

SUPREME COURT.

FRIDAY, JUNE 5, A. M.

Present, the second and third justices.

Court opened and adjourned till four o'clock in the afternoon.

P. M. Present, as before.

Court opened and adjourned till to-morrow morning, ten o'clock.

Examination of Sarah (Mrs. Burk's negro) before the grand jury, No. 2.—She said,

1. "That the company at Comfort's, who were there when they whetted their knives, and said, would burn the houses and kill the white people, were, Comfort's negroes, Jack, and Cook, the old man, Niblet's Sandy or Sawney, Chambers' Robin, Old Kip's Harry, a stranger of Dewit's, a tall negro, Peter De Lancey's Antonio, Curacoa Dick, Auboyneau's Prince, Philipse's Cuffee, Roosevelt's Quack, Mr. Jay's Brash, Rowe's Tom (old) Hunt's Warwick, five or six Spanish negroes.

2. "That the following negroes were at Comfort's also, but went away before the talk aforesaid.

Dr. Fisher's Harry, Bagley's Jemmy, Widow Schuyler's tall slender fellow, Abeel's Tom, Clopper's Betty [went with Sarah to the house, and afterwards went away with Comfort's Jenny] Comfort's Jenny, Clarkson's Tom, Groesbeck's *Mink, English's *Patrick, Brinkerhoff's Tom, Ten Eyck's *Bill, Sylvester's Sambo, Kierstede's *Braveboy, Hunt's Jenny, Shurmur's *Cato, Leffert's *Pompey.(n)

3. At the same time brought the following Spanish negroes before Sarah and Sandy.

Filkin's *Joseph or Will, Benson's *Pablo,† Sarly's Juan,† Mesnard's Antonio,† De Lancey's *Antonio,† Bosch's Francis,† Wendover's Manuel,† M'Mullen's Augustine, Dr. Nicol's John.†

Those with the mark (*) before their names, Sarah said were there, and the rest not. Those with the mark (†) after their names, Sandy said were there, and the rest not.

Said Sarah declared also,

4. "That Curacoa Dick and Comfort's Jack were principal speakers, that they would burn the houses and kill the white

(n) Here she differs from her examination, No. 2, before one of the judges, on Monday last, as to the persons she would be pretending that they went away before the talk of the conspiracy: those marked with an (*) asterisk here, were not excepted by her in the last.

people, whetting their knives, and saying they were sharp enough for that purpose.

5. " That Curacoa Dick was the person who asked her to go to Comfort's house ; and in going she met Clopper's wench going also, and went in with her.

6. " That Acco, alias Cook (Comfort's old man) cursed her, and wished thunder might strike her if she discovered.

7. " Being asked if Cuffee (Gomez's) was at Comfort's? she said he was not.

8. " That Antonio (De Lancey's Spaniard) seemed very forward when at Comfort's, and talked much to Curacoa Dick.(o)

9. " That the meeting was at Comfort's shop.

10. " That they then there did talk of and resolve in particular, that Quack should put the fort on fire.

SUPREME COURT.

SATURDAY, JUNE 6.

Present, the second and third justices.

The King against Jack and Cook, Comfort's ; Robin, Chamber's ; Cæsar, Peck's ; Cuffee, Gomez's ; Jamaica, Ellison's, negroes.

The prisoners being set to the bar, were arraigned on an indictment for conspiring, combining and confederating with divers negroes, to burn the whole town and city of New-York, and to kill and destroy the inhabitants thereof ; and pleaded, *not guilty* : and for their trials put themselves upon God and the country.

Court adjourned to Monday the 8th inst. 10 o'clock in the morning.

SUPREME COURT.

MONDAY, JUNE 8.

Present, the second and third justices.

The King against John Hughson, Sarah his wife, Margaret Sorubiero, alias Kerry, Sarah the daughter.

(o) It was said Curacoa Dick could talk Spanish, and that Antonio could talk some English.

The prisoners being called up to judgment upon their conviction for the conspiracy, and placed at the bar, the second justice proceeded to pass sentence, as followeth.

John Hughson, and you the rest of the prisoners at the bar.

“ You are now brought before this court to receive that sentence which the law has appointed for your offences; though I cannot say the punishment is adequate to the horrid crimes of which you stand convicted. The Roman commonwealth was established some hundred years before any law was made against parricide, they not thinking any person capable of so atrocious a crime; yours are indeed as singular, and unheard of before, they are such as one would scarce believe any man capable of committing, especially any one who had heard of a God and a future state; for people who have been brought up and always lived in a christian country, and also called themselves christians, to be guilty not only of making negro slaves their equals, but even their superiors, by waiting upon, keeping with, and entertaining them with meat, drink and lodging, and what is much more amazing, to plot, conspire, consult, abet and encourage these black seed of Cain, to burn this city, and to kill and destroy us all.) Good God! when I reflect on the disorders, confusion, desolation and havock, which the effect of your most wicked, most detestable and diabolical councils might have produced (had not the hand of our great and good God interposed) it shocks me! for you, who would have burnt and destroyed without mercy, ought to be served in like manner; and although each of you have with an uncommon assurance, denied the fact, and audaciously called upon God as a witness of your innocence; yet it hath pleased him, out of his unbounded goodness and mercy to us, to confound your devices, and cause your malicious and wicked machinations and intentions to be laid open and clear before us, not only to the satisfaction and conviction of the court, the grand and petty jury, but likewise to every one else that has heard the evidence against you: all are satisfied the just judgment of God has overtaken you, and that you justly merit a more severe death than is intended for you, having, in my opinion, been much worse than the negroes: however, though your crimes deserve it, yet we must not act contrary to law.

“ And now I do most earnestly exhort you, and each of you, to a serious and diligent improvement of the little time you have yet to live on this side of eternity, duly and heartily to weigh and consider your past wicked and ill-spent lives, by bewailing, confessing and sincerely repenting of your sins; that thereby you may obtain mercy and forgiveness from our great and just

God ; for without a sincere, as well as contrite heart, you can neither expect mercy or forgiveness for your manifold offences, both against God and your neighbours.

“I must now speak particularly to you John Hughson, and to you Sarah Hughson : look upon your poor unhappy daughter, now standing by you, of whom you have been the miserable instruments of bringing into the world ; after that, to train and bring her up in the school of the devil, and now lastly to the gallows.—I say, consider and set her a good example, in a time when every moment is precious to you, that the great deceiver of mankind may not have the same power over you all in the next world, as he seems to have had in this.

“I must now proceed to the duty the law requires of me ; which is to tell you, that you the prisoners now at the bar, be removed to the place from whence you came, and from thence to the place of execution, and there you, and each of you, are to be hanged by the neck until you are severally dead ; and I pray God of his great goodness, to have mercy on your souls.”

Ordered, That the said condemned prisoners be executed on Friday the twelfth day of June instant, between the hours of nine and one of the same day ; and that the body of John Hughson be afterwards hung in chains.

The king, against Comfort's Jack and Cook, Chambers's Robin, Peck's Cæsar, Gomez's Cuffee, Ellison's Jamaica, on trial upon indictment for the conspiracy.

Jury called, and the prisoners challenging none, the following jurors sworn.

William Smith, Joseph Sacket, John Shurmur, Josiah Millikan, Isaac Van Dam, James Tucker, Daniel Dunscomb, Isaac Twentyman, Sidney Breese, Peter Vandursen, Benjamin Thomas, John Robins.

Of council for the king.—Mr. Attorney General, Joseph Murray, John Chambers, esquires.

The attorney general, after having opened the indictment against these six negroes, spoke briefly as follows.

“Gentlemen, It will, I doubt not, appear to you, upon hearing our witnesses for the king on this trial, that these six negroes are some of the conspirators who combined with those principal incendiaries, Hughson and his family, to set on fire the king's house, and this whole town, and to kill and murder the inhabitants.

“But as I have already, upon the trial of the negro Quack, for burning the King's house, and of another negro called Cuffee, for burning Mr. Philipse's storehouse, and likewise on the

last trial of Hughson, his wife and daughter, and Kerry, endeavoured to set forth the heinousness of so horrible and detestable a conspiracy, and the dangers this city and province may still be exposed to, until examples are made of all such as have been concerned in this most wicked plot: I think I have no need upon this trial, to say any thing further on either of these heads, not doubting but when you have heard the crimes which these criminals stand charged with, proved against them, you will find them guilty."

Witnesses called for the king, Mr. George Joseph Moore, Mr. John Roosevelt, Mary Burton, sworn. Niblet's Sandy, Burk's Sarah, Wilkins's Fortune, negroes.

Mr. Moore and Mr. Roosevelt proved the confession of Roosevelt's Quack and Philipse's Cuffee at the stake.

Evidence affecting Comfort's Jack and Cook, one or both of them.

Quack's confession, § 4, 11. 30th May. Cuffee's confession, § 3. 30th May. Sandy's examination, No. 1. 22d May. No. 2. 25th May. No. 3. 1st June. Sarah (Burk's) examination, No. 2. 1st June. No. 3. 5th June.

Sawney said upon the trial, "Jack was to be a captain; that he asked him to help burn houses, and said as soon as the fort was burnt, they would kill the white men: that Jack swore six Spaniards (Spanish slaves) and the rest were to come next day to be sworn.

"That it was agreed among them that Cook was to be an officer.

"That this meeting was of a Sunday when Comfort was not at home.

Mary Burton said, "Jack and Cook used to be at the meetings at Hughson's, when they were talking of firing the town and murdering the people, and were active and consenting; but that she did not see them sworn.

Burk's Sarah said likewise, "that it was agreed among them that Jack should be a captain.

Evidence affecting Chambers's Robin.

Quack's confession, § 2. 30th May. Cuffee's confession, § 3. 30th May. Sandy's examination, No. 3. § 8. 1st June. Sarah (Burk's) examination, No. 2. § 1, 3. 1st June. No. 3. § 1. 5th June.

Sandy and Sarah both said, "That Robin was at the meeting at Comfort's [mentioned in both their examinations.]

Sandy said, "Robin had a knife there, and sharpened it, and consented to help kill the white men, and to take their wives.

Mr. Chambers examined the witness against Jack, Cook and Robin, and summed up.

Evidence affecting Gomez's Cuffee.

Quack's confession, § 2, 7. 20th May. Cuffee's confession, § 3, 5. 30th May. Sandy's examination, No. 1. § 11. 22d May. Fortune's examination, No. 1. § 6. 22d May. Sandy's examination, No. 3. § 7, 8. 1st June.

Evidence affecting Peck's Cæsar.

Cuffee's confession at the stake, § 5. 30th May. Quack's confession, § 4, 7. 30th May. Sandy's examination, No. 2. § 1, 2. 25th May. No. 3. § 8. 1st June.

Sawney said upon the trial, "That Cæsar declared, he would kill the white men, and drink their blood to their good healths: this was about a fortnight or three weeks before the fort was burnt.

Evidence affecting Ellison's Jamaica.

