

The negro Quack having been indicted for wickedly, voluntarily, feloniously and maliciously conspiring, combining and confederating with Cuffee and with divers other negroes, to kill and murder the inhabitants of this city; and also for setting on fire, burning and consuming the house of our sovereign lord the king, then standing at the fort in this city; contrary to the form of an act of assembly(g) in such case made and provided, and against the king's peace.

The negro Cuffee had been also indicted for wickedly, &c. conspiring, &c. with Quack and divers other negroes, to kill and murder the inhabitants of this city; and also for setting on fire and burning an out-house belonging to Frederick Philipse, esq. then standing and being in this city; contrary to the form of the act of assembly, and against the king's peace.

To which indictments each of these criminals, upon their arraignment, pleaded *not guilty*.

The Attorney General having opened the indictments, spoke to the court and jury as followeth.

*“ May it please your honours, and you, gentlemen of the jury,*

*“ This is a cause of very great expectation, it being, as I conceive, a matter of the utmost importance that ever yet came to be tried in this province; wherefore, before I call the witnesses to prove these two negroes guilty, I shall briefly mention*

(g) By an act of assembly of this province, passed in the fourth year of his present majesty's reign, entitled, “ An act for the more effectual preventing and punishing the conspiracy and insurrection of negroes and other slaves; for the better regulating them, and for repealing the acts herein mentioned relating thereto”—it is enacted, (*inter alia*) That all and every negro, Indian, or other slave, or slaves, who, after the publication of this act, shall murder or otherwise kill (unless by misadventure or in the execution of justice) or conspire or attempt the death of any of his majesty's liege people, **NOT BEING SLAVES**; or shall wilfully burn any dwelling-house, barn, stable, out-house, stacks of corn or hay; and shall thereof be convicted before three or more of his majesty's justices of the peace for the county where such fact shall be committed, one whereof to be of the quorum, who are thereby authorised to hear and determine the same, in conjunction with five of the principal freeholders of the county, without a grand jury, seven of whom agreeing, shall put their judgment in execution according to this act; or before any court of oyer and terminer or general jail delivery; he, she or they so offending, shall suffer the pains of death, in such manner and with such circumstances as the aggravation or enormity of their crimes, in the judgment of the justices of those courts aforesaid, or as in the judgment of seven of the said justices and freeholders, shall merit and require.

to you something concerning this mystery of iniquity in general, how and where it was formed and carried on, and what share these two criminals had in it.

*“Gentlemen,*

“Not only these two negroes, but divers others, and several white people, as will appear to you in the course of our evidence, have been concerned with these wretched offenders, in this most wicked and devilish conspiracy.

*“Gentlemen,*

“You will hear from the mouths of our witnesses, that these two negroes, with divers others, frequently met at the house of one John Hughson, in this city. It was there they were harboured—there was the place of their general rendezvous—and there it was this hellish conspiracy was brooded, formed, consented, and agreed to. It was there that these two negroes and the rest of the conspirators came to a resolution of burning the king’s house at the fort, and this whole town, and of murdering the inhabitants as they should come to extinguish the flames. Crimes, gentlemen, so astonishingly cruel and detestable, that one would think they never could have entered into the minds, much less the resolution of any but a conclave of devils to execute; and yet such monsters in iniquity are these two criminals and the rest of their confederates.

*“Gentlemen,*

“It will likewise appear to you, by Quack’s own confession, (as we shall in the course of our evidence for the king upon this trial shew you) that in prosecution of such their most abominable conspiracies, the king’s house was by him (at the instigation of the rest of the conspirators) set on fire, burnt down, and consumed.

“And then as to Cuffee, we shall shew you that he is doubtless guilty of the charge against him.

*“Gentlemen,*

“The eyes of the inhabitants of this city and province are upon you, relying on and confiding in you, that by the justice of your verdict in this cause this day, the peace and safety of this city and province may for the future be secured to them; which at present (until some examples are made) seem very precarious.

*“Gentlemen,*

“It is in you, the people in general place their hopes and expectations of their future security and repose; that they may sit securely in their own houses, and rest quietly in their beds, no one daring to make them afraid.

“I shall now proceed to examine the witnesses for the king, to support the charge against each of these criminals; and can make no doubt, gentlemen, but when you have heard the evidence against them, you will for your own sakes, your oaths sake, and for the peace, quiet and security of your country, find these two negroes.

Mr. Murray and Mr. Smith, of council also for the king.

Witnesses for the king, called and sworn, Mary Burton, Sarah Higgins, Jacobus Stoutenburgh, Arthur Price, John Peterson, Daniel Gautier, Isacc Gardner, Mr. Hilliard, James M'Donald.

Negro evidence, Fortune (Wilkins's) Sandy (Niblet's.)

Evidence against Cuffee.—Mary Burton said, “That Cuffee, with Cæsar and Prince, the two negroes hanged, used frequently to meet at her master's (Hughson's) house, and that she heard them often talk of burning the fort, and that they would go down to the fly and burn the whole town; and that her master and mistress said they would aid and assist them as much as they could.

“That in their common conversation they used to say, that when all this was done, Cæsar should be governor, and Hughson (her master) king.

“That Cuffee used to say, that a great many people had too much, and others too little; that his old master had a great deal of money, but that in a short time, his master would have less and himself have more.

“That at the meetings of the said three negroes, Cuffee, Cæsar and Prince, at her master's house, they used to say in their conversations, that when they set fire to the town, they would do it in the night; and as the white people came to extinguish it, they would kill and destroy them.

“That she has known at times, seven or eight guns in her master's house, and some swords; and has seen twenty or thirty negroes at one time there; and that at such large meetings the three aforesaid negroes Cuffee, Cæsar and Prince, were generally present and most active; and used to say, that the other negroes durst not refuse to do what they commanded them; and that they were sure they had a number sufficient to stand by them: that the negroes swore, that if ever she published or discovered their design of burning the town, they would burn her whenever they met her.”

Court. Did the prisoner Cuffee ever threaten you so?

M. Burton. Yes, he, Cæsar and Prince, and the rest.

“ That about three weeks after she came to Hughson’s, which was about midsummer last, the negroes were there talking of the plot and some of them said perhaps she would tell ; and Cuffee said no, she would not, he intended to have her for a wife ; and then run up to her ; and she had a dishclout in her hand, which she dabbed in his face, and he ran away.

“ That at a meeting of the negroes at Hughson’s house, Hughson said they were all sworn, negroes and white people present, as she understood ; that is, Hughson, his wife, daughter Sarah, and Peggy, and that the purport of the oath was, that they were not to discover the secrets about firing the fort, the houses at the Fly, and the whole town, and about murdering the white people : And Hughson said to the negroes present, which were Cuffee, Cæsar and Prince, now you must take care, for you are all sworn ; and at the same time the witness saw a bible, as she took it to be, in Hughson’s hand, and when the witness came into the room he laid it upon the table ; and then Cæsar spoke to the witness and cautioned her not to tell, and Hughson made answer that she dared not ; and Cuffee said, d—n his bl—d, if he would tell of any, if he was burnt ; and so said the other two negroes, and so said Hughson, his wife, daughter Sarah, and Peggy.

Arthur Price said, “ that soon after Cuffee, the prisoner at the bar, came to jail, he had some discourse with him over a bowl or tankard of punch, being confined in the same room together, and that, amongst other things, Cuffee said, that he was one of the Geneva Club<sup>(h)</sup> that was sworn, but being overcome with sleep, he did not go to their meeting at that time : that Cuffee asked the witness, what could be the reason that Peggy was called down so often ? The witness answered, he thought Peggy was discovering the plot about the fire at the fort. Cuffee replied, she could not do that unless she forswore herself, he knew ; for that he that had done that was sworn after she was in prison ; that he left his master’s house in the evening, and went along the wharves to the Fly-Market, and waited there till one Quack came out of his master’s house ; they two went then to John Hughson’s, where they met nobody but John Hughson, his wife, and daughter Sarah ; that they called for a tankard of punch ; that Hughson swore Quack three times ; that they only drank out their punch, and then went down to the Fly. That the witness thereupon said to Cuffee, that he believed he knew that Quack, and that he lived with a

(h) See note upon Arthur Price’s deposition, No. 3. before letter (g) Tuesday, May 12.

butcher; Cuffee replied, no; he doth not live with a butcher, but he lives with a painter, who lives within a few doors of a butcher; which painter's name he understood to be Roosevelt, to the best of the witnesses remembrance.

"That Cuffee told him, that Quack was married to the negro wench who is cook to the fort (to the governor) as the witness understood him.

That Cuffee said, "they were all (the negroes as he understood him) to meet at Hughson's the Sunday after Quack was sworn, but some came and some did not.

"That the witness asked Cuffee how Quack did do it? (meaning the setting fire to the fort) that Cuffee answered he could not tell how he did it, but that Quack was to do it, and did do it.

"That Cuff said they were to meet and have a Club at Hughson's in the Easter hollidays, but that the d-d constables hindered them.

"That the witness further asked Cuffee, whether he did not think that the firing would be found out? and he replied, no, by G-d, he did not think it ever would.

"That the witness asked Cuffee, whether he was not afraid that the two negroes who were to be executed next Monday, would discover the fires about the fort and town? Cuffee answered, he was not afraid of that, for that he was sure they would be burnt to ashes before they would discover it, he would lay his life on it.

"That afterwards, upon further discourse with Cuffee, he said he wondered why they only took up the long bridge boys, and not those of the Smith's fly, for he said he believed, if the truth was known, the Smith's fly negroes were as much concerned as the others.

"That Cuffee said to the witness, he knew he was to suffer death, and wondered why they did not bring him to his trial, for he was sure he was to go the way the other two went; meaning (as he understood him) the negroes Cæsar and Prince, hanged.

"That after Quack, the other prisoner at the bar, was committed, Cuffee never mentioned any thing concerning the former discourse to the witness, but read sometimes, and cried very much."

Sarah Higgins said, "That on Sunday afternoon, the day before Col. Philipse's storehouse was set on fire, she saw four negroes lurking about the Garden behind that storehouse, but she knew but one of them, and him only by sight, which was Cuffee, the prisoner at the bar.

“That in the dusk of the evening, she saw four negroes in the same garden again, and they seemed to keep mostly about Kip’s brewhouse, which was on the side of the garden opposite to the said storehouse, they shuffled about as though they would hide themselves; she distinguished Cuffee to be one(c) that he had on a blue coat; she imagined they were upon some ill design, and therefore got capt. Phoenix’s sons to go along with her with small arms (swords she meant) and they went in with her, and searched Kip’s brewhouse for the said negroes, but did not find them.

