

THE
TRIAL AT LARGE
OF
ACOU,
(A CHINESE-TARTAR SAILOR)
FOR MURDER.

TRIED AT THE ADMIRALTY SESSIONS

HOLDEN AT

THE SESSIONS'-HOUSE IN THE OLD-BAILEY,

On Friday, July 11, 1806,

BEFORE

SIR WILLIAM SCOTT, KNIGHT,

Judge of the High Court of Admiralty ;

AND

SIR SIMON LE BLANC, KNIGHT,

One of the Judges of the Court of King's Bench.

OF WHICH CRIME

THE PRISONER WAS FOUND GUILTY,

AND ORDERED

FOR EXECUTION ON FRIDAY NEXT.

With the remarkable Manner of administering the Chinese Oath.

BY JOB SIBLY,

Short-Hand Writer to the Sessions at the Old-Bailey.

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TRIALS

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TRIAL OF ACOU,

A CHINESE-TARTAR.

At the ADMIRALTY SESSIONS, which commenced at the OLD BAILEY, on Friday, July 11, 1806, before Sir WILLIAM SCOTT, Knight, Judge of the High Court of Admiralty, and Sir SIMON LE BLANC, one of the Justices of his Majesty's Court of King's Bench (the Court being opened in the usual form), ACOU, a Chinese-Tartar, was arraigned at the bar, for the wilful murder of his shipmate and countryman Anguin, who was cook on board the East India ship Travers, of which the said Acou was a seaman.

Anguin, and the prisoner Acou, were taken into the Company's ship at Bengal; and continued on terms of friendship with each other till the time of the perpetration of the atrocious act by Acou; nor can any reason be assigned by the ship's crew for this unparalleled and horrid murder.

Anguin was a man much esteemed by the ship's company for his good demeanour, and being a person of much

humour—nor was any other reason assigned by the prisoner, in this remarkable trial, than that Anguin “told me lies.”

Acou being placed at the bar, and the Jury sworn in, the oaths were administered to the witnesses in the following singular manner, according to the method of the Chinese.

The oath being repeated in the Chinese language, on the conclusion a China saucer is presented to the person, which he holds in his right hand, and then dashes to pieces; the signification of which is—“That if he does not speak the truth, may his body be dashed to pieces in the same manner as the saucer.”

On the prisoner being placed at the bar, he leaned his head on the bar, and the Turnkey being asked by the Clerk of the Arraignment if he was not well, replied, “He was very well, only a little sulky,” and in this position he continued during the whole of the Trial. He appeared unconcerned during the whole time, and seemed perfectly to comprehend what was said.

On his being conducted to Newgate, he shortly after made a hearty meal of bread and cheese, and onions, drank plentifully of porter, and smoked his pipe with the greatest unconcern. He declared he did not care what was done to him, whether his head was cut off, or to be hanged; but expressed a dread of and hoped he should not be burned.

5

JURY.

Samuel Howston,	Edward Frisby,
John Kirk,	John Garton,
Samuel Conder,	Robert Scotram,
Christopher James Hayes,	Thomas Dennis,
John Leech,	Samuel Head,
William Gold,	John Davenport.

INDICTMENT:

ACOU was indicted for that he on the 24th of May, with force and arms upon the High Seas, within the jurisdiction of the Admiralty of England, on board a certain ship called the Travers, feloniously, wilfully, and with malice aforethought, did make his revenge upon a man called ANGUIN, and that he (Acou) with a certain knife which he then and there held in his right hand, did strike, penetrate, and wound, Anguin in and upon his neck and throat, giving him thereby a mortal wound upon his neck and throat, of the length of five inches and the depth of two inches; one other mortal wound on his side of the length of one inch and the depth of five inches; and two other wounds on the back, of the length of one inch and the depth of five inches each, of which several mortal wounds he died; and so the jurors say that he Acou the prisoner, the man called Anguin did kill and murder.

To this Indictment the prisoner pleaded—NOT
GUILTY.

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The prisoner was asked by the Clerk of the Court how he would be tried; he replied, By God and the Country.

He was then informed that he being a foreigner (a Chinese Tartar) he might be tried by a jury of half foreigners and half English, or by a jury entirely English; he answered he would wish to be tried by the English law and by Englishmen, the same as though he was an Englishman.

