

The *Saladin* Trial: A Last Hurrah for Admiralty Sessions

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On 8 February 1844 the 550-ton barque *Saladin*, under the command of Captain Alexander McKenzie, slipped out of Valparaiso bound for Liverpool with a crew of fourteen and a cargo "principally of Guano, but having also 70 tons of Copper, 13 bars of Silver, each of about 150 lbs. weight, and a large quantity of Spice [specie], about \$9000." Unbeknownst to Captain McKenzie, neither he nor *Saladin* would reach their intended destination: within four months he and seven crew members went to watery graves and the vessel was grounded off the coast of Nova Scotia by six mariners turned murderous pirates. Neither would McKenzie know of the celebrated trial in Halifax of those six, in a court specially commissioned to try men charged with crimes upon the high seas. Nor would he witness the execution of four of the men tried for piracy and murder.

The circumstances surrounding this tragic event captured the attention of Halifax, which by the 1840s was a bustling seaport and a major naval station. Intimately involved with the rhythms of seafaring, Haligonians were accustomed to seeing sailors at almost every turn of the waterfront streets. Familiarity notwithstanding, Halifax society often tended to view sailors as a nuisance. As one prominent social historian observed:

The dissolute habits, improvidence, and rowdiness of seamen marked them out as members of the disreputable poor. They also achieved this status through association, since many inhabitants of dockside were considered petty criminals whose existence was tolerated uneasily... [Their] haunts were located in the roughest and shadiest neighbourhoods. Facilities for boarding, eating, and drinking often existed on the wharves.

Although viewed with disapproval by many, this critical view was tempered somewhat by an appreciation of the hardships endured at sea. Moreover, increasing numbers of retired officers settled in the city, endowing maritime occupations with a certain degree of respectability.² Still, against this social backdrop the news that six seamen were being indicted for piracy and murder must have created quite a stir in the city's coffeehouses, taverns, and drawing rooms. News of the "*Saladin* trial," and the eventual executions, occupied many pages in local newspapers and inspired a large volume of transatlantic correspondence, both official and unofficial.

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In addition to making headlines, the case sparked controversy and minor discontent within Nova Scotia's halls of justice. This essay not only provides a brief account of events on the high seas and the *Saladin* trial but also examines the underlying tensions within the judicial system both before and after the trial. This exploration also requires a brief investigation of Colonial policy on crimes committed on the high seas, the nature and extent of Admiralty jurisdiction in Nova Scotia, and how these factors affected the proceedings surrounding the trial.

The first news that there had been trouble aboard *Saladin* came to Nova Scotians on Monday, 27 May 1844, in a note in the shipping news of the *Nova Scotian*. The brief but extraordinary account of the discovery of the vessel by Captain Cunningham of the schooner *Billow* no doubt stirred many imaginations. The terse account reported only that the vessel "came ashore at the Island at Country Harbour - the officers reported dead; cargo now in charge of C. Archibald, Esq., Justice of the Peace." This fleeting reference was followed by a short note on the editorial pages reporting suspicions of foul play.³

This account also claimed that Captain Cunningham found only six mariners on *Saladin* and that the men told of the captain dying at sea and the mate being washed overboard. Cunningham's suspicions, according to the report, were awakened by the discovery of a piece of tarred canvas "spread over the stern, so as to cover the name and a board had been nailed over the canvass [sic]."⁴ The citizens of Nova Scotia were thus alerted to the fate of *Saladin* and the suspicious circumstances surrounding the discovery. They soon were treated to full particulars of the heinous crimes of piracy and bloody murder, of conspiracy and treachery.

The *Saladin* saga begins with the tale of Captain George Fielding, under whose influence the crimes occurred. A seasoned if somewhat unsavoury mariner, Fielding was described in the popular press as "the bold and sanguiry ruffian who enacts the principal in this tale of horror." Fielding was born in Jersey, brought up in Gaspé, and sailed for many years in the Newfoundland trade. Prior to his involvement with *Saladin*, he commanded the 460-ton barque *Vitula*, which he sailed, along with his son, George, "a smart lad of thirteen or fourteen," for Buenos Aires in October 1842 in search of a cargo. Freights being low on the River Plate, Fielding attempted to smuggle a cargo of guano from Peru, but was apprehended and jailed by the authorities after unsuccessfully attempting to evade a government schooner in an action described as "proof of that determination of character, and recklessness of consequences, which became still more apparent in connexion with the tragical events on board the *Saladin*." Although seriously wounded, Fielding managed to escape to Valparaiso, where he sought passage on a homeward vessel. After being rebuffed by several masters, he convinced Captain Alexander McKenzie of *Saladin* to provide free passage for him and his son.⁵

In addition to McKenzie, *Saladin's* crew comprised eleven others: George Jones, John Hazelton, William Trevaskiss (alias Johnston), Charles Gustavus Anderson, William Carr, John Galloway, first mate F. Byerly, the second mate (and carpenter), and three seamen, James Allen, Thomas Moffat and Sam Collins. Of the fourteen souls aboard

when the craft left Valparaiso, only six (Jones, Hazelton, Johnston, Anderson, Carr and Galloway) were found aboard the grounded vessel by Captain Cunningham.⁶

After rounding Cape Horn in early April, Fielding approached Jones with a plan to overpower McKenzie and the mates to secure control of the vessel and its valuable cargo. According to Anderson's account, the conspirators intended "to kill the persons aft, viz; the officers — the captain, mate, and second-mate who was also carpenter, and five forward — viz; Moffat, Sam, Jim the Cook, Wm. Carr, and Jack Galloway." Fielding thus meant first to eliminate the officers and then the non-plotters. As was usual on a vessel this size, the crew was divided into two "watches" under the mates. Fielding seduced three of Byerly's watch — Johnston, Hazelton and Anderson — as well as Jones, who as sailmaker had no regular watch, as the nucleus of the conspiracy.⁷