Mary Burton's deposition, No. 2. § 4. 13th May. She testified against him further at the trial, "That he used to be very forward at the meetings at Hughson's in talk about the conspiracy; and that particularly once when they (the conspirators) were talking of burning the town and killing the people; Jamaica (being a fiddler) said, he would dance [or play] over them while they were roasting in the flames; and said he had been slave long enough."

Mr. Murray examined the witnesses against Cuffee, Cæsar and Jamaica, and summed up.

There was nothing material in the defence of any of the prisoners, they asked the witnesses now and then a few trifling questions, and denied all that was alleged against them.

The jury being charged, and having withdrawn, and after a short stay, being returned, found the six negroes guilty of the indictment.

Then the court, after admonition to the criminals, proceeded to pass sentence upon them as followeth, viz. "That Jack, Cook, Robin, Cæsar, Cuffee and Jamaica, should be carried from thence to the place from whence they came, and thence to the place of execution, where the said Jack, Cook, Robin, Cæsar and Cuffee, should be chained to a stake, and burnt until they should be severally dead; and that the said Jamaica should be there hanged," &c.

Ordered, that Jack, Cook, Robin, Cæsar and Cuffee, be executed on the morrow, the 9th instant, between the hours of one and seven of the afternoon of the same day, and that Jamaica be executed on Friday the 12th instant, between the hours of nine and one of the same day.

The King against Tom Peal, alias Bastian, Francis (Bosch's) Albany and Curacoa Dick, negroes.

The prisoners being placed at the bar, were arraigned on an indictment for conspiring, &c. with divers negro slaves and others, to burn the whole town and city of New-York, and also to kill and destroy the inhabitants thereof, whereunto they severally pleaded *not guilty, &c.*

Court adjourned till to-morrow morning, 10 o'clock.

This evening captain Jack (Comfort's negro) condemned, amongst others, to be executed to-morrow afternoon, had caused to be signified to the judges, that if his life might be spared, he would discover all that he knew of the conspiracy. From the course of the evidence, there was reason to conclude that he had been a most trusty and diligent agent for Hughson; he lived very near him, and his master was frequently absent from home for days and weeks together, which left him too much at liberty; and there was a well in his yard whereto many negroes resorted every day, morning and afternoon, to fetch tea water; and Hughson, no doubt, thought he had carried a great point when he had seduced captain Jack to his infamous schemes, for this gave him the greatest opportunities of corrupting his fellow slaves; and Jack was a crafty, subtle fellow, very well qualified for such an enterprize, and might be captivated with the fine promises and hopes given him of being not only a free, but a great man; a commander in this band of fools, of whom the greatest knaves perhaps (like fools too) projected to make a prey in the end. It was therefore thought proper, as this mystery of iniquity was yet but beginning to be unfolded, so far to accept Jack's offer as to respite his execution, till it was found how well he would deserve further favour.

Jack was examined before the judges this afternoon, and was under examination the next day, when his fellow criminals were carrying from the City-Hall to their execution. He was advised not to flatter himself with the hopes of life, without he would do the utmost in his power to deserve it, and that would be by telling freely all that he knew of the matter, and discovering all the parties concerned, to the best of his knowledge. He was told we were already let so far into this secret, as to persons and things, as to be able to give a good guess, whether he spoke the truth, and he would but deceive himself in the end if he told falsehoods. Jack looked very serious, and at length began to open, but his dialect was so perfectly negro and uninfelligible, it was thought that it would be impossible to make any thing of him without the help of an interpreter. There were two young men, sons-in-law

to Jack's master, who were aware Jack would not be understood without their aid, and they signified their desire of being by when he was examined, from a supposition that they might be of service in interpreting his meaning, as he had been used to them, having often worked in the same shop together at the cooper's trade, whereby he was so familiarized to them, they could make a shift to understand his language, and they thought they had such an influence over him, that they were persuaded, they could also prevail upon him to make an ingenuous confession; and to do them justice, they were very serviceable in both respects, and the event well answered the expectation they had given. But notwithstanding this assistance, his examination took up as much time of three successive days, morning and afternoon, as could conveniently be spared him from other business.

Several negroes concerned in the conspiracy, having been discovered by Jack in this first sitting, were apprehended the next morning early, pursuant to orders then immediately given, but there was not time to commit his confession to writing this evening, yet it is thought proper to set the same forth as of this day. Jack desired he might be removed from the cell where his fellow criminals, condemned with him, were lodged, and his request was granted.

Examination and Confession of Jack (Comfort's) before one of the judges, No. 1.—He said,

1. "That a little after new year, on a Monday, about four in the afternoon, Ben(p) (Capt. Marshall's) came to Comfort's house to fetch tea water, where he left his keg in the shop, and went to Hughson's house (Hughson and his wife then gone into the country) Ben staid about two hours there, and then returned to Comfort's, and told Jack that he had met there six Spaniards, among whom were Anthony and Wan(q) (now in jail) and said to him, countryman, I have heard some good news: what news said Jack? Ben said there were Spanish negroes at Hughson's, who told him they had desigus of taking this country against the wars came; what would they do with this country? said Jack, to which Ben answered, oh! you fool, those Spaniards know better than York negroes, and could help better to take it than they, because they were more used to war; but they must begin first to set the house [i. e. the houses] on fire.

(p) Jack's description of Ben:—His master live in tall house Broadway. Ben ride de fat horse.

(q) Mr. Peter De Lancey's (see § 28) and Capt. Sarly's.

2. " That the Sunday following Hughson and his wife came home, and brought a goose, a quarter of mutton, and a fowl home. That Ben came a little after church out, in the afternoon, to Comfort's, and told him, brother go to Hughson's, all our company is come down: he went with Ben thither, and went round the house and went in at the back door; when he came there they sat all round the table, and had a goose, a quarter of mutton, a fowl, and two loaves of bread: Hughson took a flask of rum out of a case and set it on the table, and two bowls of punch were made; some drink dram; a cloth was laid:

Quash, H. Rutgers's negro; Cæsar, Koertrecht's; Powlus, a Spanish negro; Toby, or Cato, Provoost's; Cato, Shurmur's; Cook, Comfort's; John, Vaarck's; York and London, Marschalk's; Ticklepitcher, Carpenter's; Francis, Bosch's; Bastian, alias Tom Peal; Scipio, Mrs. Van Borsom's; Ben, captain Marshal's, were all present, and also six Spanish negroes, among whom were Wan and Anthony, and a negro lately belonging to John Marschalk, the three others he should know if he saw them; Hughson, and his wife, and daughter sat down on one side of the table, and the negroes on the other: two or three tables were put together to make it long; Hughson's daughter brought in the victuals, and just as he came in Sarah brought the cloth and laid it; Mary Burton did not come into the room, but Hughson said she was above making a bed; Peggy came down stairs and sat down by Hughson's wife at the table, and eat with them; when they were eating they began all to talk about setting the houses on fire, and Hughson asked Ben, who would be the head man or captain for to rise? Ben said yes, he would stand for that, and said he could find a gun, shot and powder, at his master's house, that his master did not watch him, he could go into every room: Ben asked Quash, what will you stand for? he said he did not care what he stood for, or should be, but he could kill three, four, five white men before night.

3. " That Quash said he could get two half dozen of knives in papers, three or four swords; and that he would set his master's house on fire, and when he had done that, he would come abroad to fight.

4. " That Marschalk's York said that his mistress had scolded at him, and he would kill her before he went out to fight.

5. " London (Marschalk's other negro) said that before he went out to fight, he would set his master's house on fire.

6. " Scipio (Van Borsom's negro) said he would set his mistress's house on fire before he would go out to fight.

7. "Cato (Shurmur's negro) said he would set his mistress's house on fire, and that as the houses stand all together, the fire would go more far.

8. "Cato alias Toby (John Provoost's negro) said he would get his master's sword, and then set the house on fire, and go out to fight.

9. "The Spanish negroes he could not understand.

10. "Caesar (Kortrecht's negro) said he would set his master's bakehouse on fire.

11. "Ben said (when it was proposed to burn his master's house) no, if they conquered the place, he would keep that to live in himself.

12. "That Curacoa Dick came in just as they had done eating, but victuals enough were left for him, and he sat down and eat: when Dick had done eating, he said every one must stand to his word, and that he would get his master's gun, and after that would set his stable on fire.

13. "He (Jack) being asked to set his master's house on fire, said no, he would set his master's shingles on fire, and then go out to fight.

14. "Hughson said he would stand by what the Spanish and York negroes should do; and he would go before and be their king, and would mix them one amongst another when they came to fight.

15. "Hughson sat the negroes upon this discourse, and design, at the said meeting; on which the Spanish negroes agreed all to join with the York negroes.(r)

16. "That they all swore; some said d—n, some said by G-d, and other oaths; a Spanish negro swear by thunder; Hughson swore by G-d, if they would be true to him, he would take this country; and Jack swore by G-d for his part.

17. "That Peggy went away after they had done eating, before they swore.

18. "Mary Burton took away the dishes and plates, and Sarah (Hughson's daughter) took away the cloth; Sarah (Hughson's wife) sat down by her husband, and continued there all the time.

19. "The meeting broke up just after sun down.

20. "Tickle (Carpenter's negro) said, his mistress was cross, and he worked hard, and could get no good clothes; that he would murder his mistress first, because she was not good to him, before he went out to fight.

(r) See the confessions of Quack and Cuffee, 30th May.

21. " Bastian alias Tom Peal (Vaarck's) eat at Hughson's ; Quash asked him if he would stand to help ? he said yes, he knew that, and that was the reason he came there.

22. " Francis (Jasper Bosch's) said, he would set his master's house on fire, before he came out to fight.

23. " Comfort's Cook went with him (Jack) to Hughson's ; swore, and said he would set his master's storehouse on fire ; and was to go fight too, and could get a penknife or any thing.

24. " Vaarck's Jonneau stood at the door a pretty while ; but when the meat ready on table, came in, and sat down at table : York asked him, what will you stand for ? he said, he was not able to fight, but he would set his master's house on fire, and then his neighbours, and so on.

25. " Says, they agreed to wait a month and half for the Spaniards and French to come ; and if they did not come then, they were to begin at Wenman's, next to Mr. De Lancey's, and so on down the Broadway.

26. " That they waited until this month and half was expired, and then the fort was burnt.

27. " Says, that every negro then present was to do what they engaged to do, on one and the same Sunday, when church was gone in of the morning ; and if all was not done in that one day, they were to go on the Saturday following ; and so, if the Spaniards and French did not come, they were to do all themselves.

28. " That at this meeting Anthony, belonging to Peter De Lancey, talked about stuff to put the houses on fire, by flinging it into the house, but heard no other negro but him talk of it ; but he mentioned it every time they met, but at this meeting for the first time.

29. " That same Sunday's Monday (the next day) about sun down, all the same negroes came to Hughson's again ; some brought money and gave to Hughson for drink and dram ; Ben played on the fiddle ; Hughson's wife and daughter danced together in one part of the room, and the negroes in another ; staid there until about seven that night : that they came there that night to frolick and merry make, and did not talk about fires, for they had agreed upon that the day before.