The prisoner was allowed by the Court an interpreter, who interpreted to him the whole that the witnesses said.

COUNSEL

For the Prosecution—Mr. ADAM, Mr. KNAPP, and Mr. GLEED.

For the Prisoner—Mr. POOLEY *;

[The Indictment was read by Mr. Gleed, and the Case was stated by Mr. Adam.]

* The prisoner not having any counsel; this gentleman, with great benevolence, tendered his services, and cross-examined the witnesses on behalf of the prisoner.

41
Mr. Adam.

Gentlemen of the Jury,

The case that I have to lay before you is a very simple and though a very painful duty, yet it is proper that I should address a few words to you:—The Indictment that you have heard is an indictment against the prisoner at the bar for murder, and the facts that I have to state to you will be proved to you in the most strict manner, and I will, before I conclude this address to you, state the particular manner in which it was done; but I think it right to draw your attention, and the attention of the Court, and (if I may be allowed to add), the attention of the British audience, and that part of the audience that is not British.

Gentlemen,—This is an indictment of a Chinese for the murder of another Chinese, on board the ship *Travers*, committed in that ship when it was on the High Seas; all the sailors who are Chinese are in court, in order that they may have an opportunity of seeing the way and manner in which British justice is discriminated, and the manner in which British justice is distributed to the prisoner at the bar—the unfortunate Chinese.

Gentlemen,—You have already heard that he is inclined to be tried by the British laws and to have all the benefits of justice according to that law. He has obtained permission, which must be satisfactory to you to know—satisfactory to the Court, and satisfactory to all that are near me to know that he has the aid of Counsel, my learned friend, Mr. Pooley, having voluntarily offered his aid to this undefended foreigner; consequently this case comes before you with all the advantage the law can afford, with the protection of the Counsel, and, I may say, with the advantage of the most humane principle which prevails in the English laws, he having, my learned friend to watch the evidence: therefore his fellow subjects, as well as myself, may be perfectly certain that nothing but justice will be done.

Gentlemen, This prosecution is instituted by the Gentlemen who govern the affairs of the East India Company; they, in consultation with those they are used to advise with, thought it absolutely expedient this prosecution should take place in order to justify the country; they thought, it should be brought before the cognizance of a Jury, that no motive could exist in their minds, or of the persons employed by them, of a vindictive humour.

Gentlemen,—Having stated this, I will state to you shortly the facts, which will be proved by the witnesses, that in the night a noise was heard in a certain part of the ship; the second mate, Oliver, went where the noise, was, and when he came to the place he found the prisoner at the bar laid hold of by the two quarter masters of the ship, and the way in which his evidence will include the detection of the prisoner was, when he was taken first by the two quarter masters, his hands were covered with blood, and as soon as he saw him he said, Me kill Anguin, Anguin tell me lies, that is China fashion; “he then added, ” tomorrow you hang me; ” so that here is a clear confession that the murder was committed by the prisoner at the bar; the knife was found, and a piece of the flesh was on the knife, that knife will be produced, and it will be proved that it is the same knife that belonged to the prisoner, which to me appears a strong circumstance that he did the murder.

Gentlemen,—Those that were near at the time heard nothing till they heard the cry of Murder; whether there was any sudden gust of passion, or whether there was any leading cause to that sudden passion, does not appear—all that I have to say is, that your verdict should be pronounced according to the honest principles of justice, without any prejudice to this unfortunate foreigner.

James Robert Oliver sworn.—Examined by Mr. Knapp.

I believe on the 24th of May you were second mate on board the Travers East India ship—I was.

Where was that ship at the time this affair happened—We were off the western island of Zora.

Court. The 24th of May was the day this affair happened—Yes.

Was the prisoner at the bar Acou a foreigner on board your ship—He was, he is a Chinese, we took him on board at Bengal.

Had you a person on board of the name of Anguin—Yes, he was a Chinese, he officiated as cook, we shipped him at Bengal.

On the day this accident happened, or at least in the night, you being second mate, was it your watch—Yes, I was upon deck, I think it was about half past two in the morning, it was very dark then, and very bad weather.

About half past two in the morning was your attention called to any noise—Yes, I walked forward in consequence of hearing a noise at that time, I thought it came from the fore-castle; in my passing to where the noise proceeded from, I found it came from the fore hatchway instead of the fore-castle; when I came to the fore-hatchway, I heard a noise as if a person was in a fit.

