identified the precise spot on the body where the blow landed. It also stated that McCormick died within hours of the blow. Proving death as a direct consequence of the assault was essential, since English law required a killing to follow from the injury within a year and a day before it could be treated as homicide. The phrase describing the accused as lacking the fear of God and moved by the Devil was standard wording in murder indictments, marking the act as one of malice rather than accident. This was the single bill that the second grand jury had found as a true bill earlier the same day, 3 October 1781. Its finding meant only that the prosecution had a case fit for trial, and the question of guilt now passed to the twelve trial jurors listed. The designation "Senior" against several jurors distinguished fathers from sons of the same name, a necessary practice in a small settler community where families intermarried and repeated Christian names across generations. The presence of Benjamin Mason Senior on the jury is notable, given that a Benjamin Mason held office as Sheriff and had summoned the panel. The Senior perhaps marked the juror as a different member of the family from the Sheriff himself.
498	490	with a Party of Men consisting of twelve to search for Seamen that had Deserted their Ships that the Prisoner was not one, but the Deceased was on their return to the Valley in the Afternoon he went to a Punch House with the said Party and bought between four or six shillings worth of Punch between them he then left the Party and went to the Barracks about the hours of eight or nine the same Night, he went into the Country with another Party the Prisoner being one the Prisoner seemed very uneasy, and was asked by the Witness what was the matter who reply'd that the Deceased, meaning one McCormick had provoked him by opprobrious words for which he had struck him, and Dreaded the consequences as the Doctor was sent for. James Johnson Soldier being Sworn Saith that on the 28th of July last he was ordered in the Country after some Seamen that he Returned the same Evening and going to the Barracks he heard the Deceased (meaning McCormick) abuse the Prisoner about wearing his Apparel, and had never made any satisfaction that the Prisoner told the Deceased he had rewarded him sufficiently for the same, the Deceased then called the Prisoner a lying and a Bugger and told him he wished he was a match for him that he would	Continuing his evidence, Sergeant Dowler told the court that on 28 July 1781 he had led a party of 12 men into the countryside to hunt for seamen who had deserted their ships. Palmer was not among them, but McCormick was. When the party came back down to the valley in the afternoon, Dowler took them to a punch house. Between them they bought between £0 5s 0d and £0 6s 0d worth of punch. Dowler then parted from the group and returned to the barracks. At about eight or nine that evening Dowler set out into the countryside again with a second party, which included Palmer. Palmer appeared deeply troubled, and Dowler asked him what was wrong. Palmer replied that McCormick had insulted him and that he had hit him in return. He added that he feared what might follow, because the doctor had been called. James Johnson, a soldier, was sworn next. He stated that on 28 July 1781 he too had been sent into the countryside to search for the missing seamen. Returning that evening, he was making for the barracks when he overheard McCormick berating Palmer. McCormick complained that Palmer had worn his clothes without ever paying him for them. Palmer retorted that he had already compensated him more than enough. McCormick then called Palmer a liar and a bugger. He said he only wished he were strong enough to take Palmer on, since he would gladly fight him. Palmer told him to calm down and said he wanted nothing to do with him. McCormick kept up his abuse, calling him a bugger over and over. Palmer eventually slapped him across the face with an open hand. Johnson then walked away and got as far as the officers' barracks. From there he could still hear McCormick shouting that Palmer was a lousy, filthy

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		fight him, that the Prisoner then told the Deceased to be quiet that he wanted nothing to do with him, that the Deceased still continued abusing the Prisoner calling him Bugger repeatedly, that the Prisoner then gave the Deceased a Slap with his hand on his face that the Witness then left them and proceeded as far as the Officers Barracks, the Deceased within his hearing calling the Prisoner a lousy stuttering Bugger and no Man, on this the Prisoner struck the Deceased a blow with his fist on the side of the head which knocked him Down, that William Hardeson who was in their Company desired the Prisoner not to strike the Deceased on which the Prisoner left him and went to the Barracks, the Witness farther Saith that he saw the Deceased laying on the ground and endeavoured to lift him up but that the Deceased could not stand that he took his Hat off and washed his Temples with Water, but could not bring him to himself. The Witness together with Hardeson and Three carried the Deceased to the Barracks who continued groaning the whole way that he then left the Deceased, and went to his own Barracks. Question from the Prisoner, Whether at the time he pushed the Deceased away he had not a Bamboo in his hand offering to strike him. Answers that the Deceased had a Bamboo but did not see him offer to strike. Being asked whether the Prisoner had at the time in his hand a Bamboo. Answers He had not.	bugger and no man at all. At this Palmer punched McCormick on the side of the head and knocked him to the ground. William Hardison, who was with them, urged Palmer to stop hitting him. Palmer then left McCormick and went back to the barracks. Johnson stated that he found McCormick lying on the ground and tried to help him up. McCormick was unable to stand. Johnson removed his hat and bathed his temples with water, but could not revive him. With Hardison and [...], he carried McCormick to the barracks, and McCormick groaned the whole way. Johnson then left him there and returned to his own quarters. Palmer asked Johnson whether McCormick had been holding a bamboo cane and threatening to strike him at the moment Palmer pushed him away. Johnson answered that McCormick did have a cane but that he had not seen him try to use it. The court then asked whether Palmer had held a cane at the time, and Johnson said he had not. **Interpretations** The evidence shaped the case around the distinction between murder and manslaughter. English law held that insulting words, however gross, did not by themselves justify a killing, but a death following a sudden quarrel in hot blood and without premeditation was usually manslaughter rather than murder. Palmer's reluctance to fight, the single blow with a bare fist and his immediate anxiety about the consequences all pointed away from the malice alleged in the indictment. His question about the cane went further, seeking to show that McCormick had been armed and threatening, which could support a claim of self-defence. The search parties reveal one of the garrison's regular duties. Seamen deserting from ships calling at the island posed a constant problem, since a vessel could not sail short of hands and a deserter hiding in the interior could be hard to find. Soldiers were sent out in organised parties to hunt them down, and the men on this occasion spent part of the day's proceeds, or their own pay, at a punch house on their return. A punch house was a licensed drinking establishment in Jamestown selling punch, a mixture of spirits, usually arrack or rum, with water, sugar, citrus and spice. The drink had come to Europe from India through East India Company sailors, and its name is traditionally derived from a word for "five", referring to its ingredients. Dowler's account established that McCormick had been drinking during the afternoon, which helped explain his quarrelsome behaviour that evening. The dispute over clothing hints at the informal economy of the barracks. Soldiers bought, borrowed and traded items of kit and clothing among themselves, and debts of this kind were a common source of quarrels in a crowded garrison where pay was small and belongings few.
499	491	William Hedget Soldier being called and Sworn Saith, that on the 28th of July last, he was going to the Barracks and heard the Deceased and the Prisoner disputing that he stoped and heard the Deceased call the Prisoner a Bugger several times, that the Prisoner asked the Deceased what was his Reasons for calling him so who said you Bugger why dont you pay me for my Cloaths that you wore at the time I was in the Hospital that the Prisoner then gave the Deceased a push with his hand who still	William Medget, a soldier, was called and sworn next. He told the court that on 28 July 1781 he was on his way to the barracks when he came upon McCormick and Palmer arguing. Medget stopped and listened as McCormick repeatedly called Palmer a bugger. Palmer asked why he kept insulting him. McCormick answered by demanding to know why Palmer had never paid for the clothes he had borrowed while McCormick was in hospital. Palmer then shoved McCormick away with his hand, but McCormick carried on with the same abuse. At that point Medget left them and continued to the barracks. Richard Wiggins was sworn after him. He stated that he had been out with Palmer in the countryside on 28 July 1781, searching for the deserting seamen.