30. " That then one Sunday passed and no meeting any where that he knows of.

31. " The Sunday after that, there was a meeting at his master Comfort's ; some negroes were in the shop, and some in the kitchen ; that the kitchen and shop join to each other ; the doors into each went out into the street, or into the yard ;

so that to go from one to the other, you must go either into the yard or on the dock; among whom were Marshall's Ben, Rutger's Quash, Provost's Cato alias Toby, Shurmur's Cato, Marschalk's York and London, Vanborsom's Scipio, Carpenter's Albany, Curacoa Dick, Kortrecht's Cæsar, Burk's Sarah, Niblet's Sandy, Chamber's Robin, Gomez's Cuffee, Peck's Cæsar, Comfort's Cook, Sleydall's Jack, Anthony and Wan, two Spanish negroes; Vanderspiegle's Fortune, Cowley's Cato, Jay's Brash, Bosch's Francis, Furman's Harry and Powlus: which negroes being met, they began all to talk of burning the town and killing the people; and the general conversation was to the effect of that at Hughson's and the fire to begin as aforesaid; every one being to set his master's house or stable on fire, and then go out to fight.

32. "Furman's Harry was to set his master's cowstable on fire.

33. "This conversation began, and was most talked of before Sandy came in; Sandy came into the kitchen first, being called in by him (Jack) but was loth to come; Jack asked him to drink a dram, Sandy said no; Sarah (Burk's negro wench) who was then present, said he must drink, and made him drink; and having drunk the dram, Jack asked him if he would stand to, and help them burn houses, and kill the white people? Sandy seemed afraid, they all drank a dram round, and he (Jack) brought in nine clasp knives in a paper; those that had not knives before, took knives from the paper; some went into the shop, and some came into the kitchen, and all the knives were distributed: being asked how he came by those knives, said he asked Powlus, a Spanish negro, about a week before this meeting, to give him a knife; Powlus said he would get some for him, and sell him; Powlus appointed him to meet him the Wednesday before this meeting, at the meal-market, about dusk; that Powlus came, and he gave him two shillings and six pence for them.

34. "When they saw Sandy afraid, they whetted their knives in order to frighten him to say yes, to stand by them; and Jack said, if he did not stand by them he would cut his head off; to which Sarah said, he deserves it if he don't say yes; then Sandy said yes.(s)

35. "The stone they whetted their knives on was a brown stone that lay in the yard by the door. About a week and a half after this meeting, the fort was set on fire.

(s) See Sandy's examination, No. 2. Monday, May 25.

36. "Soon after Sandy had consented, it growing dusk, they parted.

37. "Says he thought the bargain so sure made, that he did not make any more meetings before the fort fired.

38. "Says that some time after the fort burnt, Sleydall's Jack came to Comfort's house, and told the examinant he had put fire to Mr. Murray's haystack.

39. "That he met Provoost's negro the night that Hilton's house was burnt, and asked him what news? for he had heard that there had been fire at that end of the town; Provoost's Cato alias Toby, said he had done it.

40. "That Gomez's Cuffee set Van Zant's storehouse on fire."

SUPREME COURT.

TUESDAY, JUNE 9.

Present, the second and third justices.

The King against Bastian, Francis (Bosch's) Albany, Curacoa Dick, negroes.

Upon the motion of Mr. Attorney General, ordered, that the trial of the prisoners, Bastian, &c. be deferred till to-morrow.

Ordered, that the execution of Jack (Comfort's negro) be respited till Friday next.

Court adjourned till to-morrow morning, 10 o'clock.

This day Ben (Capt. Marshall's) Quash (H. Rutgers') Caesar (Kortrecht's) Toby alias Cato (Provoost's) Cato (Shurmur's) York and London (Marschalk's) Scipio (Van Borsom's) and Harry (Furman's) were apprehended upon Jack (Comfort's) examination and confession, and committed.

This day also, the negroes Cook and Robin (Chambers') Caesar (Peck's) Cuffee (Gomez's) were executed according to sentence.

Examination and confession of Pompey (Leffert's) before the grand jury.—He said,

1. "That Quash (Rutgers') and Quack (Roosevelt's) asked him one Sunday, if he would do as they would do? and Pompey asked them what? and Quash said Quack would tell him; and Quack said they would set their master's houses on fire, if he would set his master's house on fire, and he agreed he would; and they then told him they would tell him when; and they would be all free, and be free from trouble; he asked what they

designed to do? Quack said they would tell him in time, and would not tell him then.

2. "Being asked when he was spoke to, he said it was about a fortnight before Quack was taken up.

3. "That Quash told him, two or three days before he was sent to jail, that Ben (Capt. Marshall's man) knew of it."

Evidence affecting this negro.—Sandy's examination, No. 3, § 8. June 1.—Sarah (Burk's) examination, No. 2. June 1.—Worcester (Varian's) examination, June 22, 30.

Examination and confession of Jack (Comfort's) before the grand jury, No. 2.

He repeated much to the same purpose as in his examination before the judge.

1. But on repeating over the persons who were at Comfort's house, and Hughson's, he observed, "that Cato (Cowley's) was not at Hughson's at that meeting; and that Ben, Quash, and Pablo alias Powlus, were not at Comfort's at that meeting; so that the following is a true list of each company, who was there, who are not executed or indicted.

At Hughson's—H. Rutgers' Quash, John Provoost's Cato, P. Marschalk's York and London, Carpenter's Tickle, Capt. Marshall's Ben. Spaniards—Becker's Pablo or Powlus, R. De Lancey's Antonio, Sarly's Juan, M'Mullen's Augustine, Mesnard's Antomo.

2. At Comfort's—Shurmur's Cato, Cowley's Cato, Marschalk's York and London, Van Borsom's Scipio, Kortrecht's Caesar, Sleydall's Jack, Vanderspiegle's Fortune, Jay's Brash, Furman's Harry, B. Moore's Tom. Spaniards—De Lancey's Antonio, Sarly's Juan.

Upon the close of Jack (Comfort's) two examinations, the judges thought proper to recommend him to his honour, the lieutenant governor, for a pardon.

SUPREME COURT.

WEDNESDAY, JUNE 10.

Present, the second and third justices.

The King against Bastian, Francis (Bosch's) Albany, Curacoa Dick, negroes.

On trial on an indictment for a conspiracy to burn the city of New-York, and murder the inhabitants.

Jury called, and the prisoners challenged Ben Thomas.^(t)
The following jurors were sworn, viz.

John Dyer, Joseph Sacket, John Shurmur, Josiah Millikan, Isaac Van Dam, Humphry Jones, Daniel Dunscomb, Thomas Bohanna, Isaac Twentyman, Peter Van Dursen, John Robins, Peter Evoutzse.

Of council for the king, Attorney general, Joseph Murray, William Smith, esquires.

The Attorney General, after opening the indictment to the court and jury, proceeded as follows:

“ *Gentlemen,*

“ It will appear to you by the evidence for the king upon this trial, that these four prisoners at the bar, are some of that great number of negroes that frequently met at Hughson’s house, where he privately entertained them, and where they confederated with him, and the rest of the conspirators, to carry on this most wicked and dreadful conspiracy to burn the king’s house and this town, and to murder the inhabitants. The most horrible and destructive plot that ever was yet known in these northern parts of America, of which Hughson here was the chief contriver and director, with great expectations of enriching himself by the ruin and destruction of his neighbours, as has been made fully appear on the preceding trials; wherefore it may justly be called *Hughson’s Plot*. It will likewise appear to you in evidence, that each of these negro prisoners were sworn into this direful conspiracy, and never to discover it, or that Hughson was any way concerned in it.

“ *Gentlemen,* many of the conspirators have already been tried, condemned, and executed, for the abominable parts they have acted in this execrable conspiracy; and Hughson himself, his wife, daughter, and Margaret Kerry, are under that sentence of death which now awaits their execution, the just demerits of their heinous crimes.

“ *Gentlemen,* as all the prisoners at the bar are negroes, the evidence of other negroes is made sufficient against them by a law of this province, which I thought proper to observe to you, because we shall examine several negro witnesses to prove what I have alleged against these negro prisoners; and when you have heard their charge proved against them, I cannot doubt but you will, for your oath’s sake, and for your own and this city and country’s peace and safety, find the prisoners guilty.

(t) His house was attempted to be set on fire.

“We shall now call the witnesses and examine them before you.”

Witnesses for the king called—Mary Burton, Daniel Burgher, Nicholas Roosevelt, George Joseph Moore, sworn. Sandy and Sarah, negroes. Edward Sherlock, interpreter, Francis being a Spaniard.

Jack (Comfort's) being set to the bar, and asked what he had to say why execution of his former sentence should not be awarded, he produced his majesty's most gracious free pardon, and prayed that the same might be read and allowed of, which being read, was allowed by the court accordingly. The said Jack then proceeded to give evidence against the prisoners.

Evidence against Bastian.—Mary Burton's deposition, No. 2, § 1, 5. May 13.

She said upon the trial, that she had seen the prisoner at Hughson's, amongst twenty other negroes, and he was consenting with the rest, to burn the whole town and destroy all the people.

Jack (Comfort's) examination, No. 1. § 2, 21. June 8.

Sawney said, he saw Bastian at the meeting at Comfort's.

Evidence affecting Francis (Bosch's).—Sawney's examination, No. 1, § 7, 15. May 22. Jack (Comfort's) examination, No. 1, § 2, 22, 31. June 8.

Sawney said, he was one of the Spanish negroes he heard talking before Lush's door, when they were talking of burning the town: that he was present and consenting at the meeting at Comfort's.

Mary Burton said, she saw him often at the meetings at Hughson's when they were talking of burning the town and killing the people; and he seemed to be consenting; he spoke a little English, and some other language she did not understand.

Evidence against Albany.

Mary Burton's depositions, No. 2. § 5. 13th May. Jack (Comfort's) examination, No. 1. § 31. 8th June. Confession of Quack, § 4, 11. 30th May. Confession of Cuffee, § 3. 30th May.—Proved by George Joseph Moore and John Roosevelt.

Evidence against Curacoa Dick.

Sawney's examination, No. 1. § 5. 22d May.—Said he saw him at the meeting at Comfort's, and he consented to burn and kill, &c. Sarah (Burk's) examination, No. 2. § 3. 1st June.—No. 3. § 4, 5. 5th June. Jack (Comfort's) examination, No. 1. § 12, 31. 8th June.

Witnesses called for the prisoners.—Robert Hogg, Mrs. Carpenter, Albany's mistress, Mr. Tiebout, Curacoa Dick's master.

The prisoners' defence as usual with the guilty, turned upon the negative; they asked the witnesses no material questions; and the evidence upon the whole being summed up, the jury were charged and withdrew for a short time; and being returned, found them all guilty of the indictment.

Court adjourned to to-morrow morning 10 o'clock.

SUPREME COURT.

THURSDAY, JUNE 11.

Present, the second and third justices.

The King against Bastian, Bosch's Francis, a Spanish negro, Albany and Curacoa Dick.