What sort of a noise was it—I heard cries as if proceeding from a person in distress, somehow or other, upon that I desired the doctor to be called up; I directed Hall, the quarter master, and Richards, a midshipman, to go down the fore-hatchway; they did so, I followed; I heard Hall cry out, O! God, there is murder committed, I instantly went down then, I saw the prisoner by the two quarter masters, and the knife was taken out of his hand.

What is the name of the other quarter master—Steele; the two quarter masters had hold of his hands, one held one hand, and the other held the other hand.

Upon seeing one of them laying hold of each hand did you see the knife then—I think I did, I think it was in the possession of Smith, the boatswain's mate; both the prisoner's hands were covered with blood, and clotted with blood, he said, Me kill Anguin.

Did you say any thing to induce him to say that, did you promise him any favour, or did you threaten him

that he must tell you, or it would be worse for him if he did not—I did not utter a word, nor did I hear a word spoke by any body else.

Now what did he say—Me kill Anguin, Anguin tell me lie, that is China fashion, to-morrow you hang me.

After you had discovered this man, apprehended as you say, and he had said this, did you then make enquiry for the purpose of finding out the deceased—He was close by, laying on his back with his arms stretched out on the starboard bow port, near to his hammock.

Did the prisoner when he was laid hold of by both these quarter masters quietly relinquish himself up to them—He gave himself up to me with the utmost composure, I led him on the deck, and had him lashed to a bolt; in that state he was kept till the next morning.

What was the appearance of the deceased—I thought at that time his head was entirely cut off; I went and acquainted captain Sanders, after that I went down again, and then I observed several wounds on the deceased's body, one just over his heart.

I need hardly ask you whether they had the appearance of having been given by a sharp instrument—No doubt.

Had you a brother of the deceased on board—I have understood such, his name is Assoy, he was engaged at that time in ripping his clothes off.

Court. You have mentioned him using these words, do you mean in English—Yes, he speaks broken English.

Does he understand English—Yes. The prisoner was employed upon deck with me five minutes before this happened, he was upon the watch with me.

Can you at all speak with certainty how long before you heard a noise you had seen the prisoner do any thing—He assisted to place the chain to brail up the driver.

How long before you heard the noise had you employed him about that work—I think it was as short a time as he could have committed the crime, I had employed him with other Chinese.

Did Anguin keep watch—He never kept watch, he was allowed to sleep in his hammock, being cook.

You said that Anguin's hammock was in that part of the ship where you went down and found the prisoner—It was about as far off as I may be now from the bench (about six or seven yards).

Was it near the place where you brailed the driver—No, not at that part of the ship.

Mr. Knapp. It was on another deck, was it not—Yes.

Court. During the time that Anguin, the deceased, was on board the ship, was he a quiet man or quarrelsome—He was of a curious disposition, an entertaining man, and much liked on board the ship.

Had you known of any quarrel or dispute between him and the prisoner yourself—No.

Robert Hall sworn.—Examined by Mr. Gleed.

You were quarter master on board the India ship called the Travers, on the 24th of May last—Yes.

She was sailing from the East Indies to this country—Yes.

Were you on deck that morning—Yes.

Court. What time in the morning were you on watch about twelve o'clock.

Mr. Gleed. Did you see the prisoner, Acou, on deck that morning—I cannot say I did, it was not my business to take notice.

In consequence of some order you received did you go down the fore hatchway—Yes, I got a light and went down by the order of Mr Oliver, I heard a noise.

Did you go down alone—I went down alone and Mr. Richards afterwards came; when I first came down I saw the prisoner, Acou, with a knife in his hand, he was standing between the harness cask and the stanch, with his back against the stanch, the same as I am now standing, I observed his hands all bloody, and the knife was in his hand.

Court. Are you sure that he had the knife in his hand—I am perfectly sure he had the knife in his hand.

Did you see the deceased, Anguin—At that time I did not.

Upon seeing the prisoner in that state, what did you do—I immediately seized the prisoner's hand in which the knife was, I took the knife from him and gave it to John Smith, the boatswain's mate.

