

authority for changing the primitive immersion for sprinkling and pouring. "The chief points of practice on which changes have taken place in the course of ages are the manner of administering baptism and the eucharist." "The solemn mode of baptism was originally by immersion. The candidates used to descend into fountains, or streams, or rivers, and sink beneath the waters under the pressure of the hands of the sacred minister. In cases of necessity and danger, less solemn modes were used, which from being frequent, at length after the lapse of ages became universal. In like manner the eucharist, having been instituted by our Lord under the forms of bread and wine, was generally administered under both kinds for many ages. Exceptional cases were always admitted, which at length proved so numerous as to supersede altogether the ancient usage. The church claims the right to regulate, at her just discretion, whatever regards the manner of administering the sacraments, while she holds their substance to be inviolable."

D. O. PARKER.

Arbordale, Nov. 4th, 1865.

The "Zero" Case.

MURDER, PIRACY AND MUTINY ON THE HIGH SEAS.

We have had brief notices of this horrible affair, the capture of the crew of the *Zero*, and murder of Capt. C. Benson, but have abstained from giving any of the detailed statements, as they were not generally authenticated. We knew that the public investigation would give a more correct account. The trial commenced on Thursday last, and occupied the court till Saturday night. It has, of course, been one of the most exciting cases in Halifax since the days of the Saladin pirates. It was fully believed that nothing could save one or more of the crew from the extreme penalty of the law.

The testimony rests almost exclusively on the boy Frank Howard Stockwell who gave his evidence in a remarkably clear, straightforward manner. It would almost appear that a well-educated lad of only 15 years of age, although a run away son of a Baptist minister, was thrown in the midst of this terrible tragedy specially for the purpose of bearing witness to the guilt of the prisoners. The remarkable circumstances, too, of both attempts to scuttle the vessel failing would also appear as a most remarkable interposition of Divine Providence for the purpose of bringing the guilty parties to justice, and making their guilt plain and evident to all men. The names of the prisoners were Henry Doucet, (colored), John C. Douglas, mate, and William Lambrecht, a German.

The following are the names of the Jury:—Foreman, Thos. Durney, Henry Hesslein, David Creelman, David McDonald, George Bowes Wyndham T. Heffernan, James Ryan, John Whidden, John Coblenz, George Brown, George Hunt, Roderick Fraser.

Hon. Attorney General and Hon. J. McCully, Q. C., for the prosecution; and W. A. Johnston, Jos. Coombes, R. W. Motton, Jr., W. A. D. Morse, and John S. D. Thompson, Esqrs., counsel for the prisoners.

Hon. Mr. McCully addressed the Jury on Thursday giving an outline of the case to be submitted to them and preparing them for the evidence to be given.

Sergeant Hutt was first examined and gave the particulars of the apprehension of the men, and some statements made by the cook, (colored,) charging the murder on the others. As the testimony of the boy Stockwell is similar in all essential particulars to that of the others, and we have but a limited amount of space, we shall confine our report substantially to that portion of the trial.

He said: he was 15 years of age on the 25th of September last. He belonged to Springfield, Massachusetts, and joined the *Zero* in New York some time last September, bound to Cow Bay for a load of coal. The crew consisted of the Captain, Mr. Douglas, the mate, three Germans, an Englishman, four in all before the mast, and the cook, Henry Doucet. The capt. had formerly an indian man as steward, and the colored man was shipped in his place. The two Germans came aboard at Cow Bay. The captain was a small man, light and thin. He had had a broken leg. Got a cargo of coal on board at Cow Bay.

The three Germans ran away, and the Englishman was discharged on account of being sick. The captain, colored man, the mate, and Mr. Douglas, and myself, were all that was left. The captain returned with two Germans, sailors, William and Charles. The boat was hoisted up about eight o'clock at night. The vessel was ready. As soon as the captain came they put to sea.