The bloody action commenced on the night between the thirteenth and fourteenth of April. After Byerly's watch came on duty at midnight, Fielding, Anderson, Jones, Hazelton and Johnston killed the master and six of the crew before sunrise. The first to be dispatched was the mate who, feeling ill, laid down on the hen coop to rest after making sure his watch had the vessel in hand. At Fielding's urging, he received several blows of an axe from Johnston and Anderson, who then threw his body overboard. Although McKenzie, asleep in his bunk below, was supposed to be the next victim, his dog so frightened those sent below to murder him that they chose instead to call up the carpenter. On emerging from the hatch, Anderson struck him over the head with a broad axe, leaving him sufficiently stunned that Hazelton, Anderson and Johnston had little trouble throwing him overboard. Apparently the water revived him enough to cry "murder;" on hearing this Fielding shouted "man overboard" to bring McKenzie from his bunk. When the captain reached the deck, Anderson struck him a glancing blow with an axe. A struggle then ensued in which McKenzie was hit several more times by Anderson and Fielding and thrown overboard by Fielding, Jones, and Anderson. While at trial there was some question as to who actually struck the fatal blow, the Attorney General observed that "it matters not whose hand struck the blow, they were all equally criminal in the eyes of the law."⁸

Having disposed of the master, first mate and carpenter, Fielding felt in sufficient control to advise his co-conspirators that they had to dispose of the second watch. The first to come from below was Allen, who proceeded to relieve the helm. While he stood at the stern drawing water, Anderson killed him with a hammer and tossed his corpse overboard. Shortly thereafter Moffat and Collins came up to stand their watch. When the former sat on a spar beside Hazelton — and Collins preceded to the head to relieve himself — Hazelton and Johnston struck at his head with axes, killing him almost instantly and dumping his body over the side. Meanwhile, Anderson crept behind Collins and dealt him a blow that knocked him overboard. Although directed by Fielding, it is apparent that Anderson played a particularly bloody role in the murders, having dealt potentially lethal blows to at least five of the six. At this point the blood lust stopped for a short while.

While Fielding and his co-conspirators were at their grisly task, Carr and Galloway (cook and steward) slept in the forecabin, oblivious to the carnage topside.

When asked what was to be done with these two, Fielding replied, according to Johnston's later confession, "leave them to [me]," continuing that he "would give them a dose of poison when they got near to the land." On coming above between five and six that morning, Carr was alarmed at the news that most of the crew had been killed. When asked by Fielding to join the plot, he was reluctant, saying that "he would sooner go overboard with the rest." But since the remaining crew were determined that no more killing should take place, on being asked again by Fielding if "he would not go on with his duty as usual," Carr decided to accept the offer.⁹

This left only Galloway, who was also presented with the situation and asked to cast his lot with the others. There is some discrepancy in the various confessions as to Galloway's reaction. Jones said that Galloway felt it "was a pity he did not know about it, as he would have liked to have had a cut at Sandy, meaning Capt. McKenzie." Similarly, Hazelton stated that Galloway wanted to have "a licking of the Captain." Yet Johnston's confession portrayed Galloway as frightened by the situation. Whatever he felt, Galloway, like Carr, agreed to carry on as before. This settled, Fielding divided the six remaining crew into two watches: Johnston, Galloway, and Carr on one; Hazelton, Jones and Anderson on the other. All this took place in the early hours of Sunday morning.¹⁰

The following day Fielding ordered that all arms, including the carpenter's tools used in the murders, be thrown overboard (with the exception of a cutlass and a fowling piece of McKenzie's, this was done) and that they all swear an oath of brotherhood on the Bible. According to Johnston, all went well until Tuesday evening when, on going below for a drink, he discovered two pistols secreted under the table and a copper vessel containing powder. Johnston notified the others and together they confronted Fielding, who denied all knowledge of the items. After some discussion it was agreed that these weapons, and those kept by Fielding earlier, would be thrown overboard. Some time later Anderson revealed that Fielding told him he proposed to kill Jones, Carr, Galloway, and Johnston before they got a chance to kill him. Their suspicions thus raised, the crew bound Fielding and conducted a more thorough search of the ship. In a liquor cabinet, to which Fielding had the key, they found a carving knife that had been missing for some days and two bottles of brandy, which they suspected were poisoned. Fearing that Fielding might turn on them, the crew kept him secured in the cabin, away from his son, while they decided what to do with him."

The next morning Fielding was taken on deck where a debate ensued as to his fate. According to Johnston, it was generally agreed that Carr and Galloway must throw him overboard, as they had not participated in the previous murders. Jones, on the other hand, asserted that Carr and Galloway not only requested that Fielding be thrown overboard but also "went immediately forward, without saying to us what they proposed doing." This version more or less matched the statement of Hazelton, who insisted that Jones, Anderson, Johnston, and he "would not lend a hand to another man's death whilst we were on board the vessel." Then, he said, "Carr and Galloway seized Fielding and threw him overboard over the stern." Not yet content, Hazelton declared, Carr and Galloway seized Fielding's son and tossed him overboard as well.¹²

This left only six seamen, who a few days later divided the booty, putting their individual shares of the specie into money belts. After some consultation they decided that Galloway should be given command as he was "the only man who could take the sun and work out the reckoning." Apparently his navigational skills were not as sharp as they believed, since a few weeks later while heading for the Gulf of St. Lawrence, where they intended to scuttle the vessel, they ran aground at Country Harbour. Here *Saladin* was spotted by two of Cunningham's men as they made for shore in a small boat to replenish *Billow's* water supply. It was also here that the six pirates ran afoul of the law and the story began to be played out in the judicial system.¹³

On boarding *Saladin*, Cunningham was somewhat alarmed at the confusion: the intoxicated crew, disarray in the cabin, specie in an open chest, and tales of men washed overboard. This prompted him to send two men to Guysborough for the magistrate. On Tuesday, 21 May, Charles Archibald, one of the Justices of the Peace for the County of Guysborough, arrived to take charge of the vessel; with the aid of Cunningham and several local fishermen, he managed to off-load most of its cargo except the guano.¹⁴

At this time Cunningham also sent an affidavit to the Judge of Vice-Admiralty outlining the facts as he found them. Acting on this, S.G.W. Archibald, Judge of Vice-Admiralty, issued a warrant commanding the Marshal of the Court "to arrest the whole property as being goods in the possession of pirates, wheresoever found, and to keep the same subject to his further order, and...authorised the arrest of the six seamen." But before the warrant arrived at Country Harbour, the six mariners disappeared. When Charles Archibald, now highly suspicious of their stories, also issued a warrant for their arrests, Alexander Sinclair, Deputy Sheriff of Guysborough, and several assistants travelled thirty-five miles before catching the fugitives. He apparently had little trouble arresting or detaining them at Archibald's house for two nights, before taking them to Halifax."