Judgment being moved for against these four criminals convicted, they were brought to the bar; and being asked what they had to say, why sentence of death should not be pronounced against them?

Bastian (as was intimated by somebody about the jail he would) confessed his guilt; the rest protested their innocence.

The court then proceeded to sentence against them, which was,

“That they should be chained to a stake, and burnt to death.”

And ordered, their execution should be the next day, between two and eight of the clock afternoon.

After sentence passed, the following confession was immediately thereupon taken from Bastian in court. He said,

1. “That his fellow-servant Cæsar, first acquainted him with it [meaning the plot] and carried him to Hughson's; that Hughson, his wife and daughter were present and swore him; that many negroes were there; Cowley's Cato, Delancey's Anthony, there: they were to burn the fort and town, and kill the people.

2. “That he threatened Mary Burton, as sworn.

3. “That they were sworn on a bible.

4. “That Hughson was to be the governor or ruler over them.

5. “This meeting was on a Sunday.

6. “That they went there the next night to frolick, and all the negroes who had been executed were in the plot.

7. “Quack burnt the fort, and he has heard him say so.

8. “Hughson was the first encourager.

9. "That Hughson was to have the goods that were stolen from the fire. Cæsar was to be king.

10. "This meeting was at Hughson's about a week and a half after new-year.

11. "Hughson and his wife and daughter, and Mary Burton there.

12. "Came there about four in the afternoon; a great many negroes there, about thirteen or fourteen; the daughter laid the cloth after he came in.

The King against Sarah Hughson, daughter of John Hughson.

As to this miserable creature under sentence of death, to be executed with her father and mother and Margaret Kerry to-morrow, the judges wished that she would have furnished them with some colour or pretence for recommending her as an object of mercy, but they waited for it hitherto in vain: she was a wretch-stupified and hardened in wickedness, and seemed void of all sense of a future state; however it was thought proper to respite her execution to Friday, 19th June, which was ordered accordingly, in hopes that after her father and mother had suffered, she might be molified to a confession of her own guilt, and raise some merit by making a further discovery; or at least, confirming what had hitherto been unfolded concerning this accursed scheme.

Court adjourned till to-morrow morning, ten o'clock.

Examination and confession of Bastian, alias Tom Peal, before one of the judges, No. 1.—He said,

1. "That a little after new-year, Cæsar (hanged) his fellow servant asked him to go along with him down to Hughson's house; this was of a Sunday afternoon before church was out; when he came there he found about fifteen negroes, to the best of his remembrance, in a room with Hughson, his wife and daughter (now under condemnation) Cæsar (hanged) was then present, and asked him the examinant (Cæsar having a pistol in his hand and clapping the same to the examinant's breast) whether he would join along with them to become their own masters? the examinant asked him, what he would have him join with him in? Cæsar answered him in the plot, for that they had designed to take the country, and said they had a parcel of good hands, Spanish negroes, five or six of them (then present) who would join with the York negroes: that they expected that war would be proclaimed in a little time against the French, and that the French and Spaniards would come here, and that they meaning the negroes present and the Hughsons)

would join with them to take the place: at first the examinant answered no, and then Cæsar said if he did not join along with them, swearing, he the examinant should not go alive out of the house: then he offered the examinant something to drink, and made him drink; and then Cæsar said now he had got him; and the examinant being affrighted, and very much daunted upon Cæsar's offering a pistol at his breast, was forced to consent; whereupon Cæsar said to Hughson, the examinant was but a weak-hearted dog; however set his name down,^(v) and I will encourage him up: Hughson answered, he would do it.

2. " Says to the same effect as Comfort's Jack [touching the meeting and entertainment at Hughson's] with this further, that there was veal, ducks, geese, a quarter of mutton and fowls to the best of his remembrance.

3. " That Hughson, his wife and daughter, sat down to eat with the negroes, with this difference, that they sat on one side of the table, the negroes on the other; that the cloth was laid on several tables put together, and some boards laid upon tubs.

4. " That Peggy went in and out of the room, but did not sit down with them, but believes she must have heard them discourse about the plot carrying on, and talked of at that meeting.

5. " That after they had done eating, the maid and the daughter helped take the things away; then John Hughson brought a bible and laid it upon the table, then opened the book, and seemed to read something out of it, which was in the nature of an oath, that the first thunder might strike them dead that discovered, or did not stand to their words to perform what they had engaged to do. Hughson swore first, then his wife, then his daughter, and all the negroes present, as well as himself, and all kissed the book; and Hughson pronounced the words they swore to, that is to say, to burn the town, and murder the people, but they were to stay till the Spaniards and French came, about a month and a half; and if they did not come in that time, they were to begin themselves, and that they were to begin with the fort first.

6. " That captain Marshall's Ben (whom Hughson and the negroes called captain Marshall) was there when the examinant came in. Jack (Comfort's) came in before the cloth was laid, and after Cæsar had clapped the pistol to the examinant's breast.^(w)

(v) It seems Hughson kept a list of the confederates, and used to put them down as they were sworn.

(w) Compare this examination with Jack, (Comfort's) June 8.

7. "That Hughson took a flask of rum out of a case and put upon the table, and some punch was made of it, and some drank dry drams, and all the negroes agreed to what was proposed as before.

The negroes then present [at Hughson's] were, Cæsar (hanged) Prince, (hanged) Philipse's Cuffee, Roosevelt's Quack, Chambers's Robin, Gomez's Cuffee, Comfort's Jack and Cook, Peck's Cæsar, Marschalk's York and London, Rutgers's Quash, captain Marshall's Ben, Powlus, P. De Lancey's Anthony, Cowley's Cato, Shurmur's Cato, Kip's Harry, Carpenter's Tickle Pitcher, Bosch's Francis, captain Provoost's Cato or Toby, whom they called captain Provoost. "Every one to fire his master's house, and then to fire the fort, and to begin next Mr. De Lancey's; and those that lived at the Fly, to burn Van Zant's storehouse, and begin the fire there: those at the Long Bridge were to fire there.

8. "They broke up about nine of the clock, having made their agreement. At this meeting was the first discourse he heard about the plot.

6. "The Monday night following he went to Hughson's, where they had a frolick; no fiddle, and had the said discourse again, all to stand true to their words, &c. Most part of the same company there again; some he believes could not come out: they had agreed the night before to meet again.

10. "They met at Comfort's about a fortnight after, on Sunday. Jack asked Sandy to come in, &c. Sarah said he was an impudent boy not to do as the captain bid him; Jack fetched penknives, &c.

Negroes present at Comfort's. He, Bastian, Curacoa Dick, Sandy, Sarah, Bosch's Francis, Albany, Roosevelt's Quack, Chambers's Robin, Comfort's Cook and Jack, Gomez's Cuffee, Kip's Harry, Peck's Cæsar, Marshall's Ben, De Lancey's Albany, Sarly's Wan, Wendover's Emanuel, (Spanish negro) Shurmur's Cato, Marschalk's York and London, Sleydall's Jack.

11. "Jack (Comfort's) was to put his masters shingles on fire, &c. to the purpose as Jack said." (x)

Bastian seemed by his looks and behaviour, upon his examination, to be touched with a remorse for his guilt, and was very ingenuous in his confession, insomuch, that he was thought an object of mercy, and would be a witness worthy of credit, therefore it was judged proper to recommend him to the lieutenant governor for a pardon.

(x) See Jack's examination, No. 1. § 13. June 8.

SUPREME COURT.

FRIDAY, JUNE 12.

Present, the second and third justices.

The King against Bastian and Jamaica.

Ordered, that the execution of the negro Bastian be respited till Friday the 19th instant.

Some favourable circumstances having been represented with respect to Jamaica, the court thought proper likewise to order his execution to be respited till Friday the 19th instant.

The King against Quash, Ben, Cato, Fortune, Cato, alias Toby, negroes.

The prisoners being set to the bar, were arraigned for conspiring to burn the whole town and city of New-York, and to kill and destroy the inhabitants thereof, and severally pleaded, *not guilty*.

Court adjourned till to-morrow morning, 10 o'clock.

Examination and confession of Will, alias Ticklepitcher, negro, taken before one of the judges—No. 1.—He said,

1. "That he was one of the company at Hughson's with a parcel of negroes, when North, the constable, came and interrupted them at a feast.

2. "That on the Sunday following, which was about Whitsontide twelve months, Tom, belonging to captain Rowe, and Quamino, belonging to the estate of Harris, in Stone-street, asked him whether he would do as they would? the examinant asked them, what was that? old Quamino answered, that they would set fire to both rows of houses in Stone-street, and he would find powder and pistol and ball: the examinant said, he would consider of it, he did not know whether he would or no: then Quamino pulled out a razor and threatened to cut his throat if he did not agree with them, upon which he was forced to consent.

3. "That about three weeks after last new year, one day about the middle of the week, he (the examinant) Albany, his fellow servant, the above named Tom, and the said Quamino, were at the house of the said John Hughson, and had a tankard of punch, which Hughson brought to them.

4. "That they, the said negroes, together with Cowley's Cato, Vanderspiegle's Fortune, Burk's Sarah, Kelly's London, Varian's Worcester, Kip's Harry, Becker the brewer's Mars, Powlus, Débrosse's Primus, Latham's Tony, another negro (Fortune) belonging to the said Latham, captain Lawrance's tall ne-

gro (Sterling) Low's yellow fellow Wan (commonly called Indian Wan) Vaarch's Will and Bastian, Gomez's Cuffee, Groesbeck's Mink, Curacoa Dick, the fiddler, Mrs. Sims's Bill or Will, (in all he thinks between twenty and thirty) were all that he remembers to be present at this meeting at Hughson's.

5. "That the day before this meeting, the negroes above named being all present at Hughson's; he the said Hughson said to the negroes, now was a proper time to make a plot, since there were so many of them together: that is to say, they should undertake to burn the town; to burn the fort; to burn Stone-street; almost every one agreed, and undertook to burn their master's and mistress's house; and to kill the white people as they came to extinguish the flames: he the examinant was to set his mistress's house on fire: they pitched upon him for it.

6. "Hughson brought out a great book to make them swear; Hughson swore himself and Peggy first, and then swore all the negroes; they putting their right hand every one upon the book; the purport of the oath was, damnation to eternity to the failers, or those that brought out (i. e. discovered) what they had agreed upon."

7. "They were to bring all the goods that they could get at the fires to Hughson's house; and after all over, Hughson was to carry them (the negroes) off.

8. "Hughson, to encourage this meeting, promised to give them a barrel of cyder."

The confession of Jack (Sleydall's) before his master and others.—He said,

1. That some time after Christmas he was at the house of John Hughson, and that there was a supper there; and that captain Marshall's Ben, who sat at the head of the table; Mrs. Carpenter's Albany and Tickle, Comfort's Jack and Cook, Rutgers's Quash, De Peyster's Pedro, Bastian alias Tom Peal, Cowley's Cato, Pintard's Cæsar, and several others were there; the cloth being laid and taken away by Margaret Kerry—after supper were dancing, and Mr. Philipse's Cuff played on the fiddle; and that after they had done dancing, they made a bowl of punch; and having for some time drank, they said one to another, let us set fire to the town and kill the white people, and then we will make our escape; and that they all agreed to it, and swore on a book, and kissed the book; and that he the said Jack told them, if they did it, he would try to help.