On Saturday, the captain called up the two Germans to sign the articles for \$25 per month. They objected, and said that the agreement was for \$25 for the run. The captain said he would

as soon they would sign one as the other. The captain put up the papers, and the Capt. said they would sign on Monday. The men then went to their duty. On Sunday morning at 4 o'clock I came on deck, and was in the captain's watch. The mate was on deck with Charley, and they went below. The captain was on deck, and Mr. Douglas also, as well as Charley, when I came up, just at the break of day. It was calm at the time. Bill came on deck. The captain and I pumped the vessel. I then coiled ropes. The captain went below, and told me it there was a breeze to call him. He remained on deck half an hour. The captain, the mate, the cook, and myself generally slept aft, but that night the cook slept forward. The cook did not come when I first called him. The steward came out when I called him a second time. He went to the galley and made a fire. I was looking on. He asked me to peel some potatoes which I did. He then went towards the cabin. I distinctly saw him go down. The sun was up. I then peeled the potatoes, lit cook's pipe, went aft, and sat by Bill at the wheel. It was dead calm then. The first thing that attracted my notice was a noise like the hissing of a cat proceeding from the cabin. I was sitting near the top of the cabin. I said, Bill, what is that? I then went down to the cabin; the noise continued after I went down. I was on the left hand side. The captain's berth was on the starboard side; the mate's and my own on the port; cook's just aft of the captain's. When I went down, I saw the colored man in the captain's berth—or apparently so; it was a wide berth. He (the cook) was lying with his head out of the berth, and motioned me to come to him; I started to go to him. Then he motioned to me not to come but to go for Bill. I went up to Bill, at the wheel, where he was steering, and told him to go down to the cabin, whilst I would take the wheel. He left and went down. He came up afterwards, wringing his hands and said that the cook had killed the captain. I told him to take the wheel. He did so, and I went forward. I saw the mate's state room door nearly closed. I met the mate coming up; asked him what was the matter. He said he did not know. I went forward, the mate also a little ahead of me, to the fore-castle where the latter entered. I went to the door; saw the mate lying on the cook's chest, smoking his pipe. The two Germans, William and Charles, were standing there. The cook was still in the cabin. The mate was in tears, and told me to run aft and help the cook. I replied, Tell me to go overboard and I will do it, but I will not go there—alluding to the cabin. The mate told Bill to go and help the cook. Bill refused to go. Then he told Charles, who also refused. He spoke to Bill again. Bill was jumping about much agitated, put his hands across his throat, and went aft. He went part of the way and came back; then turned round and went back. I think, I saw the cook standing at the companion-way door. I saw Bill go into the cabin. I went as far as the fore hatch, on the starboard side of the vessel. The mate and Charley remained in the fore-castle. I do not recollect any noise at the time. The next thing I saw was Bill and the cook coming out of the cabin with the captain's body in a blanket—one at each end carrying him—the colored man at the head and Bill at the feet. I could see the captain's face. I don't think the mate and Charley saw them at this time; both were in the fore-castle. From where I was standing I could see fore and aft. I saw the right side of the captain's face all broken; and much blood running over the bedclothes and face. I think he had his clothes on. They brought him to the main deck. The German (Bill) dropped on his knees on the main deck and put his hands across his throat, crying, and as soon as they threw the body overboard Bill felt on his knees again. I fancy the captain groaned on deck, but could not make out what it was. The cook told me next day what the noise was. The captain said when they were throwing him overboard, "don't men, I will go with you anywhere." The cook said he took an iron belaying-pin, went into the cabin, struck the captain two or three times on the right side of his face, got upon him, and held him down. It was some time in the morning or afternoon of that day that I went in to the captain's cabin; but there was no blood there. I did not ask the cook why he did the deed. The vessel was heavily loaded when they threw the captain overboard. I was standing close by when they threw him overboard, about midships. I saw him on the water, part of his face was covered. I could see the wound; his head was towards me, part of his face was under the blanket; he was moving his hands at the time. There was a swell on the water. I think the motion on his hands was his own act. I saw him struggle. I heard loud groans.

The cook and Bill went to the fore-castle. We were all five in the fore-castle. They threw the Captain overboard at about 5 o'clock. The sun was up, it was a clear, calm morning. The mate was crying, also Bill. I was crying too. Charles was trembling, the colored man was half laughing, half crying.

On the previous Friday the captain relieved me at the wheel. The cook came to me and said, "Oh, my fine buck some fine morning you will find that fine Captain of yours missing." The Captain might have overheard this if he had been listening, I did not mention it to the Captain. I forgot all about it. I did not mention it to any of the rest, heard none of them speak about it.

There was blood on the face, hands, bosom, and sleeves of the colored man after he came up out of the cabin; the mate told him he had better wash the blood off his hands, he (the colored man) said "That's nothing" and wiped his hands on his pants, his sleeve was soaked with blood, he had a striped thin shirt; I saw

the belaying pin afterwards, the cook, (colored man) told me to put it in its place, it was bloody, I told the cook to throw it overboard and he did so, I noticed it out of its place in the morning and lying on the fore hatch, there was a wooden pin in its place, the cook brought the iron pin up out of the cabin after the captain was thrown overboard.