Prior to the capture of the pirates Charles Archibald, apparently not realizing the possible complications, initiated a public sale of *Saladin's* cargo on the morning of 29 May. Before everything was sold, Alexander Lyle, the Deputy Marshal of the Court of Vice Admiralty, arrived with a writ obliging Archibald to return all cargo and tackle to locked storage, where they were kept until 31 May when they, along with the prisoners, were taken to the man-of-war schooner *Fair Rosamond* and transported to Halifax, arriving on 3 June. The cargo and remaining crew of *Saladin* were placed in the custody of the Vice-Admiralty Court.¹⁶

Once the prisoners were in custody, events transpired rather quickly and, according to the local press, the wheels of justice rolled smoothly to prosecute and convict four of the six. Although no indictment had been brought against them, the six remained in custody in the Halifax Gaol while inquiries were made at Valparaiso. All this time they steadfastly stuck to the story that McKenzie "had died some 7 or 8 weeks previous — the first officer three days after, and subsequently the second officer, and others had fallen from aloft and been drowned or killed."¹⁷

S.G.W. Archibald continued to investigate the incident. Lacking any direct evidence, he had the six seamen brought before him to give individual accounts of the

missing persons. After cautioning that they were not required to incriminate themselves, he found that no two stories agreed. Having become suspicious that murder and piracy had been committed, he bound them over for trial, turning them over to the Sheriff of the County of Halifax. At this point the trial of the *Saladin* pirates departed from usual Vice-Admiralty procedures. From this moment Archibald had to proceed "in the way pointed out by the commission for the trial of marine felonies in the Court of Admiralty:" through "Admiralty Sessions" under the direction and authority of a Royal Commission.¹⁸

The Vice-Admiralty court in Nova Scotia, as in other colonies, normally heard cases relating to matters such as non-payment of seamen's wages, salvage and warrants of survey on damaged cargoes, marine contracts, and trade violations. When the Colonial Vice-Admiralty courts exercised civil and maritime jurisdiction to hear cases of this nature they were known as "Instance Courts," with jurisdiction restricted to the boundaries of the province. In cases involving prizes, the judge operated under a special commission from the sovereign to conduct a "Prize Court." Trying criminal offenses committed on the high seas presented peculiar problems. Operating under civil procedure meant that the Vice-Admiralty Court could not examine witnesses or hold jury trials. Over time, jurisdiction over criminal trials passed to specially-appointed commissioners in what were known as Admiralty Sessions, and eventually to the local courts. As this transition was not complete until 1849, the *Saladin* trial was held under the jurisdiction of Admiralty Sessions.¹⁹

Admiralty Sessions grew out of a series of English statutes, especially 27 Hen. 8, c. 4 and 28 Hen. 8, c. 15. The first, in a long preamble, lamented that many "pirates, robbers, and murderers at sea go unpunished because there can only be conviction by civil law either by confession (not usually obtainable without torture) or by proof of witnesses (not usually left alive by pirates)." The second provided that all "treasons, felonies, robberies, murders, and confederacies committed upon the sea or other haven, river, creek, or place where the admirals have or pretend to have jurisdiction shall thereafter be tried by commission directed to the admiral or his deputy and three or four other persons." The combination of the two statutes permitted the substitution of the usual civil law process with that used to try indictable offenses within the realm. Under this commission, jurisdiction in Admiralty Sessions was extended to criminal cases under a temporary sitting of commissioners appointed by the sovereign.²⁰

The eminent Victorian jurist, Sir James Stephen, noted that "it is clear that in early times the jurisdiction of Admiralty courts was ill defined and was the subject of great dispute. No doubt the Admiralty judges would do their utmost to extend it by all means in their power." Stephen also described how statutes passed during the reign of Richard II regulated Admiralty jurisdiction between 1391 and 1536. During that time, Admiralty jurisdiction extended to crimes committed "in great ships, being and hovering in the main stream of great rivers, only beneath the bridges of the same rivers nigh to the sea, and in none other places of the same rivers, the admiral shall have jurisdiction." Yet the statute 28 Hen. 8, c. 15, passed in 1536, changed the picture somewhat. The language expressed concern that many persons committing crimes on the high seas escaped conviction because the nature of the civil process presented several difficulties. First, judgements

required either a confession by the accused (often impossible to obtain without inflicting torture) or testimony by witnesses (who were usually killed by the accused in the course of their crime). This statute declared that such crimes be tried according to common law (trial by jury) within the realm limited by the King's commission to the admiral or his deputy, and to three or four substantial persons as the King should appoint. As Stephen pointed out, these were always in practice judges of common law courts. In short, this statute enabled the King to issue a commission for the trial in any "shire or place" in England of "treasons, felonies, robberies, murders, and confederacies" committed at sea.²¹

During the early eighteenth century, when "piracy was very prevalent" and colonies and plantations had multiplied, the statutes 11 & 12 Will. 3, s. 7 (which applied only to piracies, felonies and robberies) extended the King's authority to issue commissions. He could then commission certain military, naval, or official persons in any colony or possession to hold courts consisting of either seven or three members, with power to commit, try, sentence, and execute persons accused of the above crimes committed on the high seas. By 1799, this jurisdiction (in England only) was extended to include all other offenses committed on the high seas, subject to the same penalty as if they had been done on shore. In England, by 1844 the necessity of special commission courts to hear such cases had been abolished. Under the Central Criminal Court Act of 1834, the court was empowered to hear all cases involving offenses committed within the jurisdiction of the Admiralty. And in 1844, by virtue of 7 & 8 Vic. c. 2, this jurisdiction was given entirely to the commissioners of Oyer and Terminer. While these acts gave courts in England jurisdiction over all offenses at sea, they did not apply to India and left the colonies generally under the authority of the Acts of William III and George III. In 1849, 12 & 13 Vic. c. 96 empowered all colonial courts to proceed against persons charged with crimes on the high seas, or within the jurisdiction of the Admiralty, in the same way as if the offence had been committed on any waters within the limits of the colony. In case of conviction, offenders were to be punished as if their crime had been committed in England. Trial was by common law, and common law judges were always included in the commission.²²