2. Being asked if Mr. Jay's Brash was there, he said "he was not.

3. That he the said Jack, on a Saturday night, took some

ashes and coals from his master's house in a little kettle, and put it under Mr. Murray's haystack ;(c) that he was told to do it by Mr. De Peyster's Pedro, who said that after the stack was on fire, the others would set other parts of the town on fire.

This day John Hughson, Sarah his wife, and Margaret Kerry, were executed according to sentence.

The under-sheriff had often advised John Hughson, to make a confession about the conspiracy, but he always denied he knew any thing of the matter ; said he had deserved death for receiving stolen goods. The wife was ever sullen ; said little or nothing, but denied all.

The sheriffs observed John Hughson, when he was brought out of jail to be carried to execution, to have a red spot on each cheek, about the bigness of a shilling, which at that time they thought very remarkable, for he was always pale of visage : these spots continued all along to the gallows. Amongst other discourse it seems he had said, he did not doubt but some remarkable sign would happen to him, to show his innocence ; concerning which more will be observed upon hereafter. He stood up in the cart all the way, looking round about him as if expecting to be rescued, and was by many conjectured from the air he appeared in : one hand was lifted up as high as his pinion would admit of, and a finger pointing, as if intending to beckon.

At the gallows his wife stood like a lifeless trunk, with the rope about her neck, tied up to the tree ; she said not a word, and had scarce any visible motion.

Peggy seemed much less resigned than the other two, or rather unwilling to encounter death ; she was going to say something, but the old woman who hung next to her, gave her a shove with her hand, as was said by some, so Peggy was silent.

But they all died, having protested their innocence to the last, touching the conspiracy.

This old woman, as it has been generally reported, was bred a Papist ; and Peggy was much suspected of the same persuasion,(d) though perhaps it may seem to be of little significance what religion such vile wretches professed.

Peggy had said several times, as well after her conviction as condemnation for the conspiracy, as the judges were informed by the under-sheriff, that she had sworn falsely against John Romme ; which was so gross a prevarication, as discouraged

(c) See Jack (Comfort's) examination, No. 1, § 38, Monday eighth June.

(d) See Sarah Hughson's confession, No. 2, § 6, 22d July.

them from taking any further pains with her, since there could be no dependance upon what she should say; the evening before her execution she sent a message to Mr. Justice Philipse, signifying her desire to speak with him; he accordingly went to her; she declared to him, that she had forsworn herself, for all that she had said about Romme and his wife was false, excepting as to their receiving the stolen goods of the negroes.— From the scanty room in the jail for the reception of so many prisoners, this miserable wretch, upon her conviction with the Hughsons for the conspiracy, was put in the same cell with them; which perhaps was an unfortunate incident; for though she had to the time of their trial screened them from the charge of the conspiracy; yet there was reason to expect, that upon the last pinch, when she found there was no hopes of saving her own life if she persisted, the truth as to this particular would have come out; and indeed it was upon this expectation, that she was brought upon trial for the conspiracy; for her several examinations before set forth, and what Arthur Price had sworn to have dropt from her in accidental talk in the jail, had put it beyond doubt, that she was privy to many of the Hughson's secrets concerning this detestable confederacy; but when she was admitted to the Hughsons, under the circumstances of conviction and condemnation for the conspiracy, they most probably prevailed with her to persevere in her obstinacy, to the end to cover their own guilt, since they were determined to confess nothing themselves; and they might drive her to desperation by subtle insinuations, that the judges she saw after they had picked all they could out of her, whatever expectations she might have raised from her confessions, or hopes she flattered herself with of saving her life upon the merit of them; yet after all, she was brought to trial and condemned for the conspiracy, as well as they; and why should she expect pardon any more than they: and by such like artifices it is probable they might stop her mouth, and prevent her making further discovery; and not only so, but then of course prevail with her to recant, as to what she had confessed already.

John Hughson's body was hung in chains according to sentence.

This day also, Albany, Curacoa Dick and Francis, negroes, were executed according to sentence.

The following slaves were taken into custody this day, having been impeached as confederates in the conspiracy:—Groesbeck's Mink, Pemberton's Quamino, Low's Indian Wan, Beckens

Mars, De Brosse's Primus, Rowe's Tom, Kelly's London, Lawrence's Sterling, Ten Eyck's Bill.

SUPREME COURT.

SATURDAY, JUNE 13.

Present, the second and third justices.

The King, against De Lancey's Antonio, Mesnard's Antonio, Pablo alias Powlus, Juan alias Wan, Augustine.

The five prisoners being Spanish negroes, lately imported into this city as prize slaves, were put to the bar, and arraigned upon an indictment for the conspiracy, and thereto severally pleaded, *not guilty, &c.*

The King against Quash, Ben, Cowley's Cato, Vanderspiegle's Fortuue, Cato alias Toby, negroes, on trial upon indictment for the conspiracy.

Jury called, and the prisoners making no challenges, the following jurors were sworn, viz.

Cornelius Clopper, Roger French, Coenradt Ten Eyck, Jacobus Keirstede, Lawrence Garner, Henry Vandewater, Charles Beekman, Elbert Herren, William Bartlett, John Brewer, Richard Cook, James Jarrard.

The attorney general having opened the indictment, proceeded as follows.

Gentlemen, I shall shew you by the witnesses for the king upon the trial of these five negroes, that they, with many others, frequently met at Hughson's house, where they entered into a confederacy with and were sworn by him, to carry on this most wicked and villainous plot, and not to discover it, or that Hughson had any hand in it; and that they agreed to bring all their booty to him, to enrich him and make him great. Thus were these stupid wretches seduced by the instigation of the devil, and Hughson his agent, to undertake so senseless as well as wicked enterprize; which must inevitably end in their own destruction, as now too late they find; and that in the snares they laid for us, they themselves are taken. Gentlemen, it cannot be imagined that these silly unthinking creatutes (Hughson's black guard) could of themselves have contrived and carried on so deep, so direful and destructive a scheme, as that we have seen with our eyes and have heard fully proved, they had prepared for us, without the advice and assistance of such abandoned wretches

as Hughson was—that never to be forgotten Hughson, who is now gone to his place, as did Judas of old to his.

Gentlemen—These negroes being drawn into this abominable conspiracy by others, does not give them the least umbrage of excuse; they are equally as guilty as if they themselves had devised it, by consenting to it, taking oaths to proceed in it, and in the mean time to keep it secret.

Gentlemen—The number of the conspirators is very great; for besides these five negroes, fourteen others, and four white people, which I have been concerned in the several trials of, have already been convicted, and received sentence of death, and we have still daily new discoveries of many more; but have now, God be thanked, encouragement to hope that we shall soon reach to the bottom of this mystery of iniquity.

Gentlemen—Be pleased to observe, that all the prisoners now to be tried being negroes, the evidence of one negro against another, is, by a law of this province made sufficient, which I thought necessary to put you in mind of, because several negro witnesses will be examined against these five negro prisoners; and when you have heard their charges clearly proved against them, I doubt not but you will, for your own sakes, your oaths sake, and for the future peace and security of this city and province, find these negroes guilty.

Witnesses for the king.—Mary Burton sworn.

Comfort's Jack, Sawney, alias Sandy, Ticklepitcher, alias Will, Leffert's Pompey, Sleydall's Jack, Bastian, negroes.

Bastian being placed at the bar, and asked what he had to say why he should not suffer death according to the sentence pronounced against him? he produced a pardon, which he prayed might be read and allowed; and the same being read, was allowed of accordingly.

Of counsel for the king, with Mr. Attorney General, Mr. Murray, Mr. Chambers, who examined the witnesses against the prisoners.

Mary Burton said she had seen captain Ben, Quash, Cato (Provoost's) and Cato (Cowley's) amongst the conspirators at the meeting at Hughson's, and that they were all four consenting, and as forward as the rest for burning the town and killing the white people. She did not remember that she had seen Fortune at those meetings, but thought she knew his face.

Jack (Comfort's) said he saw captain Ben, Quash, and Cato (Provoost's) at the meeting of the conspirators at Hughson's, on the Sunday, and that there they talked of burning the town and killing the white people, and that they were consenting and as

forward and busy as the rest ; and that Fortune, Cato (Cowley's) and Ben were at the great meeting at his master's house about ten days before the fort was burnt, where they had the same talk of the plot as at Hughson's, and they were all consenting. Jack said he brought nine knives, and distributed amongst them at this meeting, with which they were to cut their master's and mistress's throats ; that he met Cato (Provoost's) in the street on Saturday evening, who told him he had done business to-day ; that he had set Ben Thomas's house on fire.

Sandy said that he saw Fortune and Cato (Cowley's) at Comfort's, at the great meeting there about a fortnight before the fort burnt, and that they agreed amongst the rest, to burn the town and kill the white people.

Bastian confirmed Mary Burton's evidence, and likewise Jack (Comfort's) that Ben, Cato (Cowley's) and Quash, and also Fortune, were at the great meeting on a Sunday at Hughson's, when they were talking of burning the town and killing the people. And further, that they were all sworn to do it, and to keep secret ; that he likewise saw Ben, Cato (Cowley's) and Quash, at Comfort's on a Sunday, about a fortnight before the fort burnt, and the talk was the same amongst them there, and they all consented. He said there were two rooms full of negroes there ; the kitchen and the shop, as he was told, but he was only in the kitchen.

Will alias Tickle or Ticklepitcher, said he was at Comfort's at the great meeting about a fortnight before the fort burnt, and he there saw Fortune, Ben, and Cato (Cowley's) and spoke as to what passed there, as the foregoing witnesses Jack, Sandy and Bastian ; and further, that Cato (Cowley's) went to the pump to wash his hands, and Fortune pumped the water for him.

Pompey (Leffert's) against Quash, said the same as in the examination and confession 9th June, and that Quash was to burn his master's house, and he and Quack (Roosevelt's) were to kill the white people, and that they prevailed upon him to consent to do so too.

Sleydall's Jack said he was at the great meeting of the negroes at Hughson's, on a Sunday about a fortnight before the fort burnt, where they were talking of burning the town and killing the people ; and that Quash, Ben and Cowley's Cato were there, and that they agreed and were sworn.

Note. These are all the minutes of the evidence that were taken at the trial.

See the negro evidence more fully in the respective negro witnesses examinations and confessions, as followeth.

Evidence particularly affecting Captian Ben.

Jack (Comfort's) examination, No. 1. § 1, 2, 11, 29, 31. 8th June. Bastian's examination, No. 1. § 2. 11th June. Jack (Sleydall's) examination. 12th June. Tickle's examination, No. 1. § 11. 12th June.

Evidence particularly affecting Quash.