“The said Cuffee had come several times to the house where she used to live, but she did not know before then, who he belonged to.”

John Peterson said, that when col. Philipse’s storehouse was on fire, he went to assist there, and coming up to it he met Cuffee (Philipse’s) coming out of the door of the storehouse, and he asked Cuff, what he did there? Cuff swore a great oath, and said the people were looking for negroes. That the witness had a bucket of water in his hand, and gave it to Cuff, and bid him hand it; and he took the bucket from the witness: that Cuff had a blue coat on lined or faced with red, and he knew his voice very well when he answered him. The witness said, he used to work for Cuff’s master, and knew the negro very well.

“That after the fire at the storehouse was extinguished, and the people were drawn away from thence by a new cry of fire, Mr. Philipse (Cuff’s master) and Mr. Chambers were standing together in the garden near the storehouse, and somebody came up and told Mr. Philipse that they had taken Cuff out of his house, and were carrying him to jail, and that it was he that had set the fire; Mr. Philipse made answer, how can that be, I left him at home at work, making a vane for the boat? that he the witness standing near by and hearing that, said I am sure I saw him here just now at the fire and spoke to him, and he answered me, and I handed him a bucket of water.”

Jacobus Stoudenburgh said, “That he had known the prisoner (Cuffee) by sight a long time, but did not know who he belonged to.

“That he (the witness) went to assist at the fire at Mr. Philipse’s storehouse; and when that fire was extinguished he was at the top of the roof, when there was another alarm of fire, which drew most of the people away from thence; when some-

(c) See Fortune’s examination, Number 2. § 2. 23d May.

body cried out there were negroes in the storehouse; and there being a great many shingles pulled off the roof, he could see down into them, and he espied out Cuff in the storehouse next to that on fire, and he was letting himself down through the laths in order to catch him, but he was hindered by a nail catching hold of his breeches, or he believed he had taken him; that he saw him leap out of the window at the end of the storehouse, and so made haste away, leaping over several garden fences, and made his escape; that then the witness went back with the fire-engines towards the City-Hall, and he heard the people say they had got the negro; and then he said if it was the same negro he should know him again; and there was a great crowd of people bringing him to jail, and when the witness saw him he knew him to be the same (Cuffee) the prisoner at the bar."

Isaac Gardner said, "He saw Cuffee the prisoner at the bar, at the fire at the fort, there were rows made of people in the garden, negroes as well as white men, from the water side through the sally port, in order to hand water along to the fire, and the witness observed that when the buckets came to Cuffee, instead of handing them along to the next man, he put them upon the ground and overset them, by which means the ground which was at first dry and hard, became so wet that the witness who stood next him, was almost up to the ankles in mud, and that the witness then observed Cuff when the flames of the house blazed up very high, he huzza'd, danced, whistled and sung, and that the witness said to him, you black dog, is this a time for you to dance and make game upon such a sad accident; and he only laughed and whispered to Albany (Mrs. Carpenter's negro) who stood next him on the other side: whereupon the witness seeing col. Moore, he said to him he wished he would speak to those negroes, who only laughed and made game whenever he forbid them oversetting the water, and that col. Moore did speak to them, but after his back was turned, they went on again in the same manner, and so continued until they broke up from the fire."

Evidence affecting both prisoners.—Daniel Gautier, carpenter, said, that he was one of the first who went up to the fort upon the alarm of the fire. When he came up towards it, he observed that great part of the outside of the roof was covered with smoke, but none for a considerable distance from the end next the chapel; when he came upon the ramparts next the chapel, he was asking how it came, and was told it was occasioned by the Plumber's carrying his fire-pot into the gutter, which he was mending between the house and the chapel (as it

was a leaden gutter which the plumber had been soddering to stop a leak) and some sparks of the fire had blown out of the pot and caught the shingles; whereupon the witness seeing a ladder set up against the gutter, he went up, and looking in at the dormant window at the end of the house towards the chapel, he saw the inside of the garret roof in a blaze, but there was no fire within, he believes, twenty foot of the end he looked in at; wherefore he was then of opinion it could not have been occasioned by the plumber's working there; for when the fire broke out at the top of the roof, it was, as he thought, twenty foot from the end next the gutter, and he observed the fire broke out in several places farther; and the witness said, that upon his first view of it, he gave the house over for lost.

Hilliard, the plumber, said, "that he thought the fire could not have been occasioned by his working there, for that he was very careful of the fire he carried up, and he had a soldier to attend him; that his fire-pot was set on a board which laid over the gutter from the chapel to the house, but was much lower than the dormant window; that he did not think that any sparks of fire did fly out of the fire-pot; for it was an inclosed pot like a dark lanthorn, with an opening only before to put his soddering iron in, and that he was careful to put the back of it towards the wind; that the fire was on the other side of the roof, not near where he was at work."

Mr. Murray observed, that by an act of assembly of this province, as in all other of his majesty's colonies where there are negroes, the negro evidence is good against each other; and he read the particular clauses in the act to this purpose, and further remarked upon the reasonableness and necessity of this law.

[The title of it is mentioned in the note upon the abstract of the first indictment in this trial.]

Negro evidence affecting Cuffee.—Fortune (Wilkins' negro) said, "that on Sunday, the day before col. Philipse's storehouse in New-street was set on fire, being sent by his master, towards evening on an errand to their apprentice boy, who lived in the Broadway, he went by the way of New-street, where he saw Cuffee and spoke with him, and that he said he was going to one of his master's storehouses, on which they parted, and the witness went to the Broadway, and tarried there till it was duskish; that he returned the same way, and as he came by the house of Captain Phoenix, at the corner of New-street, he saw Cuffee again, and two negroes more at some small distance from him, but who they were knew not: that he spoke with Cuffee,

and asked him what he did there so late? he answered, he waited there for his master, who wanted something out of the storehouse, and that he was to come and bring the key with him, on which they parted again, but the witness believed one of the other two negroes was a Spaniard, because when he left Cuffee, he heard one of them call him, *venez a qui seignior*.

The witness said, "that he had been often asked by Cæsar (Vaarck's) Prince (Auboyneau's) and Cuffee, the prisoner, to go with them to Hughson's, but that he never did, but was told they had a dance there every other night."

Negro evidence affecting Quack and Cuffee.—Sandy said, "that he heard Quack and Cuffee say, they would set fire to Mr. Philipse's storehouse.

"That Cuffee said, d—n him, that hang him or burn him, he would set fire to the town."

Evidence affecting Quack only.—Mary Burton said, "that she had often seen Quack at Hughson's door, along with Cuffee (Philipse's) Cæsar (Vaarck's) and Prince (Auboyneau's) but never saw him within the house."

Negro evidence against Quack.—Fortune, (Wilkin's) said, "that Quack, about a week or ten days before the fort was burnt, (being on a Sunday afternoon) desired the witness to take a walk with him, and that he went with him into the common, where Quack left him a little while, and went down into the swamp, near the powder-house, where he gathered something, and returned to him again.

"That when he came back, the witness asked him what he had got? He answered, he would not tell him; but then asked the witness to go down with him to the fort, and said he would give him some punch; that accordingly the witness went with him to the fort, though he did not go very willingly.

"That when they came to the fort, Quack carried him into the kitchen, where he kept him till it began to grow dark, and then the witness told him he must be going, for that the watch would take him up; Quack answered, there was no danger of that.

"That Quack gave him no punch at the fort, but asked him to drink a dram, which he refused; and so both came away from thence together, keeping company till they came to captain Pearse's house, where they parted; the witness returning home, and Quack, as the witness believed, went back to the fort.

"This was all that passed between the witness and Quack at their first meeting, on Sunday afternoon.

“That about three days after that, the witness met Quack again, near Mrs. Carpenter’s, where Quack asked the witness, why he was in such haste when he was last at the fort? To which the witness answered, that he was afraid of the watch. Quack replied, there was no fear of that, and invited him to come and see him again at the fort, but the witness refused, saying that he had promised him punch before and gave him none.

“That about two days before the fort was burnt, he met Quack again, near Mrs. Ricketts’s, where he told the witness, that in a few days there would be great alterations in the fort. The witness asked him what alterations? to which Quack replied, that the fort would be burnt: the witness asked him, who would do it? Quack replied, you may ask Niblet’s negro, and he will tell you. That the witness did ask Niblet’s negro who was to burn the fort? To which he answered, Quack, himself, (Sandy) and Gomez’s Cuffee, they would do it.

“That the next day after the fire at the fort, the witness met Sandy (Niblet’s negro) who said to him, we have done the business; and the same day the witness met Quack, who likewise said to him, the business is done; thereupon the witness asked him what business? to which Quack replied, the fort is burnt; don’t you remember that I told you, there would be great alterations in the fort? and Quack told him at the same time, that he himself, Niblet’s Sandy, and Gomez’s Cuffee, had done it.”

Sandy, alias Sawney (Niblet’s negro) said, “that about three weeks before the fire at the fort, Quack asked him to set the fort on fire, and he the witness, answered no, he would not run the risk of being hanged; but that he might go to h—ll and be d—d. That then Quack said, he would do it himself.”

Against Quack and Cuffee.—Sandy said, “that they two particularly talked of killing the gentlemen, and taking their wives to themselves; that he heard Quack say, since he came to jail, that he burnt the fort.”

Witnesses called at the request of the prisoners.—Jacob Bursen, Peter Jay, Lewis Parent, Gerardus Beekman, Mr. Niblet, Captain Rowe, John Roosevelt and his son, Catherine Wells, Adolph Philipse, esq.

Adolph Philipse, esq. (Cuffee’s master) said, that all he could declare about him was, “that the afternoon his nephew’s (col. Philipse’s) storehouse was on fire, he had left him at home not long before the alarm of the fire at work, sewing a vane upon a board for his boat; that as to his character he could say nothing.”

Quack’s master (Mr. Roosevelt) and his son, both declared, “that Quack was employed most part of that morning the fort

was fired, from the time they got up, in cutting away the ice out of the yard; that he was hardly ever out of their sight all that morning, but a small time while they were at breakfast; and that they could not think he could that morning have been from their house so far as the fort."