While Admiralty Sessions were conducted under common law, they were served by the staff of the Admiralty Court, and in particular by the Register and Marshal. In the case of the *Saladin* pirates, the staff of the Vice-Admiralty court included the Register, Scott Tremain, and the Marshal, Stephen Wastie DeBlois. Under long-standing authority of letters-patent issued in 1749 by the Lords Commissioners of the Admiralty, the Register was responsible for all records, accounts, fees, and exhibits for the court. The Marshal was required to serve processes, take custody of goods or persons arrested under the authority of the court, sell property, and execute other judgements as directed. For instance, it was DeBlois who was instructed by Archibald to turn the prisoners over to the Sheriff of Halifax. As well, he was ordered that "the amount and value of the money, silver and copper...[should] remain in his custody until further order." In addition, Archibald instructed Tremain, as Register, to take charge of "all papers, letters, and bills of lading, with the log book of the ship," making them available to the Attorney General

and to Michael Tobin, the Lloyd's agent, only in his presence. Thus the Vice-Admiralty Court disposed itself to hear common law cases. Despite this cooperation, tensions existed between the common law judges and their counterparts in Vice-Admiralty.²³

Just as jurisdictional disputes arose between the common law courts and commissions, the Admiralty Court, and Admiralty Sessions in England during the seventeenth and eighteenth centuries, so too did similar conflicts arise in the colonies in the eighteenth and first half of the nineteenth centuries. Local colonial courts were the counterparts of the common law courts and commissions, while the Vice-Admiralty courts paralleled English Admiralty courts. One major jurisdictional stumbling block for colonial Vice-Admiralty courts was that prevailing legal opinion held that as 28 Hen. 8, c. 15 did not apply in the colonies, prisoners had to be returned to England for trial. This problem was remedied with the passage of the Imperial statute 46 Geo. 3, c. 54 in 1806. Under this law, known as the "Offenses at Sea Act," all crimes on the high seas could be tried "according to the common course of the realm pursuant to a Royal Commission issued to such persons as the Lord Chancellor should see fit to appoint."²⁴

By these statutes, colonial Vice-Admiralty Courts were obliged to try cases involving criminal offenses committed on the high seas by "Admiralty Courts" of commissioners, usually comprising the Governor, local Admiral or other naval officer, and Chief Justice. Prior to the *Saladin* case, the Vice-Admiralty courts had already conducted a number of hearings under this system of commissions. An earlier example was the trial of William Corran. On 9 June 1794, Francis Turner, mate of the brig *Falmouth*, swore an information before justices Creighton, Jessan, and Donig in Lunenburg alleging that on 27 May 1794, Corran stabbed and wounded with a cutlass, "in a most cruel manner," Joseph Porter, a passenger, who later died of his wounds. Corran's trial was held under authority of a Royal Commission of George III, dated 30 October 1784. This Commission set out the persons named in order, and in this case the name of the Chief Justice of Nova Scotia, Thomas Andrew Strange, preceded that of the Judge of Vice Admiralty, Richard Bulkely.²⁵

Another celebrated trial was that of Edward and Margaret Jordan, accused of attempting to murder Captain John Stairs in 1809. Stairs was master of the *Three Sisters*, belonging to the Halifax merchants J. and J. Tremain, to whom Jordan was indebted for advances. On 10 September *Three Sisters* sailed for Halifax with Captain Stairs, three crew members, and Edward and Margaret Jordan with their four young children. Three days later Jordan pulled out a pistol and shot at Captain Stairs, missing him but killing a seaman standing beside him. In the ensuing scuffle Stairs jumped overboard, taking a piece of hatch with him. Evidently Jordan thought Stairs had no chance of surviving and left him for dead, but the latter was rescued by an American fishing schooner and taken to Massachussets, from whence he returned to Halifax. After Stairs jumped overboard Jordan, with the assistance of his wife and the mate, dispatched the other crew member and sailed to Newfoundland, where they tried to get a crew. To do this they needed to raise advance money, so they tried to sell some of the cargo, which raised suspicion. The vessel was arrested by HM schooner *Cuttle* and the Jordans taken to Halifax for trial.

Despite Jordan's ingenious defence that Stairs attacked him in the first instance after Jordan admonished him for accosting his wife, he was convicted and sentenced to be hanged. His wife was discharged, since it was felt that she had acted out of duress or fear of her husband. The decision was ultimately reached on the basis of evidence given by the crew shipped in Newfoundland. On the weight of their evidence the court felt that these were not the actions of an innocent man. No date of execution was reported, but it seems it took place in what is now Point Pleasant Park.²⁶

Following Jordan's case came the well-documented trial of Patrick Crane, also held under a special commission in the Vice-Admiralty Court at Halifax beginning on 22 May 1832. Of particular interest is that S.G. W. Archibald prosecuted as Attorney General. In his opening address he assured the jury that the court had the proper authority to hear the case:

Ample power is given to the Commissioners, to try crimes committed on the high seas, within the jurisdiction of the Admiral of England and in other places. It is not necessary for me to dwell on the power thus provided, but would state that it is most ample for the trial of such a case as that now under consideration.

It is interesting that this commission was apparently headed by two common law judges, Haliburton and Uniacke, to which Archibald seemed to have no objection at the time.²⁷

Crane, a passenger on a vessel from Newfoundland bound for Arichat, Cape Breton, was accused of shooting the captain with a musket. In defence he claimed that he feared the captain would shoot him or run the ship aground. While Crane was subdued by Walsh (a passenger) and other crew members, the captain later died of his wounds. Although Crane pleaded insanity, no witnesses corroborated his story and after just one hour the jury returned a guilty verdict. The judge sentenced him to death, with the place of execution to be between the high and low water marks "according to the law respecting offenses committed on the high seas."²⁸

In a later case Clem Petit and Samuel Loramore were tried in 1836 at an Admiralty Sessions Court presided over by Charles R. Fairbanks, at that time a Judge of the Admiralty Court. Petit, master of the schooner *Sussanah*, and Loramore, a passenger, were indicted by a Grand Jury for the murder of Michael Redden, a crewman. In his opening remarks to the jury, the Solicitor General commented that:

There is another feature of this case to which I must call your attention. You will perceive that the Indictment charges the crime too have been committed on the high seas. When you survey the construction of this Court, you will be well aware that these proceedings are not in the ordinary course of law, as administered in those Courts which meet statedly, and for the ordinary jurisprudence of the country. This is an especial Court of High Commission, convened for an especial purpose.

The reason is, that the crime charged was not committed within the jurisdiction of the ordinary Courts. By the common law no man can be tried for a crime not committed within some county of the Province, over which the ordinary Courts exercise jurisdiction. Their powers are limited to the realm - but if it is shown that a crime was committed in no County of this or any other Province, but upon the high seas, then it is cognizable by this Court alone. It is not necessary for me to dwell upon this point — you are all well aware of the distinction.

