

3
ORIGINAL PAPERS;

WITH AN

AUTHENTIC STATE

OF THE

PROOFS and PROCEEDINGS

BEFORE THE

CORONER'S INQUEST,

Which was assembled at MADRAS, upon the Death of LORD
PIGOT, on the 11th Day of May 1777;

LIKEWISE

The Subsequent PROOFS and PROCEEDINGS
before the JUSTICES at MADRAS, with the
OPINIONS of the JUDGES of the SUPREME COURT of
JUDICATURE in BENGAL.

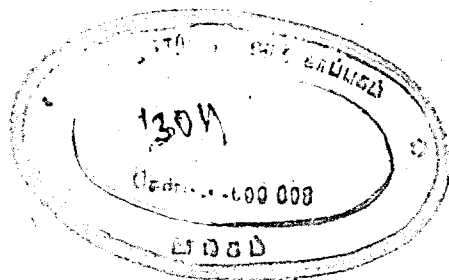
To the whole are subjoined,

The DEFENCE of MR. STRATTON, and the other MEM-
BERS of COUNCIL, accused by the Verdict of the CORONER'S
INQUEST; and the Separate DEFENCE of Brigadier-
General STUART, for himself and the MILITARY under his
Command, &c.

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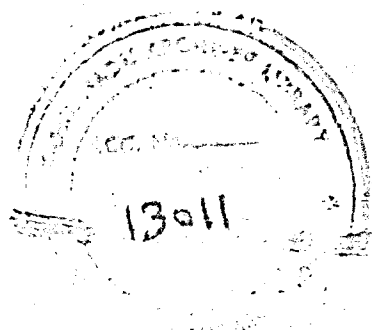


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DIARY

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Mr. Mallet being satisfied on this head, is sworn, and proceeds to give his evidence. (See the evidence of William Mallet, surgeon.)

The Jury are adjourned till three o'clock in the evening.

1 o'clock.

The Jury being assembled, Mr. Mallet proceeds with his evidence. (See the evidence of William Mallet, surgeon.)

3 o'clock, P. M.

The Coroner acquaints the Jury, that as Mr. Latham is come to Madras from Cuddalore, he proposes to call upon him for his evidence.

May 19, 3 o'clock.

Mr. Latham is called in and sworn. He proceeds to give his evidence. (See the evidence of Richard Latham, Esq;) The Jury desire to call upon Commodore Sir Edward Hughes, commander in chief of his Majesty's ships in India, several of the witnesses having made mention of Sir Edward's name. The Jury are of opinion he can give them satisfaction on several points, of which otherwise they cannot acquire a sufficient knowledge.

4 o'clock, P. M.

Mr. George Smith the Foreman of this Jury acquaints the Coroner and the Jurors, that, the Mayor being out of town, he must assist as Senior Alderman at the Mayor's Court; the Jury are therefore adjourned to nine o'clock the Wednesday morning following.

8 o'clock, P. M.

The Jury being assembled at the house of their Foreman Mr. George Smith, Sir Edward Hughes is called in. Before he is sworn, he observes to the Coroner and Jury, that in the late unhappy disputes at this place he has been addressed by both sides: that he never took upon him to judge of the legality of the present government: that the part he thought it was his duty to take was, that of giving the assistance of his Majesty's squadron under his command where he found the power to carry on the Company's service for the public good, agreeable to his instructions; and on the same principle, he does not take upon him to judge of the legality of this Inquest: that he is nevertheless ready to give the gentlemen any information on the points they may desire of what may have come to his knowledge, and consistent with the station he is in.

Wednesday, 21 May, 9 o'clock.

He further observes to the Coroner and Jury, that after what he has said, he should suppose that the information on his word would be:

be sufficient; yet that he may be no impediment to their Inquiry, and the Coroner informing him that it is indispensable, he shall not object to being sworn on this occasion.

Sir Edward Hughes is accordingly sworn, and proceeds to give his evidence. (See the evidence of commodore Sir Edward Hughes.)

11 o'clock. Tellasinga is called in and sworn. He gives his evidence. (See the evidence of Tellasinga.)

21 May, 12 o'clock, A. M. Mr. Hamilton is called in and sworn. He gives his evidence. (See the evidence of Mr. William Hamilton.) The Coroner adjourns the Jury till 9 o'clock next morning.

Thursday, 22 May, 10 o'clock. The Jury being assembled at the house of their Foreman, Mr. George Smith, the Coroner lays before the Jury an authentic copy from the Records from the Mayor's-court, under the seal of that court, containing extracts from the Minutes of a court held on Saturday the 31st day of August 1776, extracts from the Minutes of a court held on Monday the 2d of September 1776, the oath of George Lord Pigot, read and filed in the said court the 11th of October 1776. The Coroner also lays before the Jury a copy of a proclamation, published in this garrison of Fort St. George, and affixed to the gates of the said fort on the 25th of August last, which the Coroner informs them, he believes to be a true copy of the original proclamation affixed to the Sea-gate, which he saw and read attentively.

These being read to the Jury, the Coroner informs them, that he believes the evidence before them is sufficient; that he has many things to observe to them on the subject of the present inquiry, and therefore requests that they will allow him till next day. The Jury, considering that the evidence has been very long, are desirous that the Coroner may have a longer time than he has requested, and Saturday next being a day on which the greater part of them have business which cannot well be dispensed with, they desire to be adjourned till Monday next, being the 26th of May. They are accordingly adjourned to that time.

Monday, 26 May, 10 o'clock, A. M. The Jury being assembled at the house of their Foreman Mr. George Smith, some of the Jurors desire that Messrs. Ruffel and Monckton may be called upon, they having some further questions to

to put to them, Mr. Ruffel is accordingly called in and proceeds with his evidence. (See the evidence of Claude Ruffel, Esq.)

The Jury are adjourned till 5 o'clock in the evening. 1 o'clock.

The Jury being assembled, Mr. Monckton is called in and proceeds with his evidence. (See the information of the Honourable P. M. Edward Monckton, Esq.) 5 o'clock.

The Jury are adjourned till 9 o'clock the next morning. 7 o'clock.

The jury being assembled at the house of their Foreman, Mr. George Smith, the Coroner delivers in his Charge to them in writing, which is read. (See the Charge of the Coroner.) Tuesday, May 27.

The Jury are desirous of having some time to consider of the Coroner's Charge; also some of the Jury think that the commission of Lord Pigot, or an attested copy of it, will enable them better to determine on their verdict. In consequence,

The Jury are adjourned till Saturday 31st May, at 9 o'clock in the forenoon. 12 o'clock.

The Jury having assembled at the house of their Foreman, Mr. George Smith, the Coroner proposes to call on William Howard, servant to Mr. Ruffel, who is mentioned in that gentleman's information. Accordingly William Howard is called upon and sworn. He gives his evidence. (See the information of William Howard.) The Coroner produces a copy of the commission of Lord Pigot for the government of Madras, signed a true copy, Joseph Revell. He also acquaints them, that Mr. Revell is ready to answer such questions as the Jury may think proper to put, relative to the said copy. Mr. Revell is accordingly called in and sworn. He acquaints the Jury, that the copy which the Coroner has shewn them was copied and examined by an original copy from the India-house, attested by Mr. Peter Mitchell, Secretary to the East India Company, with whose hand-writing he is acquainted. (See the information of Mr. Joseph Revell.) The Coroner lays the said Copy before the Jury. Tomorrow being Sunday, the Jury are adjourned till Monday the 2d of June, at 9 o'clock in the morning. Saturday, May 31.

Monday, 2 June. The Jury being assembled at the house of their Foreman Mr. George Smith, one of the Jurors inform them, that he has some public official business which he cannot neglect. The Jury being satisfied of the necessity which the said Juror is under to attend the business which he has spoken of, the Coroner adjourns the court to Thursday the 5th instant.

Thursday, June 5. The Jury being assembled at the house of their Foreman Mr. George Smith, Mr. Taswell acquaints the Coroner and the rest of the Jury, that he, as Master Attendant, is obliged to attend Commodore Sir Edward Hughes upon some business relative to the loss of the ship Marquis of Rockingham. The Jury are therefore adjourned till 9 o'clock to-morrow morning.