James M'Donald being called and sworn for the king, said, "that the day the fort was fired, he stood sentry at the gate about eleven o'clock in the morning, a little before or after, and that Quack came up to the gate and offered to come in; the witness said, he knew that the governor had some time before forbid him coming to the fort, and therefore he scrupled to let him in; Quack answered, that he was free now and had liberty to come, and so he let him pass.

"That not long before that, the witness was posted one night at the same gate, and Quack (the prisoner) came up in order to go to the governor's house, and the witness knew that the governor had before then lately forbid him coming there, and therefore opposed his entrance within the gate; but Quack was resolute, and pushed forward whether he would or no, and said he would go in. The witness then bid him take what followed, and clubbed his firelock, and knocked him down; that then Quack got up again and collared the witness, and cried out murder; and the witness was going to strike him again, and the officer of the guard hearing a bustle, called to the witness, and forbid him striking him any more; and Quack then ran in a-doors into the governor's kitchen, and they went and fetched him, and turned him out of the fort."

Captain Rowe and Beekman said, "Quack was employed last year to work at the new battery, and that he minded his business very well."

The other witnesses called at the request of the prisoners, said nothing more material.

The Prisoners being asked what they had to offer in their defence, they offered nothing but peremptory denials of what had been testified against them, and protestations of their innocence.

Mr. Smith then proceeded to sum up and remark upon the evidence, and spoke as followeth.

*"May it please your honours, and you, gentlemen of the jury,*

"The part assigned to me on this trial, is to sum up the evidence which you have heard; and in general it may be observed, that a most horrid conspiracy has been formed, to burn this city, and to destroy the white people.

"That great numbers of persons have been concerned in the plot; some whites, and many blacks. That the place of their

general rendezvous was the house of John Hughson. That there thirty negroes have met at a time. That their meetings were chiefly on Sundays. That Hughson, as the captain of this hellish band, swore himself and others into this dark confederacy. That some arms and ammunition were provided by Hughson for the purpose; and that the night season was agreed on for the putting it in execution.

“*Gentlemen*, no scheme more monstrous could have been invented; nor can any thing be thought of more foolish, than the motives that induced these wretches to enter into it! What more ridiculous than that Hughson, in consequence of this scheme, should become a *King*! *Cæsar*, now in gibbets, a *Governor*! That the white men should be all killed, and the women become a prey to the rapacious lust of these villains! That these slaves should thereby establish themselves in peace and freedom in the plundered wealth of their slaughtered masters! It is hard to say whether the wickedness or the folly of this design is the greater; and had it not been in part executed before it was discovered, we should with great difficulty have been persuaded to believe it possible, that such a wicked and foolish plot could be contrived by any creatures in human shape.

“Yet, gentlemen, incredible as such a plot would have seemed to have been, the event has in part proved it to be real. Whence else could so many fires have been lighted up all around you in so short a time, with evident marks of wilful design? A design that could not be executed but by several hands.

“Now, gentlemen, the prisoners at the bar stand charged with being principal parties in this tragical design, and two of the prime incendiaries: Quack for burning his majesty’s house in the fort, and Cuffee for burning col. Philipse’s storehouse.”

Afterwards Mr. Smith proceeded to observe on the several parts of the evidence against each of the prisoners, particularly to shew, that Cuffee was one of the first of the negroes that were sworn into the plot to burn and murder; that he appeared one of the most forward and active in promoting it; that Mr. Philipse’s storehouse, by divers circumstances, appeared to have been wilfully set on fire; that the prisoner declared that he would burn that storehouse; that he was seen there before the fire broke out, in a suspicious appearance, and was present at the time of it; and at the cry of some persons that negroes were in the storehouse, the prisoner jumped out of a window, leaped over two fences, and ran away, &c. that he seemed exceedingly well pleased with the fire at the fort; upset the buckets that were filled with water, and did what he could to

prevent the extinguishing of that fire, &c. and then inferred, from the facts proved, and circumstances attending them, that there appeared violent presumption of guilt, which the law esteems full proof.

As to Quack, he observed, that the witnesses proved that Quack was sworn into the conspiracy, and particularly that he had agreed to burn the fort; that he repeatedly said he would do it; that the fire where it broke out could not easily be accounted for from any accidental cause; that the prisoner had confessed the crime both before he was apprehended and since he had been in jail; all which amount to full proof.

The particular remarks on the testimony of the witnesses to the several points before mentioned, are here omitted for the sake of brevity, and because the substance of the evidence is before related. Then concluded,

“ Thus, gentlemen, I have distinguished the several points of the evidence against the prisoners, and have repeated the substance of what each witness has said to each point, and shall leave it to you to determine whether the prisoners are guilty or not. I have endeavoured to lay no more weight upon any part of the evidence, than it will well bear; and I hope I have not urged any consequence which the fact proved will not fairly warrant.

“ *Gentlemen*, the prisoners have been indulged with the same kind of trial as is due to free men, though they might have been proceeded against in a more summary and less favourable way. The negro evidence, in the manner in which it has been produced, is warranted by the act of assembly that has been read to you; the law requires no oath to be administered to them, and indeed it would seem to be a profanation of it, to administer it to a Heathen in the legal form. You have seen that the court has put them under the most solemn caution, that their small knowledge of religion can render them capable of. The being and perfections of an Almighty, all knowing, and just God, and the terrors of an eternal world, have been plainly laid before them, and strongly pressed upon them. Unless they were professed Christians, and had taken upon them the bonds and obligations of that religion, their word, with the cautions that have been used, I suppose will be thought by you, as satisfactory as any oath that could have been devised. But, gentlemen, the court has no power to administer an oath, but in the common form, and if Pagan negroes could not be received as witnesses against each other, without an oath in legal form, it is easy to perceive that the greatest villainies would often pass with impunity.

“ Before I conclude, I cannot help observing to you, gentlemen, that by divers parts of the evidence, it appears that this horrid scene of iniquity has been chiefly contrived and promoted at meetings of negroes in great numbers on Sundays. This instructive circumstance may teach us many lessons, both of reproof and caution, which I only hint at, and shall leave the deduction of the particulars to every one's reflection.

“ *Gentlemen*, the monstrous ingratitude of this black tribe, is what exceedingly aggravates their guilt. Their slavery amongst us is generally softened with great indulgence; they live without care, and are commonly better fed and clothed, and put to less labour, than the poor of most Christian countries. They are indeed slaves, but under the protection of the law, none can hurt them with impunity: they are really more happy in this place, than in the midst of the continual plunder, cruelty, and rapine of their native countries; but notwithstanding all the kindness and tenderness with which they have been treated amongst us, yet this is the second attempt of the same kind, that this brutish and bloody species of mankind have made within one age.<sup>(k)</sup> That justice that was provoked by former fires, and the innocent blood that was spilt in your streets, should have been a perpetual terror to the negroes that survived the vengeance of that day, and should have been a warning to all that had come after them. But I fear, gentlemen, that we shall never be quite safe, till that wicked race are under more restraint, or their number greatly reduced within this city. But I shall not insist further, but refer you, gentlemen, to the direction of the court; and if the evidence against these prisoners proves sufficient in your judgment to convict them, I make no doubt but you will bring in a verdict accordingly, and do what in you lies to rid this country of some of the vilest creatures in it.”

Then the jury were charged, and a constable was sworn to attend them as usual; and they withdrew; and being soon returned, found the prisoners guilty of both indictments.

The prisoners were asked, what they had to offer in arrest of judgment, why they should not receive sentence of death? and they offering nothing but repetitions of protestations of their innocence; the third justice proceeded to sentence, as followeth.

*Quack and Cuffee, the criminals at the bar,*

“ You both now stand convicted of one of the most horrid and detestable pieces of villainy, that ever satan instilled into

(k) Alluding to the negro plot in 1712, before noted upon Peggy's examination, No. 1. May 9.

the heart of human creatures to put in practice : ye, and the rest of your colour, though you are called slaves in this country ; yet are you all far, very far, from the condition of other slaves in other countries ; nay, your lot is superior to that of thousands of white people. You are furnished with all the necessaries of life, meat, drink, and clothing, without care, in a much better manner than you could provide for yourselves, were you at liberty ; as the miserable condition of many free people here of your complexion might abundantly convince you. What then could prompt you to undertake so vile, so wicked, so monstrous, so execrable and hellish a scheme, as to murder and destroy your own masters and benefactors ? nay, to destroy root and branch, all the white people of this place, and to lay the whole town in ashes.

“ I know not which is the more astonishing, the extreme folly, or wickedness, of so base and shocking a conspiracy ; for as to any view of liberty or government you could propose to yourselves, upon the success of burning the city, robbing, butchering and destroying the inhabitants ; what could it be expected to end in, in the account of any rational and considerate person among you, but your own destruction ? And as the wickedness of it, you might well have reflected, you that have sense, that there is a God above, who has always a clear view of all your actions, who sees into the most secret recesses of the heart, and knoweth all your thoughts ; shall he not, do ye think, for all this bring you into judgment, at that final and great day of account, the day of judgment, when the most secret treachery will be disclosed, and laid open to the view, and every one will be rewarded according to their deeds, and their use of that degree of reason which God Almighty has entrusted them with.

“ Ye that were for destroying us without mercy, ye abject wretches, the outcasts of the nations of the earth, are treated here with tenderness and humanity ; and, I wish I could not say, with too great indulgence also ; for you have grown wanton with excess of liberty, and your idleness has proved your ruin, having given you the opportunities of forming this villainous and detestable conspiracy ; a scheme compounded of the blackest and foulest vices, treachery, blood-thirstiness, and ingratitude. But be not deceived, God Almighty only can and will proportion punishments to men's offences ; ye that have shewn no mercy here, and have been for destroying all about ye, and involving them in one general massacre and ruin, what hopes can ye have of mercy in the other world ? For shall not the judge of all the earth do right ? Let me in compassion

advise ye then; there are but a few moments between ye and eternity; ye ought therefore seriously to lay to heart these things; earnestly and sorrowfully to bewail your monstrous and crying sins, in this your extremity; and if ye would reasonably entertain any hopes of mercy at the hands of God, ye must shew mercy here yourselves, and make what amends ye can before ye leave us, for the mischief you have already done, by preventing any more being done. Do not flatter yourselves, for the same measure which you give us here, will be measured to you again in the other world; ye must confess your whole guilt, as to the offences of which ye stand convicted, and for which ye will presently receive judgment; ye must discover the whole scene of iniquity which has been contrived in this monstrous confederacy, the chief authors and actors, and all and every the parties concerned, aiding and assisting therein, that by your means a full stop may be put to this horrible and devilish undertaking. And these are the only means left ye to shew mercy; and the only reasonable grounds ye can go upon, to entertain any hopes of mercy at the hands of God, before whose judgment seat ye are so soon to appear.