The schooner was sailing in the Bay of Fundy from Annapolis with a small crew and several passengers, some of whom were women. After clearing, Loramore began drinking with Petit. Some time later both were heard verbally and physically abusing Redden. After a time the two went below, but Loramore re-emerged. Loramore's wife, who was a passenger, went above a short time later to discover what she thought was a crew member in the water and her husband, who claimed that Redden had jumped overboard. Despite her pleas, neither Petit nor Loramore went to Redden's assistance. After some deliberation, the jury convicted Loramore of manslaughter, but acquitted Petit. Loramore was sentenced to fourteen years transportation.²⁹

There was one final case. On the morning of 14 August 1838, a Court was held "under Commission from the Crown for the Trial of Criminal Offenses on the High Seas, and which was assembled for the trial of John Longmire on an alleged charge of murder on the High Seas."³⁰ Although little information is available about this trial, it is likely that it followed the same procedural protocol as its predecessors and the *Saladin* trial six years later.

As these cases indicate, by 1844 the Vice-Admiralty Court in Halifax was, through courts of commissioners, accustomed to trying cases involving criminal offenses committed on the high seas. Interestingly, a Colonial Office confidential memo of 1848 reported that "substantially, and in truth, the trial is always by the Chief Justice and a Jury. The other Commissioners never interfere in the matter, although, as a mere ceremony, they occasionally take their places on the bench." This statement was made four years after the *Saladin* trial, and just a year before legislation which finally turned over jurisdiction in such cases to colonial common law courts. It reflected an attitude of reform that prevailed during the latter half of the nineteenth century and even during the *Saladin* trial, despite the protests of S.G.W. Archibald.³¹

A short time after the prisoners were committed for trial Carr and Galloway sent for Michael Tobin and the Attorney General, J.W. Johnston, to make full statements implicating the others in the deaths of McKenzie and the seamen, and themselves in the deaths of the Fieldings.³² Over the next several days in separate interviews Johnston, Jones, Hazelton and Anderson confessed to their roles in the crime. According to Tobin, the Attorney General, and the jailer, J.J. Sawyer, these admissions were voluntary and given "without hope or fear from the consequences." Tobin in particular stressed that "nothing occurred that I know of to cause the men to make a confession unless it may be

a statement I made, that I felt convinced in my mind the officers of the vessel had been murdered. Nothing was said to the effect that it would be better for them if a true statement was made." The Attorney General immediately sent word of this to Archibald, who was at his country home in Truro. Having thus far had jurisdiction, Archibald assumed he would preside over the Admiralty Sessions. In fact, when the Attorney General suggested an "immediate trial at which one of the common law judges might preside in his absence," Archibald replied that he "would come to town at whatever time that trial might take place, as he had conducted proceedings thus far." Shortly thereafter Archibald returned to Halifax to prepare for trial, his first order of business being to secure a venue. As the Supreme Court was sitting, he called upon the Chief Justice, Sir Brenton Halliburton, to request that the Supreme Court be adjourned over the day fixed for the trial (Friday, 12 July) to allow the Admiralty Commissioners to meet in the Court House. Halliburton was agreeable and the date was set down for trial.³³

According to the Commission, a panel of at least three was required, of which Archibald saw himself as President. He approached Vice Admiral Sir Charles Adam to request his attendance, "there being no captain or commander of Her Majesty's Ships in port at the time." In addition, Archibald felt the addition of a member of Council would constitute a "competent and proper tribunal, *without any common law judge*, the commission requiring but three of the persons designated in it to constitute the Court" [my emphasis]. In the event that a Council member were not available, Archibald notified the Chief Justice and other Supreme Court justices also named in the commission. On the date set for trial, Archibald was no doubt surprised when, while waiting with Sir Charles Adam for the arrival of a member of Council, the matter was taken from his jurisdiction:

The Chief Justice and three puisne Judges of the Supreme Court came down, which was the first Notice he had of any intention of the common law judges to sit on the Commission, the Judge of the Vice Admiralty then asked Mr. Justice Hill, the Senior puisne Judge, if they intended to sit on the trial of the prisoners, and was informed in the affirmative, Mr. Hill adding that altho as Master of the Rolls, the Judge of the Vice Admiralty, had precedence of the puisne Judges, yet as they were first named in the Commission they Could not give up their right but must take their seats above him, finding therefore that the Common law judges were disposed to take the direction of this Cause, they Commenced and proceeded in by the Judge of the Admiralty and that the Chief Justice and the Assistant Justices had assumed the whole direction in it, he declined entering into any Controversy as to precedency, and having adjourned the Vice Admiralty Court withdrew from the Court and from a Cause the incidents of which, as judge of the Court he was fully possessed of.

The fate of the prisoners from *Saladin* was, for all practical purposes, thus put into the hands of a common law bench and jury which dealt with the matter expeditiously. As for

Archibald, he did not let the matter rest as easily as the above note might suggest, but this will be examined following a brief summary of the rest of the trial.³⁴

After the uncomfortable confrontation at the Court House, Archibald adjourned the Vice-Admiralty Court and announced that the Admiralty Commission had been given to the common law judges to try the prisoners. At noon that same day, Sir Charles Adam, Chief Justice Halliburton, and Justices Hill, Bliss, and Haliburton, three puisne (lower-ranking) judges, were sworn as Commissioners and the Chief Justice directed the Grand Jury to attend the following morning (13 July).³⁵ When called, the Grand Jury returned two bills of indictment — for piracy and the murder of Alexander McKenzie - against Anderson, Trevaskiss (alias Johnston), Jones and Hazelton. The four pleaded not guilty to both charges, and Thursday, 18 July, was set as the trial date.³⁶ Interestingly, Carr and Galloway, who had provided the first voluntary statements, were not indicted at this time but later held over for trial for the murder of Fielding and his son, which may explain their absence at the Grand Jury sessions.³⁷

After some delay caused by an insufficient number of jurors, Trevaskiss (alias Johnston) attempted, through his counsel, J.B. Uniacke, to change his plea to guilty. But since he "had been given in charge to the Jury with the other Prisoners," it was ruled that "it would be incumbent upon them to pass upon his case as well as theirs." Following these procedural matters, the court heard from a number of men who had boarded *Saladin*, including Michael Tobin and Scott Tremain, who had taken the prisoners' depositions. After cross-examination, during which Tobin and Tremain testified that the confessions were given freely, the court heard the confessions of Jones, Hazelton, Anderson, and Trevaskiss, which ended the Crown's case.³⁸

