

LONDON, OCTOBER 31. HIGH COURT OF VICE ADMIRALTY. FELONY ON THE HIGH SEAS.

THE trial of the persons concerned in destroying the brig *Adventure*, off the coast of Sussex, took place before Sir William Scott, Lord Ellenborough, and Baron Thomson, on Tuesday; and so great was the desire of the public to witness the development of this nefarious transaction, that the Sessions-house was filled before eight o'clock in the morning, and every avenue leading to it blocked up. At nine o'clock the prisoners were put to the bar and arraigned.

Capt. Richard Codling and John Reed were indicted for wilfully and feloniously casting away a vessel called the *Adventure*; and George Easterby and William Macfarlane, being owners of the said vessel, were indicted for feloniously and wilfully procuring the said Richard Codling and John Reed to commit the felony, with a view to prejudice and defraud the underwriters.

Mr. Garrow, in a speech of near two hours length, stated the case to the Jury, observing, notwithstanding his principal evidence would appear before the Court in the light of an accomplice, yet he would be found entrenched round with proof, and walled in with corroboration so strong, that it would be impossible to doubt the guilt of some, if not all the prisoners. He was not wanting in christian charity when he said so, but such was the mixture of folly and guilt accompanying the transaction that no one could mistake. He had often remarked before, and he should repeat it again, that he believed the folly so constantly introduced and blended with the commission of base actions, was the interposition of Divine Providence to detect villainy.

Thomas Cooper was then called upon. He was a sailor on board the brig *Adventure*, Capt. Codling. While the vessel remained in the river, a Gentleman of the name of Storror came on board occasionally, and afterwards sailed with them to Yarmouth. After taking in twenty-two hogheads of tobacco, some rolls of linen, and a quantity of ballast, they sailed to the Downs, when John Douglas, the Mate, quitted them, and he the witness was persuaded to take his situation by Capt. Codling, though he told him he was incapable, and knew nothing of navigation. While they remained there, Mr. John Reed, was taken on board as Supercargo. In the passage from thence to Brighton, Capt. Codling ordered the witness to keep the boat clear, to put four oars in, and to take care there was plenty of thowls. On the Friday morning, previous to the ship being scuttled, Capt. Codling told the witness the vessel was not capable of carrying them through the Bay of Biscay; that he did not think her trust worthy for his own life, and they would not remain forty-eight hours longer on board. In the evening of the next day Capt. Codling called the witness to him at the helm, and the Captain went down into the cabin. On his return he told the witness that he would find an augur on the cabin floor, and bade him go and scuttle the ship; to effect which he must take off the

the witness did as he was directed, and he had left again, told the Captain he had left and gimblet spikes in two others Captain would have done it himself, get into the scuttle hatch. Captain

witness not to take out the augurs till they would let the water rush in. On Sunday, the 8th of August, Capt. Codling gave admission into the cabin, and the witness looked about for a mallet to make

Witness said, he would get a crow-bar; answered, that is the very thing, and immediately to knock down the lockers; witness then through the ship's bottom, and it went into

it did it by order of the Captain who stood by is doing it. Before he enlarged the hole with a bar, he went by the Captain's desire to call Reed, as he was hoisted and the crew got into the boat. The witness were boring, the Captain ordered the crew to take in bail, by which means they could nei-

Several boats came off from Brighton, the first asked if they wanted assistance, as the vessel in shore. The Captain said the while the swam, and they had no business to

The Swallow cutter then came up, but could do any thing the vessel sunk. Reed's taken on board at Deal, the next day it was put the boat and carried on shore again: The witness helped it over the side of the vessel. When they got on shore at Brighton, the Captain, Mr. Reed, and ship's company went to the Ship tavern, where Mr. Reed said he had lost every thing he had. The Tuesday following Messrs. Easterby and Macfarlane came to the inn, and conversed with Codling, but he could not tell about what. Easterby then turned to witness, and asked him how big the holes were that he had bored, or whether they were as large as the handle of a chisel that lay upon the table! Witness replied, thereabouts. Easterby then said, "You must get the handle out in order to plug up the hole should the ship rise, as I find the people are bringing the vessel in a pace."

Easterby also told Capt. Codling, "that he was a damned fool, and had made a stupid job of it, for had he navigated the vessel over to the French coast, it being fine weather, they might have taken to their boat, and made either shore. Messrs. Macfarlane and Easterby ordered the Captain and witness to get off to London, take a private lodging and keep themselves close; if not, he the witness, would soon be under sentence of death. Macfarlane booked their places, and Reed wrote Mr. Macfarlane's address in London, which he gave to witness. He received 9s. for his

and Macfarlane made him a present of a guinea. On his return to London, witness set off to his mother's at Deal, and hearing there that a reward was offered for the vessel, he voluntarily surrendered himself