Jack (Comfort's) examination, No. 1. § 2, 3, 21, 31. 8th June. Pompey (Lefferts's) examination, No. 1. 9th June. Bastian's examination, No. 1. 11th June. Jack (Sleydell's) examination, 12th June.

Evidence particularly affecting Cato alias Toby.

Jack (Comfort's) examination, No. 1. § 2, 8, 31, 39. 8th June. Bastian's examination, No. 1. 11th June.

Evidence particularly affecting Cato.

Sandy's examination, No. 2. § 1. 25th May. No. 3. § 8. 1st June. Jack (Comfort's) examination, No. 1, § 31. 8th June. Bastian's examination, No. 1. 11th June. Tickle's examination, § 4. 12th June. Jack (Sleydell's) examination, 12th June.

Evidence particularly affecting Fortune.

Sandy's examination, No. 2. § 1, 2. 25th May. No. 3. § 9. 1st June. Jack (Comfort's) examination, No. 1. § 31. 8th June. Tickle's examination, No. 1. 12th June.

Witnesses called for the prisoners as to their characters.—Mr. Vanderspeigle (Fortune's master) Mr. Lodge, Isaac, Mr. Vanderspeigle's servant.

The prisoners asked the witnesses no material questions, but upon their defence denied all that was testified against them.—

Then Mr. Murray summed up the evidence against Ben, Quash and Cowley's Cato.

Mr. Chambers summed up the evidence against Fortune and Provost's Cato.

Then the jury being charged, withdrew for a little time; and being returned, found them all guilty of the indictment.

Court adjourned to Monday morning 10 o'clock.

This day De Peyster's Pedro, Latham's Fortune and Tony, Gabriel Croke's Prince, negroes, were apprehended and committed.

Confession of Gabriel Croke's Prince, negro, taken before one of the judges—No. 1.—He said,

1. "That on the day that Cuffee and Quack were executed, he the said Prince and York (Marschalk's) were at the execution, and whilst they were looking on them in the flames, York said to him (Prince having first taken notice of the great number of white people present) that then was a fit time for them (the negroes) to rise; to which he (Prince) answered, that he did

not think so, for as there were a great number of the people, perhaps they might only kill one or two, and then they should be taken and hanged for it, that it was not a right time to begin now, there was too much trouble in the town; and York said no more.

Ticklepitcher's examination and confession before the grand jury—No. 11.—Being asked who brought him into the conspiracy, and when he went to Hughson's?

1. He said, he was carried there by Albany last whitsontide was twelve months; and the second time was about three weeks after Christmas, when several negroes present, Hughson, wife, daughter and Peggy, when Hughson administered the oath on the book, of damnation to eternity to them who failed or discovered.

Persons there (negroes) were all sworn.

Vaarck's Will, Cæsar (hanged) Carpenter's Albany and himself, Kelley's London, Varian's Worcester, Sleydall's Jack, Rowe's Old Tom, Pemberton's Quamino, Low's Wan [Indian] Burk's Sarah, Vanderspeigle's Fortune, Benson's Mars, Debrosse's Primus, Latham's Tony and Fortune, Curacoa Dick, Gomez's Cuffee, Kip's Harry, Cowley's Cato, Lawrence's tall negro Sterling.

2. He said that the following persons were one Sunday evening at Comfort's.

Comfort's Jack and Cook, De Lancey's Antonio, five other Spanish negroes, whose names not known, Groesbeck's Mink, Breasted's Jack, Niblet's Sawney, Burk's Sarah, Sleydall's Jack, Capt. Marshall's Ben, Comfort's Jenny, Cowley's Cato, Lawrence's tall negro (Sterling) Todd's Dundee.

That the talk there was the same as at Hughson's, of setting houses on fire, stealing of goods, and carrying them to Hughson's, who was to carry them off.

3. They all pulled out their knives, whetted them, &c. as described by Sandy, and took notice of Sarah's threatening Sandy, &c.

4. That they were sworn at Comfort's, that is to say, those who were not sworn at Hughson's: the oath was given by Ben, something of thunder.

5. That Rowe's Tom was to be a drummer, to give notice on firing the houses, to kill the people and plunder.

6. Being asked to tell us more of the names of the negroes who were at Hughson's and Comfort's, he said he does not now remember their names; there were several more.

7. Says the Spaniards had black stuff to set houses on fire.

8. That the tall man, Antonio, and Sarly's Juan had of it, and that Juan owned to him in company at Comfort's, that he set fire to the house of Ben Thomas.

9. That Gomez's Cuffee told him, he had done what he promised, he had set Van Zant's storehouse on fire, and on which Tickle said, you should not have done it till we were all ready.

10. Being asked if ever he had seen at their meeting at Comfort's and Hughson's; Mr. Moore's Cato, English's Patrick, Todd's Dundee, Pintard's Cæsar, Jay's Brash, Capt. Lush's negro, and the Governor's Danby; he answered he never saw any of them there but Dundee; heard English's Patrick's name called over at Comfort's for they had a list of them on a paper.

11. And being asked who had the list? he said Ben had it, and that there was a list of them at Hughson's, as well as Comfort's.

SUPREME COURT.

MONDAY, JUNE 15.

Present, the second and third justices.

The King against Rutgers' Quash, Marshall's Ben, Cowley's Cato, Vanderspeigle's Fortune, Provost's Cato alias Toby, negroes.

The criminals being placed at the bar, were asked what they had to say why sentence of death should not be pronounced against them, they offered nothing but protestations of their innocence.

Then the third justice proceeded as followeth.

"You, the criminals at the bar, hearken to what is now said to you.

"You, Ben, by the course of the evidence, appear to have been a principal ringleader in this most horrid and develish conspiracy, this master-piece of villainy.

"You, no doubt, were esteemed amongst these infernal confederates, a deep politician, and was therefore fixed upon to be an officer, nothing less than a captain, a commander of a hundred at least.

"And so exact a man were you in your business and trust, that it seems you kept a list; you say you cannot read, but so active and forward have you appeared in this villainy, that a list

of this black band was committed to your care, as appeared in evidence; and you gave sufficient reasons for gaining entire credit with them; for you insinuated yourself in their opinions, by shewing them how useful a person you could be to them, from your master's great indulgence and entire confidence in you: you could go into any room in his house; you knew where his guns and other arms were, and could come at them, a considerable number, no less than thirty, were stored in a room in an outhouse; you rid and used your master's horse oftener than he did himself, as you said upon your trial; and therefore could, no doubt, the sooner muster your company, visit your confederates, and make despatch: these were some particulars of your merits to recommend you to these assassins, these murderers.

Thou vile wretch! how much does thy ingratitude enhance your guilt! and your hypocritical, canting behaviour upon your trial, your protestations of innocence, your dissimulation before God and man, will be no small article against you at the day of judgment, for ye have all souls to be saved or to be damned; your spirits are immortal, that is to say, they will live forever, be either eternally happy or eternally miserable in the other world; and be not deceived, God will not be mocked, he will not be baffled withal, he knows all your thoughts, and sees all your actions, and will reward every one according to their works; those that have done good shall go into everlasting rest and happiness, that is to say, into life eternal; and they that have done evil, and die hardy and impenitent, shall be thrown into the infernal lake of fire and brimstone, together with the devil and his accursed spirits, where the worm never dieth, that is, the biting, gnawing worm of conscience will forever be upbraiding you, and the fire will never be quenched, but in this torment you must remain under the most bitter weeping, wailing and gnashing of teeth, time without end.

If you would not have this your portion, then let us tell you and admonish you in compassion to your wretched miserable souls, immediately to confess your guilt, your horrid sins, before God and man, and discover your accomplices, that you may prevent all further mischief which may otherwise happen from this your hellish conspiracy; sincerely and heartily bewail your heinous and crying sins, and entreat forgiveness of God Almighty; for upon these considerations only, can you entertain any rational or well grounded hope of being received into the arms of his mercy.

And now what is the end of all these your most wicked, detestable and horrible devices? why, you have succeeded so far

as to put part of your accursed scheme in execution; you have burnt down and consumed the king's house and buildings in the fort; the house of Van Zant, and have made attempts to burn several others, which God Almighty in mercy and his wonderful and gracious good providence has prevented, by suffering the flames to be timely extinguished; the villainies of these diabolical confederates have been detected, many of them have already met with their deserts, and are gone to their long homes, whither you are in a few hours to follow them, for you are now also delivered into the hands of our laws, and in this world you must have justice, and you are left to the mercy of God in the next.

What has already been said, is applicable, most of it, to every one of you.

And in as a particular manner, Quash, may you be upbraided with the like reproaches for your ingratitude, for as we have been informed, you have likewise had a very indulgent master, who has put great trust and confidence in you, it may be presumed from your having better sense than the rest of his negroes: how vilely then have you abused his indulgence! in return for kindnesses, you wretches would imbrue your hauds in the blood of your masters and their families; you that would destroy without mercy, with what face can you expect mercy at the hands of God, unless you acknowledge every one his guilt and bewail it with hearty sorrow and sincere tears of repentance, and beseech his forgiveness, laying open the whole wicked scheme, and discovering your several confederates and accomplices, all the parties concerned, so that an effectual stop may be put to all further mischief: upon these conditions only can you expect mercy at the hands of God Almighty.

As to you two Catoes, and you Fortune.

You appear indeed to have been inferior agents, but your hearts as corrupt and ripe for mischief as any of the rest; you have all alike taken that hellish, execrable oath, and equally bound yourselves in that villainous engagement, not only to burn and consume your master's substance, but to murder and destroy their persons and families; you were as willing and ready as the ablest of them to act your parts in this bloody scheme.

It is a very irksome task to pronounce that sentence which the law requires of us, for we delight not in any man's blood; but the law adjudges you unfit to live.

Therefore the sentence against you, is

That you, each and every of you, be carried from hence to the place from whence you came, from thence to the place of execution, where you Ben and Quash, are to be each of you chained to a stake and burnt to death.

And you Cato (Mr. Provost's) you Cato (Mr. Cowley's) and you Fortune, are each and every of you to be hanged by the neck until you be severally dead.

And the Lord of his infinite mercy, have compassion upon your poor wretched souls.

Ordered, that the execution of Cowley's Cato, Fortune and Cato alias Toby, be on the morrow the 16th instant, between the hours of nine and one of the same day : and

That the execution of Ben and Quash be on the morrow the 16th instant, between the hours of three and seven o'clock of the afternoon of the same day.

The King against De Lancey's Antonio, Mesnard's Antonio, Sarly's Juan alias Wan, Becker's Pablo alias Powlus, M'Mullen's Augustine, slaves.

This being the day appointed for the trial of these prisoners as slaves upon an indictment for the conspiracy, on which they were arraigned on Saturday last, they were brought to the bar in order to proceed thereon : but they complained (as it is supposed they were advised) that they had great injustice done them by being sold here as slaves, for that, as they pretended, they were free men in their own country, and gave in their several surnames.