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		continued calling the Prisoner a Bugger, that he then left them and went to the Barracks. Richard Wiggens appearing and being Sworn, Saith that he was with the Prisoner the 28th of July last in the Country after Seamen, that on their Return to the Valley they went to Mr Coles Punch House and called for some Liquor which they Drank he then went to the Barracks with the Deceased, hearing there was another Party ordered for the Evening on the same Duty, he went down the Valley and met with the Prisoner who told him that he was one of them, but observed he must first find Serjeant Dowler, that while the Witness and the Prisoner was standing at the Bridge the Deceased came up to them, and asked the Prisoner whether he was going out that Night, to which he made no reply, that the Deceased then called the Prisoner a Lance Corporal built Bugger, they then left the Deceased and walked off in search of Serjeant Dowler whom they found. Proceeding to the Barracks the Deceased again joined them and called the Prisoner a Bugger asking him if he did not intend to pay him for the Cloaths he had wore belonging to him while in the Hospital, and said if he was able he would lick him and turned before the Prisoner, with an intent he believes to strike him, the Prisoner then called the Deceased a good for nothing Dog and would have nothing to say to him, the Witness then left them and going to the Barracks he heard a blow struck like as a slap on the face but knows not from whom, as his back was towards the sound. The Witness being asked Whether at the time the Deceased came up to the Prisoner he had a stick in his hand. Answers He had that he did not see the Deceased lift up the Stick with any intention to strike the Prisoner. Question from the Prisoner, Whether he heard the Deceased Challenge him to fight. Answers In the affirmative.	When they came back down to the valley, the men went to Mr Coles's punch house and ordered drinks. Afterwards Wiggins walked back to the barracks with McCormick. At the barracks Wiggins learned that a second party had been ordered out that evening on the same errand. He went down the valley and met Palmer, who told him he had been picked for it. Palmer explained that he first needed to report to Sergeant Dowler. While the two men were standing at the bridge, McCormick came up and asked Palmer whether he was going out that night. Palmer gave no answer. McCormick then sneered at him as a bugger who fancied himself a lance corporal. Wiggins and Palmer walked off, leaving McCormick behind, and went looking for Dowler, whom they eventually found. As the pair headed back towards the barracks, McCormick caught up with them again. He called Palmer a bugger and asked whether he ever meant to pay for the clothes he had worn while McCormick lay in hospital. McCormick said he would thrash Palmer if only he were strong enough. He then stepped in front of Palmer, apparently meaning to hit him. Palmer called him a worthless dog and said he wanted nothing more to do with him. Wiggins walked on towards the barracks. With his back turned, he heard what sounded like a slap across a face, but he could not tell who had struck it. The court asked Wiggins whether McCormick had been carrying a stick when he approached Palmer. Wiggins confirmed that he had. He added that he had not seen McCormick raise it to strike. Palmer then asked whether Wiggins had heard McCormick challenge him to a fight, and Wiggins said he had. **Interpretations** Both witnesses reinforced the defence's picture of McCormick as the aggressor. Each described sustained, unprovoked abuse, and Wiggins added that McCormick had followed Palmer after being left behind and had squared up to him. The repeated questions about the stick show that the court and the prisoner both understood the legal importance of whether McCormick had offered violence first. A challenge to fight, confirmed by Wiggins in answer to Palmer's own question, strengthened the case that the fatal blow came in a mutual quarrel rather than as a deliberate attack. The quarrel over clothing now became clearer. Palmer had worn McCormick's clothes while McCormick was a patient in the garrison hospital, and McCormick believed he had never been paid for their use. A soldier's clothing was bought largely out of his own pay, so the loan or wear of garments represented a real cost to the owner and a genuine grievance. The taunt calling Palmer a "lance corporal" mocked him for giving himself airs above his rank. A lance corporal was a private temporarily acting as a corporal without the full rank or pay. McCormick's jibe followed Palmer's silence when asked whether he was going out with the evening party, and it suggests resentment that Palmer had been chosen for a second duty under Dowler. The reference to Mr Coles's punch house identifies the establishment by its keeper. Drinking houses in Jamestown were licensed to named inhabitants, which allowed the authorities to hold a specific person responsible for order on the premises and for the sale of liquor to soldiers.
500	492	William Hardeson Soldier being called and Sworn Saith that he was with the Party sent in search of Seamen on the	William Hardison, a soldier, was called and sworn. He had been one of the party sent to search for the missing seamen on 28 July 1781. On the way back to the barracks, he heard McCormick insulting

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		28th of July last that going to the Barracks he heard the Deceased abuse the Prisoner and call him Bugger about some Cloaths which he said belonged to him, that the Prisoner told the Deceased he had as many Cloaths as he wanted, and did not want any thing to say to him, the Witness then told the Prisoner not to mind what the Deceased said for he was an abusive fellow, that the Deceased again called the Prisoner a Bugger which provoked him to strike him with his fist on the head and knocked him Down, on which the Witness lifted the Deceased up and got some Water and washed his Temples that himself together with Johnson and Fox carried him to the Barracks laid him upon his Cot and left him. James Cample Soldier being Duly Sworn Saith that going to the Barracks with Fox Hardeson, the Prisoner and the Deceased he heard the Deceased call the Prisoner a lousy stutter[...] Son of a Bitch and that he was no Man, that the Prisoner told him to go about his business that he wanted nothing to say to him, the Deceased then called the Prisoner a Bugger, that he saw the Prisoner strike the Deceased a Blow with his fist on the side of his head, which knocked him Down, that himself with Fox and Hardeson lifted the Deceased up washed his Temples with Water carried him to the Barracks laid him on his Cot and then left him. The Evidence for the Crown Closing here the Prisoner is put upon his Defence He Saith, that on the 28th of July last he was standing with Richard Wiggens Soldier, that McCormick (meaning the Deceased) came and took him by the Arm, that he flung himself from the Deceased who asked him who he was, and called him a Bugger of a Lance Corporal and otherways abused him grossly that the Deceased wanted to know what the party was and why he could not go with him, the Prisoner then asked Wiggens to walk Down the Valley for he wanted nothing to say to the saucy Bastard, that he met Serjeant Dowler and returned with him opposite to the Bottom of Ladder Hill Path he saw the Deceased standing with others, that the Deceased came to him and again abused him enticing others to do the same, telling Fox and Hardeson particularly that it was his (meaning the Prisoner) fault they did not get no more than eighteen pence for their trouble in going for the Seamen	Palmer and calling him a bugger over some clothes that McCormick claimed as his own. Palmer answered that he had all the clothes he needed and wanted no dealings with McCormick. Hardison advised Palmer to take no notice, since McCormick was a foul-mouthed man. McCormick then called Palmer a bugger once more. This finally provoked Palmer into punching him on the head and knocking him to the ground. Hardison said he raised McCormick from the ground, fetched water and bathed his temples. He, Johnson and Fox then carried McCormick to the barracks. They put him on his cot and left him there. James Campbell, another soldier, gave his evidence under oath. He had been walking to the barracks with Fox, Hardison, Palmer and McCormick. Along the way he heard McCormick call Palmer a lousy, filthy son of a bitch and tell him he was no man. Palmer told McCormick to go away, saying he wanted nothing to do with him. When McCormick called him a bugger, Campbell saw Palmer strike him on the side of the head with his fist and knock him down. Campbell, Fox and Hardison lifted McCormick, bathed his temples with water and carried him to the barracks. They put him on his cot and then went away. The prosecution closed its case at this point, and Palmer was called on to make his defence. He stated that on 28 July 1781 he had been standing with Richard Wiggins, a fellow soldier, when McCormick came up and seized him by the arm. Palmer pulled himself free. McCormick demanded to know who he thought he was, called him a bugger of a lance corporal and heaped further abuse on him. McCormick also wanted to know what the evening party was and why he could not join it. Palmer asked Wiggins to walk down the valley with him, since he wished to avoid any further exchange with such an insolent wretch. Palmer said he found Sergeant Dowler and came back with him. Near the foot of the Ladder Hill path he noticed McCormick standing among a group of men. McCormick approached and began abusing him again, urging the others to join in. He singled out Fox and Hardison in particular. McCormick told them that Palmer was to blame for their receiving only £0 1s 6d for their efforts in chasing the deserting seamen. **Interpretations** Every witness called by the prosecution described McCormick as the aggressor and a single fist blow as the cause of his collapse. None suggested a weapon, a premeditated attack or any continued beating once McCormick was down. The Crown's own evidence therefore went a long way towards the defence case that this was a killing on sudden provocation, and the charge of murder rested on little more than the fact of the death itself. Palmer's defence took the form of an unsworn statement. Under English criminal procedure a prisoner could not give evidence on oath in his own case, but he was permitted to address the court and tell his version of events. The statement carried less weight than sworn testimony, which explains why Palmer had earlier used his questions to prosecution witnesses to establish the challenge to fight and the stick in McCormick's hand. The payment of £0 1s 6d was the reward shared by the search party for their pursuit of the deserters. Soldiers sent to recapture seamen who had fled their ships were paid for the service, and the sum probably depended on the number of men brought back. McCormick's claim that Palmer was responsible for the meagre reward was an attempt to turn the rest of the party against him, and it adds a financial grievance to the quarrel over clothing.

