

TERMS OF THE "AMERICAN."
HENRY B. MASSER, PUBLISHERS AND
JOSEPH EISELY, PROPRIETORS.

H. B. MASSER, Editor.
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AND SHAMOKIN JOURNAL.

Absolute acquiescence in the decisions of the majority, the vital principle of Republics, from which there is no appeal but to force, the vital principle and immediate parent of despotism.—JEFFERSON.

By Masser & Eiseley.

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(Continued from last week.) NAVAL COURT OF INQUIRY. MACKENZIE'S NARRATIVE.

U. S. BRIG SOMERS, }
NEW YORK, Dec. 19, 1842. }
In the evening I gave orders to Mr. Perry, my clerk, to have all the officers come aft upon the quarter deck. When they were brought up, I approached Spencer and addressed him thus: "I understand, sir, that you aspire to the command of the Somers. With a deferential air he replied, "Oh, no, sir!" "Did you not," said I, "tell Mr. Wales that you had a mutinous project on foot—that you intended to kill the Commander and the officers of the Somers, and such of the crew as you could not seduce to your plans, and to enter upon a course of piracy?" "I may have told him something like it," he replied, "but it was only a joke." "You admit then, that you told him of such a plan?" "Yes, sir." "This, sir, I continued, "you must know is joking upon a forbidden subject. This joke, sir, may cost you your life. Be pleased, sir, to remove your neck-handkerchief."

He did so. I took it, and opened it, but there was nothing in it. I asked him what he had done with the paper that was in it. "The paper," said he "which had been in it, contained my day's work, and I destroyed it." "It is a strange place, sir," said I, "to keep your accounts." He acquiesced with an air of the greatest deference and blandness. I said to him, "Your design was to make yourself commander of this vessel. You must have been aware that you could compass it only by passing over my dead body, and over the dead bodies of all the officers of the Somers. You have laid out for yourself, sir, a great deal to do. It is my duty to confine you." Turning to Lieut. Gansvoort, I said "Arrest Mr. Spencer, and place him in double irons." Lieutenant Gansvoort stepped forward, and received from Mr. Spencer his sword. Mr. Spencer was then ordered to sit down; he did so. Double irons were then put upon him, as were also hand cuffs, for greater security. I directed Lieut. Gansvoort to place a watch over Mr. Spencer, and to give orders to put him to instant death if he was detected in speaking or holding communication with any of the crew.

The nature of these orders was told to Mr. Spencer. At the same time, I directed him to allow him every possible indulgence consistent with his safe keeping. The task was executed by Lieut. Gansvoort, with the greatest kindness and humanity. While he watched with an eagle eye over all his movements, and was ready at a moment's warning to take his life upon a violation of those conditions on which his safety depended, he attended to all his wants, covered him with his own garment from the squalls of rain by which we were visited, and ministered in every way to his comfort with all the tenderness and assiduity of a woman.

The officers were then remanded to quarters; the crew and batteries were inspected, the orders were repeated, and the retreat was beaten. The officers of the watch were all directed to be fully armed with cutlasses and pistols, with rounds of ammunition, and every thing was put in order for the night.

On searching the locker of Spencer, a razor case was found in it, which he had recently drawn from the purser. On opening it there was no razor within, but in its stead a piece of paper in which was rolled another. On the inner paper was written a string of characters, afterwards found to be Greek letters, with which Spencer was known to be familiar. It fortunately happened that there was on board another individual who was well acquainted with the Greek—one whose knowledge of this, as of everything else, was devoted wholly to the service of his country. The Greek characters, on being converted into our own language by Mr. Henry Rogers, proved to contain the plan for the proposed mutiny. There was a list of the different members of the crew, some of whom were marked certain and others doubtful; some were marked to be kept at all events, and others to be destroyed. Those were designated who were to do the work of murder in the various apartments; others were to open the arm-chest, and the stations of all were assigned.