“Ye cannot be so stupid, surely, as to imagine, that when ye leave this world, when your souls put off these bodies of clay, ye shall become like the beasts that perish, that your spirits shall only vanish into the soft air and cease to be. No, your souls are immortal, they will live forever, either to be eternally happy, or eternally miserable in the other world, where you are now going.

“If ye sincerely and in earnest repent you of your abominable sins, and implore the divine assistance at this critical juncture, in working out the great and momentous article of the salvation of your souls; upon your making all the amends, and giving all the satisfaction which is in each of your powers, by a full and complete discovery of the conspiracy, and of the several persons concerned in it, as I have observed to ye before, then and only upon these conditions can ye reasonably expect mercy at the hands of God Almighty for your poor, wretched and miserable souls.

“Here ye must have justice, for the justice of human laws has at length overtaken ye, and we ought to be very thankful, and esteem it a most merciful and wondrous act of Providence, that your treacheries and villainies have been discovered; that your plot and contrivances, your hidden works of darkness have been brought to light, and stopped in their career; that in the same net which you have hid so privily for others your own feet are

taken; that the same mischief which you have contrived for others, and have in part executed, is at length fallen upon your own pates, whereby the sentence which I am now to pronounce will be justified against ye; which is,

“That you and each of you be carried from hence to the place from whence you came, and from thence to the place of execution, where you and each of you shall be chained to a stake, and burnt to death; and the lord have mercy upon your poor, wretched souls.”

Ordered, that the execution of the said Quack and Cuffee be on Saturday the 30th of this instant, between the hours of one and seven o'clock in the afternoon of the same day.

The court adjourned till Tuesday the 2d of June next, ten o'clock in the morning.

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#### SATURDAY, MAY 30.

This day Quack and Cuffee were executed at the stake according to sentence.

The spectators at this execution were very numerous; about three o'clock the criminals were brought to the stake, surrounded with piles of wood ready for setting fire to, which the people were very impatient to have done, their resentment being raised to the utmost pitch against them, and no wonder. The criminals shewed great terror in their countenances, and looked as if they would gladly have discovered all they knew of this accursed scheme, could they have had any encouragement to hope for a reprieve. But as the case was, they might flatter themselves with hopes: they both seemed inclinable to make some confession; the only difficulty between them at last being, who should speak first. Mr. Moore, the deputy secretary, undertook singly to examine them both, endeavouring to persuade them to confess their guilt, and all they knew of the matter, without effect; till at length Mr. Roosevelt came up to him, and said he would undertake Quack, whilst Mr. Moore examined Cuffee; but before they could proceed to the purpose, each of them was obliged to flatter his respective criminal that his fellow sufferer had begun, which stratagem prevailed: Mr. Roosevelt stuck to Quack altogether, and Mr. Moore took Cuff's confession, and sometimes also minutes of what each said; and afterwards upon drawing up their confessions in form from their minutes, they therefore intermixed what came from each.

Quack's confession at the stake. He said,

1. " That Hughson was the first contriver of the whole plot, and promoter of it ; which was to burn the houses of the town ; Cuffee said, to kill the people.

2. " That Hughson brought in first Cæsar, Vaarck's ; then Prince, Auboyneau's ; Cuffee, Philipse's ; and others, amongst whom were old Kip's negro ; Robin, Chambers's ; Cuffee, Gomez's ; Jack, Codweis's and another short negro, that cooks for him.

3. " That he Quack did fire the fort, that it was by a lighted stick taken out of the servants hall, about eight o'clock at night, that he went up the back stairs with it and so through Barbara's room, and put it near the gutter, betwixt the shingles, and the roof of the house.

4. " That on a Sunday afternoon, a month before the firing of the fort, over a bowl of punch, the confederates at Hughson's (amongst whom were the confederates above named, Albany, and Tickle, alias Will, Jack and Cook, Comfort's ; old Butchell (l) Cæsar, and Guy, Horsfield's ; Tom, Van Rants's ; Cæsar, Peck's ; Worcester, and others) voted him Quack, as having a wife in the fort, to be the person who should fire the fort, (m) Sandy, and Jack, Codweis's ; Cæsar, and Guy, Horsfield's ; were to assist him in it.

5. " That Hughson desired the negroes to bring to his house, what they could get from the fire, and Hughson was to bring down country people in his boat to further the business, and would bring in other negroes.

6. " That forty or fifty to his knowledge were concerned, but their names could not recollect [the mob pressing and interrupting.]

7. " That Cuffee, Gomez's ; and Cæsar, Peck's, fired Van Zant's storehouse.

8. " That Mary Burton had spoke the truth, and could name many more.

9. " Fortune, Wilkins's, and Sandy, had done the same ; and Sandy could name the Spaniards, and say much more, which Cuffee particularly confirmed.

10. " Being asked what view Hughson had in acting in this manner ? He answered, to make himself rich.

(l) It was not discovered who this negro was.

(m) The reader may perceive hereafter, that the whole current of the testimony of the witnesses, white and black, do agree, that there was a great meeting of the negroes at Hughson's, on a Sunday evening, about a month before the fort was burnt.

11. "That after the fire was over, Quack was at Hughson's house, Jack, Comfort's, a leading man, Hughson, wife and daughter present, and said, the job was done, meaning the fire; that he went frequently to Hughson's house, and met there Tickle and Albany.

12. "Quack said his wife was no ways concerned, for he never would trust her with it: and that Denby(n) knew nothing about the matter.

13. "Jamaica, Ellis's, not concerned that he knew of, but was frequently at Hughson's with his fiddle.

14. "Said he was not sworn by Hughson, but others were."<sup>(o)</sup> McDonald (the witness against Quack upon the trial) at the stake desired Mr. Pinhorne to ask Quack, whether he had wronged him in what he had said of him at court? He answered no; it was true he did pass him at the fort gate, about eleven o'clock that morning.

The witness then went up to him himself, and asked him the same question; and he answered the same as to Mr. Pinhorne, that he had not wronged him, and further, "that he, Quack, thought the fort would have been on fire the night before; for that he had taken a firebrand out of the servants' hall, and carried

(n) The governor's negro boy. Quack's wife was the governor's cook.

(o) If this be true, then he was sworn there by somebody else: but Cuff told Arthur Price, as he says, that he (Cuff) went down with Quack to Hughson's, and that Hughson swore Quack three times. See Price's deposition, No. 3, § 1. 12th May. Perhaps Cuff said no more than that he saw Quack sworn there three times. From what had been discovered of this villainy at that time, and for some time afterwards, it was the general opinion, that Hughson was the contriver and chief schemer of the conspiracy, and these two negroes, it should seem, knew no better; and from Quack's being carried to Hughson's, and sworn three times there, Price might naturally enough conclude he was sworn by Hughson himself, and understand Cuffee so. It will scarce be expected a witness should depose precisely the same words which pass in a long discourse, but the substance of them only, according to his own apprehension and remembrance. It was thought that the false, ensnaring, damnable notion (which had, no doubt, with great art and industry, been instilled into these wretches) of the obligation of that infernal oath, which had been so often administered to them by Hughson and other principal conspirators, was the true reason of the backwardness and hesitancy of the criminals, and their alternately insisting upon the punctilio of the others opening first. The hopes and promises of paradise for doing the devil's work, is no new invention of worldly, wicked and blood-thirsty politicians, for involving such as they are pleased to style heretics, in butchery and destruction.

*Tantum religio potuit suadere malorum, falsa!*

if up into the garret, on the seventeenth at night, (St. Patrick's) and when he came up the next morning into the garret, he found the brand alight, and blew it, and then went away again." (p)

Cuffee's confession at the stake.—He said,

1. "That Hughson was the first contriver of all, and pressed him to it: that he Cuffee was one of the first concerned.

2. "The fire was intended to begin at Comfort's shingles, and so go through the town.

3. "Old Kip's negro; Robin, Chambers's; Jack, Comfort's; and Cuffee, Gomez's; were of the conspirators: Albany and Tickle were concerned.

4. "That he was sworn, and Cæsar and Prince(q) also by Hughson.

5. "That Cuffee, Gomez's; and Cæsar, Peck's; burnt Van Zant's storehouse.

6. "That Sandy set fire to Mr. Machado's house; Niblet's negro wench can tell it, and Becker's Bess(r) knows it.

7. "That he set fire to the storehouse as sworn against him, that when his master went to the Coffee-House, he ran out of the other door, and went the back way into the storehouse, having lighted charcoal in his pocket between two oyster shells, he put the fire between the ropes and the boards, and leaving it on fire, went home.

(h) This to some may seem incredible; but those who have experienced hickory or walnut firewood, which has the preference of all other firewood in this country (amongst other reasons for the durability of the coal) have affirmed, that they have known when a fire has been laid up, and brands-ends or sticks put by in the chimney corner, that they have mouldered slowly away, and been often found alive twenty-four hours afterwards; which is much longer than this brand lay upon the beam in the garret at the fort; and this was in a place where little or no air came to quicken it, and where it lay, being upon a beam next the shingle roof, it was possible there might have been some leak which had made it damp or wet, which by the brand and the ashes mouldering from it, was at length dried by the time Quack came up there the next morning, about eleven o'clock, which was about eleven hours after the brand was laid there, by Quack's account; and the ashes which in that time had mouldered from the brand, might possibly guard the beam from the fire, till Quack had blown them away, and enlivened the brand, by which means it might afterwards take effect, though it was about an hour and a half after this, that the smoke and smother appeared on the outside of the roof. But however it was, these were declared by the witness M'Donald, to be part of Quack's dying words, whatever objections they may be liable to. And Quack, it seems, was the occasion of this mischief.

(g) Vaarck's and Auboyneau's.

(r) This wench not apprehended.

8. "That Hughson's people were to raise a mob to favour the design.

9. "That the evidence Peterson, did see him; that Fortune did see him the night before.(s)

10. "That Fortune knew and was as deeply concerned as he; and Sandy was concerned, and knew the Spaniards.(t)—And (being asked) did confess there was a design to kill the people, but not told to all.(v) And said,

11. "There was about fifty concerned;(w) and that all were concerned that a constable who stood by(x) had seen at Hughson's house."