Friday, June 6. The Jury being assembled at the house of their Foreman Mr. George Smith, proceed to determine on the first previous question proposed to them by the Coroner, viz. Whether Lord Pigot can or cannot be considered as one who died in confinement, when the first official notice which his friends received of his release was not till after his Lordship's death, and when his life had for some days before been despaired of by the surgeons. The Jury having duly considered the evidence relative to this question, are unanimous, that Lord Pigot died in confinement. One of the Jurors acquaints the Coroner and the Jury, that he cannot attend the Inquest to-morrow, on account of some business which he cannot neglect without prejudice to his affairs, and the next day being Sunday, the Coroner adjourns the Jury to 9 o'clock on Monday next in the forenoon.

12 o'clock, Monday, June 9. The Jury being assembled at the house of their Foreman Mr. George Smith, proceeds to find their verdict. To-morrow, being the sitting of the Mayor's Court, the Jury are adjourned to Wednesday the 11th at 9 o'clock in the forenoon.

Wednesday, 11 June. The Jury being met at the house of their Foreman, Mr. George Smith, Mr. Taswell informs him, that, as Master Attendant, he has been ordered to go down to the wreck of the ship Marquis of Rockingham (lost off the Seven Pagodas, distant from Madras about 30 Miles), which business will probably detain him some days; the Jury are therefore adjourned till Monday next, the 17th instant.

Monday, 17 June. The Jury being met at the house of their Foreman Mr. George Smith, proceeds to consider of their verdict. Mr. De Fries represents

to the Coroner and the rest of the Jury, that his private affairs will not allow him to attend this Inquest till Thursday the 26th, on account of the dispatch of the Company's ship Hector, now about to depart for England.

The Coroner adjourns the Jury to Thursday the 26th of this month.

The Jury being assembled at the house of Mr. George Smith their Thursday, Foreman, proceed to consider of their verdict, the following question 26 June. is put: Whether the confinement of Lord Pigot, and the treatment he met during that confinement, as it appears on the evidence before the Jury, were or were not the cause of his Lordship's death? The Jury find that the confinement of Lord Pigot, and the treatment he met with during that confinement, was the cause of his Lordship's death. The Coroner observes to the Jury, that they having found that Lord Pigot died in confinement, and that this confinement was the cause of his Lordship's death, he, the Coroner, apprehends that the persons who, from the evidence before the Jury, appear to be principally concerned in confining Lord Pigot, may be materially affected by the final verdict of the Jury, he therefore proposes, provided he has the approbation of the Jury, and they think that it can be attended with no bad consequences, to summon those persons to appear before this Inquest, that the evidence taken before this jury may be read over to them in presence of the witnesses, and that they may have an opportunity to confront the evidences. The Jury having maturely considered this matter, are of opinion, that this cannot be done in the situation of the present government of this settlement, without risking the peace of the community, and subjecting this enquiry to insuperable difficulties; that if the persons mentioned in the evidence are brought before this Inquest, they ought to be brought before them as prisoners, which in the present situation, and considering the Coroner cannot compel obedience to his warrants under the present government, cannot be done. The Coroner concurs in opinion with the Jury. The Jury are adjourned to Monday the 30th instant.

The Jury being assembled at the house of Mr. George Smith their Monday, Foreman, proceed to consider of their verdict, the following question June 30. is proposed: What denomination in law does the death of Lord Pigot,

Pigot, occasioned by his confinement, and the circumstances of that confinement, come under?

Some of the Jury are earnest, that the consideration of this question may be postponed till a further day, but the Jury in general being desirous that the question may be put now, it is put accordingly. The Jury are equally divided. Six being of opinion that the offence incurred by the death of Lord Pigot can be considered as no less than murder; and six, that it amounts to manslaughter only. The Coroner observes, that the voices being equal, the question must be reconsidered.

The ship Hector being still in the road under dispatch, several of the Jury declare that they cannot attend till after her departure. They are adjourned to Monday the 7th of July.

Monday,
July 7.

The Jury being assembled at the house of their Foreman Mr. George Smith, proceed to find their verdict. By desire of several of the Jury, they are adjourned to Saturday the 12th instant.

Saturday,
July 12.

The Coroner acquaints the jury, that as several of them has expressed a doubt of the propriety of coming to their final verdict, till they have heard what the persons, by whom Lord Pigot was confined, have to allege in their own defence, he (the Coroner) has to observe to them, that the sitting of this inquest is notorious to the whole settlement; that besides the number of witnesses, whose informations were publicly taken, several persons, as well Europeans as Black People, have been at different times present at the meetings of this Jury. That, moreover, he is well informed that many of those persons, who were particularly concerned in the confinement of Lord Pigot, and who now act as Governor and Council of this Settlement have, in a joint letter to the Court of Directors, made mention, that he (the Coroner) has summoned an inquisition on the body of Lord Pigot, which was still sitting: That therefore they could not pretend ignorance of the present inquiry, and if they had any thing to allege in justification of their conduct in confining Lord Pigot, *it concerned* them to have attended the Inquest: That the Jury had already determined, that as things were at present circumstanced, it would not only be impracticable, but highly imprudent, for him (the Coroner) to attempt to bring them before the Jury by his warrants; that for the foregoing reasons he was clearly of opinion, the neglect of those persons, in not attending to urge what they might have to say in their defence, was no reason for the Jury to delay finding

finding their final verdict; provided, however, that if in the mean time any of those persons should appear, what they might have to say in their defence should be attended to.

The Jury are satisfied that they may find their final verdict without waiting till the persons before mentioned are brought before them, as those persons are undoubtedly well acquainted with the nature of the present inquiry, and might attend this inquest to defend their conduct if they chose. Mr. Taswell acquaints the Jury, that as Master Attendant, his time will be so much taken up till the sailing of five of the Company's ships, now under dispatch for China, that he cannot attend till after they have sailed. The Jury are therefore adjourned to Wednesday the 30th of this month.

The Jury being assembled at the house of their Foreman Mr. Wed. Smith, the following question being again put, What denomination in law does the death of Lord Pigot, occasioned by his confinement, and the circumstances of that confinement, come under? The Jury find, That the death of Lord Pigot, occasioned by his confinement, and the circumstances of that confinement, cannot be considered as a less offence in the eye of the law than Murder. The Jury proceeds to consider who are principals and who are accessaries in the murder aforesaid. The Jury find, that George Stratton, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, George Mackay, Sir Robert Fletcher, Colonel James Stuart, Lieutenant-Colonel James Edingtoun, Captain Arthur Lyfaght, are all principals, as they all entered into a combination and conspiracy to deprive Lord Pigot of the government of Fort St. George, and to seize and confine his person; in the execution of which conspiracy they each took their respective parts. The Jury also consider Major Matthew Horne as a principal, as from the time of the delivery of Lord Pigot into his custody, to the time of his Lordship's death, he did himself restrain and confine Lord Pigot, and by his orders did cause Lord Pigot to be restrained and confined. The Jury also find, that the serjeant who was present when Lord Pigot was seized, also the serjeant who did duty at the Company's garden-house, also the soldiers and officers of the corps of artillery stationed at the Mount, and the Seapoys both at the Mount and at the garden house, accessaries to the murder aforesaid. The Coroner represents to the Jury, that the law directs, that they should now enquire what goods and chattels, lands and tenements, the persons charged with the murder aforesaid are possessed of. The Jury

Jury desire they may have time to consider how far this part of their duty can in the present state of this settlement be carried into execution; and in the mean time that the Coroner draw up the Inquest agreeable to what they have this day found; the Jury are therefore adjourned to Tuesday the 5th day of August.

Friday,
August 5.

The Jury being assembled at the house of their Foreman Mr. George Smith, the Coroner lays before them a foul draught of an inquest, which is read and approved with some amendments; the Coroner then acquaints them, that he will draw out the inquest agreeable to the proposed amendments, and lay it before them on Thursday. Some of the Jury objecting that they cannot attend till six o'clock in the evening of that day, the Jury are adjourned till six o'clock in the evening of the seventh of August.

