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**Pirates own book, or authentic narratives of the lives,
exploits, and executions of the most celebrated sea
robbers**

ELLS, CHARLES

New York [u.a.], 1842

Gibbs and Wansley brought to the United States, for trial.

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to conduct them where they could get some refreshments. They were by him conducted to Johnson's (the only man living on the island,) where they staid all night—Dawes went to bed at about 10 o'clock—Jack Brownrigg set up with Johnson, and in the morning told Dawes that he had told Johnson all about the murder. Johnson went in the morning with the steward for the clothes, which were left on the top of the place where they buried the money, but does not believe they took away the money.

The prisoners, (Gibbs and Wansley,) were brought to trial at the February term of the United States Court, holden in the city of New York; when the foregoing facts being satisfactorily proved, they were pronounced guilty, and on the 11th March last, the awful sentence of the law was passed upon them in the following affecting and impressive manner:—The Court opened at 11 o'clock, Judge Betts presiding. A few minutes after that hour, Mr. Hamilton, District Attorney, rose and said—May it please the Court, Thomas J. Wansley, the prisoner at the bar, having been tried by a jury of his country, and found guilty of the murder of captain Thornby, I now move that the sentence of the Court be pronounced upon that verdict.

By the Court. Thomas J. Wansley, you have heard what has been said by the District Attorney—by the Grand Jury of the South District of New York, you have been arraigned for the wilful murder of captain Thornby, of the brig Vineyard; you have been put upon your trial, and after a patient and impartial hearing, you have been found Guilty. The public prosecutor now moves for judgment on that verdict; have you any thing to say, why the sentence of the law should not be passed upon you?

Thomas J. Wansley. I will say a few words, but it is perhaps of no use. I have often understood that there is a great deal of difference in respect of color, and I have seen it in this Court. Dawes and Brownrigg were as guilty as I am, and these witnesses have tried to fasten upon me greater guilt than is just, for their life has been given to them. You have taken the blacks from their own country, to bring them here to treat them ill. I have seen this. The witnesses, the jury, and the prosecuting Attor-

ney consider me more guilty than Dawes, to condemn me—for otherwise the law must have punished him; he should have had the same verdict, for he was a perpetrator in the conspiracy. Notwithstanding my participating, they have sworn falsely for the purpose of taking my life; they would not even inform the Court, how I gave information of money being on board; they had the biggest part of the money, and have sworn falsely. I have said enough. I will say no more.

By the Court. The Court will wait patiently and hear all you have to say; if you have any thing further to add, proceed.

Wansley then proceeded. In the first place, I was the first to ship on board the *Vineyard* at New Orleans, I knew nobody; I saw the money come on board. The judge that first examined me, did not take my deposition down correctly. When talking with the crew on board, said the brig was an old craft, and when we arrived at Philadelphia, we all agreed to leave her. It was mentioned to me that there was plenty of money on board. Henry Atwell said "let's have it." I knew no more of this for some days. Atwell came to me again and asked "what think you of taking the money." I thought it was a joke, and paid no attention to it. The next day he said they had determined to take the brig and money, and that they were the strongest party, and would murder the officers, and he that informed should suffer with them. I knew Church in Boston, and in a joke asked him how it was made up in the ship's company; his reply, that it was he and Dawes. There was no arms on board as was ascertained; the conspiracy was known to the whole company, and had I informed, my life would have been taken, and though I knew if I was found out my life would be taken by law, which is the same thing, so I did not inform. I have committed murder and I know I must die for it.

By the Court. If you wish to add any thing further you will still be heard.

Wansley. No sir, I believe I have said enough.

The District Attorney rose and moved for judgment on Gibbs, in the same manner as in the case of *Wansley*, and the Court having addressed Gibbs, in similar terms, con-

cluded by asking what he had to say why the sentence of the law should not now be passed upon him.

Charles Gibbs said, I wish to state to the Court, how far I am guilty and how far I am innocent in this transaction. When I left New Orleans, I was a stranger to all on board, except Dawes and Church. It was off Tortugas that Atwell first told me there was money on board, and proposed to me to take possession of the brig. I refused at that time. The conspiracy was talked of for some days, and at last I agreed that I would join. Brownrigg, Dawes, Church, and the whole agreed that they would. A few days after, however, having thought of the affair, I mentioned to Atwell, what a dreadful thing it was to take a man's life, and commit piracy, and recommended him to 'abolish,' their plan. Atwell and Dawes remonstrated with me; I told Atwell that if ever he would speak of the subject again, I would break his nose. Had I kept to my resolution I would not have been brought here to receive my sentence. It was three days afterwards that the murder was committed. Brownrigg agreed to call up the captain from the cabin, and this man, (pointing to Wansley,) agreed to strike the first blow. The captain was struck and I suppose killed, and I lent a hand to throw him overboard. But for the murder of the mate, of which I have been found guilty, I am innocent—I had nothing to do with that. The mate was murdered by Dawes and Church; that I am innocent of this I commit my soul to that God who will judge all flesh—who will judge all murderers and false swearers, and the wicked who deprive the innocent of his right. I have nothing more to say.