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			The Ladder Hill path was the steep route climbing from the western edge of Jamestown up the side of the valley towards the fortifications on Ladder Hill. Its foot lay close to the town and the barracks, which placed the renewed confrontation in the busy lower valley on the evening of the fight.
501	493	that Wiggens told them it was not the Prisoners fault, finding they were determined to quarrel with him, the Prisoner went to a Tea Shop in order to avoid them, that going to the Barracks he saw the Deceased walking with other Soldiers on the Deceased seeing him he Damn the Prisoner and asked him what business he had among them, that they did not want any Bugger of a Lance Corporal with them of which the Prisoner took no notice, that on coming to a Run of Water the Deceased desired him to stop and let him go over first, that it was the Prisoners Duty so to do, as he was a Bugger of a Lance Corporal, the Prisoner then went on the opposite side of the Trees the run being wide he was obliged to return were the Deceased was, who desired him to stop, at the same time puting a Bamboo which he held in his hand a cross the Run with an intention to hinder him from going over that he then pushed the Deceased from him who Damn'd the Prisoners Eyes calling him Bugger and struck at him with it, that he seized the Bamboo as it was falling, and strove to get it out of the hands of the Deceased, who again Damn'd his Eyes and wished he was a Man for his sake, he again pushed him away and desired him to be quiet, the Deceased then told him he would see him Buggered first, and again struck at the Prisoner with the Bamboo which he laid hold of, and desired to know what was his reasons for behaving in such a manner, The Deceased Damned the Prisoners Eyes and told him to kiss his Arse, he then left the Deceased and going to the Barracks the Deceased followed him and Challenged him to fight, if any one would take his part, that William Hardeson reply'd he would that walking on he saw the Deceased coming behind him with a Bamboo in his hand on which he turned round and gave the Deceased a blow with his fist which occasioned him to fall, little imagining it would have proved fatal. The whole being Summed up to the Jury they retired to Consider on their Return they Declared their Verdict by which they found the Prisoner "Guilty of Man Slaughter only" For which he received Sentence to be burnt in the Hand and Discharged.	Palmer continued his statement by explaining that Wiggins had told the group the reduced reward was not Palmer's fault. Seeing that the men were set on picking a quarrel, Palmer went into a tea shop to keep out of their way. Later, on his way to the barracks, he caught sight of McCormick walking with some other soldiers. On spotting him, McCormick cursed Palmer and asked what business he had among them. McCormick said they had no use for a bugger of a lance corporal in their company. Palmer ignored him. The men then reached a stream, and McCormick told Palmer to wait and let him cross first. He claimed Palmer was obliged to give way, since he was only a bugger of a lance corporal. Palmer went round to the far side of the trees, but the stream was too wide to cross there. He had to come back to where McCormick stood. McCormick told him to halt and laid a bamboo cane across the water to block his way. Palmer pushed McCormick back. McCormick cursed him, called him a bugger and swung the cane at him. Palmer grabbed the cane and tried to wrench it out of McCormick's grasp. McCormick cursed him again and said he wished, for Palmer's sake, that he were man enough to fight him. Palmer shoved him away once more and told him to be quiet. McCormick replied that he would see Palmer buggered first and struck at him again with the cane. Palmer seized hold of it and asked why he was behaving in this way. McCormick answered with another curse and told him to kiss his arse. Palmer said he then left McCormick and headed for the barracks. McCormick came after him and challenged him to a fight, provided someone would stand as his second. William Hardison offered to do so. As Palmer walked on, he saw McCormick coming up behind him with the cane in his hand. Palmer turned and hit him with his fist, and McCormick fell. Palmer insisted he had never imagined the blow would kill him. After the judge summed up the whole case, the jury withdrew to reach a verdict. On their return they acquitted Palmer of murder but convicted him of manslaughter. He was sentenced to be branded on the hand and was then released. **Interpretations** Branding on the hand was the punishment that followed a successful plea of benefit of clergy. This medieval privilege, originally reserved for clerics, had long since been extended to any first offender convicted of certain felonies, including manslaughter. A man granted it escaped the death penalty, but the brawn of his left thumb was burnt with a letter, M for manslaughter, so that he could never claim the privilege a second time. Once branded, the convict was free to go, which explains why Palmer returned to his regiment rather than facing further imprisonment. The verdict shows the jury accepting the defence that had emerged from the prosecution's own witnesses. Palmer had not carried a weapon, had repeatedly tried to avoid McCormick and had struck only once, in the face of a cane and a challenge to fight. These were the classic elements of a killing on sudden provocation. They removed the malice required for murder while still leaving Palmer responsible for an unlawful death. Palmer's account added one important detail absent from the sworn evidence. He claimed

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			McCormick was coming at him from behind with the cane when he turned and struck, which would place the fatal blow close to self-defence. No prosecution witness had described this moment, and Wiggins had heard only the sound of a slap with his back turned. The jury's verdict of manslaughter rather than acquittal suggests they gave Palmer the benefit of the provocation but were not persuaded that he had acted purely to protect himself. The references to a lance corporal throughout McCormick's abuse suggest that Palmer had recently been given, or been seen to seek, some small authority over his fellow privates. McCormick's insistence that Palmer should give way at the stream turned this into a direct challenge to his standing. The taunt, combined with the unpaid clothing and the disappointing reward, gave the quarrel a mixture of personal, financial and status grievances.
502	494	The above Sentence being Duly executed against him in the face of the Court the Grand and Petit Jurys were Dismissed, and the Court was by Proclamation Adjourned to the sixteenth Day of January next ensuing. John Skottowe Dan Corneille [...] Bazett Wm Wrangham Hen. Bazett On the third day of October in the twenty second Year of his Majesty's Reign a Precept upon the Commission of the Peace was Issued out and delivered to Mr Benjamin Mason Sheriff of the Island of St Helena. On the 2d of January following a Precept upon the Commission of Oyer and Terminer was Issued and delivered to the Sheriff of the Island of St Helena. On the 16th of January following a Precept upon the Gaol delivery was Issued and delivered to the Sheriff aforesaid.	The branding was carried out on Palmer in open court. The grand jury and the trial jury were then released. By public proclamation the court was adjourned until 16 January 1782. The record was signed by the justices. John Skottowe Daniel Corneille Matthew Bazett William Wrangham Henry Bazett **Interpretations** Branding in the presence of the bench was the normal way of carrying out a sentence following benefit of clergy. The gaoler or another officer applied the hot iron in court, and the justices watched it done before the business closed. Performing the punishment there and then served two purposes. It confirmed that the privilege had been used, making the mark a permanent record of the conviction, and it put the penalty before the jurors and inhabitants in attendance as a public warning. A precept under the commission of the peace was issued to Benjamin Mason, Sheriff of St Helena, on 3 October 1781. A further precept under the commission of oyer and terminer was delivered to the Sheriff on 2 January 1782. On 16 January 1782 a third precept, for the delivery of the gaol, was issued to him as well. **Interpretations** The staggered dates show how the Sheriff prepared the quarterly court in stages. The precept under the commission of the peace went out on the very day the October court rose, allowing a full quarter to summon the grand jury and gather local business. The precept for oyer and terminer followed only a fortnight before the January sitting, once it was known whether any serious charges required trial. The gaol delivery precept was issued on the opening day itself, requiring the Sheriff to bring forward whichever prisoners were then held in custody.
503	495	Island of St Helena ss The General Quarter Sessions of the Peace Sessions of Oyer and Terminer and Sessions of Gaol delivery Holden at the Hall in James's Valley for the said Island on Wednesday the 16th Day of January in the twenty second Year of the Reign of our Sovereign Lord George the Third of Great Britain France and Ireland King Defender of the Faith and so forth. Before John Skottowe, Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett Esquires, five of his Majesty's Justices of the Peace and Commissioners of Oyer and Terminer assigned and authorised to hear and determine all Felonies Trespasses and other Misdemeanors within	The island's general quarterly court, sitting under the commissions of the peace, oyer and terminer and gaol delivery, met at the Hall in James Valley on Wednesday 16 January 1782. Governor Skottowe presided alongside Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett. The five men served as justices of the peace for the island. They also held commissions allowing them to try every felony, trespass and lesser offence committed on St Helena. Proceedings began under the commission of the peace. Fifteen leading inhabitants were sworn as a grand jury and asked whether they had any matters to raise. They answered that they had none. The inspectors for each of the island's districts then

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		the Island committed. The Court being opened upon the Commission of the Peace a Grand Jury consisting of fifteen of the principal Inhabitants of the Body of the said Island were sworn, who being asked if they knew of any business upon that Commission, answered they knew of none. Then the inspectors for the several Divisions gave in their returns of Sheep. The returns of Dogs was also given in. No other business appearing upon that Commission, the Court was opened upon the Oyer and Terminer, a new Grand Jury impannelled and sworn and three bills of Indictment were preferred to them. They found the Bills and then the Court was opened upon the Gaol delivery. Arraignments Frederick Shoulds private in the Garrison of the said Island being set to the Bar of the Court was arraigned upon the following Indictment. Island of St Helena (to wit) The Jurors of our Sovereign Lord the King upon their Oaths do present that Frederick Shoulds late of James's Valley within the Island of St Helena, Private in the Garrison of the said Island on the [...] day of October in the twenty first year of the Reign of our Sovereign Lord George now King of Great Britain &c on the night of the same day by force and arms in the Valley aforesaid within the Island aforesaid the dwelling house of one William Smith there situated, feloniously and burglariously did break and enter, and one pair of silver Clasps of the value of five shillings, one pair silver shoe and knee buckles of the value of one Pound six shillings, five silver sleeve buttons of the value of two shillings, one silver Ring and the rim of a Gold Ring of the value of three shillings, three silver shoe and four knee buckles of the value of thirteen shillings and a parcel of old Silver of the value of five shillings of the Goods and Chattels of the said William Smith in the said Dwelling house then **Margin Notes:** [...]	submitted their counts of sheep. The quarterly register of dogs was presented as well. With nothing further under that commission, the court reopened under oyer and terminer. A new grand jury was chosen and sworn, and three indictments were placed before them. The jurors found all three to be true bills. The court then moved on to the delivery of the gaol. Frederick Shoulds, a private soldier in the island garrison, was brought before the court and arraigned on the following charge. The grand jury accused him of breaking into the house of William Smith in James Valley by force during the night of [...] October 1781. According to the indictment, Shoulds entered the house with criminal intent and stole a number of articles belonging to Smith. 1 pair of silver clasps, £0 5s 0d 1 pair of silver shoe and knee buckles, £1 6s 0d 5 silver cuff buttons, £0 2s 0d 1 silver ring and the band of a gold ring, £0 3s 0d 3 silver shoe buckles and 4 silver knee buckles, £0 13s 0d 1 parcel of old silver, £0 5s 0d **Interpretations** The charge was one of burglary, which in English law meant breaking into a dwelling house at night with the intention of committing a felony. It was among the most serious property crimes and was excluded from benefit of clergy, so a conviction carried a mandatory sentence of death. The indictment's insistence on the night, the force used and the house being Smith's home was therefore essential, since each element distinguished burglary from simple theft, for which Palmer's route of branding and release remained open. The stolen goods were the small silver fittings that made up much of an ordinary household's portable wealth. Buckles fastened shoes across the instep and secured breeches just below the knee, and silver versions were a common mark of respectability that could be sold or melted for their metal. Sleeve buttons were paired buttons joined by a link, the forerunner of the modern cufflink. The band of a gold ring and the parcel of old silver were probably broken or worn pieces kept for their value as metal, and their inclusion suggests the thief took whatever precious metal he could find. The returns of sheep reveal how closely the island's livestock was supervised. St Helena was divided into districts, each with an inspector who counted the flocks and reported to the court every quarter. Sheep and cattle supplied fresh meat to the garrison, the inhabitants and the East India Company's passing ships, so the authorities needed accurate figures to manage grazing, detect theft and plan supplies. The register of dogs presented alongside the sheep counts served the same purpose of protecting the flocks.
504	496	then and there being found then and there feloniously and burglariously did steal take and bear away against the peace of our Sovereign Lord the King his Crown and Dignity and also against the form of the Statute in that Case made and provided To which he pleaded "Not Guilty" The said Frederick Shoulds was arraigned upon a second Indictment as follows Vizt Island of St Helena (to wit) The Jurors of our Sovereign Lord the King upon their Oaths do present that Frederick Shoulds late of James's Valley within the Island of Saint Helena Private in the Garrison of the said Island on the 13th Day of	The first indictment against Shoulds concluded by charging that he had stolen these goods from the house after breaking in at night, in breach of the King's peace and contrary to the statute covering such offences. Shoulds pleaded not guilty. He was then arraigned on a second charge. The grand jury accused him of entering the house of Lewis Hendrick in James Valley by force between five and six o'clock on the morning of [...] October 1781. According to the indictment, Shoulds stole a gold ring set with white stones worth £0 15s 0d. He also took £7 14s 0d in cash, all of it Hendrick's property and kept in his home. This too was charged as a breach of the King's peace and an offence under statute. Shoulds again pleaded not guilty. Simmo, a male slave from Harden's, was next brought before the court. The first count of his