Anderson and Trevaskiss addressed the jury themselves, while Jones and Hazelton relied on their counsels, William Young and L. O'Connor Doyle. In essence, all argued that they had succumbed to Fielding's inducements and threats and asked the jury to consider this in reaching a decision. In charging the jury, Chief Justice Halliburton referred to the confessions and advised the jurors that if they were given voluntarily, they would be good evidence against those who made them. He cautioned the jury not to consider what each had said against others, but to concentrate on what each had admitted about his own role. Halliburton felt that each had "stated enough against himself to convince the Jury that each and every of them had committed the crime for which they were now on their trial and it was therefore their duty to convict them of it."³⁹

After deliberating for only fifteen minutes, the jury followed the Chief Justice's directions and returned a guilty verdict against all four on the indictment for piracy. The following day, the four were "put to the Bar to take their trial upon the indictment for the murder of Alexander McKenzie upon the High Seas." The matter was dealt with very quickly once the prisoners asked to withdraw their pleas of not guilty and instead to plead guilty. Confirming that this was indeed their wish, the court accepted the guilty pleas and moved on to try Carr and Galloway for the murder of Fielding and his son.⁴⁰

The trials of Carr and Galloway took only a few hours. The Attorney General admitted that the only evidence against them was their own confessions. Their counsel,

J.B. Uniacke, urged the jury to accept the argument that they "were involuntarily acting, and actuated by motives of self preservation." He went on to ask the jury to judge them:

[n]ot as we are, situated free from fear, but from the peculiar and embarrassing position in which they were unwillingly and guiltlessly placed. They were involuntary actors in a scene at which their feelings revolted. They had no alternative — in order to save their own lives, they were forced to act as seeming colleagues with worse men than themselves.

Uniacke's address was unconvincing, but in Carr's case the jury was unable to reach an unanimous decision even after all-night deliberations. Faced with this problem, the Chief Justice and Attorney General agreed to discharge the jury and empanel another. This second jury quickly returned a finding of not guilty for both Carr and Galloway on the two murder indictments. All that remained was to pass sentence on the four unfortunate mariners convicted of piracy and murder on the high seas.⁴¹

The court reassembled on Saturday, 20 July, and the Attorney General moved for the court to pass judgement on the prisoners for the murder of Alexander McKenzie (evidently the piracy charge was withdrawn for some reason; one source suggests that it was intended to avoid the exposure of the bodies of the deceased).⁴² Notwithstanding this forbearance, on 30 July 1844 the four were hanged on a grassy knoll across from Holy Cross cemetery on South Park Street, overlooking Halifax harbour, a place deemed by the High Sheriff to be "on such part of the Commons belonging to the City of Halifax as you shall find to be most convenient."⁴³ The entire sequence of events was transmitted to Lord Stanley in a concise and terse manner by Lieutenant Governor Falkland:

I have the honour to acquaint you that on Tuesday last ultimo four were [hanged:] George Jones, John Hazelton, William Johnson alias William Trevaskiss, and Charles Gustavus Anderson. The three former British born subjects the last a Swede suffered the extreme penalty of the law under a conviction for the murder of Alexander McKenzie master of the British Barque Saladin (of which they were all seamen) during the course of a voyage from Valparaiso to London. The same individuals were also convicted of piracy in taking possession of the above vessel after the murder. The whole case was one of peculiar atrocity as your Lordship will perceive by the notes of the Chief Justice who presided over the trial, as well by the confessions of the criminals themselves copies of which I inclose, and did not I am sorry to say afford the Slightest opening for extending mercy to any of the unhappy culprits.⁴⁴

Since the spectacle was one that few wanted to miss, a detachment of grenadiers was assigned to guard the prisoners and soldiers were stationed around the gallows. The event was preceded by a well choreographed cavalcade including the sheriff, prison

officials, priests, and the prisoners. A large crowd watched the executions which, while not the last public hangings in Halifax, were likely the last multiple ones.⁴⁵

While this ended the lives of the *Saladin* pirates, the trial continued to send ripples of discontent through the Vice-Admiralty Court in Halifax. Archibald was unsettled by what he saw as the usurpation of his authority and did not hesitate to voice his displeasure to the Colonial Office. On 18 July, he wrote a lengthy protest to Lieutenant Governor Viscount Falkland, outlining his reasons for assuming precedence over cases involving the commission of felonies on the high seas. He set out eight arguments why the Vice-Admiralty judge should not be interfered with in such cases. The first was that the special commission, invested by statute, merely changed the method of trying marine felonies procedurally. This, he asserted, should not alter the position of the presiding judge. His second argument was that as the Vice-Admiralty judge had, by his investigation, turned up enough suspicion to warrant a trial, and the accused were secured under that court's efforts, the judge should retain the case. Third, he argued that only the Vice-Admiralty judge was able to dispose of the property involved. He asserted that since the common law could not order restitution of property, the case should remain with the Vice-Admiralty Court. His fourth point was that as convictions might give rise to suits in Vice-Admiralty Court at a later date, it would be unfair to oust "the judge of his right to preside, and reducing him to a mere cypher in his own court." Archibald's fifth argument was that the commission recognized the Vice-Admiralty judge and two others as constituting a competent tribunal. The common law judges, he claimed, should have come to his aid rather than presiding over his own court. The sixth point was that only the Vice-Admiralty Court could address questions of restitution or custody of property. The commission, he claimed, could not adjudicate on these matters and where significant property issues were in question, the jurisdiction of the Vice-Admiralty should not be disturbed. His seventh argument, which seems rather weak, claimed that any common law judge assuming to preside over him was behaving contrary to precedents in England, "where the same law governs the trial of marine felonies in the Admiralty." His last point raised the procedural difficulties involved when Vice-Admiralty Court staff, such as the Register and Marshal, acted under orders of common law judges when their authority and obedience lay ultimately with the Admiralty in England.⁴⁶

While this protest took some time to reach Falkland, the reply was relatively quick. On receiving Archibald's letter, the Secretary of State, Lord Stanley, passed it on to the Law Officers of the Crown for their considered opinion. In his reply, Stanley directed Falkland to communicate the report to the Commissioners, hoping that "it will enable them to yield to the Judge in Vice Admiralty the precedence he claims without any compromise of their own sense of public duty." He went on to indicate that a renewal of the Commission would expressly grant that precedence to him.⁴⁷