By the Court. Thomas J. Wansley and Charles Gibbs, the Court has listened to you patiently and attentively; and although you have said something in your own behalf, yet the Court has heard nothing to affect the deepest and most painful duty that he who presides over a public tribunal has to perform.

You, Thomas J. Wansley, conceive that a different measure of justice has been meted out to you, because of your color. Look back upon your whole course of life; think of the laws under which you have lived, and you will find that to white or black, to free or bond, there is no

ground for your allegations; that they are not supported by truth or justice. Admit that Brownrigg and Dawes have sworn falsely; admit that Dawes was concerned with you; admit that Brownrigg is not innocent; admit, in relation to both, that they are guilty, the whole evidence has proved beyond a doubt that you are guilty; and your own words admit that you were an active agent in perpetrating this horrid crime. Two fellow beings who confided in you, and in their perilous voyage called in your assistance, yet you, without reason or provocation, have maliciously taken their lives.

If, peradventure, there was the slightest foundation for a doubt of your guilt, in the mind of the Court, judgment would be arrested, but there is none; and it now remains to the Court to pronounce the most painful duty that devolves upon a civil magistrate. The Court is persuaded of your guilt; it can form no other opinion. Testimony has been heard before the Court and Jury — from that we must form our opinion. We must proceed upon testimony, ascertain facts by evidence of witnesses, on which we must inquire, judge and determine as to guilt or innocence, by that evidence alone. You have been found guilty. You now stand for the last time before an earthly tribunal, and by your own acknowledgments, the sentence of the law falls justly on your heads. When men in ordinary cases come under the penalty of the law there is generally some palliative—something to warm the sympathy of the Court and Jury. Men may be led astray, and under the influence of passion have acted under some long smothered resentment, suddenly awakened by the force of circumstances, depriving him of reason, and then they may take the life of a fellow being. Killing, under that kind of excitement, might possibly awaken some sympathy, but that was not your case; you had no provocation. What offence had Thornby or Roberts committed against you? They entrusted themselves with you, as able and trustworthy citizens; confiding implicitly in you; no one act of theirs, after a full examination, appears to have been offensive to you; yet for the purpose of securing the money you coolly determined to take their lives—you slept and deliberated over the act; you were tempted on, and yielded;

you entered into the conspiracy, with cool and determined calculation to deprive two human beings of their lives, and it was done.

You, Charles Gibbs, have said that you are not guilty of the murder of Roberts; but were you not there, strongly instigating the murderers on, and without stretching out a hand to save him?—It is murder as much to stand by and encourage the deed, as to stab with a knife, strike with a hatchet, or shoot with a pistol. It is not only murder in law, but in your own feelings and in your own conscience. Notwithstanding all this, I cannot believe that your feelings are so callous, so wholly callous, that your own minds do not melt when you look back upon the unprovoked deeds of yourselves, and those confederated with you.

You are American citizens—this country affords means of instruction to all: your appearance and your remarks have added evidence that you are more than ordinarily intelligent; that your education has enabled you to participate in the advantages of information open to all classes. The Court will believe that when you were young you looked with strong aversion on the course of life of the wicked. In early life, in boyhood, when you heard of the conduct of men, who engaged in robbery—nay more, when you heard of cold blooded murder—how you must have shrunk from the recital. Yet now, after having participated in the advantages of education, after having arrived at full maturity, you stand here as robbers and murderers.

It is a perilous employment of life that you have followed; in this way of life the most enormous crimes that man can commit, are MURDER and PIRACY. With what detestation would you in early life have looked upon the man who would have raised his hand against his officer, or have committed piracy! yet now you both stand here murderers and pirates, tried and found guilty—you Wansley of the murder of your Captain, and you, Gibbs, of the murder of your Mate. The evidence has convicted you of rising in mutiny against the master of the vessel, for that alone, the law is DEATH!—of murder and robbery on the high seas, for that crime, the law adjudges DEATH—of destroying the vessel and embezzling the cargo, even for