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		October in the twenty first year of the Reign of our Sovereign Lord George now King of Great Britain &c between the hours of five and six in the Morning of the same day by force and arms in the Valley aforesaid within the Island aforesaid one Gold Ring set with white Stones of the value of fifteen shillings and seven Pounds fourteen shillings in Money of the Goods Chattels and Money of one Lewis Hendrick then and there being found in the Dwelling House of the said Lewis Hendrick, feloniously did steal take and bear away against the peace of our Sovereign Lord the King his Crown and Dignity, And also against the form of the Statute in that case made and provided. To which he pleaded "Not Guilty" Simmo a Man Slave being set to the Bar of the Court was arraigned upon the following Indictment Island of Saint Helena (to wit) The Jurors of our Sovereign Lord the King upon their Oaths Do present that Simmo late of Sandy Bay within the Island of St Helena Man Slave on or before the 30th day of July in the twenty first Year of the Reign of our Sovereign Lord George now King of Great Britain &c by force and Arms in Sandy Bay near a house belonging to William Wrangham Esqr within the Island aforesaid, One pair of pockets of the value of two shillings of the Goods and Chattels of one Elizabeth Bross and one pair of drawers of the value of one shilling the Goods and Chattels of one James a Man slave then under the care and in the possession of one Sarah a Washer woman then and there being found feloniously did steal take and bear away. And the Jurors aforesaid upon their oaths aforesaid Do further present that the said Simmo on the twenty third day of December in the year aforesaid in Sandy Bay near a house belonging to William Wrangham Esqr aforesaid within the Island aforesaid, Two table cloths of the value of ten shillings, two breakfast cloths of the value of five shillings, two pair of pillow cases of the value of two shillings, two pair of stockings of the value of five shillings one handkerchief of the value of one shilling, one child's shift of the value of two shillings and one Child's mantle of the value of one shilling of the Goods and Chattels of one William Fraser, then under the care and in the possession of one Sarah a washerwoman aforesaid then and there being found feloniously did steal take and bear away against the peace of our Sovereign Lord the King his Crown and Dignity.	indictment accused him of a theft at Sandy Bay, close to a house owned by William Wrangham, on or before 30 July 1781. The goods were then in the keeping of Sarah, a washerwoman. 1 pair of pockets belonging to Elizabeth Broff, £0 2s 0d 1 pair of drawers belonging to James, a male slave, £0 1s 0d A second count charged Simmo with another theft at the same spot near Wrangham's house on 23 December 1781. These goods belonged to William Fraser and had also been left with Sarah the washerwoman. Both counts were laid as breaches of the King's peace. 2 tablecloths, £0 10s 0d 2 breakfast cloths, £0 5s 0d 2 pairs of pillowcases, £0 2s 0d 2 pairs of stockings, £0 5s 0d 1 handkerchief, £0 1s 0d 1 child's shift, £0 2s 0d 1 child's mantle, £0 1s 0d **Interpretations** The reference to the relevant statute in both charges against Shoulds marked each theft as an offence that Parliament had placed outside benefit of clergy. The first was burglary. The second, although committed at dawn and charged without the word burglary, fell under legislation making theft from a dwelling house of goods worth 40 shillings or more a capital crime. The ring and cash together far exceeded that threshold. Shoulds therefore faced two separate charges, either of which could send him to the gallows on conviction. The indictments against Simmo contained no such reference to statute and no allegation of breaking into a house. They were charged as simple theft of goods of low value, the kind of offence that would ordinarily lead to whipping rather than death. Simmo was indicted and tried under the same forms as the soldier before him, with grand jury, plea and trial jury. This shows that on St Helena a slave accused of crime was brought before the ordinary criminal court rather than left to his owner's private discipline. The goods stolen from Sarah's care reveal how washing was organised on the island. Laundry was taken to a washerwoman, who cleaned and dried it, probably at the stream in Sandy Bay, and the items remained the property of their owners while in her keeping. The indictments accordingly named the owners, not Sarah, as the victims. The inclusion of drawers belonging to James, a slave, shows that slaves could hold personal belongings recognised in law as their own. Pockets in the eighteenth century were not sewn into garments but were separate pouches, usually made in pairs and tied round the waist beneath a woman's skirt. They were reached through slits in the petticoat and carried a woman's everyday possessions. A shift was a plain linen undergarment worn next to the skin, while a mantle was a loose outer wrap, here sized for a child.
505	497	To which he pleaded "Not Guilty" Simmo being removed from the Bar, Frederick Shoulds was put upon his trial and the twelve following Men Vizt Stephen Young James Easthope Thomas Cole William Hayes John Sample George Hayes	Simmo denied the charges and was taken away from the bar. Frederick Shoulds was then put on trial, and twelve men were sworn as his jury. Stephen Young James Easthope Thomas Cole William Hayes John Sample George Hayes Thomas Burnham

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		Thomas Burnham Gabriel Leache Benjamin Mason Junr William Seale Richard Leache and Edward Joyce were sworn upon his Jury. Then the Indictment was a second time read to him and the Jury charged. William Smith the prosecutor appearing and being duly sworn saith that he has rented a house of Captain St Laurece for this half year past, that on the 12th of October last, when the Drums beat at 9 O'Clock at night, he locked the door of his house and went to the Barracks. That on returning to his House the next Morning and two chests that were within broke open, on examining them found he had lost a large silver buckle set with white stones, 1 pair of silver plain shoe buckles one pair of knee buckles with the date of the year 1779 upon them, four or five silver knee buckles of different sorts, one pair of silver clasps, one large silver buckle with one tongue, two pieces of silver Lace, 2 pr of silver sleeve buttons and a parcel of old Silver &c. The above things being produced in Court, the prosecutor declares them to be the same, that were taken out of his Chests, at the time his House was broke open. He further saith that some time after (but does not recollect the Day) he was sent for by a Magistrate to swear to his property which was found on the Prisoner by the said Magistrate. Henry Bazett Esqr being sworn saith that on the 20th of October last he wrote a Note to the Serjeant Major to bring the Prisoner before him to stand an examination on a complaint made by Lewis Hendrick Matross for several things that he had lost. That upon the Prisoners being searched there was found in his Coat pocket the things now produced in Court, which has been sworn to by William Smith the prosecutor as his property. George Jurman appearing and being sworn saith that in consequence of a note he received from Major Bazett on Saturday the 20th of October last in the Morning, he took the Prisoner down to Major Bazetts house to be examined, and on his searching the Prisoner, he found the things on him that are now produced in Court. The Evidence for the Crown being now gone thro' with, the Prisoner is put upon his defence. He saith that he went one night from the Barracks with an intent to go to the Main Guard, that when he came to the Bridge he saw a Seaman standing there; That the Seaman called him and asked him whether he would buy some Goods, that he desired the Seaman to produce them which he accordingly did and shewed him the several Articles now produced in Court and asked the sum	Gabriel Isacke Benjamin Mason Senior William Seale Richard Isacke Edward Joyce The indictment was read to Shoulds a second time, and the jury received its instructions. William Smith, who had brought the prosecution, was sworn first. He told the court that he had been renting a house from Captain St Maurice for the previous six months. At nine o'clock on the night of 12 October 1781, when the drums sounded, he locked his front door and went to the barracks. Coming home the following morning, he found two chests inside the house forced open. On checking their contents he discovered that a large silver buckle set with white stones was gone. Also missing were a pair of plain silver shoe buckles and a pair of knee buckles engraved with the year 1779. He had further lost four or five assorted silver knee buckles, a pair of silver clasps and a large single-pronged silver buckle. Two lengths of silver lace, two pairs of silver cuff buttons and a bundle of old silver were taken as well. The goods were shown in court, and Smith identified them as the items removed from his chests during the break-in. He added that some days later, on a date he could not remember, a magistrate summoned him to confirm on oath that articles found on the prisoner were his. Henry Bazett gave evidence under oath next. He stated that on 20 October 1781 he sent a note instructing the Sergeant Major to bring Shoulds before him for questioning. The examination followed a complaint by Lewis Hendrick, an artillery matross, who reported several items stolen. When Shoulds was searched, the goods now before the court turned up in his coat pocket. Smith had since sworn that these were his property. George Jurman was sworn after him. He explained that Major Bazett's note reached him on the morning of Saturday 20 October 1781. Acting on it, Jurman escorted Shoulds down to the Major's house for examination. He searched the prisoner there and found on him the articles produced in court. With the prosecution evidence complete, Shoulds was invited to make his defence. He stated that one night he left the barracks meaning to go to the main guard. At the bridge he noticed a seaman, who called him over and asked whether he wanted to buy some goods. Shoulds asked to see them. The seaman then displayed the various items now in court and asked £3 0s 0d for the lot. While the two were haggling, Thomas Roe, a private, and David Hughes, a matross, came along. Shoulds told them what the seaman was offering and at what price, and Roe then gave him his view on the matter. **Interpretations** Henry Bazett occupied two roles in this trial that modern procedure would keep strictly apart. As a justice of the peace he had ordered the arrest, conducted the preliminary examination and supervised the search. He then gave sworn evidence for the prosecution while also sitting among the five justices on the bench. In a small colony with few men qualified to act as magistrates, the same officer could investigate a crime, testify about it and help judge it. The practice gave the prosecution considerable weight in the eyes of a jury drawn from the same community. Shoulds's defence was the standard answer to being found in possession of stolen goods soon after a theft. English courts treated such recent possession as strong evidence of guilt unless the accused could explain how he came by the items innocently. Claiming to have bought them from an unknown