They all went out of the fore-castle and went aft on the poop deck, the cook went down and brought up a small hair trunk belonging to the captain, it was locked, he went down and got the key and opened the trunk and handed some papers to the mate. The mate said "We cannot do as we intended to do," he said that the vessel had too many papers, and that they could not get her to Mexico or the West Indies before she would be missed and they would be searching for her, I asked the mate if he was going there. He said that he intended to go to the West Indies and sell the cargo of coal there and get a freight from there to Mexico if he could, and if not to go to Mexico in ballast and sell the vessel there, the mate gave me some of the papers to burn, I examined them, saw there was no private letters and burned them in the galley stove, after I burned the papers I went back to the poop, the cook said, "We don't want any more of this stuff, and with that he went into the cabin himself and the German followed, he (the cook) told me to take the wheel and I did so, I looked through the deck and saw the cook sitting in a chair in front of the Captain's state-room door, on each side of him was clothing, I saw one German standing up, the rest I could not see, Bill came up to me at the wheel, the cook told me to carry water to the cabin, I went down and found a pile of clothes there. The captain's chest was packed into a spare state-room, it had been removed from the Captain's room, the cook gave me some of the Captain's clothing, he said it would be useful to me. I don't think the mate took any. The mate took charge of the chronometer; he said he was going to give it to the magistrate, or somebody ashore. The captain had a gold watch. The cook said the capt. had his watch on him when he went overboard; he said this in reply to the German and myself. He said if he had a couple of decent fellows with him he would have given the capt. a decent burial. (Identifies watch and chain shown him as being the captain's.) The cook said he did not want the Germans to know he had the watch. There was a sextant. The charts were left aboard. Wind sprang up and they ran on towards the land. This was about 4 o'clock. They made up a plan to say that the captain had been knocked overboard. They were all together sitting around the wheel. The plan was to scuttle the vessel and go ashore in the boat, and say that the captain had been knocked over by the jibing of the boom, and that they left her on account of her being leaky and short handed. It was agreed that they should all tell the same story. The colored man told me to be careful, not to say much. If any body spoke to me to tell them to go to the mate. This was in presence of all. A schooner came in sight, and appeared as if coming towards us. We felt scared. After following us for sometime, she ran right in under the land, and we lost sight of her. While she was chasing us, the cook said, point out the name. Bill said it would not be right to point out the name, as the vessel would see that the brig had no name and would overhaul us. The colored man cursed a little, and told Bill to point it out. Bill did it with a long tar brush. The mate was on deck and said nothing about it. The ship was put about and ran into the land again. It came on dark. At last we saw two lighthouses. The wind died away. We got nearly abreast of the lights. They said it was fit time to sink the ship, and go ashore. The mate told me to go to my room and get one of the large-sized augurs. I told him I did not want to go to the cabin, and he sent Charles. Charles brought up the augur and gave it to me. I got into the boat. Charley and the cook were on deck. They tried to chop a hole on the opposite side. They had only one axe between them. The mate and myself were holding the boat to keep her close to the vessel. Bill was boring. The sea kept the vessel working a little. On account of the sea the augur broke. Had not bored more than an inch, before the augur broke. It was rusted and dull. The axe flew off the handle, and they could not chop then. Some dispute arose about leaving her. We pulled off and left her. We had then all sails set, except the royal and stay-sail. At this time the cook showed us the Captain's watch, and purse, with three or four dollars in it. We landed at LaHave Head. We laid down on the grass and went to sleep. This was about three or four o'clock on Friday morning. We had some water and half a barrel of hard-bread. We had blankets with us. It was a rainy morning. I woke up about daylight, 6 o'clock. I saw the Germans go into the bushes. I went to sleep again. It was about nine or ten o'clock when I woke up again. We thought we were on the main land. We found that we were on an island. A fisherman's boat came. We were asked if we were the crew belonging to the brig. This was about twelve o'clock. They asked me, and I sent them to the mate. He told them we had left the brigantine. The fisherman said they had picked up the brigantine. The mate and cook said they did not know anything about the cutting or boring or name being painted out. They said the captain had been knocked overboard by jibing of main boom. The mate said there was six feet of water in the hold when we left her. The fisherman said they did not believe that, as there was but little water in her when they found her. The mate said some vessel must have come across her at sea and painted out the name, and cut the hole in her side.