The following day was Sunday, and all were to be inspected at 10 o'clock. I took my station aft for the purpose of observing Cromwell and Small as they should come along on the quarter deck.—The persons of both were faultlessly clean and neat—they being determined that their appearance should provoke no reproach on account of a fault in that particular. Cromwell stood up to his full stature, carrying his battle axe firmly and steadily; his cheeks pale, but his eye fixed to starboard. He wore a determined and dangerous air. Small presented a very different figure—his appearance was ghastly; his manner uneasy—he shifted his weight from side to side, and his battle axe from hand to hand.

His eye was never for a moment fixed, but

always turned from me. I attributed his conduct to fear; though I now believe the business upon which he had entered was repugnant to his nature, but that his love for money and rum was too strong for his fidelity. Five bells, or 10 o'clock, was the time for divine service. The First Lieutenant asked if he should call the roll. I told him it would be best to wait till the time was up. Five bells struck and all were called to muster. The crew were all present, were unusually attentive, and their responses were more than ordinary full and audible. In the examination their countenances exhibited nothing to excite distrust.

In the afternoon the sky-sails and studding-sails were set. Gaseley, one of the best of the apprentices was sent aloft on the royal yard to make some alteration in the rigging. At once a sudden jerk was given to the brace by Small and another, who has not been discovered, and the fore-topmast, with the top-sail, topgallant-staysail and head-gaff top-sail, at once came down. Gaseley was on the royal yard. I scarcely dared to look to see the spot where the boy should fall. The next moment his shadow appeared at the mast head, and I presently discovered him examining, with admirable coolness what was to be done.

I did not dare to believe this carrying away of the topmast the work of treachery; but I knew that an occasion of this sort, such as the loss of the boy, which should create confusion and interrupt the duty of the officers, would be sought by them, if they were bent on the prosecution of their enterprise. All possible measures were taken to prevent confusion. The rigging was immediately restored and the sails bent afresh. Every member of the crew was employed, and all things were made to go on with regularity. To my astonishment upon the occurrence of this disaster, all the conspirators who were named in the programme of Spencer, no matter in what part of the vessel they were engaged at the time, immediately mustered at the mainmast—whether animated by some new-born zeal to serve their country or intending to carry out their designs, I cannot say. This circumstance at once confirmed my belief in the continued existence of the danger. The eye of Spencer travelled continually to the mast-head, and he cast quick and stealthy glances about, as he had not done before. The wreck was soon cleared away, and supper piped.

After supper the same persons mustered at the mast-head, and the sails were set. After quarters they dispersed. Still I did not think it safe to leave Cromwell at liberty during the night, which was emphatically the season of danger. After consulting with Lieutenant Gansvoort, I determined to arrest Cromwell. An officer was sent to guard the rigging. I met Cromwell at the foot of the Jacob's ladder, going aft, and stopped him. I asked him about the conversation he had had with Spencer. He denied that it was he, and said, "It was not me, sir; it was Small." (Cromwell was the tallest man on board the vessel and Small the shortest.) Cromwell was immediately put in irons.—Small, being thus accused by an associate, was also ironed. The utmost vigilance was enjoined upon the officers. All were armed, and either myself or the first lieutenant was constantly on deck.

The next morning, which was Monday, the 28th of November, two crimes of considerable magnitude came to light. One of the men had been detected in stealing from a boat, and the steward had stolen money and given some of it to Spencer. This was no time to relax the discipline of the ship, and both the men were punished to the extent of the law. It was soon after found that a man named Waltham had told McKinley where three bottles of wine were placed, and offered them to him. McKinley was stationed near the arm chest and reported this to the first lieutenant. Punishment of Waltham, however, was postponed till the next day. Punishment of the other two being over, I thought that a fit opportunity to endeavor to make an impression upon the crew. I had good reason to think that the danger of the conspiracy was not over. I believed that a majority of the crew might be said to be in general disaffected, and disposed to resist discipline. Some mysterious agency had evidently been at work since the departure of the Somers from New York; and this was now disclosed.