Did you at that time say any thing to Acou, or he to you—I believe I said, here is murder done here; Acou said, I kill Anguin, Anguin tell lies, I cut Anguin, Anguin tell lies, China fashion; that is all I heard, John Steele was at that time holding the other hand; I did not see Anguin till ten minutes after the prisoner used these words; Mr Oliver ordered me to take him on deck, in about ten minutes afterwards I went down the fore hatchway; after I left the prisoner on deck I found Anguin, just on the starboard bow port.

How far was that from the place where you saw Acou—About as far as from the place where I am now standing to the Bench, I found him lying down and people taking his clothes off, his throat was cut, and his head was almost half off.

That was not a time of the morning for Anguin to be out of his hammock—No, he was ship's cook, both for the Chinese and the ship's company.

I suppose Acou, the same as the other Chinese sailors, slept with his clothes on, he went into his hammock with his jacket and trowsers on—Yes.

Court. You had not heard any dispute between Acou and Anguin that night—No.

John Gotty sworn.—Examined by Mr. Knapp:

I am an officer of the Thames police; I produce a knife, I received it of captain Sanders, on board the ship at Longreach.

(*To Hall*) Is that the knife that you took from the prisoner—Yes, I gave it to John Smith.

Court. At the time that you took it from him was it marked with any thing—It was all over blood, and a piece of flesh was sticking to it, as soon as I received it I immediately gave it out of my hands to John Smith.

(Cross-examined by Mr. Pooley.)

Were you down there before Mr. Oliver came—
Yes.

You were in the cabin below where the deceased was until Mr. Oliver went on deck—I cannot tell whether Mr. Oliver went on deck or not, I did as I was ordered.

Did you hear all that he said, and have you repeated all that he said—I cannot say that, I was so much confused.

Anguin was cook, was he on the watch that night—No, that is not his duty, he was never up at night except all hands were wanted.

What time could Anguin go to bed—Sometimes at six o'clock and sometimes at eight o'clock, after his duty was done.

This was about two o'clock in the morning, about what time does the cook usually rise—About four o'clock.

How happened the cook to be dressed in his clothes—The Chinese most commonly turn in with their clothes on, it is usual for them all to do so.

Did you know these men before you saw them on this voyage—No.

Had not there been any quarrel between them—Not that I know of.

You have said you heard the noise, was it like the noise of people struggling together—I thought it was a woman's voice, it was a crying.

Did you hear the noise as if it was struggling together—No, I did not.

You said that all that Acou said was, he had killed Anguin, Anguin told him lies, he cut Anguin, that was China fashion; did you understand what he meant by China fashion—No.

Does Acou understand English—He understands broken English.

Does he understand English so far as to understand any words that are used in English—I cannot tell that.

John Steele sworn.—Examined by Mr. Adam.

Were you a quarter-master on board this ship—Yes;

Did you remain there on the 24th of May—Yes.

Do you remember going with Hall on the night of May 24—Yes, I went forward to the starboard bowport of the fore hatch way, I saw the prisoner standing between the harness cask and the stanch, he was standing in this way (*witness standing upright*), he had a knife in his right hand, Robert Hall took it out of his hand and gave it to John Smith the boatswain's mate.

Did you see the knife at the time—Yes, I had it not in my hand, nor have I seen it since.

In what state was the prisoner when he was standing with the knife in his hand—I saw blood on his hands and blood on the knife, I saw Hall clench him by the right arm, and I seized him by the left arm for fear he should stab Mr. Oliver.

Did you hear the prisoner say any thing—He said me kill Anguin, Anguin me cut.

Did he say any thing more—Those are the very words, he said nothing more that I heard.

Did you know Anguin—Yes, he was the cook.

Did you know of any quarrel between Anguin and the cook—I do not.

Did you see Anguin's body at this time—I let go the prisoner for him to be taken on deck, Hall took the prisoner up, and I remained below; immediately I took the candle I saw the corpse laying by the foremost bowport of the starboard side, on his back.

How far might that be from where you saw Acou standing—Not more than five or six yards to the most.

In what condition did you see Anguin's body then—His throat was cut, his head was cut off almost, and his hair was all clotted with blood, I saw and heard him draw his last gasp, he was cut the same as a bullock is cut, he had all his clothes on; I went on deck to see if the prisoner was secured, after that I immediately went down, and saw Asam and Asoy taking off his clothes.

