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EQUALITY OF RIGHTS IS NATURE'S PLAN—AND FOLLOWING NATURE IS THE MARCH OF MAN.—BARLOW.

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PIRACY AND MURDER.

The peculiar circumstances connected with the case of the brig Crawford, which will be developed in the sequel, induced Chief Justice Marshall to hold a special term of the Federal Court for the Fish Circuit and Eastern District of Virginia, for the trial of the three Spaniards. The Court was held on the 9th inst.; the most material witnesses not being present it was adjourned from day to day, until their arrival from New York. After they had arrived, four indictments, one for Piracy, and three for Murder, were sent to the Grand Jury, who, after an examination into the testimony, returned "a true bill," as to each. The three prisoners, viz. Pepe, otherwise called Jose Hilario Casares, Courto, otherwise called Joseph Mirando, and Felix, otherwise Felix Barbato, were all charged in the first indictment with Piracy, and in each of the others, with the murder of some one of the persons who were slaughtered by them. The Court was adjourned until the 16th, to give the prisoners time to prepare their defence. The prisoners having been arraigned, pleaded not guilty to all the indictments. Mr. Stanard, District Attorney for the United States, conducted the prosecution. The Court assigned Mr. Leigh, in addition to Mr. Schmidt, who appeared as Counsel for the arraigned.

Mr. Schmidt moved for a postponement of the trial, on the ground that there existed great excitement against the prisoners, and that time was desired to obtain evidence to prove that the representations of one of the witnesses before the committing Magistrate, as to occurrences at Matanzas, are not strictly correct—and that the prisoners occupy such a station in society as to make it improbable that they would be guilty of the offences charged. The Court overruled the motion.

In compitance with a wish expressed by the prisoners they were tried separately; and consequently the testimony being the same in each case, was repeated by the witnesses on the three several trials. One of the material witnesses being unable to speak the English language and the prisoners understanding only the Spanish, Mr. Adolphus Crozet acted as interpreter, on the two first, and Dr. Lemoyne, on the last trial.

In each case Mr. Stanard stated, at some length, the facts and circumstances he expected to be disclosed by the testimony; he was followed by Mr. Leigh, who explained the duties which had devolved upon himself and associate by the assignment of the Court.

Edmund Dobson, the first witness called, was the MATE of the brig Crawford. From his testimony we collected the following facts, which we give, without pursuing the order of his narrative, or extending the statement by pursuing the cross examinations that were had: The brig Crawford was built at Troy, & registered last at Providence, from which port she sailed about the 6th of April, for Matanzas, in the Island of Cuba.—Captain Henry Brightman, master, himself mate, and Joseph Dolliver, Oliver Potter, Asa Bicknel, Nathaniel P. Dean, and Stephen Gibbs (colored cook,) mariners. After discharging their cargo at Matanzas, the Captain told him he expected to have some passengers, who were foreigners. About a week before they sailed, Alexander Tardy came on board and staid all night, but returned to shore the next day. But while taking on board their homeward cargo, Tardy remained on board several days.—He thinks it was about three days before they sailed the prisoners Felix and Courto came on board, bringing a small iron-bound box, said to contain money.—The witness was ordered to put it under the Captain's birth, in a locker, which he accordingly did, in the presence of Felix, who seemed satisfied with their disposition of it. From that time till the vessel sailed Felix remained on board, during which time much of the cargo was taken in. In the course of the testimony the history of this box seemed to have an important bearing on the trials, and the witness was cross examined respecting it. He said he never saw or new any thing of it afterwards; and did not think that it could possibly have been brought from below, put on board the boat, and sent ashore, without Felix or himself knowing it. He had understood from the cook, who was a black man, that it had been removed.—And by consent, this hearsay testimony was permitted to be related—and the witness said, he was told by the cook that Felix had caused the box to be removed to a locker under the cupboard, and afterwards to Felix's heard the Spaniards talking about him;

own apartment—and that this occurred before they left the bay of Matanzas.—Pepe came on board the day before sailing. The passengers being all on board the vessel was moved out a little from among the other shipping, where she remained until her papers were obtained and there was no longer any cause of delay. She sailed on the 28th May.