I explained to the crew the general nature of Spencer's plot and the atrocious character of the designs he had formed. I took especial care not to betray a suspicion that I thought any particular one of them was deeply implicated, but exhorted all of them to repent of their intentions and attend faithfully to their duty. I took good care to assure them that the majority of the crew must at all events share the fate of the officers. I strove to divert their minds from the pictures of successful vice which Spencer had presented to them. I brought up before them images of friends at

home; I endeavored to impress upon their minds the endearing nature of those ties of kindred from which Spencer had sought to sever them for ever, and expressed the hope that within three weeks we should all be again among our friends. I thanked God that he had provided them all with dear friends who were deeply interested in their welfare, and that they had the prospect of so soon being once more among them.

The effect of my address on them was various. Many of them seemed delighted at their narrow delivery, and others seemed struck with horror at the thought of the terrible danger they had escaped. Some seemed overwhelmed with terror at the anticipation of punishment that awaited them. Others were overcome by thoughts of returning home, and wept profusely at the mention of the friends they hoped so soon to see. I could not help believing that all the crew were now tranquil, and that the vessel was again safe. Having observed that Spencer was endeavoring to hold intelligence with some of them, I directed the faces of all the prisoners to be turned aft, and that no tobacco should be allowed them when the supply they had upon their persons at the time of their arrest should be exhausted. I told them that I would see that they had every thing necessary for their comfort; that each should have his ration; that they should be abundantly supplied with every thing necessary for their health and convenience. But I told them that tobacco was only a stimulant, and that, as I wished their minds to become as quiet and tranquil as possible, I could not allow them to use it.

The day after Spencer's tobacco was stopped his spirit gave way. He would sit for a long time with his face buried in his cloak, and when he raised his head his face was bathed in tears. He was touched by the kind attention of Mr. Gansvoort. He told him he was not then in a state to speak of anything, but that he would the next day tell him all—would answer any question that might be put to him.

On Tuesday after quarters, all hands were again called to witness punishment, and Waltham was punished to the extent of the law for offering three bottles of wine to McKinley. I then spoke to the crew of the necessity of conforming in all particulars to the orders of the vessel, which were known. I told them that every punishment inflicted on board must be made known to the Secretary of the Navy, and that the less they were in amount the greater would be the credit that would attach to the commander and crew.

But the whole crew, I soon found, were far from tranquil. They collected in knots upon the deck—seditious words were heard among them—and they assumed an insolent and menacing tone. Some of the petty officers were examined and found to be true to their colors, but it was the general impression that the vessel was far from being safe. There was reason to fear that on that very night a rescue would be attempted. I obtained a variety of intelligence concerning conferences among the disaffected. Individuals whom I had not supposed to be implicated were found closely associated with several who were known to be among the disaffected, and several times there were symptoms that they were about to strike the blow. Mr. Wales once detected C. A. Wilson in drawing out a hand spike from its place; and on presenting his cocked pistol at him, he only offered some lame excuse. I became exceedingly anxious, and remained constantly on deck.

At 12 o'clock the watch was called. Mr. McKinley, Green and one or two others missed their muster: they could not be asleep, and why they should be absent just at the time, when they never had been before, was not easy to be seen. When they appeared, they all had some lame excuse. They probably had agreed to meet at that time and to commence some act of violence. Green said he could not get aft. I sent him forward and ordered him to take the forward look-out for four hours. I directed a close watch to be kept up, and distributed the others in a similar manner.

At 4 o'clock others missed their muster, I heard of this with the greatest uneasiness. Where, I asked, was this to end? If the men upon a bright night like this seem mutinous and disposed to undertake the rescue of those confined, on a bad night, in a storm, in the midst of utter darkness, how much greater will be the probability of a rescue? If all suspected should be ironed, would the danger be over? What sympathy might not be felt for the prisoners? These matters crowded upon my mind. I considered the imminent peril which hung over the lives of the officers and crew; I thought of the seas traversed in every direction by merchantmen, unarmed and defenceless; I thought of what was due to the interests of commerce, to the safety of the lives of thousands upon the deep, to the sanctity of the American flag entrusted to my care, and to my own honor. All these

considerations impressed me with the absolute necessity of adopting some farther means of security for the vessel which had been given to my charge.