Friday,
August 7.
Monday
July

Saturday
July

at
clock,

The Jury being assembled at the house of their Foreman Mr. George Smith, the Coroner acquaints the Jury, that he is sensible that, in the present state of the settlement, an enquiry after the goods and chattels, lands and tenements, of the persons charged with murder in the inquest, is utterly impossible; he therefore is of opinion, that the impossibility of doing this part of their duty will be a sufficient plea for the non-performance of it; and accordingly he has concluded the inquest without any mention of the goods and chattels, &c. of the persons charged in the Inquest; he then proposes that the inquest should be read over and signed. It being late at night the Jury desire to be adjourned till to-morrow morning, when they propose to sign the Inquest.

Friday,
August.

The Jury being assembled at the house of their Foreman Mr. George Smith, the Inquest is read over, and signed by the Coroner and Jury. The Coroner now observes to the Jury, that though their verdict has been given in and recorded, yet they must be sensible it would be highly improper for him to deliver it in to the persons who at present act as a Bench of Justices; he therefore proposes to keep the Inquest by him until there is a government of unquestionable authority established.

Monday
August 5.

The Jury being assembled at the house of their Foreman Mr. George Smith, the minutes are read and approved. Mr. D' Fries, and Mr. Ewing, deliver in letters, declaring their reasons for signing the verdict contrary to their private opinion. (See the letters from Mess. D' Fries and Ewing.)

The

The Coroner addressed a letter to the Governor and Council. (See the Letter.) On the 26th, he also addressed a letter to Mr. D' Fries and Mr. Ewing, to acquaint them that he thought it improper to comply with their requests in their letters before mentioned, (See the Letter to Mr. D' Fries.)

(A true Copy.)

WM. SEDGLEY, Clerk of Peace.

Town of MADRASPATNAM: ff.

The INFORMATION of the Honourable Edward Monckton, Esq. taken upon Oath before me George Andrew Ram, Coroner of our Lord the King for the Town of Madraspatnam aforesaid, on an Inquisition held at the Company's Garden-house, about a Mile distant from Fort St. George, within the Districts of the said Town, on the view of the Body of the Right Honourable GEORGE Lord Pigot, there lying dead, and by Adjournment at the House of Mr. George Smith (Foreman of the said Inquest), in the said Fort.

THIS Informant, on his oath, saith, That he first knew Lord Pigot on his (this Informant's) arrival in India in the year 1762. Since Lord Pigot's last arrival in India, this Informant married his Lordship's eldest daughter in March 1776. This Informant has seen Lord Pigot almost every day since his marriage with Lord Pigot's eldest daughter, except during Lord Pigot's absence at Tanjour, and at those times in his late illness, when he was so much indisposed as to make the visits of his family and friends inconvenient to him.

On the 24th of August last Lord Pigot was made a prisoner, and carried to St. Thomas's Mount, where he was delivered over to the charge of Major Matthew Horne, by the orders of Mess. George Stratton, Sir Robert Fletcher, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay, as appeared by a proclamation issued the next day by the authority and under the signature of these gentlemen.

After

After Lord Pigot's confinement this Informant went and resided at the house called General Lawrence's house, at St. Thomas's Mount. Lord Pigot's family also resided there.

Major Matthew Horne shewed this Informant a long order from Colonel James Stuart, wherein he directed Major Matthew Horne to take charge of Lord Pigot's person, and to give Captain Lyfaght (who, as Lord Pigot told this Informant, was the person that carried Lord Pigot to St. Thomas's Mount) a receipt for the same. This Informant read the order, and took notice of the signature of Colonel James Stuart. Major Matthew Horne also shewed this Informant another order, signed by Mess. George Stratton, Sir Robert Fletcher, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay, wherein, after giving Major Matthew Horne orders relative to keeping Lord Pigot prisoner, there are words to the following purport: "*In case of an attempt to rescue Lord Pigot, his life must answer it, and this you will signify to him.*" Lord Pigot had a knowledge of this order a day or two after it was received, but this Informant does not exactly recollect the time.

On the 27th of August last, as this Informant was getting into bed, between eleven and twelve o'clock at night, several of Lord Pigot's servants came and called this Informant, and said that Lord Pigot was fighting with the soldiers, that there was a chaise with provisions in it, and an armed man behind it in a great cloak. He added, that the chaise was to carry Lord Pigot to Gingee. Mr. Latham (who also lived in the house called General Lawrence's house) and this Informant immediately ran to Major Horne's house. Mr. Dalrymple had got there before them. On this Informant's arrival, he saw the chaise at the gate; Lord Pigot was standing in the veranda of Major Horne's house; Lieutenant Gison, who guarded Lord Pigot, standing by him; Lieutenant-colonel James Eidingtoun and Major Horne at the foot of the steps. This informant heard Major Horne say, "*My Lord, it does not signify, my orders are positive, and I must obey.*" Lord Pigot demanded to know to what place they intended to carry him. This Informant said (so as to be heard by all present), that they were going to take Lord Pigot to Gingee. Lieutenant-colonel Eidingtoun made answer, "*My Lord, I am not at liberty to inform you where you are going: I can assure you, Mr. Monckton (speaking to this Informant), that he is not going to Gingee, but to a place of safety.*" This was no sooner said than

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a guard of-artillery-men came into the garden: Lord Pigot advanced up to them, and addressed them to the following purport, that " *he had known many of them a long time; they had fought with him at the siege of Madras; he therefore would depend upon them, and would remain with them at the Mount, or they should take him to the Commodore's, to demand the protection of the King's flag; or place him in his own Fort, and then he should know how to act; but that he never would go with that traitor Eidingtoun, a man who; notwithstanding he acted under the commission he had received from him (Lord Pigot), had stopped him in the night on the highway with a loaded pistol like an assassin.* Lord Pigot added, " *If you think I have been guilty of any wrong, sooner place your bayonets here (baring his breast to them), than suffer me to be dragged away from you.*"

His Lordship said a great deal more to the same purpose with a very loud voice, and appeared to be in the most violent agitation the whole time. He spoke so loud that his voice was heard at the house of Mrs. Clifton, between two and three hundred yards distant. At one time Lord Pigot threw his arms about Major Horne's neck, and desired him to consider that he was an officer, that it was unbecoming that character to allow him (Lord Pigot) to be dragged from under his roof in such a shameful manner, and conjured Major Horne not to suffer it.

This Informant observed to the artillery-men, that the people in the Fort had made use of a very dark piece of treachery to lead people's minds astray; that they had given out that Commodore Sir Edward Hughes (commander in chief of his Majesty's Squadron in India) had fired a salute in honour of their Government; that Sir Edward Hughes had assured this Informant that it was not so, but that the Fort having fired first, he was, by his instructions, obliged to return all salutes. There was much said by Mr. Dalrymple to the same purport with what this Informant said. Lieutenant-colonel Eidingtoun addressed himself to the artillery-men as follows: " *I am sure you will obey your commanding-officer.*" Lord Pigot heard this: Lieutenant-colonel Eidingtoun repeated it twice—the men stood mute. Major Horne then took Lieutenant-colonel Eidingtoun to one side of the veranda: When they had conferred together for a short time, Major Horne came back and addressed himself to Lord Pigot as follows: " *My Lord, if your Lordship will promise to remain quiet here to-night, I will be answerable for your person to* " Colonel?

" *Colonel Eidingtoun, till we can have further orders from the Fort.*" Lieutenant-colonel Eidingtoun withdrew, and all parted. The next morning this Informant waited on Lord Pigot, and found him very hoarse with the exertion of the preceding night: This hoarseness continued on Lord Pigot for some days. Lord Pigot acquainted this Informant, that he had heard that Messrs. George Stratton, Sir Robert Fletcher, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay, had under consideration the sending him (Lord Pigot) home by the Grenville, which failed the latter end of September, but that Sir Robert Fletcher had recommended not to send him (Lord Pigot) home at that time, but to defer it till later in the season, a little before the time that news might be expected from Europe. Lord Pigot, and also this Informant, heard a short time after, by current report, that the people in possession of the Government had the same intention, by the Greenwich, which failed the 16th of October last.