After the confessions were minuted down (which were taken in the midst of great noise and confusion) Mr. Moore desired the sheriff to delay the execution until the governor be acquainted therewith, and his pleasure known touching their reprieve; which, could it have been effected, it was thought might have been a means of producing great discoveries; but from the disposition observed in the spectators, it was much to be apprehended, there would have been great difficulty, if not danger in an attempt to take the criminals back. All this was represented to his honour; and before Mr. Moore could return from him to the place of execution, he met the sheriff upon the common, who declared his opinion, that the carrying the negroes back would be impracticable; and if that was his honour's order it could not be attempted without a strong guard, which could not be got time enough; and his honour's directions for the reprieve being conditional and discretionary, for these reasons the execution proceeded.

Cuffee, from the course of the evidence, was one of the principal negroes who was first initiated into this detestable enterprise; one that Hughson, no doubt, found so thoroughly qualified for his purpose, that he might put more than ordinary confidence in him, and entrust him with a greater share of this infernal secret than others of his colour; but more especially as to the parties blacks and whites engaged in it. It was notorious Cuff had a great deal of idle time upon his hands, perhaps more

(s) See Fortune's evidence on the trial and his examination, No. 2. § 2. Saturday, 23d May. Also, Sarah Higgins's evidence on the trial.

(t) i. e. The Spanish negro conspirators.

(v) So that Cuff was more in the secret than others engaged.

(w) This seems to be a random guess under great confusion, for it is most probable he knew more.

(x) North, the whitsuntide before he had interrupted a number of negroes feasting at Hughson's, and cudgelled them away.

than any negro in town, consequently was much at large for making frequent daily or nightly visits at Hughson's, the head lodge, where these deeds of darkness and inhumanity were brooding; and therefore indeed must of course have become personally acquainted with a greater number of the conspirators, than others who had fewer of the like opportunities.

Quack had a master who kept him fully employed, adays at least, and it seems he was a much later convert; for Cuff, in his discourse with Arthur Price, about the person that set fire to the fort. [See Price's deposition again, No. 3. § 1. May 12; for the manner of this secret bolting from Cuff to a fellow-prisoner, as there related, is somewhat remarkable, and may be very apt to induce one's credit.] Price having told Cuff, "that he had heard Peggy had discovered about the fire at the fort, Cuff replied, she could not do that unless she forswore herself, he knew, for he that had done that was sworn" [perhaps he meant into the conspiracy also, but at least he must mean to do that fact] "after Peggy was in prison." And so Cuff goes on and tells the circumstances of his meeting Quack (it should seem according to appointment) and carrying him down to Hughson's, and Hughson's swearing him three times, to make sure of him. This could not have been long before the fort was burnt down, for Peggy was committed on the 4th March, and the fort burnt the 18th, but intended for the 17th at night; and by Cuff's saying, "she could not do that unless she forswore herself he knew," i. e. (Cuff must mean) she could not discover the person who set fire to the fort. Quack must therefore have been engaged in this wicked purpose but a little before he put it in execution, and though Hughson and his advisers might have known long before that Quack was a fit tool for them, and as such made very much of him, because he had pretensions to go to the fort and stay there a-nights with his wife, and though probably he might have been engaged and sworn into the general design of the conspiracy (which was the artifice, it seems, they constantly practised upon a negro's saying yes, i. e. consenting to their abominable proposals) yet they might not think it so safe to attempt the engaging him for this particular fact, long before the time calculated for the execution of it, for they might apprehend some danger in that; during a long interval there would have been more hazard of his talking of it, and perhaps to his wife, who, if she had any influence over him, and had happened to have a grain of honesty or gratitude towards her master and his family, she possibly might have persuaded him to make

a merit to them both, of detecting this infernal confederacy, and therefore it seems most probable the Devil and his agents deferred the attempting his resolution upon this grand article, till some short time before the execution of it; if they found Quack of a pliable disposition, they might think if they could, upon a surprise, fix him in the persuasion that such an oath was at all obligatory; by the reiterating of it, they might make the deeper impression upon him, and fix him the more firmly, and that there would be less hazard of his failure in the engagement, the shorter time he had to cool and deliberate upon it.

Both these criminals declare their opinions, that Hughson was the first contriver and promoter of the conspiracy, so far as they knew of the matter; that he was the first promoter as to them they were sure of; he drew Cuff into it several years before, as will appear hereafter. But if the foregoing reflections are right, surely they import a train of policy beyond what could be expected from an illiterate cobbler, Hughson!

However, from these confessions, there was another satisfaction beyond these criminals' acknowledgment of their own guilt—that the testimony of Mary Burton, Sandy and Fortune, negroes, witnesses upon the trial (upon the credit whereof chiefly these criminals were convicted) was by them particularly and expressly confirmed in the midst of flames, which is the highest attestation; and by consequence from the whole, Arthur Price's also, who was the first that gave information that Quack was the person who set fire to the fort, and Cuffee told him so.

Upon the confessions of these two criminals, one of the judges issued a warrant for apprehending the negroes on Nassau Island by them impeached, belonging to Mr. Codwise, and the Horsfields; and in consequence thereof, and the orders given to the constables in town, the following slaves were committed this evening, viz.

Harry (Kip's) Tickle alias Will, Cæsar (Israel Horsfield's) Cambridge (Codwise's) Guise alias Galick (Tim. Horsfield's) Tom (Van Rants's) Worcester (Varian's.)

The other negroes, mentioned in the confessions, were in custody before.

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#### MONDAY, JUNE 1.

*Examination of Sandy (Niblet's negro) before one of the judges—No. 3.—He said,*

1. "That he heard by captain Lush's house, about six of the Spaniards (about fourteen days before the fort was burnt) say, that if the captain would not send them to their own country, they would ruin all the city; and the first house they would burn should be the captain's, for they did not care what they did: He (Sandy) stood by Arden's door, and they did not (as he thought) see him; and that (pointing to Lush's house) they said, *d—n that son of a b—h, they would make a devil of him*: which was the first time he ever heard of the conspiracy.

2. "That the second time Quack(y) called to him by Coenties Market, and told him he wanted to speak to him; and said, will you help to burn the fort? and answered as he said at the trial, and in his examination before the grand jury; said that Quack told him the first time he met him, he would make an end of him.

3. "That the third time, at Comfort's house, one Sunday, when Comfort's Jack called to him to come to him, and he went in, Sarah (Burk's negro wench) *d—d* him, and bid him drink, having before refused.

4. "That there was a great number of negroes present, and about six Spanish negroes among them; but none of them were the same that he saw at Lush's. That he did drink.

5. "That Comfort's Jack brought out about eleven penknives, which were rusty; some complained their knives were dull and would not cut, which they went to sharpen on a stone; Jack (Comfort's) said his knife was so sharp, that if it came a-cross a white man's head, it would cut it off; on which he (Sandy) said, if you want to fight, go to the Spaniards, and not fight with your masters.

6. "That they asked him (and Comfort's Jack in particular) if he would help to burn some houses; he cried: on which Jack (Comfort's) said, *d—n you, do you cry? I'll cut your head off in a hurry*, and surrounded him; on which Burk's wench said he deserved it, if he would not say yes, on which he consented, and said yes; whereupon they did not threaten him, but bid him say nothing to black or white about it, and every one would do his part, and take a round, and fire the town.

7. "That Jack (Comfort's) said they had not men enough this year, but next year would do it, every one present was to set his master's house on fire first, and then do the rest at once, and set all the houses on fire in the town, which when they had

(y) Roosevelt's negro.

done, they would kill all the white men, and have their wives for themselves.

8. "That Mr. Moore's Cato, Cæsar (Pintard's negro) Mr. Jay's Brash, Jack (that is in jail) knows him if he sees him; Todd's Dundee, Chambers's Robin, Patrick (English's) Peck's Cæsar, a Caromantee, Cowley's Cato, Comfort's Maph alias Cook, Kip's Harry, and three country negroes, who called Comfort's Jack, uncle, and brother, and cousin. [This meeting was about a fortnight before the fort was burnt] Ben Moore's Tom, Leffert's Pompey, Duane's Prince, Comfort's old Caromantee woman, Vaarck's Cæsar (hanged) were there also; the room being quite full.

9. "That Augustine and Wilkins' Fortune were to burn their master's houses, which he heard them say, as they were talking by Frazier's corner, about a week before the fort was burnt.

10. "That at the aforesaid meeting at Comfort's, Jack, the old man, and the old woman, and three of the Spaniards were sworn to the effect, that the first thunder that came, might strike them dead, if they did not stand to their words.

11. "That they asked him to come again the next day to be sworn; the rest said they would come to be sworn the next day.

The negroes Tom, Ben. Moore's; Prince, Duane's, and Pompey, Leffert's, apprehended and committed.

*Examination of Fortune, (Wilkins's negro) before one of the judges—No. 3.—He said,*

1. "That Quack(z) one Sabbath day afternoon, asked him to walk into the fields, and pressed him to it: third meeting, told him he should see a great alteration at the fort; and told him that they were going to burn the fort; threatened that some of his mates would poison him if he told.

2. "That Niblet's boy(a) told him that Gomez's negro was to assist in burning the fort.

3. "That he heard Quack talk to Gomez's negro Cuffee on the dock, that he must meet him to burn the house, and if white people came, to shoot them with pistols; which was before the meeting him by Mr. Ricketts's.

4. "That when he asked Sandy (Niblet's negro) who was to burn the fort? He answered, Quack, himself, and Gomez's Cuffee; that he asked him (Sandy, Niblet's negro) to be concerned,

(z) Roosevelt's negro.

(a) Sandy.

and that he said to Quack, he had no mind to be hanged, he might go to h—ll and be d—d.

5. "That he never talked to any negro but Quack and Niblet's about any conspiracy or design of firing.

6. "Never heard of a house where they met, nor knew Hughson. Cuffee however has asked him to go down to a house by the north river, and dance with him; but he never did."