I took counsel with the first lieutenant, and was fortified in my purposes by finding his opinion identical with my own. In so grave a case, involving so many interests and such high responsibilities, I felt desirous of having the opinion of all my officers upon the matter, though not a shadow of doubt remained in my mind of the guilt of the prisoners, should their execution be deemed necessary. I did not forget that the officers were still boys, and that the responsibility of the proceedings must rest upon the older and higher officers. Still I felt desirous to have their opinion, and accordingly addressed them the following letter:

U. S. BRIG SOMERS, Nov. 30, 1842.

Gentlemen: I am desirous of availing myself of your counsel in the very responsible position in which I find myself placed. You are aware of the circumstances which resulted in the confinement of Midshipman Spencer, of Boatswain's mate Cromwell, and of Seaman Small; and I purposely abstain from entering into details concerning them. Necessarily ignorant, as I am, of the extent of dissatisfaction among the crew who have so long been tampered with, and knowing the suspicion which attaches some of the crew who are at large, I address you, and ask your united counsel as to the best course now to be pursued; and I call upon you to take into deliberate and dispassionate consideration, the conduct which will be necessary for a safe continuance of the remainder of your course, and to enlighten me with your opinion as to the proper method to be pursued.

I am your obedient servant,
ALEX. SLIDELL MACKENZIE,
Lieut. Gansvoort, and others. Commander.

After I had written this letter, but before I had sent it, at about 9 o'clock, Wilson, being foiled in his attempt to get up an outbreak at night, and feeling that he was narrowly watched, and no longer left at liberty, came forward and made some lame and worthless confession, and requested that he might not be put in irons. I told him that if he had made any real confession, in sincerity and truth, he should not be molested; but that it was an insult to his officers to offer him so lame a story as that he had told. Nothing more could be got out of him, and he was immediately put in irons.

While on the African coast I knew that he had procured an extraordinary knife, broad in the middle, and running to a point. It was a singular weapon, of no use except but to kill. He had been seen also the day before sharpening his battle axe with a file, and had brought one part of it to an edge. This was a thing never allowed or known before on board. McKinley was now arrested. He was evidently the individual in every way the most formidable of all concerned. McKee was also put in irons. They were made up to sit down; and when the irons were put on, I walked around the batteries, followed by Lieut. Gansvoort, and made a careful inspection.

On the receipt of my letter the officers immediately assembled and entered upon the examination of witnesses, who were sworn and their testimony written down. In addition to this each witness signed the evidence he gave; in this employment the officers passed the whole day without interruption, and without taking the least food. I remained, myself, in charge of the deck. The officers were excused from watch duty and the watches were so arranged that two in succession fell to me.

On the 1st December the First Lieutenant presented me with the following letter:

U. S. BRIG SOMERS, Dec. 1, 1842.

Sir:—In answer to your letter requiring our counsel as to the best course to be pursued with regard to the prisoners, Spencer, Cromwell, and Small, we have the honor to state, that the evidence which has come to our knowledge, after the most careful, deliberate and dispassionate consideration, which the exigency would allow, is of such a nature as to call for the most decided action.—We are convinced that in the existing state of things, it will be impossible to carry the prisoners to the United States. We think that safety to our lives, and honor to the flag entrusted to our charge, require that the prisoners be put to death, as the course best calculated to make a salutary impression upon the rest of the crew. In this decision we trust we have been guided by our duty to God, to our country and to the service.

Respectfully, your obedient servants,
LIEUT. GANSEVOORT, and others.
COM. MACKENZIE.