Captain Larkins, of the ship *Lioness*, acquainted Lord Pigot, and also this Informant, a few days after the arrival of that ship, viz. the 2d of January last, that one of the Council (either Mr. Mackay, or Colonel James Stuart, the latter of whom had been taken into Council on Sir Robert Fletcher's leaving the Coast), this Informant does not recollect which, had asked him (Larkins) " *whether he would not take Lord Pigot to England as a prisoner;*" that he (Larkins) had answered, " *that his ship was not made to carry prisoners, but that he should know what answer to make when the Council applied to him;*" that the Counsellor answered him, " *If you do not, your Chief Mate will,*" or words to that purpose.

Lord Pigot also received information through different channels, that it was the intention of Mr. Stratton, and his associates, to send Lord Pigot to England on board the *Lioness* Indiaman. (Most of these intentions were given to his Lordship in this Informant's hearing.) Lord Pigot therefore did not think it prudent to stir out of Major Horne's house for a day or two; and though this Informant gave an entertainment on the 6th of January, in compliment to Lord Pigot, yet his Lordship did not chuse to venture even to the house where this Informant and his Lordship's family resided. Lord Pigot told this Informant, that he had acquainted Major Horne with the reasons of his conduct, viz. " *that as he (Lord Pigot) had been kidnapped once, he was resolved, that they (the people in possession of the Government) should never do the like again while he had life.*"

That Major Horne had said to him, "*you need not be afraid of being kidnapped while under my charge, but should I receive orders to march you into the Fort, I shall consider whether it is not my duty to obey.*"

Several gentlemen of the Settlement were so alarmed on Lord Pigot's account, that, on the 7th, a letter was addressed to Mr. Secretary Oakeley, signed by between thirty and forty gentlemen of the Settlement, setting forth their alarms and fears, on account of the intention of sending Lord Pigot home, and desiring Mr. Secretary Oakeley to lay the letter before Mr. Stratton and his associates.

It was some time after that Major Horne received a letter from Mr. Secretary Sullivan, desiring him to acquaint Lord Pigot, that the people in power had come to a resolution not to send Lord Pigot home by the ship then under dispatch. This Informant has also reason to believe, that Mr. Stratton and his associates applied about the 19th of October last for the sanction of the Governor General and Council at Bengal to send Lord Pigot to England, and that the Governor General and Council had, in an indirect and artful manner, given their concurrence. Both which measures were known to Lord Pigot; the letter from hence, a day or two after it was written, the answer, this Informant believes, was known to Lord Pigot soon after it was received, which was in the month of December.

This Informant should have mentioned before, that on the 28th of August, early in the morning, after the attempt was made to remove Lord Pigot from the Mount, immediately on the return of Messrs. Ruffel, Dalrymple, Lathom, and this Informant, to General Lawrence's house, where they lived, they addressed a letter to Commodore Sir Edward Hughes, setting forth the circumstances of the attempt before mentioned, and demanding from Sir Edward Hughes the protection of the King's flag for Lord Pigot. This letter was signed, he thinks, by Messrs. Ruffel, Dalrymple, Lathom, and himself, this Informant. The same morning Lord Pigot himself addressed a letter to Sir Edward Hughes to the same purport. The letter produced a promise from Messrs. Stratton and his associates to Sir Edward Hughes, that they would not remove Lord Pigot for the present, without his (Sir Edward Hughes) previous knowledge.

Lord

Lord Pigot also sent into the Mayor's Court a petition for a writ of Habeas Corpus, but it was judged by a majority of the Court, that they had not a power to grant such a writ.

Lord Pigot afterwards commenced a suit in the Mayor's Court against Sir Robert Fletcher for damages, also against Colonel James Stuart, Captain Arthur Lyfaght, and Lieutenant-colonel James Eidingtoun, whom he had reason to believe were about to depart the jurisdiction of the said Court. To these suits the defendants before mentioned demurred, and appealed to Mr. Stratton and his associates, who took upon themselves to act as a Court of Appeals; but it appears by the order or resolution, which they passed on the occasion, copy of which this Informant has seen, that they acknowledged themselves parties, as it was by their orders that Lord Pigot was confined. The defendants thereupon declared their resolution of appealing to the King and Council, by which means no further proceedings were had in the Mayor's Court, and whilst the suits were in this situation Lord Pigot died.

Lord Pigot during the first part of his confinement was in very good health. His illness was first apparent about the 4th or 5th of March last; a few days after Mr. Pasley, the surgeon, who attended his Lordship, thought him in some danger; Lord Pigot towards the end of March got better a good deal. Early in April he was again taken ill, and continued growing worse, so much so that this Informant believes Mr. Mallet (the surgeon to the corps of artillery at the Mount) thought that Lord Pigot could not recover; and this Informant has reason to think that Mr. Mallet communicated his opinion to Major Horne. On the 28th day of the said month, Lord Pigot was removed to the Company's Garden-house, by the advice of Mr. Pasley.

This Informant understands, that the removal of Lord Pigot from the Mount to the Company's Garden-house was brought about by an application from Major Horne to Mr. George Stratton.

On the 28th of April, in the evening, after Lord Pigot's removal to the Company's Garden-house, this Informant had some conversation with Major Horne, in presence of Sir Edward Hughes, the purport of which this Informant wrote down (as nearly as he could recollect) on the first of May, and was as follows: "Major Horne told this Informant, that when he escorted Lord Pigot from the Mount
" in

“ in the morning of the 28th, it was only in compliment to Lord Pigot, and not considering him as his prisoner, for he looked upon Lord Pigot as free, from the time he left the Mount; but, on his going into the Fort immediately after, the gentlemen there assembled in council were going to call him (Major Horne) to a severe account for letting Lord Pigot out of confinement until he (Horne) produced to them two letters that passed between him and Mr. Stratton, wherein he (Horne) demanded of Mr. Stratton, whether Lord Pigot, after leaving the Mount, was still to be considered as his prisoner, and Mr. Stratton in answer tells him (Major Horne) that he (Mr. Stratton) could not immediately get the opinion of the rest of the gentlemen; but he dared to say that they would join him in opinion, that Lord Pigot should no longer be considered as a prisoner. Mr. Stratton acknowledged to them, that he had taken too much upon himself, and that he (Major Horne) had promised to them, to take again immediate charge of Lord Pigot's person, which satisfied the gentlemen. That he was come to give the necessary orders to the guards, and to acquaint this Informant that Lord Pigot was still to be considered as his prisoner. This Informant begged of Major Horne, to keep this matter for the present as private as possible, to prevent its coming to Lord Pigot's knowledge, whilst he remained in so dangerous a state. Major Horne assured this Informant that he would, and that for the present, the only orders which he should give to the guards, would be to keep every thing quiet, and only let such persons as Lord Pigot chose go in to him.”

The same evening, viz. the 28th of April, this Informant saw Mr. Sydenham (who acts as Town-major) at the Company's Garden-house; Sir Edward Hughes, who was there with this Informant, told him that Mr. Sydenham was come to deliver over the command of the guard at the Company's Garden-house to Major Horne.

This Informant says, that a serjeant was posted at the Company's Garden-house to the best of his remembrance the same evening. This Informant is not certain how long the serjeant continued there; but the day before Lord Pigot's death there was a great noise in the Buzar, near the Company's Garden-house, and this Informant sent a servant to the serjeant to desire he would send some sepoys to put a stop to it; the servant brought for answer, that the serjeant said he would do so; from which this Informant believes that the serjeant remained

remained on duty from the 28th of April, till that time. This Informant frequently saw the serjeant at his station in the intermediate time.

This Informant understood from Mr. Russel, that the serjeant had told Mr. Russel's servant, Howard, that he the serjeant was placed at the Company's Garden-house, to take charge of the person of Lord Pigot and the command of the guard there, and to report every morning and evening whatever passed to Major Horne.