John Morris, cabin-boy, George Kennedy, John Lacey, and J. Welch, seamen, corroborated the evidence of Cooper. Capt. Edward Storror said he had known Easterby for 18 years, and had failed in his employ. In May last Easterby applied to him to become Supercargo to the *Adventure*, in a voyage from Yarmouth to Gibraltar, and from thence to Leghorn. He agreed, and had several meetings at Easterby's house on the occasion, at one of which, when Codling and Macfarlane were present, Easterby observed, that he had no doubt many ships had been sunk to defraud the Underwriters, and thought it might be done again. Macfarlane and Codling thought it was possible, and might be done. Easterby and Macfarlane were joint owners of the brig, the former of whom said, he wished her to proceed from Yarmouth to Gibraltar (the vessel at that time having taken in her lading) there to dispose of her cargo; after which an opportunity might offer to sink her in the Mediterranean, in her way to Leghorn, and the crew escape on shore in the long-boat. That one half the proceeds might be remitted in private letters, the other half in public, so that the latter might be shewn to the underwriters, and they should be enabled to come upon them for the other half. Macfarlane and Codling approved the scheme, and thought it might be accomplished. Mr. Easterby delivered the witness the invoices, which he had surrendered up to him again on quitting the ship at Deal. He added that he never intended to go as Supercargo, and had only consented to go with a view of getting an old debt settled. The amount of the invoices appeared to be about 9000l.

Capt. Robert Douglas, by desire of the Underwriters, went to Brighton on the 10th of August last, to make enquiry as to the loss of the brig *Adventure*. He found the vessel lying two miles from the shore, a part of her mast only above water. He saw Mr. Easterby and Mr. Macfarlane there, and after shewing them his authority, said he must detain the crew to assist them in saving the cargo. Mr. Easterby took his watch out of his fob, desiring the witness to take it, as part of the cargo. The next day, the 11th, he saw them again, and was informed that Capt. Codling was going for London. Witness expressed his surprise at such conduct, after what had been said the day before. Easterby mentioned the expenses of stopping at Brighton, when the witness offered to defray them; at which Capt. Codling said very well, and the witness thought he meant to stop, instead of which he set off the same evening. Mr. Reed said he had a box of watches and a timekeeper belonging to the cargo, which he wished to give the witness. On Thursday, the 12th, the vessel was weighed up, and got on her way, when he plainly saw a hole in her side. On going on board, he found the cabin lockers on the larboard side knocked down, and discovered a hole in the run of the ship, which appeared to be made with some blunt instrument. The next day he examined it more minutely, and found it was made on the inside of the hull, and had been knocked down on Easterby and Reed after, and suffered to go away, as it was clear he had sunk the ship. They said they had not the least doubt of it themselves, but what was to be done? Codling had left Brighton in a false name, that of Pollate. They then parted; but a letter being intercepted, sent by Codling to Easterby, the witness made the best of his way to Harwich, where he learned that Codling had taken his passage to Hamburg in the packet which had just failed. He got a Post-Office jack, followed the packet, came up with her, and found Codling covered up in a bed, with all his cloaths on but his coat. He took him into custody, and brought him on shore.

Richard Brewer, a shipwright, at Brighton, deposed to his bringing the vessel on shore. He was perfectly convinced the holes were made on the inside, and that the vessel had been purposely scuttled.

In cross-examination, he was asked if the vessel was fit to go to sea again? He replied she was, having been repaired. Then she was not destroyed? The witness replied, that she was till he regained her from the sea.

Lord Ellenborough. "Previous to the holes being plugged, when in the state you found her, was she, or was she not a vessel wholly destroyed for the purposes of navigation?"—Witness. "Most certainly she was, my Lord."

A number of documents were put in, signed by Easterby and Macfarlane, shewing their joint concern in the brig; also a power of attorney, executed by them to Reed, appointing him supercargo, with the power to discharge the Captain if he thought proper, and authorizing him to dispose of the cargo for their mutual interests; also securing to him 200l. and 20l. a quarter to his wife.

Perry, an Officer, stated the difficulty he had to take Easterby into custody. Two Stock Brokers proved their having underwritten the ship *Adventure* for upwards of nine thousand pounds, by the desire of Messrs. Easterby and Macfarlane, and that their instructions were to get it done for 13,000l. but from some suspicions that got abroad, they were not enabled to complete their policies to the full amount. A Notary Public proved the application of Captain Codling, Reed, and Cooper, to get the ship protected after she was cast away.—Several officers in the customs proved the ship being cleared outwards in the names of Easterby and Macfarlane; also the bills of lading delivered to the Captain, and the miserable deficiency in the cargo when enumerated at Brighton and compared with the original invoices.—Likewise that part of the goods shipped had been taken out by Easterby's lighterman, which were traced to the possession of Macfarlane and Easterby; and even kept in their respective dwellings. In short, that no more goods than amounted in value to 4,500l. had ever been shipped on board the brig, and that a great part even of that cargo had been embezzled and re-landed.