Nothing remarkable occurred until the morning of the 1st of June they breakfasted about 8 o'clock. Tardy seemed to be somewhat officious on the occasion. He helped the witness to some fried eggs and ham and a bowl of chocolate. Witness spilt some of the chocolate; Tardy insisted upon it, and actually replenished the bowl. After breakfast he retired to the state room to get some rest, having been up all night. He soon felt very giddy in the head and sick at the stomach. The Captain soon came down, and when he ascertained his situation, invited Tardy, who professed to be a Doctor to come down and see him. T. did so; said he was bilious and proposed an emetic. Mr. Robinson, the supercargo, advised him to have nothing to do with his medicine, and he determined to defer it until the next morning. He came on deck and laid down on a mattress, where he remained all day quite sick, vomiting occasionally. In the evening Robinson told him that he had no doubt but that Tardy had given them all poison; and that for the future they must eat nothing but what was served by their own cook; that Courto had come on board in the capacity of a servant, and that he must be made to cook for the Spaniards. The witness had no suspicion at that time of being poisoned, as the cook had not told him of Tardy's agency in cooking the breakfast. In the evening about 8 o'clock, he went into the cabin, and found the Captain quite unwell with the asthma and cough; who invited him to sleep along side of him, and said that Robinson would stay in the same cabin with them. As the weather was warm and he felt some solicitude about the vessel, he declined and came on deck where he lay about 4 hours, or until about 12 o'clock, when Dolliver, one of the seamen, came to the relief of the man at the helm.—There was no moon and the night a clear star-light night. He gave D. orders to apprise him of any change in the weather, and then slept, he thinks until between 1 and 2 o'clock, when he was suddenly awoken by a noise, the cause of which he did not understand. He ran forward, and as soon as he got a little beyond the windlass, he saw a man standing with a knife in his hand, by whom he was severely stabbed in the shoulder, (the witness' arm was still in a sling.) In a state of great excitement and alarm, he ran across the vessel where he found Potter, a sailor, standing in a reclined position, who said he was stabbed, and asked if they could get no assistance? The witness seized a handspike from the long boat and attempted to get into the main rigging. He found Dolliver and Potter had both ascended before him, and the blood from their wounds was streaming down like rain over him and the rigging. He saw a man about this time leaning against the railing who in a short time fell as he believed dead.—He thought it was the captain and spoke to him, but got no answer; he had since understood it was not the captain. Whilst in this situation Potter fainted, and the witness and Dolliver prevented him from falling. Dolliver then told him that Tardy came to the helm, looked into the binnacle and about, but excited no suspicion in his mind; then suddenly cut him very badly in the throat, and took the helm from him.—Whilst at the mast head witness heard Robinson and Nathan overboard and in the water. He knew them by their voices. They were in great distress and implored to be permitted to come on board; but the Spaniards said no, no, no. Robinson kept rather off, but Nathan came near the vessel and inquired that a barrel, a plank or an oar might be thrown overboard to him, that he might prolong his existence in that way for a little while, under the desperate hope of succour from some vessel that possibly might pass him. But his entreaties did not in the least move the hearts of the Spaniards. They refused and even attempted to plunge a harpoon or some such instrument into him, and to strike him with an oar.—Finding his supplications so inhumanly received, he sought and remained with Robinson, until they were both exhausted and sunk to rise no more. The witness also heard two bodies thrown overboard. He next heard the Spaniards talking about him;

& Tardy soon asked if he was above and was wounded & told him to come down. He refused to do so—saying if he did they would kill him, and preferred staying where he was and dying with his shipmates. Tardy told him the Spaniards said they would not hurt him, and that if he would come down he would give him his word of honor he should be safe. One of his shipmates begged him for God's sake not to go down to be butchered; he, however, did so, upon Tardy's assurances. After getting on deck, Tardy and the three Spaniards came around him. Tardy questioned him about the box of money; and said that the Captain, before they sailed from Matanzas, had sent the money on shore, and that the Spaniards had determined not to come to the United States and have a suit about it, but to seize upon the vessel, and do themselves justice. He agreed that he would assist them in navigating the vessel. At his request he was then laid down by them, and Tardy ordered up the medicine chest to dress his wound, but the Spaniards, as he understood them, said no, no, time enough yet. Tardy having ascertained from him who else were afloat ordered them to come down, one at a time. After a while Dolliver came down. Tardy stood at the helm, and the Spaniards went round Dolliver, and after some conversation among them, he saw Courto stab Dolliver; Pepe then ran upon him, and striking him in the breast, he fell overboard. He heard Dolliver call to Potter from the water and tell him not to come down, for if he did, the barbarous wretches would kill him. Some short time after, he heard Potter tumble from the mast-head and fall overboard without a groan.