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		of three Pounds for them. That while the Prisoner was bargaining for said Goods, Thomas Roe Private and David Hughes Matross of this Garrison came to them, and on telling the said two Men what the Seaman had for sale and the Sum he charged, Thomas Roe told the Prisoner	seaman, who could not be traced because he had presumably sailed away, was a familiar version of that explanation. Its value depended on whether Roe and Hughes would confirm the encounter at the bridge. The drums Smith mentioned beat the tattoo, the evening signal calling soldiers back to their quarters. His response to it suggests that he was himself a member of the garrison, living in a rented house in town while remaining subject to barrack routine. The engraved date of 1779 on one pair of buckles allowed him to identify the goods with confidence and weakened any claim that they were merely similar items. A matross was a private soldier in the artillery who assisted the gunners in loading, aiming and moving the cannon. Both Lewis Hendrick and David Hughes held this rank, reflecting the large artillery establishment needed to man St Helena's coastal batteries.
506	498	Prisoner if he would buy the said Articles he would in a little time give the same Money for them. That the Prisoner then gave the Seaman three Pounds took the Goods and carried them to the Barracks, on examining them he found a Gold Ring. That some time after he was brought before Major Bazett for examination about some Goods that was found on him. The Prisoner further saith that he asked the Seaman he bought the Goods from, what Ship he belonged to, who replied the Brittania. The Prisoner being asked why Thomas Roe and David Hughes were not produced in Court as evidence to prove that the Goods now shewn were delivered to him by a Seaman, saith that after he was put in Gaol the said Roe and Hughes came to him and asked him why he was committed. That he answered for buying the Goods from a Seaman (when they were present) on the Bridge. And did not know but the said Soldiers were upon the Island at this present time. Charles Ross Stewart Garrison Adjutant being duly sworn was asked by the Court whether the abovementioned Thomas Roe and David Hughes was in the Garrison in October last. Answers, they were both entered upon the Garrison Returns in that Month as Deserters, one on the 22d and the other on the 24th, and supposed to have gone off in the Fleet that sailed on the 2d of November. The whole evidence being summed up to the Jury they retired to consider, on their return they declared their Verdict, by which they acquitted the Prisoner of the Burglary and found him Guilty of the Felony only for which he received sentence to be burnt in the Hand. The above sentence being duly executed against him in the face of the Court. The said Prisoner was put upon his Trial on another Indictment found against him. William Hayes one of the Petit Jury being taken sick John Scott was sworn upon that Jury in his stead, the Indictment was a second time read to the Prisoner and the Jury charged. Lewis Hendric the Prosecutor being called and duly sworn saith that on the 13th of October last, he went down to the Baking	Shoulds went on to say that Roe had urged him to go ahead with the purchase, promising to buy the goods from him for the same money shortly afterwards. Shoulds then paid the seaman £3 0s 0d, took the goods and carried them back to the barracks. On looking through them there, he found a gold ring among them. Some time later he was summoned before Major Bazett and questioned about the items found in his possession. Shoulds added that he had asked the seaman which ship he came from. The man told him he belonged to the *Britannia*. The court asked Shoulds why he had not called Roe and Hughes to confirm that the goods came from a seaman. Shoulds replied that the two men had visited him in gaol after his arrest and asked why he was being held. He told them it was for buying goods from a seaman while they stood by at the bridge. Shoulds said he had assumed both soldiers were still on the island. Charles Ross Stewart, adjutant of the garrison, was then sworn. The court asked whether Roe and Hughes had been serving in the garrison during October 1781. Stewart replied that the garrison returns for that month listed both as deserters, one from 22 October and the other from 24 October. They were believed to have left the island aboard the fleet that sailed on 2 November 1781. After the evidence was summed up, the jury withdrew to consider its verdict. On their return they cleared Shoulds of burglary but convicted him of theft alone. He was sentenced to be branded on the hand, and the punishment was carried out in open court. Shoulds was then tried on the second indictment brought against him. William Hayes, one of the trial jurors, had fallen ill, and John Scott was sworn to replace him. The charge was read to Shoulds again, and the jury was given its instructions. Lewis Hendrick, who had brought the charge, was called and sworn. He told the court that at about four o'clock on the morning of 15 October 1781 he went down to the bakehouse. When he came home that evening, he noticed that a knife he had left on the table was missing. He opened his chest and found the knife inside. On looking further he discovered that a gold ring and £7 14s 0d in cash had been taken from the chest. Hendrick suspected Shoulds and asked Hendrick Wilkinson [...] to test whether the prisoner had money on him, explaining that he had been robbed. Wilkinson agreed. He went straight to Shoulds and offered to sell him his watch. Before long Wilkinson returned with £2 10s 0d that Shoulds had paid him for it. Hendrick took the money directly to Shoulds's captain and asked whether the prisoner had drawn

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		house in the Morning about four O'Clock, and on returning to his house in the evening of the same day he missed a knife that laid upon the Table That on opening his chest he found the knife, which on further examining he discovered there was taken from out of the said Chest one Gold Ring and seven Pounds fourteen shillings in Money. That having some suspicion of the Prisoner he sent for one Hendrick Wilkinson Soldier and requested he would sound the Prisoner to find out if he had got any Money as he had been robbed, that Wilkinson granted his request, went immediately to the Prisoner and offered him his Watch for sale, that in a little time after the said Wilkinson brought him fifty Shillings which he had got from the Prisoner by offering him his Watch for sale, which money he took and went immediately to the Prisoners Captain to enquire whether he had received any money at the end of the Quarter, but found that he had not. That on the next day he was informed by one Williams a Soldier that he saw the Prisoner go behind the Gaol and take up a Bag, on which information he went to Major Bazett the acting Justice and acquainted him with it, he further informed him that he had great reason to suspect the Prisoner was the Man that robbed him. That upon this Information the Prisoner was sent for by Major Bazetts order and examined, there were found upon him one Gold Ring set **Margin Notes:** [...]	any pay at the end of the quarter. The captain told him he had not. The following day a soldier named Williams told Hendrick he had seen Shoulds go round the back of the gaol and pick up a bag. Hendrick reported this to Major Bazett, the magistrate on duty. He also told the Major he had strong grounds for believing Shoulds was the thief. On this information Bazett ordered Shoulds to be brought before him for examination. A search of the prisoner uncovered a gold ring among his belongings. **Interpretations** The verdict on the first indictment was a partial one, a device juries used frequently to spare prisoners from execution. Burglary carried a mandatory death sentence without benefit of clergy, but simple theft did not. By acquitting Shoulds of the break-in while convicting him of the theft, the jury accepted that he had the stolen goods but chose a finding that allowed him to escape with branding. The evidence of a forced entry at night was clear from Smith's account, so the verdict reflected mercy rather than doubt about the facts. The fate of Roe and Hughes illustrates how the island's position on the shipping routes shaped its garrison. Soldiers could slip aboard a departing fleet and vanish, just as seamen deserted their ships into the island's interior. Both men had gone within days of the alleged meeting at the bridge. Their absence left Shoulds's story without a single witness, and the adjutant's evidence from the garrison returns served to show that his account could not be tested. Hendrick's inquiry reveals how theft was detected in a small garrison where money was scarce. A private soldier's pay was modest and issued quarterly, so a man who could suddenly produce £2 10s 0d for a watch drew suspicion. By checking with the captain that no pay had been drawn, Hendrick eliminated the obvious innocent source of the cash. The watch offer was a deliberate ruse to draw the money into the open before any formal complaint was made. The bakehouse was probably the East India Company's bakery in Jamestown, which produced bread for the garrison and for ships calling at the island. Hendrick's visit before dawn suggests he was employed there or drawing rations, leaving his house empty for most of the day and giving the thief a long opportunity.
507	499	set with white stones one Dollar and three Rupees and an half. The said Ring and Money being produced in Court, the Prosecutor declares the Ring to be the same he had lost from a particular mark with an Indent in the Rim. The Prosecutor being asked by the Court whether when he left the Room his chest was locked and found it so on his return. Answers that he left it locked and found it the same when he returned, and thinks the Prisoner must have had a false Key. Being further asked if his Room door was locked, how any Person could get into it. Answers, that he left his house locked and on his return found it so, but observed that the Window had been opened, as the Pin was forced out and laying on the Ground. Hendrick Wilkinson being called and duly sworn saith that on the 14th of October last the Prisoner came to him to buy his Watch which he refused, that on the same Evening he was informed by Lewis	The search also turned up a gold ring set with white stones, together with one dollar and three and a half rupees in cash. When the ring and coins were shown in court, Hendrick identified the ring as his own. He recognised it by a distinctive dent in the band. The court asked Hendrick whether his chest had been locked when he went out and whether he found it still locked on his return. He confirmed that it had been secure both times and said he believed Shoulds must have used a false key. Asked how anyone could have got into a locked room, Hendrick explained that he had left the house locked and found it that way when he came back. He had noticed, however, that the window had been forced. Its fastening pin had been pushed out and was lying on the ground. Hendrick Wilkinson was called and sworn next. He told the court that on 15 October 1781 Shoulds came to him wanting to buy his watch, but he declined to sell it. That evening Lewis Hendrick told him about the robbery. Hendrick asked him to offer the watch to Shoulds when next they met, as a way of discovering whether the prisoner had money. Wilkinson did as asked and offered the watch for £3 0s 0d. Shoulds said he would pay £2 10s 0d and fetched ten dollars. Wilkinson accepted the coins but