This directive came on the advice of the Law Officers of the Crown, who were of the opinion that as the rules and regulations for colonial service dictated that "in Courts for the trial of Piracy, the Members are to take rank according to the order in which they are designated in H. M. Commission, and it appears that the Judge of the Vice Admiralty

is named after the other Judges." Following this reasoning Archibald's claim of precedence was unfounded, but they went on to declare that in England, prior to the establishment of Central Criminal Courts, commissions issued to hear cases of offenses committed on the high seas invariably named the Judge of Admiralty first. As such, they felt that "[a]s it is a duty of the Admiralty Judge to preside in cases of Offenses committed on the High Seas, it would be advisable in issuing any further Commissions for the Trial of such Offenses...to place the name of the Judge of the Vice Admiralty Court before the names of the other Judges." While Archibald was no doubt pleased to receive this news, it was a hollow victory, for in 1849 the Admiralty Offenses (Colonial) Act, 12 & 13 Vic, c. 96, abolished such trials by commission and transferred jurisdiction to the ordinary criminal courts of the colonies. Given the nature of the evidence against Jones, Hazelton, Anderson, and Trevaskiss, the outcome of their trial would likely have been the same had Archibald presided. Yet one could speculate that his charge to the jurors may have convinced them to convict Carr and Galloway of murder.⁴⁸

The *Saladin* case was the last Admiralty Sessions trial for murder and piracy in Nova Scotia. Several others preceded it in the eighteenth and nineteenth centuries, but none captured the attention of the press and public in quite the same way. Admiralty Sessions temporarily fused civil and common law traditions in order to try those charged with committing serious crimes upon the high seas. As the *Saladin* case illustrates, this facilitated speedy determination of such matters, but Admiralty Sessions labored as an uneasy alliance of the two traditions. For instance, S.G. W. Archibald, who prosecuted the Crane case himself in 1832 with no objection to the composition of the commission, was quick to protest when common law judges assumed jurisdiction in the *Saladin* case. While this suggests that at least part of the Archibald's protest was either unfounded or inaccurate, it also demonstrates how the two traditions sought self-preservation.

While the *Saladin* case may have offered more public entertainment than jurisprudential wisdom, its four public hangings, two acquittals, and Archibald's irascible protest made the case a substantial last hurrah for the century-old tradition of Admiralty Sessions at Halifax. And although S.G. W. Archibald was sidestepped by the common law judges in this case, he did get the last say. When the Advocate General later brought an application to the Vice-Admiralty Court for payment out of funds in the Registry for costs incurred in the trial and execution of the four seamen from *Saladin*, Archibald denied the application. Undoubtedly he took some pleasure in deciding that "it is the duty of every civilized state to provide for the trial and punishment of capital offenders, and particularly in the case of pirates."⁴⁹ Such a comment, while no doubt based on sound reasoning, must have given Archibald some small sense of retribution.

NOTES

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1. James Bowes, *Trial of Jones, Hazelton, Anderson and Trevaskiss* (Halifax, 1844; reprint, Halifax, 1976) 6.

2. Judith Fingard, *Jack in Port: Sailortowns of Eastern Canada* (Toronto, 1982), 93-94.
3. *Nova Scotian*, 27 May 1844.
4. *Ibid.*
5. Bowes, *Trial*, 62-65; *Acadian Reporter*, 15 June 1844.
6. Oddly, Allen's name is not found in any newspaper accounts or court records; instead, he was simply referred to as the "carpenter." *Nova Scotian*, 22 July 1844; Bowes, *Trial*, 14-17.
7. Bowes, *Trial*, 28 and 41; *The Times*, 23 July 1844. While master and crews on smaller schooners often shared the same cramped quarters, larger vessels such as *Saladin* would have widely separated quarters for officers and crew (a system which assisted in maintaining authority). A discussion of the division of shipboard labour into port and starboard watches is found in Eric W. Sager, *Seafaring Labour: The Merchant Marine of Atlantic Canada, 1820-1914* (Montreal, 1989), 113-114.
8. *Nova Scotian*, 22 July 1844.
9. Bowes, *Trial*, 33-34.
10. *Ibid.*, 30, 34, and 39.
11. *Ibid.*, 35.
12. *Ibid.*, 31, 36, and 40.
13. *Ibid.*, 36; Public Archives of Nova Scotia (PANS), Record Group (RG) 40, Vol. 17, No. 2ee. The two who went ashore were probably the same two, Laughlin Mahoney and Duncan McNeil, who rowed Cunningham out to *Saladin*. See PANS, RG 40/17/3c, W.R. Cunningham, "Affidavit," 6 June 1844.
14. PANS, RG 40/17/4fff. Charles Archibald is not to be confused with S.G.W. Archibald, Judge of Vice Admiralty.
15. PANS, RG 40/17/2x, "Protest of the Hon. S.G.W. Archibald" [hereafter "Protest"]; RG40/17, 4fff; RG 40/17/4mm. Sinclair submitted a bill to Charles Archibald for boarding, guarding, and transporting the prisoners; this was later submitted as part of the salvage claims against *Saladin*; PANS, RG40.17/4fff. Charles Archibald, petitioning the Vice Admiralty Court for salvage, claimed that "he incurred no slight risk in remaining as he did for several nights aboard the *Saladin* with such desperate characters as the men turned out to be and in keeping them in custody under the same roof with his young and numerous family." PANS, RG 40/17/4fff.
16. PANS, RG 40/17/4ff; "Protest." The schooner was dispatched at the request of S.G.W. Archibald. See also *Nova Scotian*, 21 May 1844; *The Times*, 4 June 1844.
17. Bowes, *Trial*, 6; *The Times*, 23 July 1844.
18. "Protest."
19. D.G.L. Fraser, "The Origin and Function of the Court of Vice Admiralty in Halifax 1749-1759," *Nova Scotia Historical Society Collections*, XXXIII (1967), 71; Arthur J. Stone, "The Admiralty Court in Colonial Nova Scotia," *Dalhousie Law Journal*, XVII (Fall 1994), 363-429.
20. M.J. Prichard, "Crime at Sea: Admiralty Sessions and the Background to Later Colonial Jurisdiction" in Peter Waite, Sandra Oxner and Thomas Barnes (eds.), *Law in a Colonial Society* (Toronto, 1984), 44.
21. Stephen was a prolific writer, editor, and reviewer of books and articles. In addition, he worked tirelessly in drafting Indian legislation while employed at the Colonial Office and was a strong proponent of codification, working tirelessly to codify England's criminal laws. See Desmond. H. Brown, *The Genesis of the Canadian Criminal Code of 1892* (Toronto, 1989), 23-37; Sir James F. Stephen, *A History of the Criminal Law of England* (London, 1883), 18-20.