The evidence for the prosecution being gone through, Mr. Erskine, Mr. Serjeant Best, and Mr. Serjeant Bailey, severally took objections on legal points, as far as regarded Messrs. Easterby and Macfarlane, and also as far as regarded Mr. Reed, the supercargo. The substance of these objections was, that the ownership proved in the persons of Easterby and Macfarlane was not such an ownership as

was required by the statute to bring them legally within its meaning; secondly, that the destruction of the vessel was not so complete as to render them criminally liable, as there must appear a total annihilation before they could be affected; and thirdly, as regarded Mr. Reed, it was a question of considerable doubt whether he had been sufficiently proved to have been an officer on board the vessel cast away in that legal sense which the statute required; or indeed whether it had been legally proved that he was an officer at all. It was also stated as a question of doubt, if the ship was at a sufficient distance from shore to bring the offence within the jurisdiction of the High Court of Admiralty; so as to make the felony, if any, took place was committed on the high seas; but if the Court should think a felony had been committed, whether the prisoners Easterby and Macfarlane, who had never been off the land, could be convicted at Admiralty Sessions, which alone could take cognizance of crimes committed on the high seas.—These objections were left for the opinion of the Judges.

Witnesses were then examined as to character, when the prisoners received most abundant commendations for probity and honesty from many respectable and worthy characters. At a little past eight o'clock, Lord ELLENBOROUGH began to sum up the evidence, and continued with infinite perspicuity to comment upon the whole transaction for upwards of three hours, when, after having gone over the whole of the testimony for and against the prisoners, he concluded his observations with remarking, that if the Jury saw no doubt to disbelieve the evidence he had read to them, they would find the prisoners Codling, Easterby, and Macfarlane, concerning that very crime which was afterwards carried into execution; if they found the same men afterwards complaining of Codling's foolish management and address in executing the pre-concerted crime; and if they found Codling and Cooper flying from justice, while Easterby and Macfarlane were following up their fraudulent claims upon the Underwriters—in such case they must find them guilty; but if they could for a moment doubt the evidence they had heard, and imagine the conspiracy existed only in the minds of Cooper and Storror, they would let the character of the parties turn the balance in their favour, and acquit them. With respect to Reed they would also see how he was affected, and would ask their consciences whether they did not think he was alike criminally connected in the destruction of the vessel and cargo; if, however, they should chuse to separate him from the rest, the facts of the case not coming so strongly home to him, they would say so by their verdict. They had every document before them that could possibly be produced in the case, and God and their consciences would direct them to an issue.

Easterby then asked the Court if he might be permitted to state a few circumstances, which he thought would impeach the credit of Storror and Cooper.

His Lordship told him it was too late, he should have communicated what he had to say to his Council at the time of their examination.

The Jury then retired for about a quarter of an hour, and returned a verdict of Guilty as against Codling, Easterby, and Macfarlane.

Easterby and Macfarlane will wait the decision of the Judges as to the legality of this conviction, and were led from the bar; Codling remained, when Sir William Scott, in the most impressive manner, proceeded to pass sentence of Death upon him; which being finished, the prisoner retired with a firm and undaunted deportment, taking a respectful leave of the Court as he went out.

The above trial lasted upwards of fifteen hours, it being after twelve o'clock before the Court broke up. We never remember a trial to have excited greater interest.

Private letters brought by the Hamburg Mail state, with confidence, that the ensuing spring will exhibit an entire new arrangement of the great interests of Europe, made with a view to check the farther encroachments of France. The appointment of Count Woronzow, as Russian Ambassador to England, is considered as manifesting a very friendly disposition on the part of his Imperial Majesty towards this Country.

The eldest son of the Emperor of Germany is, according to letters from Vienna, to be affianced to the daughter of the Emperor of Russia. The marriages of the Emperor's brothers, the Archduke Palatine and Archduke John, are spoken of, as well as those of the Grand Duke of Tuscany, the latter to a Princess of Russia, one of the former to a Princess of Saxony, and the other to a Neapolitan Princess.

A letter from Paris contains the following passage:—"The French government has decided, that the British subjects who had claims for annuities on the state, and who war, are not to be paid till further orders."

Some tumult is stated, in letters from Gibraltar, to have taken place at the Opera House, at Malta, in consequence of General Vail, the French Minister there, having refused to stand up when God save the King was played. His family, who went there the next night, was played out of the house. To prevent a recurrence of similar disturbances, orders were issued that no popular airs or any piece of music, should be played, except such as belonged to the performance.

A Letter from Dover, of the 24th inst., gives the following additional particulars of the loss of the Dutch ship *Verde*:—"She drove on shore upon Dymchurch Wall, about three miles to the westward of Hythe, and went to pieces, she being an old crazy ship, almost immediately. The scene, at the moment she went to pieces, was agonizing beyond the power of words to describe. The following list of the crew is taken from one of the survivors:

Soldiers, - - - - - 320
Officers, - - - - - 42
Seamen, - - - - - 61
Women, - - - - - 20
Children, - - - - - 7
Passengers, - - - - - 20

Total, - - - - - 470
of whom, lamentable to relate, only eighteen were saved.

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