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		Hendrick the prosecutor that he had been robbed and desired the Witness the next time he saw the Prisoner to offer him his Watch for sale to see whether he had got any Money, that agreeable to the Prosecutor's request he offered his Watch to the Prisoner for three Pounds. That the Prisoner told him he would give him fifty shillings, and fetched him ten Dollars, which the Witness took and denied the Prisoner to let him keep the Watch until he came off Guard. That he then carried both Watch and Money to the Prosecutor, further saith, that a little time after the Prisoner asked him for the Watch and insisted on having it, that he in answer told the Prisoner that Lewis Hendrick had stopped both the Watch and Money which answer seemed to affect the Prisoner so as to cause a very visible trepidation. That he then went, got the Watch from the Prosecutor and delivered it to the Prisoner agreeable to the bargain they had before made. Henry Bazett Esquire being sworn saith that the Prisoner was brought before him for examination on complaint of Lewis Hendric. That on searching him he found one gold Ring set with white stones (which Hendrick swore to be the one that he had lost) one German Crown five Rupees and an half and three halfpence in Money. That Hendrick Wilkinson delivered him ten Dollars which he had received from the Prisoner for the purchase of his Watch which Ring and Cash are now produced in Court. The Evidence for the Crown closing here the Prisoner is put on his defence. He saith that the Ring which was found on him and is now produced in Court he bought from the same Seaman he had the silver buckles and other things from, mentioned on the preceding Trial And the Money he got by selling Tobacco and Sugar when a Prisoner under the sentence of a General Court Martial. The Prisoner having no more to say or produce in his defence the evidence was summed up to the Jury who retired to consider, And on their return they declared their Verdict by which they found the Prisoner "Guilty Death" He was removed from the Bar. **Margin Notes:** [...]	asked to hold on to the watch until he came off guard duty. He then took both the watch and the money to Hendrick. Wilkinson added that Shoulds soon came asking for the watch and pressed hard for it. Wilkinson told him that Lewis Hendrick had impounded both the watch and the payment. The news visibly alarmed Shoulds. Wilkinson afterwards collected the watch from Hendrick and handed it over to Shoulds as their deal required. Henry Bazett gave sworn evidence that Shoulds had been brought before him for questioning on Hendrick's complaint. Searching him, Bazett found a gold ring set with white stones, which Hendrick swore was the one stolen from him. Shoulds was also carrying one German crown, five and a half rupees and three halfpence. Wilkinson later handed Bazett the ten dollars Shoulds had paid for the watch. The ring and all the money were now before the court. At the close of the prosecution evidence, Shoulds was called on for his defence. He claimed he had bought the ring from the same seaman who sold him the silver buckles and other goods at his earlier trial. He said he had earned the money by selling tobacco and sugar while held under sentence of a general court martial. Shoulds had nothing further to say and no witnesses to call. The evidence was summed up and the jury withdrew. On their return they found him guilty, which carried the sentence of death. He was then taken from the bar. **Interpretations** Shoulds had been branded on the hand only minutes earlier, and that single fact probably sealed his fate. Benefit of clergy could be claimed only once, and the brand existed precisely to show that a convict had already used it. Even had the jury wished to return a partial verdict, a second clergyable conviction offered him no escape. The theft from a dwelling house of goods worth more than 40 shillings was in any case excluded from clergy by statute, and the jury made no attempt to reduce the value below that threshold. The coins found on Shoulds show the mix of currencies circulating on St Helena. Spanish silver dollars were the most widely accepted coin in eighteenth-century trade, and Wilkinson's account treats ten of them as equal to £2 10s 0d, a rate of five shillings each. Rupees arrived with East India Company ships from India, and a German crown, perhaps a Thaler, could have come from any passing vessel. English copper halfpence completed the purse. Island transactions drew on whatever coin the shipping supplied, and values were reckoned in sterling. The witnesses gave differing accounts of the money found on the prisoner. Hendrick spoke of one dollar and three and a half rupees, whereas Bazett described a German crown, five and a half rupees and three halfpence. As the magistrate who conducted the search and kept the evidence, Bazett's list was probably the more accurate. The dollar mentioned by Hendrick may have been the German crown, a coin of similar size and weight. Shoulds's explanation for his cash revealed that he had recently served a sentence imposed by a general court martial, the army's highest tribunal for serious military offences. His claim to have traded in tobacco and sugar while under that sentence suggests that prisoners held by the garrison could buy and sell small comforts. It also marked him before the jury as a soldier with a disciplinary record, which could only have weakened his defence.
508	500	Simmo being brought to the Bar of the Court was put upon his Trial and the twelve following Men Vizt	Simmo was then put on trial, and twelve men were sworn as his jury.

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		Stephen Young James Easthope Thomas Cole John Sampell George Hayes Thomas Burnham Gabriel Leache Benjamin Mason Junr William Seale Richard Leache Edward Joyce and John Scott were sworn upon his Jury then the Indictment was a second time read to him and the Jury charged. Sarah the Prosecutor on her Oath saith that between the 20th and 30th of July last she had some linnen to wash belonging to Mrs Bross and hung them out one evening to whiten, that in the morning following she found deficient one pair of pockets and one pair of drawers, that on Sunday the 23d of December she had linen belonging to Captain Frazer which she also hung out and in the Morning following missed 2 large and 2 small table Cloths 2 pair stockings, 2 pillow cases, one child's mantle one child's shift, and one handkerchief That on saturday after Pat a slave Woman belonging to Lieutenant Francis Seale came to her house and asked her whether she had not lost a pair of pockets belonging to Mrs Bross, showing her a pair she had on. The Prosecutor replied she had and declared them to be the same by the initials of Mrs Bross's name being on them. She also observed to Pat that she had lost several other things such as table and breakfast cloths &c. That on the subsequent day Pat sent her one large table cloth with Captain Frazer's name marked on it, 2 breakfast cloths, one child's shift, one pair of pillow Cases 1 pair of pockets and one handkerchief. The above things being produced in Court the Prosecutor declares them to be the same she had lost and was sent to her by Pat. Pat a slave woman belonging to Lieutenant Francis Seale being called and sworn saith that some days before the sailing of the Fleet of the 30 July last she bought a pair of pockets from the Prisoner for one half Rupee That some days before Christmas he gave her a pair of pillow Cases and one child's shift. That on saturday after being at the prosecutor's house the Witness was telling her the Prisoner had sold her the pair of pockets she had then on which the prosecutor declared to be a pair she had lost belonging to Mrs Bross and also told the Witness she had lost other things such as Table cloths &c on which she told her of the Prisoner's having offered George (a fellow servant of hers) some cloth to make a pair of drawers. That on her return home she enquired of George for the said Cloth who readily produced it and she now declares it to be one of the table cloths produced in Court. She further saith that on searching the place where the Prisoner usually sleeps she found one large and one small	Stephen Young James Easthope Thomas Cole John Sampell George Hayes Thomas Burnham Gabriel Isacke Benjamin Mason Senior William Seale Richard Isacke Edward Joyce John Scott The indictment was read to Simmo once more, and the jury received its instructions. Sarah, the washerwoman who had brought the charge, gave her evidence on oath. She explained that at some point between 26 and 30 July 1781 she had laundry belonging to Mrs Broff. One evening she spread it outside to bleach in the open air. Next morning a pair of pockets and a pair of drawers were missing. On Sunday 23 December 1781 she put out washing belonging to Captain Frazer in the same way. The following morning she discovered the loss of several items. 2 large tablecloths 2 small tablecloths 2 pairs of stockings 2 pillowcases 1 child's mantle 1 child's shift 1 handkerchief On the Saturday after the second theft, Pat, a slave woman owned by Lieutenant Francis Seale, called at Sarah's house. She asked whether Sarah had lost a pair of pockets belonging to Mrs Broff and showed her a pair she was wearing. Sarah confirmed the loss and recognised the pockets from Mrs Broff's initials sewn into them. She mentioned to Pat that tablecloths, breakfast cloths and other articles had also gone missing. The next day Pat sent several items round to her. 1 large tablecloth marked with Captain Frazer's name 2 breakfast cloths 1 child's shift 1 pair of pillowcases 1 pair of pockets 1 handkerchief The items were shown in court. Sarah identified them as the goods she had lost and as the articles Pat had returned to her. Pat was called and sworn next. She stated that a few days before the fleet sailed on 30 July 1781, she had bought a pair of pockets from Simmo for half a rupee. Shortly before Christmas he had also given her a pair of pillowcases and a child's shift. On the following Saturday she was at Sarah's house and mentioned that Simmo had sold her the pockets she was wearing. Sarah recognised them as the pair belonging to Mrs Broff. When Sarah described the tablecloths and other things she had lost, Pat recalled that Simmo had offered George, a fellow slave in her household, some cloth for making a pair of drawers. Once home, Pat asked George for the cloth, and he handed it over without hesitation. She now identified it as one of the tablecloths before the court. Pat also searched the place where Simmo normally slept. There she found a large tablecloth and a small one, which she wrapped in a handkerchief and sent to Sarah the next morning. George, a male slave, gave his evidence under oath. He said that on Christmas Eve 1781 he came home from fishing, and Simmo asked to borrow a pair of drawers. Simmo offered him a piece of cloth in return so that he could make a new pair. When George asked where the cloth had come from,