*Examination of Sarah, (Burk's negro wench) before one of the judges, Mr. Chambers, and others—No. 2.—She said,*

1. "That one Sunday afternoon, about four or five of the clock, she was at Comfort's house, in the kitchen, about five weeks before the fort was fired; a great many negroes sitting round the table, betwixt twenty and thirty, amongst whom were Dr. Fisher's \*Harry, Bagley's \*Jemmy, widow Schuyler's tall slender \*negro, Abeel's mulatto \*Tom, Niblet's Sandy: She staid there about an hour, and rum was there; Mrs. Clopper's \*Betty, Robin, (Chamber's negro) Mr. Clarkson's \*Tom, Groesbeck's Mink (an impudent toad) Rowe's Father Tom, Old Frank, Philipse's Cuffee, Teller's \*Sarah, Vaarck's Cæsar, Auboyneau's Prince, Comfort's Jack, Comfort's Cook, Comfort's \*Jenny, Jack a busy man, Patrick (English's boy) Hunt's Warwick, (a negro that cut his throat) Todd's Dundee, Brinkerhoff's \*Tom, Pintard's Cæsar, Old Kip's Harry, Teneyck's Bill, Silvester's \*Sambo, a tall negro, living at John Dewit's (a stranger) Kierstead's Braveboy, John Hunt's \*Jenny, the Long Bridge Boys. Patrick (English's boy) used to say, let us go to Romer's<sup>(b)</sup>—Alsteyn's \*Cato, Shurmur's Cato, Leffert's Pompey: Comfort's Jack and others sharpened their knives, and said they would go and set fire along the docks; Comfort's Jack proposed the fort first; Cook said no, they would find them out if they did: every one was to set their master's house on fire; Clopper's Betty carried her there; they swore, and said they wished thunder might strike them to the hearts if they told. Three negroes, viz. Comfort's two, and old Harry, swore; Cuffee was sworn, and Cæsar, Auboyneau's Prince. All that made the right bargain swore, the rest were to come the next day; De Lancey's Anthony there, and Roosevelt's Quack: Comfort's Jack drew out his knife and threatened the negro of Niblet, on which Sandy consented.

2. "That they whetted their knives on a stone, some complaining that their knives were rusty and blunt, and some said that their knives were sharp enough to cut off a white man's

(b) For Romme's.

head ; that they would kill the white men, and have the white women for their wives.

3. " That on a dispute between them, Quack was pitched upon to fire the fort ; others having refused, Quack undertook it ; Curacoa Dick there, and consented.

4. " Confessed she threatened Niblet's negro, and bid them cut his head off, if he did not drink.

5. " That she believed there were Spanish negroes there, and that Mr. Moore's Cato was there, and consented."

Notwithstanding this wench had brought so many negroes in question, at length when the examination came to be read over to her, she retracted, and excused many persons, saying, such a one, and such a one, went away before the bargain was made.<sup>(c)</sup> Those she so excused are marked with an \*asterisk. This was one of the oddest animals amongst the black confederates, and gave the most trouble in her examinations ; a creature of an outrageous spirit. When she was first interrogated upon this examination about the conspiracy, she absolutely denied she knew any thing of the matter ; threw herself into most violent agitations ; foamed at the mouth, and uttered the bitterest imprecations, if ever she was at Comfort's in her life, or knew where his house was. But at length, being apprized that there was positive evidence against her, that she was at a meeting there amongst the confederates, when they were talking of the conspiracy, and that she was one consenting and advising thereto, and some items also given her of her behaviour and expressions with respect to Sandy ;<sup>(d)</sup> and that she could entertain no hopes of escaping with life, or recommending herself to mercy, but by making an ingenuous confession and discovery of the whole truth of what she knew of the matter, and the persons concerned ; she stood aghast and silent for some time, but at last declared she would tell the whole truth, and began to open, and so by degrees grew more calm, and seemed abundantly easier after disburthening part of the secret. But her conduct was such upon the whole, that what she said, if not confirmed by others, or concurring circumstances, could not deserve entire credit. She, no doubt, must have had extraordinary qualifications to recommend her to the confidence of the confederates ; for she was the only wench against whom there was strong and flagrant evidence of having consented to and approved this execrable project.

About noon this day, the under-sheriff informed the recorder, that John Hughson wanted to speak to the judges, and (as he had

<sup>(c)</sup> *i. e.* Before they took this execrable oath.

<sup>(d)</sup> See Sawney's examination, No. 2, § 1, 2, 4. Monday, 25th May.

said) to open his heart to them, and they should know more, and was very urgent that somebody should go to them to acquaint them therewith. Pursuant to Hughson's desire, the recorder did go up to the City-Hall in the afternoon, expecting he would make some material discovery, and having sent for him, he was asked, what it was that he wanted with the judges? Whereupon Hughson asked if there was a bible, and desired that he might be sworn. He was told that no oath would be administered to him; if he had any thing to say, he had free liberty to speak, but he wanted very much to be sworn. The recorder thereupon reproached him with his wicked life and practices, debauching and corrupting of negroes, and encouraging them to steal and pilfer from their masters and others, and for shewing his children so wicked an example, training them up in the highway to hell. He further observed to him, that he, his wife, and Peggy, then stood convicted of a felony for receiving stolen goods of negroes; and that now nothing remained but to pass sentence of death upon them, and to appoint a day for their execution for that fact; but that it was now determined, that he, his wife and daughter, and Peggy, should also be tried for being confederated in this most horrible conspiracy; that the evidence would appear so strong and clear against them in this particular, that there was little doubt of their being all convicted upon that head also; that it would appear undeniably that he was a principal, and head agent in this detestable scheme of villainy; the chief abettor, together with the rest of his family, of this execrable and monstrous contrivance for shedding the blood of his neighbours, and laying the whole city in ashes, upon the expectation of enriching himself by such an inhuman and execrable undertaking. He therefore admonished him, if he would entertain the least hopes of recommending himself to the mercy of God Almighty, before whose tribunal he must soon appear, that he would ingenuously tell the truth, and lay open the whole scene of this dark tragedy, which had been brooding at his house, and discover the several parties he knew to have been engaged in it; in doing which he would make some atonement for his past villainies, by preventing that slaughter, bloodshed and devastation, which he and his confederates had intended; or the recorder expressed himself in words to this purpose. But hereupon Hughson put on a soft smiling air of innocence upon his countenance, again desiring that he might be sworn, which was refused him, and he then declared, he knew nothing at all of any conspiracy, and called God to witness his protestations, that he was as innocent with respect to that charge as the child unborn, and also his wife, daughter and Peggy, for aught he knew.

Whereupon the Recorder remanded him to jail.

Whether the man was struck with a compunction, or flattered himself with making a merit by his discovery, and thereby recommend himself to mercy, and that he should so save his life; or whether he imagined that if he could be sworn, and then make the most solemn protestations with the sanction of an oath, that this would give such strong impressions of his innocence, as might make way for his escape; what his view was can only be guessed at; but several who were by him in the jail when he expressed his desire of having the opportunity of speaking with the judges, as above mentioned, concluded from his condition and behaviour at that instant, that he was then really in earnest to lay open this scene of villainy; but it was thought that in two or three hours afterwards, his wife or others had got the better of him, and prevailed with him to change his mind, and désist from his former resolution.

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## SUPREME COURT.

TUESDAY, JUNE 2.

Present, the second and third justices.

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

P. M. Present, the second justice.

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

The prisoners were arraigned upon an indictment for a conspiracy, for abetting and encouraging the negro Quack, to burn the king's house in the fort: to which they severally pleaded, *not guilty, &c.*

Note. This is the first indictment against Sarah, the daughter, and the second against the rest.

Court adjourned to Thursday, the 4th inst. 10 o'clock in the morning.

SUPREME COURT.

THURSDAY, JUNE 4.

Present, the second and third justices.

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

On motion of Mr. Attorney General, the prisoners were brought to the bar, and arraigned on an indictment for a conspiracy, for counselling, abetting, &c. the negro Cuffee, to burn Mr. Philipse's storehouse, and all pleaded, *not guilty*.

Note. This was the second indictment against the daughter, the third against the rest.

And this being the day appointed for their trials on the former indictments, whereof they had due notice, the court proceeded thereupon as followeth.

The King against the same, on trial upon three indictments.

Clerk in court. Cryer, make proclamation.

Cryer. O yes! Our sovereign lord the king doth strictly charge and command all manner of persons to keep silence upon pain of imprisonment.

Cryer. If any one can inform the king's justices or Attorney General for this province, or the inquest now to be taken on the behalf of our sovereign lord the king, of any treason, murder, felony, or any other misdemeanor committed or done by the prisoners at the bar, let them come forth, and they shall be heard, for the prisoners stand upon their deliverance.

Clerk. Cryer, make proclamation.

Cryer. O yes! You good men that are impanelled to inquire between our sovereign lord the king and John Hughson, Sarah his wife, Sarah Hughson the daughter, and Margaret Sorubiero alias Kerry, the prisoners at the bar, answer to your names, &c.

Clerk. John Hughson, Sarah the wife of John Hughson, Sarah the daughter of John Hughson, Margaret Sorubiero, alias Kerry, hold up your hands.

These good men that are now called and here appear, are those which are to pass between you and our sovereign lord the king, upon your lives or deaths, if you, or any, or either of you challenge any of them, you must speak as they come to the book to be sworn, and before they are sworn.

Court. You the prisoners at the bar, we must inform you that the law allows you the liberty of challenging peremptorily

twenty of the jurors, if you have any dislike to them, and you need not give your reasons for so doing; and you may likewise challenge as many more as you can give sufficient reasons for; and you may either all join in your challenges, or make them separately.

The prisoners agreed that John Hughson should challenge for them all.

[At Hughson's challenging (among others) a young gentleman, merchant of the town, Peggy seemed out of humour, and intimated that he had challenged one of the best of them all; which occasioned some mirth to those within the hearing of it.]

The prisoners having peremptorily challenged sixteen, the following jurors were sworn.

Edward Man, Robert Benson, Henry Lawrence, Samuel Burdet, Charles Arding, Thomas Wendover, John Lasher, John Troup, Frederick Becker, Francis Roswell, Evert Byvanck, Peter Vergereau.

Clerk. Cryer, make proclamation.

Cryer. O ye! Our sovereign lord the king doth strictly charge and command all manner of persons to keep silence, upon pain of imprisonment.

Clerk. You, gentlemen of the jury that are sworn, look upon the prisoners and hearken to their charge.

The substance of the three indictments followeth.