(Cross-examined by Mr. Pooley.)

You heard him say me kill Anguin, Anguin me cut—
Yes.

At that time did you not see that Anguin was cut—No.
How long might the time be before you saw Anguin
—About a minute, I had not seen Anguin till after Acou
was taken on deck.

Was there any difference between Acou and Anguin about any thing—Nothing in particular, at times they would be wrangling among themselves, among the whole bunch of them.

I was asking of any quarrel between the two—No, none at all.

Court. Was Anguin a peaceable man—Yes, he was always joking with every body on board the ship.

Mr. Adam. Was he a good tempered man—Yes.

Court. When first you saw Anguin, did you see any other knife except the knife Acou had in his hand—None.

When you remained below after Acou was taken on deck, was there any other knife lying about any where—None at all.

Do you know that knife—No, the whole of the Chinese have such a knife as that.

You saw no other knife—No.

You did not particularly examine the prisoner afterwards—No.

Did you see any cuts upon him—None.

(*To Oliver*) Did you take any notice whether Acou had any cut upon him—He had none.

(*To Hall*) Did you see any cut or wound that Acou the prisoner had about him—No.

Asoy (a Chinese seaman) sworn.—Examined
by Mr. Knapp.

Were you a seaman on board the Travers—Yes.

Did you know Anguin the deceased—I knew Anguin.

Was he any relation of yours—No relation.

On the night of the 24th, or on the morning of the 25th that his happened, were you awaked by any thing that happened, or what—I was asleep in my hammock, Anguin called out, would I get up, one man kill him, one man kill him.

Upon hearing that did you get up—When I heard that I got out, I did not know where, I felt about, I heard the

deceased call, I went to the hammock to take hold where the noise proceeded from; on going to the hammock I felt a knife stabbing of me.

Court. You was going to a hammock where you thought you heard the noise came from, you felt a knife stab your neck—Yes.

Do you know whose hammock it was—The hammock was laying along, it was so dark I did not know whose it was, I heard somebody crying, I did not know the hammock, I felt a stab upon my neck; directly I felt myself cut I let go the person I had hold of, I went to my own hammock, and then a light came.

Who brought the light—The second mate; when the light came I saw the prisoner Acou standing up with a knife in his hand, Acou spoke, “I kill Anguin, I cut, by and by make a hang of me.”

Did he say why he killed Anguin—I do not know, he did not speak any thing.

How soon after you had seen Acou with the knife in his hand did you see Anguin—About one minute, I suppose.

How did the body of Anguin appear—He was dead.

Did you afterwards help to take off his clothes—Yes, I along with Asam, helped to take his clothes off.

Did you find any wound on his body—I was so afraid I could not look.

Did you find any other knife except the knife that Acou had—I saw no other knife. (*the knife produced with the sheath.*)

Court. Who took the knife from him—Mr. Hall.

(*To Hall*) You took the knife from the prisoner—Yes, and I gave it to the boatswain’s mate.

It was produced with the sheath—I did not see the sheath at the time.

(*To Afoy*) Look at that knife, and tell us whether you believe that to be Acou’s knife, and the same that he had in his hand—Yes, I knew before Acou had this knife, I know it belonged to Acou.

(Cross-examined by Mr. Pooley.)

This knife looks like a cook’s knife, can you say

whether it was not the cook's—It did not belong to Anguin, it is Acou's knife, I am sure of that.

I ask you whether Anguin, the cook, had not such a knife as that—He had one knife, but not all the same as this; I know this to be Acou's knife, I saw Acou every day making clean this knife, Anguin's knife was longer, and a broader handle.

Was there any quarrel between Anguin and Acou on board the ship—None at all, they quarrelled at Bengal before they came on board the ship, I do not know what it was, I lived a great way off, I know they had a quarrel, I do not know the occasion.

Court. Did you ever see Anguin's knife after Anguin was dead—Yes, I saw Anguin's knife in the cook's room.

Captain Thomas Sanders sworn.—Examined by Mr. Adam.

You are captain of the Travers—Yes.

From whom did you get that knife—Charles Smith, the boatswain's mate, brought the knife to me, it was found near the body.

Had it the sheath—No, the sheath was found near the body.

You do not know that was the sheath—No, Smith brought the sheath also, I am not sure he picked it up, I saw it picked up.