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		table cloth which she tied in a handkerchief and sent to Sarah the next Morning. George a Man slave being duly sworn saith, that on Christmas eve last he came home from Fishing, at which time the Prisoner asked him to lend him a pair of drawers and told the Witness he would give him a piece of Cloth to make him another pair that on his asking the Prisoner where he got the Cloth from he replied he had found it. Further saith that he delivered the said piece of Cloth to Pat according to her Request and believes it to be one of the small table Cloths now in Court. **Margin Notes:** [...]	Simmo claimed to have found it. George confirmed that he later gave the cloth to Pat when she asked for it. He believed it was one of the small tablecloths now shown in court. **Interpretations** The case against Simmo rested almost entirely on the sworn evidence of two slaves. Pat and George testified on oath in the same form as free witnesses, and their accounts formed the core of the prosecution. In many slave colonies of the period, slaves were barred from giving evidence against free persons, but nothing prevented their testimony against another slave. The court's reliance on them here shows the island's criminal process treating slave witnesses as competent where the accused was himself a slave. Marking household linen with the owner's name or initials was standard practice, since laundry passed through the hands of washerwomen serving several households. The marks allowed each piece to be returned to the right owner and, as here, made stolen linen identifiable once recovered. Without Mrs Broff's initials and Captain Frazer's name, Sarah could not have sworn with confidence that the goods were those entrusted to her. Laying washed linen on the ground overnight was the usual way of bleaching it, as sunlight, dew and air whitened the fabric. The practice left laundry exposed and unguarded in the open, which explains how Simmo was able to take items on two separate occasions months apart. Pat's energetic recovery of the goods probably reflected her own exposure. She had bought and was wearing stolen property and had received further items from Simmo. By volunteering the pockets, searching his sleeping place and returning everything she could find, she cleared herself of any suspicion of knowingly handling stolen goods and became the prosecution's principal witness instead. Simmo, Pat and George appear to have lived together as slaves in Lieutenant Francis Seale's household, since Pat described George as a fellow servant and knew where Simmo slept. The small-scale dealing in cloth, clothing and half-rupee sales shows an informal economy among the island's slaves, in which stolen laundry could be traded or bartered within a household.
509	501	The Evidence for the Crown closing here the Prisoner is put on his defence he saith that the pair of pockets and drawers he found upon the Common behind Mr Wrangham's house in Sandy Bay. And as for the other things which are now produced in Court he found them below Mr Wrights house in Sandy Bay under a Bamboo Tree. The whole Evidence being impartially summed up to the Jury they retired to consider on their Verdict, on their return they declared their Verdict by which they found the Prisoner "Guilty". The Verdict was recorded. The Prisoner received sentence to be burnt in the hand and discharged, which sentence was put in due execution against him in the face of the Court. Frederic Shoulds was brought to the Bar of the Court and asked if he had any thing to move in stay of Judgment. but having nothing to offer, The President after a short exhortation pronounced the usual sentence of Death upon him, And he was taken from the Bar. The business of the Session being now ended the Grand and Petit Juries were dismissed and the	Once the prosecution had finished, Simmo was asked to answer the charges. He claimed he had found the pockets and drawers lying on the common land behind Mr Wrangham's house in Sandy Bay. The other items produced in court, he said, had been lying beneath a bamboo tree below Mr Wright's house in the same bay. The evidence was summed up fairly for the jury, who withdrew to reach their decision. On their return they found Simmo guilty, and the verdict was entered in the record. He was sentenced to be branded on the hand and then released. The branding was carried out in open court. Frederick Shoulds was then brought forward and asked whether he could offer any reason why judgment should not be passed on him. He had nothing to say. Governor Skottowe, presiding, addressed him briefly before pronouncing the customary sentence of death. Shoulds was then led away. With all the business of the court concluded, the grand jury and the trial jury were released. The court was adjourned by public proclamation until 10 April 1782. The death sentence passed on Shoulds at this court on 16 January 1782 was followed by a warrant for his execution, issued on 28 January 1782. He was

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		Court by Proclamation adjourned to the 10th of April next ensuing. Pursuant to the sentence of Death passed upon Frederick Shoulds at a Session held the 16th Instant, a Warrant for his Execution was issued on the 28th and he was accordingly executed on the 30th of same Month. John Skottowe Dan Corneille [...] Bazett Wm Wrangham Hen. Bazett	hanged on 30 January 1782. The record was signed by the justices. John Skottowe Daniel Corneille Matthew Bazett William Wrangham Henry Bazett **Interpretations** Simmo received benefit of clergy on the same terms as a free man. His offences amounted to grand larceny, the theft of goods worth more than a shilling, which was a felony but one that remained clergyable for a first offender. The brand and release that followed were identical to the punishment given to Palmer and to Shoulds for his first conviction. The court made no distinction in sentence between the slave and the soldiers, although Simmo was presumably returned to his owner rather than simply set free. The interval between sentence and death shows how completely the power of life and death lay with the island's own authorities. Shoulds was condemned on 16 January 1782 and hanged 14 days later on a warrant issued by the same men who had tried him. No reference was made to the Court of Directors in London or to the Crown before the execution went ahead. Distance from England made any appeal impractical, and the justices' commission of oyer and terminer gave them full authority to carry out capital sentences locally. The question put to Shoulds before sentence was the formal opportunity to move in arrest of judgment. A condemned prisoner could argue at this stage that the indictment was legally defective, for example through a mistake in the description of the offence, and so escape sentence despite the verdict. Shoulds had no counsel to identify any such flaw, and his silence allowed the court to proceed directly to the death sentence. Simmo's claim to have found the goods lying on common land and under a bamboo tree was the same type of defence Shoulds had offered, an innocent explanation for possession. It failed against the evidence that he had sold, traded and hidden the items over several months, conduct inconsistent with a chance discovery of abandoned property.
510	502	On the 16th Day of January in the Twenty second Year of His Majestys Reign a Precept upon the Commission of the Peace was Issued out and Delivered to Mr Benjamin Mason Sheriff of the Island of St Helena. On the 26th Day of March following a Precept upon the Commission of Oyer and Terminer was Issued and Delivered to the Sheriff of the Island of St Helena. Island of St Helena ss The General Quarter Sessions of the Peace, Sessions of Oyer and Terminer and Sessions of Gaol Delivery holden at the Hall in James's Valley for the said Island on Wednesday the 10th Day of April in the Twenty Second Year of the Reign of Our Sovereign Lord George the Third of Great Britain France and Ireland King Defender of the Faith and so forth. Before John Skottowe, Daniel Corneille, Matthew Bazett William Wrangham and Henry Bazett Esquires five of His Majestys Justices of the Peace and Commissioners of Oyer and Terminer, Assigned and Authorized to hear and Determine all Felonies Trespasses and other Misdemeanors within the Island Committed. The Court being opened upon the Commission of the Peace a Grand Jury Consisting of Seventeen of the principal	A precept under the commission of the peace was issued to Benjamin Mason, Sheriff of St Helena, on 16 January 1782. A second precept, under the commission of oyer and terminer, followed on 26 March 1782. The island's general quarterly court, combining the commissions of the peace, oyer and terminer and gaol delivery, met at the Hall in James Valley on Wednesday 10 April 1782. Governor Skottowe presided with Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett. All five acted as justices of the peace for the island. They also held commissions empowering them to try every felony, trespass and lesser offence committed on St Helena. The court first sat under the commission of the peace. Seventeen leading inhabitants were sworn as a grand jury and asked whether they had any business to bring forward. They replied that they had none. The Sheriff and the constable chosen for the coming year then took the oaths of their offices. The overseers of the roads reported on the work carried out in each district. The quarterly register of dogs was also submitted. The Sheriff reported that the gaol held no prisoners at that time. The court therefore moved straight on to sit under the commission of oyer and terminer. **Interpretations**