The first indictment sets forth, that Hughson, his wife, and Kerry, and also three negroes, to wit, Caesar, Prince and Cuffee, had on the third day of March then last past, entered into a most detestable and felonious conspiracy, combination and confederacy with each other, to set on fire and burn the house of our lord the king, which was then standing and being at the fort within this city, and also this whole town, and to kill and destroy the inhabitants thereof; and that they had feloniously and of their malice aforethought, procured, abetted, counselled and encouraged divers negroes and other persons, to the jurors then unknown, to set on fire, burn and consume the king's house, and divers other houses and buildings within this city; and that the said negroes and other persons then unknown, in pursuance of their being so procured, abetted, counselled and encouraged as aforesaid, by Hughson, his wife and Kerry, and Caesar, Prince and Cuffee, voluntarily, feloniously and of their malice aforethought, and with intent to burn down and consume the greater part of this town; had set on fire the king's house, the dwelling house of Agnes Hilton, the storehouse of Frederick

Philipse, esq. and divers other houses and buildings within this city; and that the king's house being so set on fire was burnt down and consumed, and that the said dwelling house, storehouse, and other houses, being so set on fire as aforesaid, were in part burnt down and consumed.

The second indictment sets forth, that the negro Quack, on the eighteenth day of March, in the fourteenth year of his majesty's reign, did of his malice aforethought, wickedly, maliciously, voluntarily, wilfully, and feloniously set on fire, burn, and wholly consume and destroy, a certain dwelling house of our lord the king, which was then standing and being at the fort within this city: and that Hughson, his wife and daughter, and Kerry, before the felony and burning aforesaid was done and perpetrated, of their malice aforethought, wickedly, maliciously, voluntarily, wilfully, and feloniously, did counsel, abet, procure, and encourage the said Quack, the felony and burning aforesaid, committed and perpetrated, to commit and perpetrate. And

The third indictment sets forth, that the negro Cuffee, on the sixth day of April, in the fourteenth year of his majesty's reign, did, of his malice aforethought, wickedly, maliciously, voluntarily, wilfully, and feloniously set on fire and burn a certain house, belonging to Frederick Philipse, esq. which was then standing and being within this city: and that Hughson, his wife and daughter, and Kerry, before the felony and burning aforesaid was done and perpetrated, of their malice aforethought, wickedly, maliciously, voluntarily, wilfully, and feloniously, did counsel, abet, procure, and encourage the said Cuffee, the felony and burning aforesaid, committed and perpetrated, to commit and perpetrate, in most pernicious example of all others in the like cases offending, contrary to the form of the statutes in such case made and provided, and against the peace of our sovereign lord the king, his crown and dignity.

To which three several indictments the prisoners, defendants in each(e) have been arraigned, and thereto pleaded, *not guilty*.

The Attorney General, after opening to the court and jury the charge against the prisoners, proceeded as followeth.

(e) The first of these three indictments for the conspiracy was found against Hughson, his wife, and Kerry, soon after their conviction of having received stolen goods, knowing them to have been such, and some time before the trial of the negro Quack and Cuffee, and before it was discovered that Quack had set fire to his majesty's house in the fort, or Cuffee to Mr. Philipse's storehouse, or that Sarah (Hughson's daughter) was known to be a party concerned in the conspiracy.

“ *Gentlemen,*

“ I shall in the first place, on the trial of the prisoners upon these indictments, shew you, that the negroes Quack and Cuffee, mentioned in the second and third of them, have already been tried, found guilty, and executed for the felonies and burnings which these indictments charge them to have been guilty of ; that they confessed the same at the place of their execution ; and that the evidence which Mary Burton gave against them at their trial, was true, in every respect.

“ In the next place, gentlemen, I am to shew you, what share each of the prisoners at the bar had in these most horrible felonies.

“ And, gentlemen, as each of these four criminals have acted their several parts in this black, this monstrous and tragical scene, I shall begin with opening the evidence against the three last named, that I may conclude with my observations on the charge against Hughson himself, and set him and his most detestable actions in their proper colours before you.

“ First then I shall prove to you, gentlemen, from full and clear evidence, that these prisoners are all guilty of the whole charge against them. That they entered into a most wicked and hellish plot to set on fire and lay in ashes the king’s house, and this whole town, and to kill and destroy the inhabitants as they should come to secure their effects, and extinguish the flames. That this dreadful conspiracy took its first rise at Hughson’s house in this city ; that it was there formed, set on foot, and carried on ; *(f)* and that the three last named criminals, as well as Hughson himself, were all present at divers meetings of great numbers of negroes, and the rest of the conspirators there for that purpose. That these three criminals were all sworn into this abominable plot, and at those meetings, joined with Hughson in exciting and encouraging Quack and Cuffee, and the rest of the negroes, and other their wicked confederates, to commit these execrable felonies.

“ I shall now endeavour to represent to you the part which Hughson himself has acted in this tragedy.

“ Gentlemen, it will appear to you in the course of the evidence for the king upon this trial, that John Hughson was the chief contriver, abetter and encourager of all this mystery of

*(f)* From what had hitherto come to light, it could be supposed no otherwise, but that Hughson was the principal contriver of this monstrous scheme ; but nevertheless, it was there principally hatched and brought to maturity, as may be gathered from the whole of the discovery.

iniquity ; that it was he who advised and procured secret and frequent meetings of the negroes, and the rest of the conspirators at his house, there to form and carry on these horrible conspiracies. That it was he that swore the negroes Quack and Cuffee, with many others, and himself too, into this direful plot. That it was he who devised firebrands, death and destruction to be sent among you. That it was he who received of negroes twelve pounds in money, stolen money, no doubt (and what he could not but know to be so) to buy arms and ammunition, to kill and destroy his neighbours : and that he in pursuance thereof, made a journey on purpose to buy, and did procure arms and ammunition, and hid them in his house, against such time as this unnatural and bloody scheme should be ripe for execution.

“ Gentlemen, such a monster will this Hughson appear before you, that for the sake of the plunder he expected by setting in flames the king’s house, and this whole city, and by the effusion of the blood of his neighbours, he, murderous and remorseless he ! counselled and encouraged the committing of all these most astonishing deeds of darkness, cruelty and inhumanity.— Infamous Hughson !

“ *Gentlemen*, This is that Hughson ! whose name and most detestable conspiracies will no doubt be had in everlasting remembrance, to his eternal reproach ; and stand recorded to latest posterity.—This is the man !—this that grand incendiary !—that arch rebel against God, his king, and his country !—that devil incarnate, and chief agent of the old abaddon of the infernal pit, and regions of darkness.

“ *Gentlemen*, behold the author and abettor of all the late conflagrations, terrors, and devastation that have befallen this city.—Was not this Hughson sunk below the dignity of human nature ! was he not abandoned to all sense of shame and remorse ! to all sense of feeling the dreadful calamities he has brought on this city, and his fellow creatures ; he would from a consciousness of his own guilt, his monstrous guilt, be so confounded, as not able to look up, or stand without the greatest confusion of face, before this court and audience ; but would openly confess his, and the rest of his wretched confederates’ guilt, and humbly ask pardon of God, the king, and his injured country.

“ *Gentlemen*, we shall now call, and examine the witnesses, who will prove the crimes charged upon each of these four criminals ; and when we have so done, I doubt not but you will find all of them guilty.”

*Of council for the king, with Mr. attorney general.*—Joseph Murray, James Alexander, William Smith, John Chambers, esquires.

These gentlemen severally assisted in the examining the witnesses, taking down their evidence, and remarking such things as they thought most material to be observed upon to the court and jury.

*Witnesses for the king.*—Mr. George Joseph Moore, clerk in court, and Mr. John Roosevelt called and sworn.

Mr. Moore proved the arraignment and conviction of the two negroes, Quack and Cuffee, for burning the king's house in the fort, and Mr. Philipse's storehouse.

Both witnesses prove the confessions of these two negroes, taken in writing at the stake, "that they declared, that Hughson was the first contriver and promoter of the plot, and urged them into it; and that they should never have thought of it, if he had not put it into their heads. That Quack said, the plot was to burn the houses."

Mr. Moore proved Cuffee's confession, more particularly taken in writing by him, "that, as Quack said, the plot was to burn the houses of the town; Cuffee said likewise, that the plot was, to kill the people; and that both of them declared, that what Mary Burton had given in evidence upon their trials, was true; and that she could name many more (persons) concerned: all which Mr. Roosevelt confirmed."<sup>(g)</sup>

Court to the prisoners. Have you any questions to ask these witnesses? the prisoners answered, nothing.

Joseph North, Peter Lynch, and John Dunscomb, called and sworn.

North and Lynch proved, "that there was a cabal of negroes at Hughson's last Whitsontide was twelve months, ten twelve, or fourteen of them; which they having intelligence of, went down thither in order to disperse them; and when they came there, they went into the room where the negroes were round a table, eating and drinking, for there was meat on the table, and knives and forks; and the negroes were calling for what they wanted; and at their appearance, the negroes were making off as fast as they could, and North laid his cane about them, and soon cleared the room of them: they said, they thought that Peggy was waiting upon them, and had a tumbler in her hand for them to drink in; that they saw the negro who

(g) See the confessions before annexed to the trials of Quack and Cuffee, 30th May.

was then hanged in gibbets<sup>(h)</sup> at that time waiting at the door, in order to get in as they took it: that they had heard frequent complaints of Hughson's entertaining negroes there; they said, that John Hughson was at the door, and as they came away, they reproached him therewith; and he answered them, that he could not help it, it was his wife's fault."

Court to the prisoners. Have you any questions to ask these witnesses?—They had nothing to ask.

*Mary Burton called and sworn.*—She said; "that there were many negroes frequently at Hughson's at nights, ever since she came to the house, eating and drinking; that she has seen twenty and thirty at a time there, but most of a Sunday; that the negroes used to bring provisions there, particularly Carpenter's negro;<sup>(i)</sup> that Hughson, his wife and daughter, and Peggy used, at such meetings, frequently to be amongst the negroes; and that they talked of burning the town and killing the people."

(While Mary Burton was delivering her evidence, Hughson and his wife were crying and bemoaning themselves, and embracing and kissing their daughter Sarah; and Hughson the father, intimated what care they had taken in catechizing her, and the rest of their children, and teaching them to read the bible, and breeding them up in the fear of the Lord. And in order (as may be supposed) to move compassion in the court and jury, Hughson's wife brought thither a sucking child at her breast, which was ordered to be taken away.)

Mary Burton further said, "that at such great meetings of negroes at Hughson's, Caesar (Vaarck's) and Prince (Auboyneau's) negroes (that were hanged) and Cuffee (Philipse's) were usually amongst them.

"That Hughson swore the negroes into the plot, and the Hughsons swore themselves and Peggy; that one of Hughson's daughters carried a bible up stairs, and the Hughsons carried the negroes into a private room; and when they came down again to the rest of the negroes, Hughson said they were all sworn; but the witness said, she did not see them sworn."