This Informant has reason to believe, that Mr. Pasley mentioned the dangerous situation of Lord Pigot, with regard to his health, to several, in particular to Messrs Stone and Russel, from the conversation this Informant has had with them at different times before Lord Pigot's death; also to Mr. George Stratton. Mr. Pasley having told this Informant, that Mr. Stratton had acquainted him, that he (Mr. Stratton) recollected that Lord Pigot, on going to Tanjour, said to him, George, (meaning him Stratton) in case of any accident happening to me, my will and Mrs. Monckton's marriage settlement, are in that book-case (pointing to a bureau and book-case), Mr. Stratton added, This will be satisfaction for you to tell Lord Pigot's friends. Mr. Pasley mentioned this conversation to this Informant two or three days before Lord Pigot's death.

The morning before Lord Pigot died, viz. Saturday, the 10th of May, Lord Pigot's voice was so strong, that this Informant could not help expressing his hopes to Mr. Pasley, that Lord Pigot was not then past recovery; but Mr. Pasley assured this Informant, that it was impossible that Lord Pigot could recover; he added, that Lord Pigot might hold out for a day or two longer, or it might be he would go off in a few hours.

Lord Pigot died the next morning, being the 11th of May, between the hours of ten and eleven o'clock. Immediately on the death of Lord Pigot, this Informant addressed a letter to Major Horne, to demand the body; copy of which, with Major Horne's original answer, this Informant begs leave to lay before the jury. This Informant also sent notice of Lord Pigot's death to Mr. Ram, the Coroner, requesting he would take an inquest on the body of Lord Pigot.

This

This Informant considered Lord Pigot under confinement at the time of his death, though about nine o'clock in the morning Lord Pigot died, this Informant did hear some one say, he does not remember who it was, neither was it addressed to him, "That Major Horne had come to the Company's Garden-house the evening before, and had told the serjeant, that he (the serjeant) was not to consider Lord Pigot as any longer under his charge." Mr. Pasley, who attended Lord Pigot, told this Informant, between four and five o'clock the same morning, that Lord Pigot had not above an hour to live.

This Informant further saith, on his oath, that from the time he knew Lord Pigot, and previous to his confinement, he never knew his Lordship to be so much indisposed as to oblige him to keep his chamber for a day, or to oblige him to take any medicines from the surgeons.

Lord Pigot before his confinement was accustomed to take frequent and much exercise. Since the marriage of this Informant with Lord Pigot's eldest daughter, it was Lord Pigot's general custom before breakfast, to come from the Fort to this Informant's house upon Choultry plain (which is about two miles), in an open chaise, and then take up his youngest daughter and take an airing of two or three miles; when he did not call upon her, he would walk out from the Fort to the Company's Garden-house, which is above a mile; after breakfast Lord Pigot usually walked in the Company's Garden, and gave orders to the workmen there till near ten o'clock and sometimes later; after that, his Lordship would go into the Fort generally in his chariot, to business and dinner.

Sometimes when this Informant has come to the Company's Garden-house of an evening between six and seven o'clock, he has known Lord Pigot lay himself down on a cot for an hour or two, and say, that he had been walking on the fortifications of the Fort, from thence out to the Company's Gardens, and in the Gardens, ever since dinner, and that his company had broke up from dinner, between three and four o'clock. This Informant never heard Lord Pigot make any complaint of ill effects from the heat of the sun.

Lord Pigot supped at the Garden-house, and after supper generally returned in his chaise to the Fort, where he always slept.

After Lord Pigot's confinement at the Mount, the exercise which he generally took was, walking once or twice a day to and from the house where this Informant and his Lordship's family lived and Major Horne's house, the distance being between three and four hundred yards; when at the house where this Informant lived he generally employed himself either in the garden, or in giving orders to carpenters and other workmen, never using much exercise in the garden.

This Informant has known Lord Pigot go to the top of the Mount five or six times during his confinement, and one afternoon Lord Pigot went out in a chaise, in company with Major Horne and Major Horne's family to the Quarter Surs (hills about three miles distant from the Mount). This Informant has also known Lord Pigot walk out on the Mount Plain a mile, sometimes a little more, but seldom so far.

At other times Lord Pigot would go to the gentlemen's houses at the Mount, none of them being at a greater distance from Major Horne's house, than the house in which this Informant resided. Lord Pigot was constantly attended by an officer and one or two artillerymen.

The only room allotted to Lord Pigot in Major Horne's house, appeared to the Informant to be about 32 feet long and 18 wide, and was the best room in the house: latterly, whilst Lord Pigot was sick, this Informant observed, that his Lordship's servants made use of a closet adjoining, which before Lord Pigot's sickness, and from the time of his confinement, Major Horne used as a writing-room. Lord Pigot had also the use of the hall, into which his room opened, in common with Major Horne's family, also the use of the veranda.

Lord Pigot once told this Informant, "that Mr. George Stratton had applied to him through Major Horne, for the key of a room in the Fort-house; that upon that occasion he (Lord Pigot) had a great inclination to take Major Horne into the room allotted to him, and shew Major Horne the little room and conveniencies he had, and that the box of a coach-seat and the back of two chairs, was all he had to keep his things in and on, but that he had contented himself with making no answer."

A few days after Lord Pigot's confinement, this Informant applied to Major Horne to write to Mr. Stratton and his associates, to allow Lord Pigot to live at the house (known by the name of General Lawrence's house) where this Informant and Lord Pigot's family resided, between three and four hundred yards from Major Horne's house; representing that they (the people in possession of the government) could place as many guards as they pleased over Lord Pigot at that house. Major Horne afterwards told this Informant, that he (Major Horne) had applied to the people in possession of the government, but that they had refused to allow of it, with which this Informant immediately acquainted Lord Pigot.

Lord Pigot was exceedingly moderate in his eating and drinking. He was a man of such nice feelings, that although his situation must have preyed upon his spirits very much, yet this Informant is convinced, that Lord Pigot took great pains not to betray his anxiety to his friends. He was about fifty-eight years old when he died.

(Signed) EDWARD MONCKTON.

Sworn the 12th day of May, in the seventeenth year of the reign of King George the Third, and in the year of our Lord 1777, before me,

(Signed) G. A. RAM, Coroner.

Company's Garden-house, eleven o'clock, the 11th day of May, 1777.

S I R,

Lord Pigot having died this morning under your charge, I now require you to deliver his body over to me, that his friends may see the same decently interred.

I am, S I R,

Your most obedient Servant,

(Signed) EDWARD MONCKTON.

Major Matthew Horne.

(A true Copy from the original)

(Signed) EDWARD MONCKTON.

(A true Copy from the paper delivered in by the Honourable Edward Monckton, Esq;)

(Signed) G. A. RAM, Coroner.

(A true Copy)

WM. SEDGLEY, Clerk of Peace.

To

To the Honourable Mr. Monckton.

S I R,

I have this moment received your letter, and am extremely sorry to hear of Lord Pigot's death. In consequence of directions from Mr. Stratton, the guards at the Garden-house were informed last night, that they were no longer under my direction; or in any manner to have charge of Lord Pigot's person any longer, but were to remain at the Company's Gardens with no other orders but the usual ones, before Lord Pigot's removal from the Mount. His Lordship's body is therefore under no manner of restraint; his friends may remove it with every convenience they please. I shall immediately inform Mr. Stratton, who, I doubt not, will direct every honor to be shewn at his Lordship's funeral.

I have the honor to be,

Chonltry Plain,
11th of May, 1777,
half past 11 o'clock forenoon.

S I R,

Your most humble Servant,

(Signed) MATTHEW HORNE.

(A true Copy from the original in the hand-writing of Major Matthew Horne.)

(Signed) G. A. RAM, Coroner.

(A true Copy)

WM. SEDGLEY, Clerk of the Peace.