I at once concurred in the justice of this opinion, and made preparations to carry the recommendation into effect. Two other conspirators were almost as guilty as the three singled out for execution: they could be kept confined without extreme danger to the ultimate safety of the vessel. The three chief mutineers were the only ones capable of navigating and sailing the vessel. By their removal, all

motive to capture the vessel and carry out the original design would be at once taken away. Their lives were justly forfeited, and the interests of the country, the safety of the sea and the safety of the flag required the sacrifice.

In the necessity of my position I found my law; and in that necessity I trust for justification. I thought it best to arm the petty officers; on this point only the First Lieutenant differed from me: and I found that he was of the same opinion with some of the petty officers themselves—they said that since I could not tell whom to trust, it would be best to trust no one. I made up my own mind, and judged of the characters whom I could trust and determined to arm them. I ordered to be issued each a cutless pistol and cartridge. I ordered preparation also to be made for execution of the three. All hands were called to witness punishment. The whips were arranged, the officers were stationed about the deck, and the petty officers were directed to cut down every one who should let go his whip or fail to haul when ordered.

I put on my full uniform, came on deck and proceeded to execute the most painful duty that ever devolved upon any officer in the American navy—the announcement to the prisoners of the fate that awaited them. I approached Spencer and said to him, "You were about to take my life, Mr. Spencer, without provocation, without cause or the slightest offence. You intended to kill me suddenly in the night, while I was buried in sleep, without giving me a single moment to send one word of affection to my wife, one prayer to God for her welfare. Your life is now forfeited; and the necessity of the case compels me to take it. I do not intend, however, to imitate you in the mode of claiming sacrifice. If there be in your breast one feeling true to nature, you will be grateful for the premature disclosure of your horrible designs. You surely ought to be thankful that you have been prevented from the terrible deeds you meditated.—If you have any word to send to your father, any satisfaction to express to him that you were not allowed to become a pirate, as you ought to do, you will have ten minutes granted in which to write it." Midshipman Thompson was then directed to note the time and inform me when it had expired.

Spencer seemed overcome with emotion. He burst into a flood of tears, sank on his knees, and said he was not fit to die. I repeated to him his catechism, and begged him to offer sincere prayers for the divine forgiveness. I recommended to him the English Prayer Book, assuring him that he would find in it something suited to all his necessities. Cromwell fell upon his knees, protesting his innocence, and invoking the name of his wife. Spencer declared that Cromwell was innocent, and begged that this might be believed. This, I confess, staggered me; but the evidence of his guilt was conclusive. Lieut. Gansvoort said that there was not a shadow of doubt of it.

The petty officers said he was one man from whom real apprehension was entertained. He was at first the accomplice of Spencer, and was then urged on by him, and had been by him turned to his account. I tried to show him how Cromwell had endeavored to use him, and told Spencer that he had made remarks about him he would not consider flattering. He expressed great anxiety to know what they were. I told him Cromwell had said of him and another person that there was a "d—d fool on one side, and a d—d knave on the other," and told him that Cromwell would have allowed him to live only so long as he could have made him useful to himself. This roused him, and from that time he said no more of Cromwell's innocence.

Subsequent circumstances made me believe that Spencer wished to save him, probably from the hope that he would yet get possession of the vessel and carry out his original design; and perhaps that Cromwell would in some way effect his rescue.—He endeavored at the same time to persuade me that Small was only an alibi for some one else, on his list—though this was proved to be false. Small alone was the one we had set down as the pilot of the three; yet he received the announcement of his fate with great composure. He was asked what preparation he wished to make. He said he had none: "Nobody cares for me," said he, "but my poor mother, and I would rather she should not know what has become of me."

I returned to Spencer. I asked him what message he had to send to his friends. He said "None. Tell them I die wishing them every blessing and happiness. I deserve death for this and my other crimes. There are few crimes that I have not committed. I am sincere penitent for them all. I only fear my repentance is too late." I asked him if there was any one whom he had injured to whom he could make reparation—any one who was suffering obloquy on his account. He said "No; but this will kill my poor mother." I did not know before that he had a mother, and was touched by his allusion to her. I asked him if it would not have been far more dreadful if he

had succeeded in his attempt—if it were not much better to die as he would, than to become a pirate and steep himself so terribly in blood and guilt. He said, "I do not know what would have become of me if I had succeeded."