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		Inhabitants of the Body of the said Island were Sworn who being asked if they knew of any Business upon that Commission Answered they knew of none. The Sheriff and Constable for the Ensuing Year were Sworn into their respective Offices, And the Overseers of the High Ways gave in Returns of Work done by them in the several Divisions. The Returns of Dogs was Also given in. As it appeared by the Sheriffs Return of His Majestys Gaol that there were no Prisoners for the time being, The Court was opened upon the Oyer and Terminer and the Panel of	The absence of any precept for gaol delivery followed directly from the empty gaol. In the two previous quarters the Sheriff had received three precepts, the last authorising the court to try whoever was held in custody. With nobody awaiting trial, no such authority was needed, and the Sheriff's formal report on the state of the gaol served to confirm this before the court proceeded. The quarter's criminal business, if any, would now come only through indictments laid before the grand jury under oyer and terminer. The swearing in of the Sheriff and constable at the April court marks the start of the island's administrative year. Both were annual offices filled from among the inhabitants. The Sheriff executed the court's precepts, summoned juries and held prisoners, while the constable kept the peace and served warrants. Appointing them at a public sitting of the court, under oath, gave each officer the legal authority to act against fellow inhabitants over the following twelve months. The overseers of the roads were inhabitants appointed to supervise the upkeep of the island's roads within each district. Their reports to the court show that road maintenance was treated as a matter of public order, overseen by the justices in the same way as livestock counts and the register of dogs. On an island of steep valleys and ridges, the tracks linking Jamestown to the farms of the interior were essential for bringing produce down to supply the garrison and passing ships.
511	503	of the Petit Jury was called over. No other Business coming before the Court it was by Proclamation Adjourned to the 10th Day of July next ensuing. John Skottowe Dan Corneille [...] Bazett Wm Wrangham Hen. Bazett On the 10th Day of April in the Twenty Second Year of His Majestys Reign a Precept upon the Commission of the Peace was Issued out and Delivered to Mr John Goodwin Sheriff of the Island of St Helena. On the 25th Day of June following a Precept upon the Commission of Oyer and Terminer was Issued and Delivered to the Sheriff of the Island of St Helena.	The trial jurors on the panel were called by name. No other business came before the court, which was adjourned by public proclamation until 10 July 1782. The justices signed the record. John Skottowe Daniel Corneille Matthew Bazett William Wrangham Henry Bazett **Interpretations** The trial jurors were summoned and their names read out even though the gaol was empty and no indictment appears to have been laid. The roll call confirmed that each man had obeyed his summons. As the fine imposed on Joseph Seager on 3 October 1781 showed, any juror who failed to appear could be penalised, so the court recorded attendance whether or not there was a case to try. A precept under the commission of the peace was issued to John Goodwin, Sheriff of St Helena, on 10 April 1782. On 25 June 1782 a second precept, under the commission of oyer and terminer, was delivered to the Sheriff. **Interpretations** John Goodwin had replaced Benjamin Mason as Sheriff, having been sworn in at the court held on 10 April 1782. His first formal act was to receive the precept for the July court on the same day. The change illustrates the annual rotation of the office among the island's inhabitants, with the new holder taking over the Sheriff's duties immediately on appointment.
512	504	Island of St Helena ss The General Quarter Sessions of the Peace, Sessions of Oyer and Terminer holden at the Hall in James's Valley for the said Island of St Helena the 10th Day of July in the Twenty Second Year of the Reign of Our Sovereign Lord George the Third of Great Britain, France and Ireland King Defender of the Faith and so forth, Before John Skottowe Daniel Corneille, Matthew Bazett, William Wrangham, and Henry Bazett Esquires five	The island's quarterly court, sitting under the commissions of the peace and of oyer and terminer, met at the Hall in James Valley on 10 July 1782. Governor Skottowe presided with Daniel Corneille, Matthew Bazett, William Wrangham and Henry Bazett. The five men served as justices of the peace for St Helena. They also held commissions authorising them to try every felony, trespass and lesser offence committed on the island. After a public proclamation, the court opened under the commission of the peace. Fifteen leading

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		of His Majestys Justices of the Peace and Commissioners of Oyer and Terminer Assigned and Authorized to hear and Determine all Felonies, Trespasses and other Misdemeanors within the Island Committed. Proclamation being made, the Court was opened upon the Commission of the Peace, and a Grand Jury Consisting of fifteen of the principal Inhabitants of the Body of the said Island were Sworn, who being asked if they knew of any Business upon that Commission, Answered by the Foreman "they knew of none" The Overseers of the High Ways gave in their Returns of Work done in the several Divisions The Return of Dogs was also given in and Enrolled Which done the Court was opened upon the Commission of Oyer and Terminer and a New Grand Jury Impannelled But it appearing by the Sheriffs Return there was no Prisoners in His Majestys Gaol for the time being, The Pannel of the Petit Jury was called over and the Court by Proclamation Adjourned to the 9th Day of October next ensuing. John Skottowe Dan Corneille [...] Bazett Hen. Bazett Wm Wrangham	inhabitants were sworn as a grand jury and asked whether they had any matters to bring forward. Speaking for them, the foreman said they had none. The overseers of the roads reported on the work completed in each district. The register of dogs was presented and entered in the record. The court then reopened under the commission of oyer and terminer, and a fresh grand jury was sworn. The Sheriff reported, however, that the gaol held no prisoners. The names of the trial jurors were read over, and the court was adjourned by proclamation until 9 October 1782. The justices signed the record. John Skottowe Daniel Corneille Matthew Bazett William Wrangham Henry Bazett **Interpretations** The court's own title now omitted gaol delivery, reflecting that no precept for it had been issued. This was the second successive quarter in which the gaol stood empty, following the execution of Frederick Shoulds on 30 January 1782 and Simmo's release after branding. Both the grand juries and the trial jurors were nonetheless summoned, sworn and called, and the full machinery of the court was assembled even when there was nothing to try. The quarterly sitting served as much to supervise the island's routine administration, through the returns of the road overseers and the register of dogs, as to dispense criminal justice.
513	505	On the 10th Day of July in the Twenty Second Year of His Majestys Reign a Precept upon the Commission of the Peace was Issued out and Delivered to Mr John Goodwin Sheriff of the Island of St Helena. On the 25th Day of September following a Precept upon the Commission of Oyer and Terminer was Issued and Delivered to the Sheriff of the Island of St Helena. Island of St Helena ss The General Quarter Sessions of the Peace holden at the Hall in James's Valley for the Island of St Helena the 9th Day of October in the Twenty Second Year of the Reign of Our Sovereign Lord George the Third of Great Britain, France and Ireland King Defender of the Faith and so forth. Before Daniel Corneille Henry Graeme, Matthew Bazett William Wrangham, and Henry Bazett Esquires five of His Majestys Justices of the Peace in and for the said Island of St Helena, also Commissioners of Oyer and Terminer Authorized to hear and determine all Felonies, Trespasses and other Misdemeanors in the said Island Committed. The Court being opened upon the Commission of the Peace a Grand Jury consisting of Seventeen of the Principal Inhabitants of the Body of the said Island were Sworn, And being asked if they knew of any Business upon that Commission Answered "they knew of none". Then Henry Graeme Esqr took his Seat on the Bench, and the Oath of Justice of the Peace was Administered to him, which done, the Overseers of the High Ways gave in Returns of the Work	A precept under the commission of the peace was issued to John Goodwin, Sheriff of St Helena, on 10 July 1782. On 25 September 1782 the Sheriff received a second precept, under the commission of oyer and terminer. The island's general quarterly court met at the Hall in James Valley on 9 October 1782. The bench was made up of Daniel Corneille, Henry Graeme, Matthew Bazett, William Wrangham and Henry Bazett. All five were justices of the peace for St Helena. They also held commissions to try every felony, trespass and lesser offence committed on the island. The court first sat under the commission of the peace. Seventeen leading inhabitants were sworn as a grand jury and asked whether they knew of any business to raise. They replied that they knew of none. Henry Graeme then took his place on the bench and swore the oath of a justice of the peace. Afterwards the overseers of the roads each reported on the work done in their districts. The register of dogs was presented and entered in the record. The Sheriff's report showed that the gaol held no prisoners at the time. **Interpretations** Governor Skottowe was absent from the bench for the first time in this series of courts, and Daniel Corneille now headed the list of justices. Henry Graeme was sworn in during the sitting, bringing the bench back to five members. The oath was administered in open court before he took any part in its business, since a justice could not act lawfully until sworn. The change in the bench's composition shows how the island's judicial authority rested on the same small group of senior Company officials, with a new member added whenever one of them was unavailable.

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		done by each of them in their respective Divisions, And the Return of Dogs was given in and Enrolled. It appearing by the Sheriffs Return of the Gaol that there were No Prisoners for the time being. The Grand Jury	
514	506	Jury were Dismissed, and the Court was by Proclamation Adjourned to the Fifteenth Day of January next Ensuing. Dan Corneille Hen. Graeme [...] Bazett Wm Wrangham Hen. Bazett	With no prisoners awaiting trial, the grand jury was released. The court was then adjourned by public proclamation until 15 January 1783. The justices signed the record. Daniel Corneille Henry Graeme Matthew Bazett William Wrangham Henry Bazett
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520	512	Document Name and Date St Helena Sessions 1762-1782 Dimensions (l x h x depth) (cm) (H) 47cm x (W) 33cm x (D) 7cm No. written pages: 509 No. blank pages: 5 Spine and cover Good Condition Inside pages Good Condition. However Several pages are very badly damaged by insect boring. foxing present. Additional comments Pages are numbered in pencil at top of pages. Time taken to photograph (hours) 8 hours	