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Town

Town of MADRASPATNAM. *ff.*

The INFORMATION of Claude Ruffel, Esq; taken upon Oath before me George Andrew Ram, Coroner of our Lord the King for the Town of Madraspatnam aforesaid, on an Inquisition held at the Company's Garden-house, about a mile distant from Fort St. George, within the Districts of the said Town, on the View of the Body of the Right Honourable GEORGE Lord PIGOT, there lying dead; and, by Adjournment, at the House of Mr. George Smith (Foreman on the said Inquest), in the said Fort.

THIS Informant on his oath, faith, That he first knew Lord Pigot in the year 1754, when his Lordship came from Vizagapatnam to Madras, to succeed to the government of that place. This Informant's intimacy with Lord Pigot commenced on this Informant's arrival in England in the year 1772; but he became more particularly intimate with Lord Pigot, since his Lordship's appointment in March 1775 to the government of Madras, and this Informant's appointment to a seat in Council at that place about the same time. This Informant embarked in April 1775, on the ship Grenville, with his Lordship, and they arrived here the 9th of December following; since which this Informant has hardly been a day separate from his Lordship, excepting the time of Lord Pigot's absence at Tanjour.

On the 24th of August last in the evening, there was a meeting in the council-room (but not a consultation) of the following gentlemen; namely, Lord Pigot, Governor; Mr. Dalrymple, Mr. Stone, Mr. Latham, and this Informant, of the Council; Colonel James Stuart, acting Commander in Chief; Mr. Sullivan, Military Secretary;

tary; Mr. Baine, his deputy; and this Informant believes, Mr. Oakeley, Civil Secretary was also present part of the time. Colonel Stuart had been the day before appointed by Lord Pigot and the above-named gentlemen of the Council, to the command of the army, on Sir Robert Fletcher's (the Commander in Chief) having been put in arrest, for an attempt to raise a mutiny in the garrison of Fort St. George: Colonel James Stuart's appointment had been declared in public orders, and he (Colonel James Stuart) had received from Lieutenant Pendergast, the Town Adjutant, an official copy of those orders; which orders at the meeting beforementioned, he engaged to circulate to the out garrisons that very night.

After the meeting was over, about eight o'clock in the evening, Lord Pigot went out in his chaise with Colonel James Stuart, as this Informant has reason to believe, from hearing Colonel James Stuart say to Lord Pigot, that he (Colonel Stuart) depended on his Lordship for a cast to the Company's Garden-house, where they were to sup. Mr. Dalrymple, Mr. Latham, and this Informant followed soon after on foot; between the second Bridge and the Company's Garden-house, they met with Mr. Stratton's carriage and Mr. Mackay's chaise going towards the Fort (this Informant thinks also Sir Robert Fletcher's carriage). This Informant then hastened to the Garden-house, in order to acquaint Lord Pigot with this, as it appeared strange, that they (who had been suspended from the Company's service the day before) should be going to the Fort at that time of night, particularly, as this Informant knew that Mr. Mackay had an entertainment at his house in the country. This Informant, not finding Lord Pigot at the Company's Garden-house, wrote a note with a pencil to acquaint his Lordship of this circumstance, and gave it to a Peon to go in quest of his Lordship. Some time elapsed without hearing any thing of Lord Pigot, which made this Informant and his Lordship's friends at the Garden-house very uneasy; Mr. Baine, the Deputy Secretary, soon after came out on horseback to acquaint this Informant and Lord Pigot's friends at the Garden-house, that Messrs. George Stratton, Sir Robert Fletcher, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay, had taken possession of the Council-room.

Hearing soon after, that Lord Pigot had been carried a prisoner to the Mount, this Informant thought it his duty, as second in Council, to repair immediately to the Fort. In his way thither, this Informant met with Mr. Stone, who accompanied this Informant;

when they entered the Fort and came near to the main guard, this Informant met the Town Major, Captain Wood, who told this Informant, that he (Captain Wood) had been put under an arrest for doing his duty. This Informant therefore directed the Town Adjutant, Lieutenant Pendergast, who happened to be near, to go to the Captain of the main guard, and acquaint him, that it was his order, in the absence of Lord Pigot, that the guards should stand to their arms: observing that the Captain of the main guard (Captain Adair) hesitated to comply with those orders, this Informant went himself to Captain Adair, and repeated his orders, apprising Captain Adair of the danger of refusing obedience, as this Informant was the commanding officer in the absence of Lord Pigot, under whose orders the guards were; Captain Adair seemed to be much alarmed, and muttered something about the Commander in Chief; upon which this Informant asked Captain Adair, if he had received any orders contrary to what this Informant then gave him; Captain Adair answered in a confused manner, that he had received orders from the Commander in Chief: about this time a croud of officers assembled round, and as the guard appeared to be standing to their arms, part having already fallen in, this Informant was advancing towards their front, when Colonel James Stuart came up to this Informant, and told him he must go to the Consultation-room: this Informant replied he was not under the orders of Colonel Stuart; but on the contrary, that he was under the orders of this Informant: some more words to the same tendency passed between Colonel Stuart and this Informant, when Colonel Stuart called out for orderlies, ordering them to seize this Informant; Colonel Stuart at the same time laying hold of this Informant; Lieutenant-colonel Eidingtoun and Captain Barclay, each seizing this Informant by the arm; this Informant called out to the officer of the guard for assistance, but in vain, although some of the grenadiers did step out of their ranks. In this manner, this Informant was dragged by Colonel James Stuart, Lieutenant-colonel James Eidingtoun, and Capt. Barclay, some orderlies pushing this Informant behind, to the Council-room; where this Informant found Messrs. George Stratton, Sir Robert Fletcher, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay, sitting at the Council-table. This Informant was detained in the Council-room, until Colonel James Stuart dictated a narrative of what had passed upon the Parade to Mr. Jourdan, who appeared to act as Secretary. Mr. Stratton, who acted as President, asked this Informant what he had to say in answer; this Informant replied, that he did not know by what authority they sat there, and therefore

should make no answer to their question (or words to that effect). Colonel James Stuart thereupon received orders, from the persons before mentioned, to declare on the Parade, that this Informant was suspended from the service, after which they allowed this Informant to retire. The same night this Informant wrote an account of what had happened in the Fort, to Lord Pigot, which, to this Informant's knowledge, Lord Pigot received.

Early next morning this Informant went to the Mount, and found Lord Pigot in confinement, who related to this Informant the particulars of his seizure, as he could find opportunities, being at that time strictly guarded by Major Horne, at whose house his Lordship was, or the Officers on duty, without whose permission this Informant understood that his Lordship could not converse in private with his friends. This informant also heard the same morning from Commodore Sir Edward Hughes (commander in chief of his Majesty's Squadron in India), that Lord Pigot had been denied the privilege of speaking with him (Sir Edward Hughes) in private; Major Horne some time afterwards relaxed in the strictness of the manner in which he guarded Lord Pigot.

This Informant has seen a copy of an order to Major Horne from Colonel James Stuart, directing Major Horne to receive into his charge the body of Lord Pigot, dated the 24th of August. This Informant does not recollect the particulars, as the order was long.

On Sunday the 25th of August last, Major Horne shewed this Informant an order which he had just received from the Fort, signed by Messrs. George Stratton, Sir Robert Fletcher, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay; that latter part of which order was conceived in these words: "*As the last resource in case of an attempt to rescue Lord Pigot, his life must answer it; and this you will signify to him.*" Shortly after this Informant communicated this to Commodore Sir Edward Hughes, representing to him that there seemed to be a propriety in demanding, as his Majesty's Officer, a sight of an order so very extraordinary in its nature, which he accordingly did; and Major Horne, in consequence, shewed him the said order in presence of Lord Pigot, Mr. Dalrymple, Mr. Monckton, and this Informant. Some days afterwards this Informant made an affidavit before Mr. John Turing, then Mayor (who is one of the Jurors on this Inquest), of the truth of the above order, copy of which affidavit he

he now delivers in to the Coroner. This Informant does not know whether Major Horne did acquaint Lord Pigot with this order; but this Informant did himself acquaint Lord Pigot with it, though not immediately, nor for one or two days.

This Informant does not believe that the order was ever withdrawn, and he knows that neither Lord Pigot, nor any of his friends, could procure from Major Horne a copy of this order, though Major Horne furnished his Lordship with copies of other orders.