22. Stephen, *History*, 20; Prichard, "Crime at Sea," 57; Stone, "Admiralty Court," 23. The establishment of the Vice-Admiralty Court at Halifax, with William Spry as its Judge, illustrates how the jurisdictional issue was addressed in British North America.
23. Prichard, "Crime at Sea," 45; PANS, RG 40/17/4kk; RG 40/17/2w; Stone, "Admiralty Court," 8-10; "Protest." Deblois, who died within six months of the *Saladin* trial, was also a prosperous merchant, officeholder, and politician vigorously opposed to the drive for responsible government in the 1830s and 1840s. His extensive estate was probably testimony both to his entrepreneurial expertise and to the lucrative fees accrued during his tenure as Marshal of the Vice-Admiralty Court. See David A. Sutherland, "Stephen Wastie Deblois," *Dictionary of Canadian Biography*, VII, 237-238.
24. Prichard, "Crime at Sea," 57-58; Geoffrey Marston, "Historical Aspects of Colonial Criminal Legislation Applying to the Sea," *University of British Columbia Law Review*, XIV (1980), 302.
25. PANS, RG 1/343, "Papers Relating to Criminal Prosecutions in Nova Scotia, 1794-1832."
26. PANS, Manuscript Group (MG) 2/1244/29, "Trial of Edward Jordan."
27. J.S. Cunnabell, *Report of the Trial of Patrick Crane, for the Murder of Luke Richard* (Halifax, 1832), 2; *Nova Scotian*, 24 May 1832.
28. Cunnabell, *Report*, 8; *Nova Scotian*, 24 May 1832. No date of execution has been found, nor was there any mention of the event in the local newspapers for six months following the trial.
29. *Nova Scotian*, 1 September 1836.
30. PANS, RG 1/214.5/125-126.
31. Marston, "Historical Aspects," 304.
32. Johnston served as Attorney General from 1841 to 1848 and again from 1857 to 1860. See Clara Greco, "The Superior Court Judiciary of Nova Scotia, 1754-1900: A Collective Biography," in Philip Girard and Jim Philips (eds.), *Essays in the History of Canadian Law, Vol. III: Nova Scotia* (Toronto, 1990), 58. Tobin was a prominent Halifax merchant and agent for Lloyd's, and was involved in investigations and assessments for the Vice Admiralty and underwriters in Halifax. See PANS, RG 40/17/2w, 2nn; *Nova Scotian*, 27 May, 10 June and 29 July 1844; *The Times*, 23 July 1844; Bowes, *Trial*, 11-17.
33. *The Times*, 23 July 1844; "Protest." According to Israel Longworth, Archibald spent his leisure weeks every summer at Truro, where "he cultivated the kindly affections of his neighbours...[and] kept open house for all comers, who were delighted by his courtesy, and charmed by his unflinching spirits." Israel Longworth, *Life of S. G. W. Archibald* (Halifax, 1881), 157. Archibald and Halliburton competed hotly for the Chief Justiceship from 1830 to 1832. Both lobbied heavily in England for the post ultimately conferred upon Halliburton by Lord Goderich in 1832. See Phyllis R. Blakeley, "Sir Brenton Halliburton," *Dictionary of Canadian Biography*, VIII, 355-356.
34. "Protest."
35. Of the three puisne judges, Bliss and Haliburton were certainly respected figures. Bliss was an astute businessman and politician, respected for his industry, legal knowledge, and logical opinions. See Phyllis R. Blakeley, "William Blowers Bliss," *Dictionary of Canadian Biography*, X, 72-73. Haliburton, in addition to having served as Solicitor General, was well known for his literary talents, most notably his "Clockmaker Series," featuring satiric moral essays and the character Sam Slick. See Fred Cogswell, "Thomas Chandler Haliburton," *Dictionary of Canadian Biography*, IX, 348-357.
36. *Nova Scotian*, 13 July 1844; PANS, RG 1/255/126-126.5.
37. The Grand Jury served as a court of preliminary enquiry in criminal cases. The sheriff of each county was required to submit annually a list of those qualified and not exempted from duty.

Qualification meant having a freehold estate of ten pounds or a personal estate of one hundred pounds, and residence of at least three months in the county. Beamish Murdoch, *Epitome of the Laws of Nova Scotia* (Halifax, 1833), III, 172-173.

38. *Nova Scotian*, 22 July 1844; PANS, RG 1/255/126.5.

39. PANS, RG 1/255/126.5; *Nova Scotian*, 22 July 1844.

40. PANS, RG 1/255/126.5.

41. *Ibid.*; *Nova Scotian*, 22 July and 2 September 1844; Bowes, *Trial*, 54-55. The two were later indicted for piracy and held for trial, which was to have taken place on 26 August. The outcome of this trial, however, is unrecorded; presumably they were acquitted or the Crown withdrew the charges. *Nova Scotian*, 26 August 1844.

42. Bowes, *Trial*, 55. Those convicted of piracy could expect to have their bodies hung in chains in a prominent place as a reminder to others of the folly of such a life. In Halifax, Maugher's Beach (Hangman's Beach) on MacNabs Island was allegedly the site where six sailors and marines were hung in gibbets for mutiny on HMS *Columbine* in August 1809. *Halifax Herald*, 17 August 1892.

43. *The Times*, 30 July 1844; *Nova Scotian*, 5 August 1844; PANS, RG 1/255/126.5.

44. PANS, RG 1/118, Falkland to Stanley, 2 August 1844.

45. *Nova Scotian*, 5 August 1844. The last hanging in Halifax occurred in 1935, when a man named Sampson was convicted of stabbing to death two young boys. In sharp contrast to the *Saladin* case, the gallows behind the Spring Garden Road Courthouse were hidden from onlookers by a burlap shroud. Alex Campbell, a former RCMP officer who witnessed the event, described it as "a sombre affair," completed "like clockwork". *Nova Scotian*, 1 December 1984.

46. "Protest."

47. PANS RG 1/255/130, Archibald to George, 12 August 1844; George to Archibald, 31 August 1844; RG 1/83/142, Stanley to Falkland, 19 October 1844.

48. PANS, RG 1/83/143, "Extract from Report of H.M. Legal Advisers;" Prichard, "Crime at Sea," 58.

49. PANS, RG 40/17/14c.