The indictment was grounded upon an act of the assembly⁽ⁱ⁾ which enumerated several offences ; and conspiracies amongst the rest, and made one slave evidence against another, so that this fetch might probably be calculated to take off the negro evidence : the prisoners all protested they could not speak English, and as Mary Burton was the only white evidence against them, and should it be credited that they could speak only in a tongue which she did not understand, how could she tell what passed between them in conversation at Hughson's ? Thus their advisers might think they would stand the best chance for the jury to acquit them.

The court deferred their trial till Wednesday the 17th instant.

Court adjourned until to-morrow morning 10 o'clock.

(i) 4th Geo. II. For the more effectually preventing and punishing the conspiracy and insurrection of negro and other slaves, &c. before mentioned on trial of Quack and Cuffee, 29th May.

Examination of Fortune (Latham's negro) before the grand jury.—He said,

That about five months ago being at Comfort's on a holiday, he met there Comfort's Jack and Cook, and Furman's Harry, and Comfort's old negro woman; that Jack and Cook went out of the house and left him with Harry, who asked him if he would not be concerned with them in helping them to kill the white people? which was all that passed at that time; and he never had any other meeting with them afterwards, nor did any of them ever after talk with him on that subject; and that this is all he knew of the plot.

Evidence affecting this negro.

Tickle's examination and confession, § 4. 12th June.

SUPREME COURT.

TUESDAY, JUNE 16.

Present, the second and third justices.

The King against Marschalk's York and London, Kip's Harry, B. Moore's Tom, Shurmur's Cato, Groesbeck's Mink, negroes.

The prisoners being put to the bar, were arraigned on an indictment for the conspiracy, &c. and York, London, Harry and Cato pleaded *not guilty*; and Tom and Mink pleaded *guilty*, and submitted themselves to the mercy of the court.

Court adjourned till to-morrow morning nine o'clock.

This day the negroes Cowley's Cato, Vanderspeigle's Fortune, Cato alias Toby, Ben and Quash, were executed according to their respective sentences.

SUPREME COURT.

WEDNESDAY, JUNE 17.

Present the second and third justices.

The King against De Lancey's Antonio, Mesnard's Antonio, Becker's Pablo, Sarly's Juan alias Wan, M'Mullen's Augustine, Spanish negroes.

The prisoners being set to the bar, were arraigned upon a second indictment, for counselling and advising the negro Quack, to burn the fort, &c. by the names of Antonio de St. Bendito, Antonio de la Cruz, Pablo Ventura Angel, Juan de la Sylva, Augustine Gutierrez; whereto they severally pleaded, *not guilty, &c.*

Then the court proceeded upon their trials on both indictments.

Jury called, and the following jurors sworn, viz. John Bell, Robert Provost, Charles Jandyne, Andrew Jereau, John Dyer, Evert Byvank, Tobias Stoutenburgh, Cornelius Bogart, Stenwick Deriemer, George Burnet, Charles Beekman, jun. Samuel Dunscomb.

Of council for the king, Joseph Murray, James Alexander, John Chambers, esquires.

Mr. Chambers opened the indictment.

Mr. Gomez sworn interpreter.

Witnesses for the king called.

Mary Burton sworn. She said that she had seen many meetings of the negroes at Hughson's, and especially about new-year, and that it was the common talk among them and the Hughson's, that they would burn the town and murder the people, that Hughson swore the negroes to be true to him, and to each other, and not to discover; that they were to burn the fort, then the fly, and murder the people: that Hughson said they would burn Lush's house, and tie Lush to a beam and roast him like a piece of beef: that there were several great meetings there, and that she had seen Anthony (De Lancey's) often there at nights, that he was there when they talked about fires, and some of them said, the Spaniards could fight well; that she thought the said Anthony was there about new-year, but was sure she saw him there often in March, and that he often spoke to her in English, and that she heard him say, while the York negroes killed one, the Spaniards could kill twenty: that he used to come upon the shingles and get into Peggy's window: that she had seen all the prisoners at Hughson's, when they were talking about the plot, and they were consenting.

Sawney said he knew Mr. De Lancey's Antonio, and heard him say, with five other Spaniards, pointing to Captain Lush's house, d—n that son of a b—h, if he did not carry them to their own country, they would ruin the city and play the d—l with him; that they spoke English, and this happened near Captain Lush's house; and Captain Sarly's negro (Juan) said, he would first burn Captain Lush's house, and then his master's;

that one of them rolled something black in his hands, and broke it and gave to the rest, which was to be thrown on the houses, to set fire to the shingles in several places; that the brewer's negro (Pablo) was also there; that this was the first time he heard any thing about the plot; that one Sunday, going for tea water, he saw Mr. Philipse's Cuff at his master's storehouse, and he swore that if he was hanged or burnt, he would fire the storehouse; that he then went to Comfort's, where there were many negroes, and six Spanish negroes, amongst them M^cMullen's Augustine and Mesnard's Antonio; that they made him (the witness) drink rum, and they whetted their knives and said they were sharp, and would cut the white men's heads off; and they agreed to burn the fort and their master's houses, to kill their masters and take the white women for wives, and they swore upon the thunder to be true to each other; that this was on a Sunday evening, about a fortnight before the fort was burnt; that what he heard near Lush's was about the middle of last summer; that he heard M^cMullen's Augustine and Wilkins' Fortune agree each of them to burn his master's house, which was near Mr. Smith's, the tavern keeper, before the fort was burnt.

Mr. George Joseph Moore, called and sworn. He proved the confessions of Quack and Cuffee at the stake.

He said, that they declared the Spanish negroes were most of them concerned in the plot; that they did not name any names but referred to Sawny, who, they said, could name them all.

Jack (Comfort's negro) said, that after new-year there was a great company of negroes at Hughson's on a Sunday evening; that he went with captain Marshall's Ben thither, and he supped there, and all the prisoners were present, which was in February; that all present agreed to burn the town, and they were all sworn.—That ten days before the fort was burnt, they had a meeting at his master's (Comfort's) and there they all swore to burn the town, and kill the people; that they were first to begin at Mr. De Lancey's and so to go to the fort; that they sharpened their knives, and he let nine have knives that had none; that he bought the knives of Pablo for half a crown; that there was only two Spaniards there, to wit, Antonio (Mr. De Lancey's) and Pablo (Becker's) and that Mr. De Lancey's negro said, he had stuff to throw on the houses to make them get fire, which Hughson had talked about before: that they were to stay a month and a half for the Spaniards, and if they did not come, to begin themselves.

Ticklepitcher said, that about three weeks after new-year, he saw all the prisoners at Hughson's on a Sunday evening with one Spanish negro more ; and Mr. De Lancey's negro (Antonio) had something black, which he said was to throw on houses to set them on fire ; and he cut it in pieces and gave to several of the negroes : that he (the witness) did not then stay at Hughson's, so did not hear what they talked of. That afterwards there was a great meeting of the negroes at Comfort's, and he saw Juan and Augustine there ; and it was agreed by those present to set the town on fire, and kill the white people ; and there they sharpened their knives : that Mr. Niblet's Sawney was also there, and Burk's Sarah, who told him that they were making a plot to kill the white people, burn the houses, and to steal the money and goods and go off ; there were two rooms full of them, some were in the kitchen and some in the shop.

Bastian said, he knew all the prisoners, and had known them ever since the meeting at Hughson's, which was a little after new year, where the prisoners all were ; that it was on a Sunday afternoon that Cæsar and Hughson took him aside, and Cæsar asked him if he would do as they did ; which was to endeavour to be their own masters ; that upon his refusing, Cæsar put a pistol to his breast and threatened him, and then he consented : that then they went in the room to the rest of the negroes, where it was agreed to burn the fort first, then by Mr. De Lancey's, then in the fly, and each to set fire to their own master's houses, and they were to murder the white people : That this meeting was three or four weeks before the fort was burnt : that Quack was pitched upon to set fire to the fort : that they were to wait a month and a half for the French and Spaniards, and if they did not come they were to begin themselves. That Hughson put his name on a paper, when he consented : that afterwards they had a meeting at Comfort's where they ground some clasp knives. That Sawney came there, and Comfort's Jack called him in and gave him a dram, and at last, after threatening him, Sawney agreed to be concerned in the plot : that the prisoners Antonio, De Lancey's, and Pablo, Becker's Spanish negro were then there, and consented : that at Comfort's some were in the kitchen, some in the shop : that Mr. De Lancey's negro Antonio had something black in his hand, which he cut and gave to other negroes to throw on houses to set them on fire : that Hughson proposed burning the fort before any thing else ; because at a former rising, the white people run into the fort ; he said if that was set on fire it would blow up the powder, &c.

Richard Nichols, esquire, deputy register of the admiralty, sworn.

He said, that the nineteen negroes and mulattoes, taken and brought in by captain Lush, were libelled in the court of admiralty, as Spanish slaves, and condemned as such in May, 1740; and Pablo, Becker's, was condemned as a slave taken by captain Kierstead.

John Cruger, esquire, vendue-master.—He said, that he afterwards sold Antonio, De Lancey's; Antonio, Mesnard's; and Juan, Sarly's, at vendue.

Captain John Lush sworn.—He said, that Juan, Sarly's, could speak English, and Antonio, De Lancey's, could speak a little, so as to be understood.

William Douglass, sworn.

He said he was taken in captain Hinman's vessel with Mr. De Lancey's Antonio's brother; that they were carried into the Havanna, and that a gentleman there bought Antonio's brother as a slave, and said he knew him and his family at Carthagena, and that they were slaves.

Mr. Benson, partner with Mr. Becker, Pablo's master, sworn.

Being asked whether he had any such clasp knives as Jack (Comfort's) had described, and said he had bought of Pablo? he answered, that he had had a parcel of clasp knives, but whether he had sold them, or whether he had them still, he could not say; but that he would go home and see, if the court pleased; and he going accordingly and being returned, said that upon search he found that he had none of those knives left but one; that his wife told him that they had brought but three of them when they came to Becker's. He said that Pablo talked very broken English, but he could make a shift to understand him.

Witnesses for the prisoner Antonio (De Lancey's).—Mr. Peter De Lancey, merchant, said that his negro went to his farm in the country last fall, and did not return till two days after the fire at the fort; that he was not there all the while himself, but was frequently there, and saw him lame, his feet being frozen, and he did not think he could have been in town in that time.

Abraham Peltreau said that Mr. De Lancey's negro went up with him to the farm before Christmas, and came down with him after the fort was burnt, and that his feet were frozen after the first great snow, and does not know that he was in town all the winter; that his feet were well some time before he came down.

Witnesses for Antonio (Mesnard's).—Dr. Depuy, senior, said that Antonio (Mesnard's) feet were frozen, and that he dressed them during December and January last.

Dr. Depuy, junior, said that the latter end of November and December last, this negro was ill, and he saw his toes in December, and then they were bad, so that he could not walk, but he did not know whether he was able to walk in February or not: that he [Antonio] came to his father's house the beginning or middle of March, the time he could not exactly say, but it was before the fire at the fort.

