

THE PROSECUTION OF CAPTAIN THOMAS

Monday 16 September 1680. St Austell Assizes. Captain Thomas of His Majesty's ship The Tower is being cross-examined by Prosecution Counsel. Thomas is charged with piracy and causing the death of a member of his crew.

Prosecution: Captain Thomas, why do you always do this?

Captain: I don't know what you mean, Sir?

Prosecution: Look down. It's as though you have something to hide. A guilty conscience possibly? I put it to you Captain that you knew all about the piracy and that you wilfully flouted his Majesty's taxation laws for personal gain?

Captain: Not so, Sir.

Prosecution: You were seen coming ashore at Polkerris with chests laden. Why, Seaman Dockery drowned in trying to get the bounty to shore.

Captain: I was not there, Sir. I knew of no decision to come ashore and whilst it is true Dockery drowned, I cannot speak for the actions of others.

Prosecution: Really Captain. Well perhaps you might like to explain why your own Mid-shipman, a man called Evans, he's already testified to your absence from your ship at precisely the time of the piracy.

Captain: I had left the ship the previous afternoon and was rowed to shore at Carlyon Bay. I had arranged to meet Lord Heligan to discuss the purchase of an estate at Duporth.

Prosecution Counsel turns to the Jury:

Prosecution: Members of the Jury, you are advised that Lord Heligan has been arrested this very morning on a charge of accessory and is currently being held in Truro Gaol.

Prosecution straightens his cloak and returns his gaze to the witness box:

Prosecution: I put it to you Captain that both yourself and Lord Heligan were part of the same crime?

Captain: Not true, Sir. There has been no crime. I am innocent of these trumped-up charges.

Prosecution holds his cape with both hands and turns to the Jury whilst saying...

Prosecution: But you can't deny your association with his Lordship?

Captain: Yes, I know his Lordship well. We diligently serve our beloved county and monarch.

Prosecution: Perhaps, Captain, but can you explain why Evans should testify against you? A man of integrity one assumes. After all, it is not every day a Captain is brought before a court, is it?

Captain: Evans wanted the position of Lieutenant. He failed his navigation. I could not promote him. He was best suited on deck.

Prosecution: May I take you back to a meeting involving you, his Lordship and Evans in Penzance last summer in which you hatched a plan to involve Evans in piracy. You promised to promote Evans but when it dawned on Evans that you were merely using him, you

had no choice but to dismiss Evans back to deck and report him for insubordination whilst at sea... a punishment that could involve walking the plank?

Captain looks directly at the Jury.

Captain: Not true, Sir.

Prosecution: Captain would you like to tell the court why you wanted to dispose of Evans after he was duped into assisting you and his Lordship?

Captain remains quiet.

Prosecution: I put it to you Captain that Dockery was selected by Evans to take his place in the boat that coordinated the treasure reaching the shore, treasure I might add now being held in St Austell, and that on your instruction the hapless Dockery met his death by drowning. Drowning that was supposed to happen to Evans?

Captain: I have nothing to say.

Prosecution: So, shall we just go over the clear facts as you see them. You and his Lordship played no part in the piracy? That you were not being rowed ashore at Polkerris? That his Lordship's carriage was not waiting up on the cliff to take you to safety? That Evans was not selected to coordinate getting the bounty to the cove? And you had no involvement of ensuring Evans' death?

Captain: I deny all the allegations being put to me in this court. And may I just add, this is not a Maritime Court Session and therefore I am exempt from prosecution of this court. You have no authority in which to charge me nor detain me.

Prosecution: Ah, let me remind you Captain that as of yesterday, you were stripped of your rank, were you not? And therefore, this court has full authority to prosecute you for a crime of tax evasion and piracy in this fair county. And furthermore, it alleged that you were the cause of the death of Seaman Dockery? If you were not actually there at the time of the crime, you were certainly an accessory to the crime?

Prosecution: Members of the Jury, you will retire and thus return with your verdict regarding the crime of piracy, but also the wilful drowning of Seaman Dockery.