Where is Smith—Smith was pressed in the Downs, he is on board his Majesty's ship ———

Did you examine the hammock of Anguin—No, Steele the quarter-master searched his hammock, there was no trace of blood at all upon it.

Walter Norris sworn.—Examined by Mr. Glead.

You are surgeon on board the Travers—I am. When I was first of all called up, I examined the body of Anguin but slightly, he being dead, the next morning I examined it more minutely; upon examining the throat, I found it was cut to the full extent of five or six inches, according to the best of my judgment; I did not measure

it, there was a wound at the region of the heart ; it appeared to have penetrated the heart ; three wounds on the back which appeared to me to have penetrated as far as the lungs : the number of wounds on the body were twenty-nine in the whole.

What did they appear to have been made by—They appeared to have been made by a sharp instrument.

What was the cause of that man's death—The wounds that he received.

There were more than one of the wounds that were mortal—Yes. The wound in the neck, and the wound in the heart, must have been mortal.

Mr. Adam then informed the Court, that this was the case on the prosecution.—The Court desired the interpreter to ask the prisoner if he would say any thing in his defence.

PRISONER'S DEFENCE.

I have nothing at all to say, you may make hang.

Mr. Justice Le Blanc.

Gentlemen,—The prisoner at the bar is charged by this indictment with having committed a murder upon a person of the name of Anguin, on the High Seas, on board a ship called the *Travers*. The question you will have to determine, whether, upon this evidence, you shall be satisfied that the prisoner at the bar is guilty of this offence which is laid to his charge, because if you shall be of opinion he has done it, in the situation in which he and the deceased are described to have been, notwithstanding they are both foreigners, yet serving the East India company, on board this ship, coming home in the service of this country, if that offence is committed in this service though both not of this country, they fall within the jurisdiction of the Admiralty, and will be liable to punishment.

The learned judge then recapitulated the whole of the evidence, with the utmost clearness and deliberation, and informed the jury that no evidence had been given what could be the motive at that time, or any other short time previous, which could have occasioned such an act to have

been committed, the only evidence they had, was the expression made use of by the prisoner himself, at the moment he is laid hold of by the two quarter masters, which has been stated by all the witnesses ; that is an expression, merely acknowledging that he killed him, because they all say he said "I kill Anguin," or, "me kill Anguin."

Gentlemen—Where one man is found by another that is killed, with a knife in his hand bloody, the presumption is, that he occasioned his death. "Me kill Anguin, Anguin tell me lies," that may mean in broken English, Anguin told me that which is not true ; it is unnecessary to state to you that could not justify any thing much short of this violence that has been committed, it would not justify the inflicting these wounds which caused this man's death.

I cannot find out any circumstance in order to satisfy my mind that Acon had received any blow, or any wound, or any thing from the deceased Anguin, to induce him to perpetrate this horrid deed, and I am afraid there is little doubt but these blows were given by the prisoner at the bar. I do not know how to state that they were given, under any of the evidence before us, which could bring the crime to any thing less than murder.

One of the Jury.

The prisoner has said something to the interpreter ; what he said then was, he wished to be agreeable to the English custom ; he supposes, Make hang, that is all right ; make cut, that is all right.

The jury brought in a verdict of—GUILTY.

The Clerk of the Court

Addressed the prisoner ; recapitulated his crime, and put the usual question—if he had any thing to say why sentence of Death should not be passed upon him.—The prisoner replied, I speak to all the gentlemen, I did cut off the Chinaman's head.

Sir William Scott

Then shortly addressed the prisoner :—told him he had been found guilty of that most abominable crime of Murder, of a most foul unnatural murder, committed on one of his own countrymen, who was a peaceable unoffending person. By an act of blood-thirsty violence, you have deprived this man of his life ; you must answer for it by your own. The common law of mankind—the law of the seas—the laws of this country—and the law of God in particular, which you well know require it, should be so answered. The common safety will not permit that you should continue among the living, you must prepare for that awful change which awaits you.—The sentence of the law is that you, Acou, be taken to the place from whence you came ; and on Monday next to the place of execution ; where you are to be hanged by the neck till you are dead, and your body to be delivered to the surgeons, to be dissected and anatomised, and may the Lord have mercy on your soul.

The prisoner appeared quite resigned to his destiny.

E N D.