This Informant resided constantly at the Mount from the day of Lord Pigot's confinement, until his removal from thence to the Company's Garden-house.

On the 27th of August last, between the hours of eleven and twelve at night, an attempt was made to remove Lord Pigot from the Mount. This Informant had that evening made a visit to a gentleman's house, about four miles distant from the Mount; on his return to the Mount after midnight, a servant came running to him in great agitation, and told him in Moors, that an officer was come with Sepoys, and was fighting with Lord Pigot. This Informant ran to Major Horne's house, where he found Lord Pigot, Major Horne, Lieutenant-colonel Eidingtoun, Mr. Monckton, Mr. Dalrymple, and Mr. Lathom, in front of the house in high words; upon this Informant's joining them, and enquiring into the matter, he found that Lieutenant-colonel Eidingtoun had come with an intent to carry Lord Pigot away. This Informant ought to have mentioned that in his way to Major Horne's, he met with one of Lord Pigot's Peons, who informed him that there were parties of men planted on the road to Gingee, whither an officer was going to remove his Lordship.

At the time this Informant arrived the fray was almost at an end. This Informant never in his life saw Lord Pigot so much agitated. Soon after Lieutenant-colonel Eidingtoun desisted from attempting to remove Lord Pigot, who retired upon Major Horne's telling him that he should remain safe for that night. This Informant afterwards heard Mr. Monckton and Mr. Dalrymple reproach Lieutenant-colonel Eidingtoun for not declaring whither he had intended to carry Lord Pigot; from which this Informant understood that Lieutenant-colonel Eidingtoun had refused to produce any orders. This Informant mentioned, in the hearing of those gentlemen, that he had been told that Gingee was the place destined for Lord Pigot's reception.

tion. After the foregoing attempt Lord Pigot applied to Commodore Sir Edward Hughes for the protection of the King's flag; finding that application ineffectual, he applied to the Mayor's court, by petition, for a writ of Habeas Corpus, but equally without success. Sometime before the arrival of the *Lioness* Indiaman, Lord Pigot and his friends had received accounts that it was publicly said in Calcutta that it was intended to send Lord Pigot home on board that ship. The *Lioness* arrived on the 2d of January, on the 3d their alarms were set on float by reports from the Fort, that Messrs. George Stratton, Henry Brooke, Archdale Palmer, Francis Jourdan, George Mackay, and Colonel James Stuart were deliberating about sending Lord Pigot to England, and more especially, as about that time Lord Pigot's friends understood that the gratification promised to the troops on the 25th of August last, was distributing to the garrison. On the 4th, these reports were confirmed by Captain Larkins of the ship *Lioness*, who acquainted this Informant that it had been proposed to him by one of the six gentlemen before mentioned, then, and still in power, to receive Lord Pigot on board his ship *Lioness*, and to carry his Lordship home a prisoner.

Lord Pigot being informed of this, thought it advisable not to stir out of Major Horne's house, where he kept close until the 8th of January, when he ventured abroad, in consequence of Major Horne's shewing him a note from Mr. Stratton, acquainting Major Horne that he and the other gentlemen in the administration had come to a resolution not to send Lord Pigot home. Subsequent to this note an official information was received by Major Horne from Mr. Secretary Sullivan, dated the 20th of January, purporting that Messrs. George Stratton, Henry Brooke, Archdale Palmer, Francis Jourdan, George Mackay, and Colonel James Stuart, had come to a resolution not to send Lord Pigot home upon the *Lioness*. This intimation appeared so ambiguous that it revived the alarms of Lord Pigot and his friends, which had begun to subside in some degree, particularly as on the 17th of January they had come to the knowledge of the draft of a letter of the Secretary, to Major Horne, dated the 12th of January, exactly corresponding with the note before mentioned, from Mr. Stratton, setting forth, "*that in consequence of a letter from Major Horne, which was laid before the Board that day, they had come to a resolution not to send Lord Pigot to Europe.*"

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This Informant begs leave to lay before the Jury a copy of the letter to Major Horne of the 21st of January, with a remark of his Lordship's upon it, which are the words his Lordship communicated to Major Horne, when Major Horne shewed him the said letter.

This Informant observed, that Lord Pigot was naturally very reserved, but on this occasion his Lordship did frequently, by his discourse, give this Informant reason to believe that his Lordship was much hurt by it, and particularly by the letter of the 12th of January. This Informant heard from Lord Pigot, that he told Major Horne that he (Lord Pigot) had heard of the intention of sending him (Lord Pigot) home, but that he would keep to Major Horne's house, and was determined not to be taken away alive. And this Informant confidently believes that such was his firm resolution, because that this Informant himself secretly furnished Lord Pigot with pistols, as the means of making resistance, and these pistols his Lordship kept in constant readiness till the morning of his removal to the Garden-house, when as this Informant understands, from Lord Pigot's European servant, Lord Pigot gave him particular orders to shake the priming out of the pistols. This Informant has further to add, that Lord Pigot acquainted him that Major Horne had read to him (Lord Pigot) a letter, which he (Major Horne) had addressed to Mr. George Stratton, acquainting Mr. Stratton that Lord Pigot had confined himself to the house, and declared his resolution not to be taken away alive.

In general, during Lord Pigot's confinement, his health appeared to be very good until the 5th or 6th of March last, when his illness first appeared to be serious, though, upon comparing circumstances, it was evident to his friends that Lord Pigot's health for eight, nine, or ten days, previous to that period, was not so good as usual; and they were convinced that his disorder had for some time been lurking in his body: this disorder (which the surgeons represented to be a bilious disorder) increased to a great height; Lord Pigot, however, grew better about the latter end of March; in the beginning of April Lord Pigot relapsed, and grew daily weaker till the 23th of April, when, by the recommendation of the surgeon to Lord Pigot, his Lordship was removed to the Company's Garden-house for the benefit of the sea air.

This Informant understands that permission for his Lordship's removal was obtained in consequence of an alarming letter from
Major

Major Horne to Mr. George Stratton, wherein Major Horne represented, "That in his opinion Lord Pigot could not survive a few days." This Informant has heard that this letter produced an order from one of the Secretary's to the surgeon, Mr. Pasley, to the following purport: "That as they (the people in power) had information that the state of Lord Pigot's health was such as to render a change of air necessary, he (Lord Pigot) might be removed wherever Mr. Pasley thought proper to recommend;" which order this Informant had seen.

This Informant has likewise heard that a letter was about the same time forwarded to Major Horne, much to the same purport, and making an offer of the Company's Garden-house. This Informant believes that these letters were received on the 26th of April, but were concealed from Lord Pigot; the day following, being Sunday the 27th, Mr. Pasley acquainted Lord Pigot, "That it would be necessary towards his recovery, that he (Lord Pigot) should be removed to the sea-coast, and proposed the Garden-house as the most convenient and suitable place." To which Lord Pigot consented, and was accordingly removed a little after day-break the next morning. Till this time Lord Pigot had been under the usual restraint; but when this Informant accompanied Lord Pigot from the Mount to the Garden-house, this Informant saw no guards, or appearance of restraint whatever, which this Informant conceived to be in consideration of Lord Pigot's reduced state of health; and as Major Horne drove on in his carriage to the Company's Garden-house, this Informant took it for granted that Lord Pigot was still in the custody of Major Horne. Major Horne went away from the Company's Garden-house soon after the arrival of Lord Pigot.

The evening of the same day Mr. Monckton related to this Informant what had just passed between him and Major Horne to the following purport: That the people in power had been very angry that Major Horne had suffered Lord Pigot to leave the Mount without a guard, and that they had ordered Major Horne again to take charge of Lord Pigot's person. This Informant also heard that the Town Major, Mr. Sydenham, had been at the Company's Garden-house, and had ordered the Subsidar to obey the orders of Major Horne.