The fisherman asked the mate if he would

like to go to Liverpool. The mate made a bargain to take them to the main land for the ship's boat, and some old traps. We went on to the fishermen's house, and got some supper. We went to Petite Reviere. We went ashore, and the first thing I heard was the mate enquiring for a magistrate. He made this inquiry of the people who came down to the shore. He could not do anything with the first magistrate. The mate told the story there, and stayed all night. The next morning a lawyer came there. I thought we were going to have a trial of some kind. He told us to go to Curry's, some four or five miles away from there. There was quite a crowd at Curry's store talking about the vessel. The constables told me that we were arrested. I said I did not care, I was sleepy, we told the same story, they could not get any thing against us. We were bound to appear again on Saturday at eleven o'clock. We were set at liberty to appear on Saturday. They advised the mate to go to Bridgewater and take the chronometer and the agent of the vessel would come there. On Monday after the Germans had left the cook showed me the watch. He swapped away the watch. The cook and myself parted at Liverpool and he gave me half a dollar. I took passage to Halifax. I went to the depot and began looking for a ship. I inquired how far from there to Windsor.

Cross-examined by W. A. Johnston.—I lived at Springfield, Mass. My father is a Baptist minister in Springfield. I ran away from home a year ago, but have been home since that. I was going to school at home. I never ran away before. My father does not wish me to go to sea. When I ran away I first went to Boston, and was away about six weeks. I told my father where I had been when I went back, and what I went to Boston for. I had some elder brothers killed in the war. I remained home about four weeks, and on Sundays when home went to church. Left for New York. My father knew where I was going, but wanted me to stay at home. I went to West Street in New York. I don't know where Five Points is. I was at a private boarding house. Stopped there a few days. Had about six cents when I got to N. York. Went to work taking care of horses. I remained in this situation a while, and shipped in a vessel to Wilmington, came back to New York and put up at 99 West Street—not a sailor's boarding house. Went to West Indies after first voyage as ship's boy. Then found the *Zero* about last August. Since I left home I have been in three or four vessels. Have heard from my father. I wrote to him. I got ten dollars aboard the *Zero*, and after, my wages would be advanced. Was boy on board in 2nd mate's place. I told the same story to Mr. Shields. I have told the truth both times. Told a different story once before the Magistrate at Lunenburg, but there was a little difference. It makes some difference when one is under oath. I was not under oath at Lunenburg. I was not asked there to swear to my story. I told it to Mr. Hutt at Lunenburg.

Each of the counsel cross examined the boy Stockwell but without shaking the testimony he had given in any essential particular. The evidence of Charles Marlby a Prussian, confirmed that of Stockwell in every essential particular. Mr. W. A. D. Morse on behalf of the cook, in an able and eloquent address, endeavored to show that there was no positive proof of the cook having murdered Capt. Benson. It might have been the mate. The culpability of the mate—the chief officer, in giving up to the cook, was certainly some reason for supposing that he was the author and instigator of the bloody deed.

Mr. W. A. Johnston occupied considerable time in shewing the law of the case, and precedents on various points, and defended the mate—Douglas—in the course of which he shewed that he was doubtless a weak and cowardly man, but that he had been under bodily fear of the cook, and consented to the story concocted after the murder, and first told by all on their apprehension. But he was the first to give up the first-planned story, and to make known the horrible facts of the case.

Mr. R. W. Motton addressed the jury on Saturday morning on behalf of the German Lambrecht.

The Hon. Att. Gen. gave an able and lengthy address to the jury; after which the Chief Justice charged the jury, and, in a most able address, dwelt on the evidence of guilt against the cook; but was less positive respecting that of the two other prisoners.

The Jury retired a few minutes before three, and returned into court at five o'clock, rendering a verdict of GUILTY against the cook Doucet, and the mate Douglas. The German Lambrecht was acquitted.

Sentence, we are informed, will be pronounced on the convicted men on Friday. It seems to be the general opinion that both the colored steward and the mate will have the sentence of death passed upon them. If in any case it is right to take the life of a fellow creature for murder, it seems justified in the case of this cook. The captain of a vessel being so entirely at the mercy of his men there should be every thing that possibly can be done to deter ignorant vicious sailors from such crime.

The boy Stockwell and the two Germans are detained to answer the charge of attempting to scuttle the vessel. Doubtless they should be severely punished for such a misdemeanor.

On the 30th of Gamboville, Mary Agnes, On the 18th Arthur P. Snodson of Benja Maria, eldest At Milton, Weaver, He Miss Hannah At Dartm Robert Wall Graham. On the 25th E. Freeman Leonard Allen

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