After day-light, Pepe and Courto loaded two muskets, went forward and called up a man (Bicknel) from the forecastle, who had no shirt on, and seemed to be wounded, having something like a handkerchief tied around his breast. While Bicknel was sitting on the rail, one of them fired a musket at him, and he fell overboard. The other then fired, and the witness thought hit him, for he heard him groan heavily. They then called down the cook, who had hid himself, and was until then unperceived in another part of the rigging, ordered him to go to work cooking breakfast, which he promptly obeyed. The witness saw a knife lashed to a staff, two of the Spaniards were without shirts and besmeared with blood, with their bloody knives sticking in girdles about their waists. There was a bottle of spirits sitting not far from where he was, to which the Spaniards went and drank. Tardy observing that the witness was almost overpowered by the horrid butchery he had witnessed, and the appalling sight of the blood thirsty monsters, then exulting in the success of their more than savage cruelties, attempted to allay his fears, by telling him that these Spaniards had been drinking all night and were not yet drunk, and notwithstanding what had happened and the appearance of their knives, they would not hurt him; and he (Tardy) pledged himself again to that effect. The pirates then went to work in destroying all the papers belonging to the vessel, which were thrown into the sea.—The leaves of the bibles belonging to some of the men were torn out, and also thrown overboard, as were the sea clothing of the sailors. During this destruction of these evidences of the character of the vessel, Tardy and the Spaniards kept up a constant buzzing, extorting and bragging of their exploit.

The vessel was all a gore of blood; her deck, masts, spars, sails, &c. The cook was made to take buckets of water and wash it away; where it could not be gotten off the sails, &c. he was made to paint them over so as to hide it. Pepe, after one of the other Spaniards had fixed the rope, hauled up the dead body of the Irish passenger from below, which was thrown overboard. The command of the vessel was assumed by Tardy, who knew very little of navigation; the Spaniards knowing nothing about it, not being able even to splice a rope.—The services of the witness were therefore necessary to them. From what he had seen of the men, in whose power he was, he was prepared to execute any order they might give him, even if it had been to throw himself into the deep. He therefore, obeyed them; but with the faintest hope imaginable, of ultimately gaining his freedom or saving his life. During the dreadful scene, the French passenger was near Tardy at the helm, and showed every mark of suffering and sympathy. Tardy told the witness that the Frenchman was a good and intelligent man and would be of some service to them.

Tardy showed the witness a complete set of Spanish papers for the vessel, representing her to belong to the Port of Havana, bound by way of Matanzas to Hamburg in Europe; (These papers were exhibited in Court as part of the evidence, to show that the Piracy was planned, and the mode of executing it arranged before the prisoners left Matanzas. The genuineness of the papers had no bearing on the case; and we have no means of judging that point, for maritime cases are of rare occurrence in our city.) Tardy told the witness he had paid nine doublets for them, and if the government knew he had procured them, the officer who gave them to him would lose his place. He explained his intention to the witness, of going to Hamburg, and conversed with him about the course to steer, the condition of the vessel, her stores, &c. Felix appeared to be next in authority, and also said they were going to Hamburg, and intimated to the witness that he should share equally in the proceeds of the cargo in Hamburg with Tardy and himself. But as to the other Spaniards they were to have only a little, as they were inferior sort of men. This witness was made to understand by signs. They then proceeded to dress his wound, & after the sun became oppressive to him on deck, he was removed into the cabin, on reaching which, he fainted. When he revived he heard a noise, and looking round, observed that Felix was breaking open his chest. He told him where to find the key, which was procured, and the chest opened. His sea clothes were taken out and thrown overboard, some trifling articles of clothing were taken with his pocket book, and a small sum of money. The money was carried to the state room, and put into a common stock composed of the money they got hold of. (The pocket book was found in the possession of Felix, when taken by the officers from Old Point, and was in Court.)

The witness here related the conversation between himself and Tardy as to the improbability of getting to Hamburg without mariners, and with the small stock of provisions they had. It resulted in a determination to make to the nearest port in the United States, and to take in hands and provisions; and they sailed for St. Mary's, which they nearly reached, but owing to contrary winds, they could not make. The wind was favorable to their going to Savannah or Charleston—but Tardy would not consent to go to either port. He had resided at one place and failed there in business, and was known too well in both to venture to either. They then determined to sail to the Chesapeake, and barely call at the first port for men and provisions. The witness here gave a long account of what occurred after they entered the Capes, and before they arrived at Old Point. They were spoken by four different pilots all of whom Tardy refused. The last, however, attempted to go on board, and Tardy was induced by the witness to permit it, to prevent suspicion, as the name of the vessel had been effaced the day after the murder of the crew. But before the pilot boarded, Tardy gave orders to the Spaniards and witnesses how to deport themselves, so as to avoid the possibility of discovery. He conjured the witness not to betray him, he had saved the witness' life and he must be true to him. The witness says he quieted his fears, and was clasped on the breast by Tardy, who declared he was just as him, &c. The other details are unimportant. The vessel being brought to anchor off Old Point Comfort, Tardy announced his intention of going on shore, and promised the witness a good mess of eggs, and fresh meat, for he had been living on salt provisions long enough. The witness said he had no idea of staying on board himself that night, if by any stratagem, he could get ashore. He had seen one or more bundles of iron tied up, and had previously ascertained from Tardy that they were in readiness to subdue the cook when they killed him. The three Spaniards and the cook were sent aloft to reef the sails, and he proposed to Tardy to assist in getting the boat ready, and to bring it alongside for him.