I told him that Cromwell would soon have made away with him, and that McKinley would probably have destroyed them both. He said he "feared this would injure his father." "Had you succeeded," I replied, "the injury you would have done him would be much greater." If it had been possible to take him home, as I first intended, I told him that he would get clear; in America a man with money and influential friends would always be cleared; that the course I was taking would injure his father less than if he should go home and be condemned, yet again escape. He said that he had attempted the same thing on board the John Adams, and the Potomac; but had been unsuccessful. He asked if I had not exaggerated the danger. I told him "No; that his attempts to corrupt the crew had been too widely successful; that I knew of the existence of the conspiracy but did not know how extensive it was." I recapitulated to him his acts. He was startled when I told him of his stealing brandy. He admitted the justice of his fate, but asked me if I was not "going too far and too fast. Does the law justify you?" said he. I replied that his opinion was not unprejudiced; that I had consulted all the officers, and they had given their opinion that it was just—that he deserved death.

He asked "what would be the manner of his death." I explained it to him. He requested that he might be shot. I told him that it could not be—that he must be hung. He admitted that it was just. He objected to the shortness of the time and requested that an hour might be given to prepare. I made no answer to this but allowed much more than the hour he asked for to elapse. He requested that his face might be covered. I granted his request and asked him what it should be covered with. He said a handkerchief. In his locker was found a black one which was put on his face. Cromwell and Small made the same request, and frocks were taken from their lockers with which their heads were covered.

Spencer asked for a Bible and Prayer Book—they were given to him. He said, "I am a believer—but do you think that my repentance will be accepted?" I called to his mind the thief on the cross, and told him that God's mercies were equal to all his wants. He knelt down and read from the Prayer Book, and asked again if I thought his repentance would be accepted, saying that his time was short. I told him God only understood his case but could suit his grace to it. He begged that I would forgive him. I told him I did most sincerely and cordially, and asked him if I had done any thing which made him seek my life, or whether his hatred was unfounded. He said he thought it was only fancy. "Perhaps," he added, "there was something in your manner which offended me."—I read over to him what I had written down. He wished me to alter the passage in which I said that he "offered as an excuse, that he had attempted the same thing on the John Adams and Potomac." He only mentioned it as a fact, he said.

More than an hour had now elapsed. Spencer, as he met Cromwell, passed and asked to see Mr. Wales. As he passed Cromwell said to a word of his innocence, nor did he make any appeal in his favor. Spencer said, "Wales, I hope you will forgive me for tampering with your fidelity." Wales replied, "I welcome with emotion, I do forgive you from the bottom of my heart, and I hope God will forgive you also." Wales was weeping, and Spencer in passing met Small at the gangway. He extended his hand and said, "Small, forgive me for having brought you into trouble." Small answered, "No by G—d, Spencer, I won't forgive you." Spencer repeated his request. Small said, "How can you ask that of me after having brought me to this? We shall soon be before God and shall there know all about it." Spencer said, "You must forgive me—I cannot die without it." I went to Small and asked him not to cherish any resentment at such a time, and asked him to forgive him. He relented held out his hand to Spencer and said, "I do forgive you—and may God forgive you also."

Small then asked my forgiveness. I took his hand and expressed my forgiveness in the strongest terms. I asked him what I had done that he should seek my life; if I had done that he should seek or word to him." He exclaimed, "What have you done, Capt. Mackenzie? What have you done to me? Nothing—but treated me like a man." I told him of the high responsibilities under which I acted: of the duty I owed my Government and the ship with which it had entrusted me; of his offence to his commander and the boys

*Perhaps this is an extreme and erroneous opinion, and not just. But I am merely stating facts—what passed on the occasion.