(Upon the witness saying, that a bible was carried up stairs, Hughson's wife interrupted and said to her, as if much surprised, now you are found out in a great lie, for we never had a bible in the world; which the audience, considering what her husband declared but a little before, were much diverted with.)

Mary Burton further said, "that she saw Vaarck's Caesar

(h) Vaarck's Caesar.

(i) His mistress was a butcher.

pay John Hughson twelve pounds in silver Spanish pieces of eight, to buy guns, swords and pistols; and that Hughson thereupon went up into the country; and when he returned, he brought with him seven or eight guns and swords, and that he hid them in the house; that she had seen a bag of shot and a barrel of gunpowder there; that the negroes were sworn to burn the fort first; and then they were to go down to the Fly, and so to burn the whole town; and the negroes were to cut their masters' and their mistresses' throats; and when all this was done, Hughson was to be king, and Cæsar (Vaarck's) governor: that the negroes used to say to Hughson, when she (the witness) was in the room, and heard them talking of burning the town and killing the people, that perhaps she (the witness) would tell; and Hughson said, no, that she dared not; and the negroes swore that if she did, they would burn or destroy her.

“That the Hughsons often tempted her to swear, and offered her silks and gold rings, in order to prevail with her, but she would not.”(k)

(The prisoners asked the witnesses no material questions, such only as seemed rather to imply their guilt; but some of them threw up their hands, and cast up their eyes, as if astonished, and said, she was a very wicked creature, and protested all she said was false.)

Arthur Price called and sworn.

His evidence was the substance of his depositions, No. 1, 2, 3, of the third, seventh and twelfth May, as to what passed in conversation in the jail between him and Peggy, Sarah Hugh-

(k) Some time after the trial was entered upon, the town was again alarmed by a fire in the lots behind the storehouses of Messrs. Philipps; a boarded stable was set on fire on the outside, by some brands ends being placed against it, but it was suppressed before it had got to any head, though the incendiary was undiscovered. This was a bold attempt after all that had happened, and was conjectured to be a scheme contrived in favor of the Hughsons, &c. upon a supposition, that the court might be put into so much confusion upon the occasion, that these criminals might thereby have an opportunity of making their escape; or at least the trial be thereby interrupted and postponed: but if these were their designs they were disappointed.—This note rather than it should be omitted, remains here misplaced, as it was at first; because some people had affirmed, that this fire happened upon the Hughsons trial for the conspiracy; whereas upon further inquiry and recollection, when the printer had gone beyond it, it was found to have been on the sixth of May, the day the Hughsons were tried upon the felony for receiving stolen goods.

son the daughter, and Mr. Philipse's Cuffee separately; and therefore to avoid repetition, the reader is referred to them.

John Schultz, James Mills, Peter Lynch, Cornelius Brower, and — Dunscomb, called and sworn.

Schultz said, "that Cuffee (Philipse's negro) being carried with Quack, immediately after their conviction, into prison, where Hughson and his wife were, as he came in said to Hughson, we may thank you for this, for this is what you have brought us to; and Cuffee owned the next day to the witness that he had said so."

Mills said, "that Cuffee said to Hughson, I may thank you for this, for you have brought me to this."

Brower said, "that Cuffee said, I thank you for this, you have brought me to this."

Dunscomb, Schultz, Lynch and Mills, all said "tha tlast Monday Hughson said, he wanted to speak to the judges and open his heart to them, and they should know more, and was very urgent that somebody should go to the judges to acquaint them therewith."

Court to the prisoners. If you have any questions to ask these witnesses, now is your time to propose them; or if you have any witnesses to produce to your characters, let them be called.

Witnesses for the prisoners.—Eleanor Ryan, Mr. Blanck and Peter Kirby called.

Eleanor Ryan(*l*) said, "that she and her husband lodged two months in Hughson's house last winter; that she saw no negroes there but Cuff (Philipse's) and the negro that was hung in gibbets, three or four times; that she never saw any entertainments there for negroes, but said that she lay sick in bed in the kitchen almost day and night all that time."

Mr. Blanck said, "he saw Hughson give a dram to a negro, but that he thought him a civil man."

Peter Kirby said, "that he knew nothing of the character of Hughson's house, but he never saw no harm of him."

Francis Silvester called and sworn for the king.

He said, "that when John Hughson lived next door to him upon the dock, he kept a very disorderly house, and sold liquor to, and entertained negroes there; he had often seen many of them there at a time, at nights as well as in the day time: once in particular he remembers, in the evening, he saw a great many of them in a room, dancing to a fiddle, and Hughson's wife and daughter along with them. That he often reproached Hughson with keeping such a disorderly house, which very much offended

(*l*) Wife of Andrew Ryan, a soldier, afterwards charged as one of the conspirators, and committed.

his neighbours; and Hughson replied to him, that his wife persuaded him to leave the country, where he subsisted his family tolerably well by his trade(m) and his farm; but his wife said, they would live much better in town, though then he wished they had returned to the country again, for he found their gains were so small, and his family so large, that they soon run away with what they had got: that his wife was the chief cause of having the negroes at his house, and he was afraid some misfortune would happen to him, and that he should come to some untimely end, or that Hughson expressed himself in words to that effect."

Court to the prisoners. Have you any more witnesses?

Prisoners. Yes sir; we desire that Adam King and Gerardus Comfort may be called.

Adam King and Gerardus Comfort called.

King said "that of late he took Hughson's house to be disorderly; for he saw whole companies of negroes playing at dice there, and that Wincoop's negro once carried a silver spoon there that was hammered down; that he saw no harm of the man himself."

Attorney General [to Hughson.] Have you any more such witnesses as this?

Comfort said "that he saw nothing amiss of him; his business was a cooper, and that he was often abroad, and went very seldom to his house."

Court. Mr. Comfort, you are a next door neighbour to Hughson; you live opposite to him, and surely you must have seen negroes go in and out there often, as the witnesses have testified, that there were frequent caballings with the negroes there; pray what have you observed of the house since Hughson came to live there?

Comfort. I have seen nothing amiss; I have seen no harm there.

Court [to the prisoners.] Have you any more witnesses?

Hughson. We have no more, sir.

Court. Then now is the time for you the prisoners, severally to offer what you can in your own defence, that then the counsel for the king may sum up the evidence.

Then the prisoners severally spoke in their justification in their turns, protested their innocence, and declared that all the witnesses said against them was false, and called upon God to witness their asseverations.

(m) He was by trade a shoemaker.

Mr. Smith then proceeded as followeth.

*“ May it please your honours, and you gentlemen of the jury,*

*“ You have heard the charge against the prisoners at the bar contained in their several indictments, to which they have each of them pleaded not guilty. Mr. Attorney has opened the nature of the evidence on the part of the king, and the witnesses on both sides have been heard, and I cannot think that one among you is in any doubt concerning what verdict you ought to give upon the oath which you have taken.*

*“ Gentlemen—Scarce any thing can be conceived more horrid than the crimes charged on the prisoners. A scheme so black and hellish, as the burning of this city, and the murdering of the inhabitants of it, one would hardly imagine, could enter into the thought, much less be harboured in the breast of any human creature; but more wonderful is it, that so great a number should unite and conspire in so detestable a piece of villainy. And yet, gentlemen, there seems nothing wanting to complete the evidence of so barbarous, unjust and cruel a design as has been set on foot; of which we have had in part ocular demonstration, in the late fires that have been enkindled in divers parts of this city; several of which have been lighted up in one day, to the amazement and terror of the people.*

*“ Gentlemen—Though the circumstances attending these fires convinced every body that the most of them did not proceed from accidental causes, but from a malicious and wilful design; yet it was long before any considerable discovery could be made of the authors and abettors of this most wicked and destructive undertaking. Yet at length, by the blessing of heaven, and the uncommon diligence of the magistrates, we trust that some of the principal authors of this mischief, and the ringleader of it are now before you.”*

Upon this Mr. Smith proceeded to a distinct consideration of the charge, and in observing upon the evidence of the witnesses (which was in substance as before set forth) distinguished the proofs against each of the prisoners; which for brevity sake are here omitted. And then concluded,

*“ Thus, gentlemen, nothing remains to be considered of by you, but the credit of the witnesses, against which I can see no reasonable objection; if they are to be believed, then the prisoners are guilty; and you now behold, at this bar, the authors, abettors, and contrivers of those destructive fires which your eyes have seen; two of the immediate agents of those villainies, have already suffered a deserved punishment, and died confessing their crimes. The witnesses declare the princi-*

pal contriver of those mischiefs to be that wicked man, John Hughson, whose crimes have made him blacker than a negro: the scandal of his complexion, and the disgrace of human nature! whose name will descend with infamy to posterity! who could not be content to live by the gains of honest industry, but must be rich at the expense of the blood and ruin of his fellow citizens! miserable wretch! how has he plunged himself and family into that pit which he has dug for others, and brought down upon his own pate that violent dealing which he contrived, and in part executed against his neighbours! Gentlemen, though the crimes charged on the defendants are such as merit a just indignation, yet in matters that affect life, you ought to have the most convincing evidence: the trial of the fact is your province. In matters of judgment, to condemn the innocent, and acquit the guilty, is equally criminal. If you can, after what you have heard, think the prisoners innocent, you ought to acquit them; but if you find them guilty, you cannot acquit them without the greatest injustice and cruelty to your country and yourselves. Gentlemen, I shall add no more, but leave you to the direction of the court, and your own consciences."

Then the third justice charged the jury as followeth.

*"Gentlemen of the jury,*

"It is needless for the court to observe further to you, after what has been said by the counsel for the king, concerning the nature and destructive tendency of so execrable a piece of villainy as this conspiracy, now charged upon the prisoners at the bar: it has been sufficiently and properly enlarged upon; nor is it any more necessary for the court to recapitulate the evidence given in the case; for that has been clearly stated by the gentlemen at the bar.

Now, gentlemen, if you cannot credit the several witnesses for the king, if that can be the case, you will then acquit the prisoners of this charge against them, and find them not guilty; but on the other hand, as the evidence against them seems to be so ample, so full, so clear and satisfactory, if you have no particular reasons in your own breasts, in your own consciences, to discredit them, if that, I say, is not the case, if you have no reason to discredit them, then I make no doubt but you will discharge a good conscience, and find them guilty."

A constable being sworn to attend the jury, they withdrew, and being returned in a short time, found Hughson, his wife, and Kerry, *guilty* of all three indictments; and Sarah Hughson the daughter, *guilty* of the second and third.