His proposition was consented to with some reluctance, and he got into the boat to take out the plug to let the water that was in her escape, and desired that the French passenger should take one rope and Tardy the other and let the boat down.—This they did. As soon as she touched the water instead of bringing her alongside, he made for the shore with all his strength. He knew there were no loaded arms on board, and that he was safe. Tardy asked him as he

was going off, if he would betray him, he answered no, and hastened to the shore, where he related the sad story to the officers in command and entreated them to go on board immediately, that they might save the lives of the Frenchman and the cook. He had noticed the aversions shown by the Frenchman to the Spaniards from the fatal 1st June, and that he avoided all intercourse with them as much as he could—and the witness felt a deep interest in the preservation of his life.

Mr. Ferdinand Ginouillet, the next witness examined, is a native of the province of Languedoc in France, and has resided as a merchant in Matanzas for seven years.—He is a man of good countenance and deportment, and is unable to speak a word of English. He said he knew nothing of the brig Crawford until he took his passage on board of her. Besides himself there were six passengers and the supercargo—Tardy—the three Spaniards—and two men who spoke English. He did not think he had ever before seen Tardy or the Spaniards to know them. His detail of the circumstances and time of sailing, and of the event of the butchery of the captain and crew, in nearly all the main particulars corresponded exactly, with the testimony of Mr. Dobson. It is unnecessary to recapitulate those parts of this tragical story, that have been already told. This witness saw some things which Mr. Dobson did not, and as he understands Spanish, knew more of the conversations and intentions of the Desperados—but we shall omit those parts of this testimony that have been embraced above. He said he had come on board with the intention of going to New York to attend to some commercial business in that city.—The Spanish passengers told him they had \$17,000 on board, were going to New York to purchase a vessel, and intended to go to the coast of Africa. On the first of June he noticed that the crew were taken sick; the mate (Dobson) being much more so than any of the rest. He did not know the cause, but was told after the massacre by the Spaniards, that the captain wanted to poison every body on board that he might get the money of the passengers. He slept on deck the night of the first of June & about 2 or 3 o'clock he was roused by noise on the deck. He found Tardy at the helm near which he lay.—It was dark, and he could not well distinguish things—but he saw men strung along two or three yards from him, one of them fell. He did not know who they were; Pepe told him afterwards he was killing the captain; but Felix insisted that he had killed the captain.—Very soon he saw a man despatching some one with an axe, and he recognized the voice of Pepe, who afterwards told him it was so. He saw a man coming up from the cabin, and one of the Spaniards stabbed him, and he fell back into the cabin. He recognized him to be the man who spoke English and had a sore on his leg (which was the case, by Mr. Dobson's testimony, with the Irish passenger.)—Felix told him that he had killed him, and that he thought at the time it was Dobson coming up with a gun. At day break the witness saw Dobson and the sailor in the water, and confirmed all that Dobson had said respecting them. When the man was called down from the mast, the Spaniards got around him. Pepe asked the others why they were delaying killing him. Courto replied that he wanted to give him a fatal blow, and not to wound him.—[The only gleam of mercy that appears in this whole scene of savage barbarity.] Pepe then ran on him and he fell overboard. After day break they loaded two guns, called up a man from below who had something tied round his breast as over a wound, and ordered him to jump overboard, which he did; and as he went one of them fired, and as he thinks missed him. The other shot him after he fell in the water. They then hauled up the dead body from the cabin. They examined it, and remarked that the stab given him was the finest they had ever seen in all their lives, it had so completely severed the heart. He heard the man fall from the rigging as described by Dobson. The Spaniards, after the butchery was over, asked Tardy why he had not bought them two knives as he had promised—they said all they had were broken, and if any thing should happen they would have nothing to defend themselves. Tardy promised to buy them the first time he got to land. The clothes of the Spaniards were bloody, and threw them into the sea, as they did most of the clothes of the crew and passengers.—