Gilbert Budd said that he dressed this negro from the middle of November to the 5th or 6th of March last; that he thinks Mrs. Mesnard told him that he came down stairs about the latter end of February, when his feet grew bad again, for they had been better before.

Francis Dupuy said he thought the negro was not able to walk in February, but believed he came to his father's house to be dressed while Mr. Budd was in Philadelphia, which was between the 6th and 11th of March. That this negro spoke to him in broken English.

Mrs. Mesnard, this negro's mistress, said he was not down stairs from November till the 17th of March, and she believed it was not possible for him to be abroad at that time.

Witness for Juan.—Captain Jacob Sarly, his master, said that when the fire was at Mr. Thomas's, Juan, his negro, first discovered it to his wife, as she told him, and that he never had a more faithful servant, and when he was home, the negro could not be out after nine at night. That one Don Juan told him by an interpreter, that he heard that his negro was free. Further, that he was not always at home himself, but he did not believe his negro had been out.

Witness for Pablo.—Frederick Becker, Pablo's master, said that his negro was brought into this country by captain Boyd, in January last, and was sick in his house till some time in March.

Witnesses for Augustine.—M^cMullen, his master, said that his negro was sick all the winter, and did not know that he was abroad all the winter. In February he had an ague, as the Doctor said, that he kept his bed most of the time, but not constant but about a week: that he always behaved very well, and captain Warren gave him a very good character: that he was brought by capt. Warren into this country, who offered to sell him to him for 70*l*. but they did not agree.

William Quinland said he lived at Mr. M^cMullen's, and that this negro behaved very well; that he did not know that he had been out all the winter till Easter.

Thomas Palmer said to the same purpose.

The prisoners, upon their defence, denied all in general that was alleged against them, and made great protestations of their innocence, and most of them pretended to have been sick or lame, so that they were incapable of going abroad from new-year to the time of the fire at the fort, [the eighteenth of March] neither could they speak English.

Antonio (De Lancey's) said in particular, that his master and the overseer could prove that he had been lame, and was in the country all the winter, and that his master had him to town a little after the fort burnt, and that he had not kept company with any negroes since he came to the country.

Augustine said he had been sick ever since he came here ; that he knew no negroes ; kept no company but M'Mullen's apprentices.

Pablo or Powlus, said that he kept no company with negroes since he came here ; he had not been used to keep company with negroes [or slaves] in his own country.

Juan or Wan spoke much to the same purpose ; he did not use to keep company with negroes [or slaves.]

Antonio (Mesnard's) was sick and lame, &c.

Act of assembly read, 4th Geo. II. for the more effectual preventing and punishing the conspiracy and insurrection of negroes, &c.

Act of parliament read, 4th and 5th Ph. and Mary, ch. 4.

Mr. Chambers summed up the evidence against Antonio (De Lancey's) Antonio (Mesnard's) and Pablo.

Mr. Murray summed up against Augustine and Juan.

The the court charged the jury as followeth.

Gentlemen of the jury,

The prisoners at the bar stand charged upon two several indictments, for conspiring to burn and destroy this city, and murder the inhabitants.

The one indictment is grounded upon an act of assembly of this province, supposing them to be slaves, by which act the testimony of one negro slave shall be legal evidence against another.

But it has been made a question, whether these prisoners, now before us, are slaves or not ; and the prisoners themselves pretend to be free subjects of the king of Spain, with whom we are now at war, from whom they have been taken and made prize, and have been condemned and adjudged as such in the court of admiralty here, without any plea being offered there, or so much as any claim or pretence of the prisoners being entitled to any privilege, as being free subjects of Spain ; and surely there never

could have been a more proper time and season for them to have set up such pretence, as when their case was depending before the court of admiralty, where they should have offered it by way of plea; especially considering, that by their neglect of that opportunity, they must well know the consequence would be, their being adjudged as part of the goods and chattels of the subjects of Spain, would be condemned as lawful prize, and would also be sold as slaves; but if this pretence had been offered there, (as it was not) and they could not have proved the truth of the plea, it would not have availed them, but they must have been adjudged to be slaves.

But they have made that pretence in this court, and what has been offered in support of it? Why, there has been several witnesses that have spoke to the point; and what is the amount of their testimony? Why, it is no more than the hearsay of an hearsay of a person, who imagined or believed, that they or most of the Spanish negroes taken by Capt. Lush, were freemen; but which of them were, or were not, he could not say, nor does it appear that the prisoners at the bar, or any of them, are such of Capt. Lush's prize-prisoners, as that the said Spanish gentleman imagined were free; for it was no more than his imagination, as to any of them being such.

You have heard the adjudication and decree of the court of admiralty read, by which it appears, they were condemned as prize, and that they were sold as slaves, has been proved by the vendue-master; therefore for what appears now before the court, it should seem that they really are slaves; and as nothing appears; no sufficient or proper evidence appears to the contrary, then if you take them upon these considerations, to be slaves, all the negro evidence which has been given upon this trial against them, is legal evidence, and so you are to consider of that testimony, and let it have its full force; and if you should have sufficient reasons in your own consciences to discredit them, and that notwithstanding the weight of that evidence, you can think them, or any of them, not guilty, you will then say so and acquit them, or such of them as you think innocent as to the charge of this indictment, upon the act of assembly.

Gentlemen, the prisoners having started this pretence, of being free subjects of the king of Spain, in case it should have happened upon this trial, as we think it has not, that there should be sufficient evidence to shew that the prisoners were freemen, if we could take them to be such, is it fit that persons guilty of so atrocious and enormous-crimes (let them be free or bond) such execrable villains should miss of their deserved punishment and

escape the justice of the law? surely that would be very unbecoming, that such wickedness should be suffered with impunity in any well regulated government or society: therefore be they freemen, or be they slaves, the main question before you is, whether they, or any, or which of them are guilty of the charge against them, in the second indictment, of conspiring with other slaves and persons to burn the house in the fort, to burn the town and murder and destroy the people.

To prove the charge in this indictment, there was the testimony of Mary Burton: I must observe to you, that her testimony, as to the charge in this indictment, is single, there is no other witness; but nevertheless gentlemen, one witness is sufficient, and if you give credit to her testimony, you will no doubt discharge a good conscience, and find them guilty; if you should have sufficient reason in your own minds to discredit her testimony, if you can think so, you must then acquit them: the prisoners seem all to be equally involved by her testimony, in this unparalleled and hellish conspiracy, and there is no room to make any difference between them; therefore you will either acquit them all, or find them all guilty.

Then the jury withdrew, and in about half an hour returned, and found them all guilty.

The king against Sarah Hughson, and Jamaica, a negro.

The judges having advised with his honour the lieutenant governor, ordered, the execution of Sarah Hughson and Jamaica, be further respited until next Friday seven-night; though with respect to Sarah this was a mere act of mercy, for she yet remained inflexible.

Court adjourned to Friday, the 19th instant, 10 o'clock in the morning.

THURSDAY, JUNE 18.

Confession of Mink, negro of John Groesbeck, before the grand jury.—He said,

That in the winter Hughson met him in the woods, and carried him to his house, and gave him drink and asked him to join in the conspiracy, and he consented and was sworn by Hughson on a book, that thunder and lightning might strike him dead if he did not comply, &c.

He said he was there in all three times, and named a few [negroes] who were executed [that were there] but none else.

Evidence affecting this negro.

Sarah (Burk's negro wench) examination, No. 2. 1st June, Tickle's examination, § 4. 12th June. York (Marschalk's) examination, § 6. 20th June.

Confession of Tom, Ben. Moore's negro, before the grand jury.—He said,

1. That Cuffee, Philipse's, was the first man that engaged him in the conspiracy, that he went with him to Hughson's where he treated him with punch; this was about the beginning of the winter, when the cold weather was coming in, on a Saturday, and the first time of his being at Hughson's house; at which time nothing was said or done remarkable.

That about a week after he went there again on a Sunday, with the said Cuffee, Auboyneau's Prince, and Vaarck's Cæsar, that soon after they got to Hughson's, Cæsar and Cuffee went out of the house, and Prince asked him (Tom) if he would be concerned with them in what they were going about to do? on which he asked what that was? to which Prince replied that he should know it when Cæsar and Cuffee returned.

3. That soon after Cuffee and Cæsar came in, and then the same question was asked him again; to which he answered as before, by asking of them what they were going about? Cuffee then replied that they were going to burn houses, that he (Cuffee) would burn his master's house, where there was money enough, that he (Tom) should have a share of it.

4. That he refused to be concerned with them, saying that he durst not do it, for the white people would play the devil with them; but Cuffee answered that he needed not fear that, for that he had got people enough to stand by them; and then he (Tom) told them he would consider on it, and then they broke up; this being the second meeting at Hughson's; at which neither Hughson nor any other person was present.

5. That about four or five days after, he met Cæsar in the street, who told him that if he would go down yonder (meaning to Hughson's) he would come to him, that he went down, and soon after Cæsar came to him, and called for some punch, that when they had drank, Cæsar asked him if he would be concerned with them in what they were going to do; that he answered he would not, for he did not like it: Cæsar took the punch and drank to him again, and when that tankard was out, he called for another, and drank to him again, and then asked him why he refused to be concerned with them, telling him that at their last meeting he said he would consider of it; on which he (Tom) being heated with liquor, said he would join with them, and

then Hughson was called on, who came with a book and swore him ; the purport of the oath being to be secret and true to one another.

6. That the next day after, he went to Hughson's in the evening himself ; but finding none of the rest there, he returned speedily, and to the best of his remembrance this was the last time that he went there.

7. That some days after he met Cuffee in the street, who asked him when he would go down again to Hughson's? that he answered him he would go there no more, that he was sorry for what he had done, for what they were going about was a very great sin ; that Cuffee then called him a fool, and told him that if he thought it a wrong thing, or a sin, there was a man that he knew that could forgive him ; that while they were speaking Cæsar came to them, and then Cuffee told him, that he (Tom) was going to leave them, on which Cæsar cursed him, and said if he did, or spoke a word of what had passed among them, he had a pocket pistol and would be the death of him ; but Cæsar as well as Cuffee told him that if he was in any pain about what they were going to do, as a sin, there was an old man in town who they knew, that could forgive them.

That some time after, Cæsar came to him on Bayard's wharf, and threatened to throw him into the river if he fell off from them, or informed any body what they were going to do ; that he (Tom) was afraid, and told him that he would be true to them, and so they parted ; and that ever after that he shunned them, and never was at any time in company with them, neither at public or private meetings.

9. That one Sunday he had a mind to disclose this design and conspiracy to Mr. Ogilvie, and went to him for that purpose ; that he told him, that he had something to tell him, which was a very great sin and would surprize him ; but Ogilvie answered that he was going to church, and bid him come when church was out and he would hear him ; that he did not go to Mr. Ogilvie after church was out, nor did he ever say any thing to him about it.

Evidence affecting this negro.

Sandy's examination, No. 3. § 8. 1st June. York (Marschalk's) examination, § 6. 20th June. Pompey (De Lancey's) examination, § 5. 22d June.