Soon after this Informant understood that Major Horne, before going away, gave fresh orders to the centinels. This Informant put

a servant to inquire what these orders were; the servant brought back word, that they were to prevent any person entering with arms. About two days afterwards this Informant learnt that a private tent had been pitched at the gate of the Company's Garden-house in the evening, and a serjeant posted there. This Informant took an opportunity when night came on to go the serjeant, and to ask him his business there. The serjeant told this Informant that he had been placed there by order of Major Horne, to see and keep things quiet, and see that the Sepoys did their duty. This Informant has since learned from his European servant, named Howard, that the serjeant had acquainted him (Howard) that part of his business was to make a report at night to Major Horne of whatever transpired the preceding day. And this Informant has likewise since heard, that part of the orders to the sentinels was particularly to prevent the Nabob's people coming near the house. This Informant was told this by a gentleman (who understands the country language perfectly) who himself had it from one of the sentinels.

The serjeant remained at the Company's Garden-house, and the last time that this Informant saw him there, was about an hour before Lord Pigot's funeral.

This Informant believes that Mr. Pasley, the surgeon, who constantly attended Lord Pigot during his illness, had acquainted Mr. George Stratton of the dangerous situation of his Lordship, for this reason, that one day about noon, this Informant thinks it was Thursday the 8th of May, Mr. Pasley acquainted this Informant and Mr. Monckton, that Mr. Stratton had told him (Pasley) that Lord Pigot had, before his departure for Tanjour, told him (Stratton) "that in case of accident his (Lord Pigot's) will, and Mrs. Monckton's marriage settlement, were in a bureau which was in the Fort-house."

Mr. Pasley, during Lord Pigot's whole illness, never acquainted this Informant in express words that Lord Pigot was past recovery, till Saturday the 10th instant, in the forenoon. But from Mr. Pasley's having some days before expressed a solicitude that Lord Pigot should settle his affairs, this Informant judged that there were no hopes of his Lordship's recovery.

On Sunday the 11th of May, in the forenoon, this Informant heard from his servant Howard, that the serjeant had told him
(Howard)

(Howard) that Major Horne had the preceding night desired him (the serjeant) to acquaint his Lordship's European servant, Nutting, that Lord Pigot was no longer under confinement, and that he (the serjeant) should not take charge of his body, or effects, or words to that purpose. This Informant, however, understood from Howard, that the Serjeant had not acquainted Lord Pigot's servant, Nutting, with the order of Major Horne. The same morning this Informant had before heard a similar report from Mr. Stone, at which time this Informant had remarked to Lord Pigot's friends, that he (this Informant) could not consider this as an official information. These were the only times that this Informant received any intimation to the foregoing effect, though this Informant and Mr. Monckton both lay at the Company's Garden-house, and were up very late the preceding night, so that the serjeant had sufficient opportunities of informing them, if he had thought proper. Lord Pigot died on the 11th of May, between ten and eleven o'clock in the forenoon, aged about fifty-eight.

This Informant further saith, on his oath, That since he has known Lord Pigot, he has always understood that Lord Pigot's constitution was exceedingly good; and this Informant has heard Lord Pigot say, that he had never been confined by sickness, nor has this Informant ever known him confined on account of sickness, till his late illness at the Mount, of which he died.

Since Lord Pigot's last arrival in India, it was his general custom, after the marriage of his eldest daughter, and before his confinement, to take an airing in an open chaise, with his youngest daughter, for two or three miles, or further, early in the morning; before which, and from the time of his arrival, Lord Pigot constantly walked out to breakfast to the Company's Garden-house; after breakfast he generally employed himself in overseeing the workmen in the said Garden till ten o'clock, and sometimes later, after which he returned to town in his carriage to business and dinner. From Lord Pigot's arrival till the hot weather set in, which was about March, instead of sleeping, it was frequently his custom after dinner to walk on the fortifications, or to go to the Garden in his palanquin, and there oversee the workmen (the latter end of March his Lordship went to Tanjour); after supper Lord Pigot constantly returned to the Fort (where he slept), and walked when it was moonlight. After Lord Pigot's return from Tanjour he did not use to walk in the afternoon, on account of the heat of the weather. This Informant has not known any other ill effect from this exercise, than that sometimes

sometimes it has occasioned an head-ach, upon which his Lordship would lay down on his couch for a little while.

This Informant thinks that Lord Pigot's confinement at the Mount did certainly deprive him of the exercise he before usually took, since, during his confinement, he never went out in a carriage but once, Major Horne and Major Horne's family being in company.

This Informant's constant residence at the Mount, after Lord Pigot's confinement, till his removal to the Company's Garden-house, gave this Informant an opportunity of observing the exercise which his Lordship took during his confinement, when Major Horne relaxed a little of the strictness of it. Lord Pigot's exercise was in general walking down to the house called General Lawrence's house, where Mr. Monckton and Lord Pigot's family resided, about a quarter of a mile from Major Horne's. Lord Pigot generally spent the morning busied in the Garden of General Lawrence's house, attended by an Officer and an orderly. At one o'clock his Lordship generally returned to Major Horne's house to dinner. In general his Lordship returned in the evening to General Lawrence's house, and would walk out with his family. Lord Pigot also went to the houses of the other gentlemen at the Mount, which are nearer to Major Horne's house than General Lawrence's house is.

Lord Pigot sometimes, but very seldom, walked farther, but never unattended by the officer of the guard and an orderly. This Informant further saith that from the time of Lord Pigot's first confinement to the departure of Commodore Sir Edward Hughes for Trincomallee, Lord Pigot was conscious of walking to any distance from Major Horne's house, on account of a body of the Nabob's horsemen stationed on the Mount-plain. These horsemen were removed at length by an application from Sir Edward Hughes to the people in power, in consequence of a letter from Lord Pigot to him, just before the time of Sir Edward Hughes's sailing for Trincomallee, which was the 15th of October last.

The accommodations which Lord Pigot had at Major Horne's house at the Mount, appeared to this Informant to be only a bedroom to the southward, excepting after Lord Pigot fell sick, when a closet adjoining, which Major Horne had before used as a writing-room, was allowed for his Lordship's servant. The door of this closet was commonly opened to admit air, and his Lordship was obliged

to shut it when he had any thing in particular to say to any of his friends. Lord Pigot had the use of the hall and veranda in common with Major Horne's family. Lord Pigot's bed-chamber opened into the hall where there was a billiard-table, at which his Lordship amused himself during the first part of his confinement.

Lord Pigot was naturally very reserved, and this Informant thinks he became more so after his confinement.

Lord Pigot was a man of very sensible and delicate feelings: he was exceedingly temperate both in eating and drinking.

This Informant thinks it his duty to lay before the jury sundry papers, which he imagines may give them some information relative to the circumstances, which would naturally have an effect on the mind of Lord Pigot during his confinement. The first is a copy of a letter from Lord Pigot to the Governor General and Council at Bengal, which this Informant declares to be a true copy of the original which he saw. The second is an original letter from the Governor General and Council, in answer to the before-mentioned letter. No. No.

The rest are copies of letters, the originals of which this Informant has not seen.

This Informant also begs leave to deliver an extract of a letter from Lord Pigot to Edward Hughes, relative to the Nabob's horse stationed at the Mount.

This Informant wrote this down, as Lord Pigot dictated it to him, from which a copy was taken and sent to Sir Edward Hughes. No.

(Signed) CLAUD RUSSEL.

Sworn the 13th day of May, in the seventeenth year of the reign of King George the Third, in the Year of our Lord 1777, before me,

(Signed) G. A. RAM, Coroner.

(A true Copy.)

WILLIAM SEDGLEY, Clerk of the Peace.

The

The Information of Claud Russel, Esq.

This Informant faith that on Sunday the 25th, being at the Mount, Major Horne, commanding officer, there gave him to peruse an order he (the Major) had received that morning, signed George Stratton, Henry Brooke, Robert Fletcher, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay, and that the last paragraph of the said order was in these words, "As the last resource, in case of an attempt to rescue Lord Pigot, his life must answer it, and this you will signify to him."

This Informant further faith the same order was some days afterwards produced to Sir Edward Hughes, the commander in chief of his majesty's ships in India, in presence of Lord Pigot, the honourable Edward Monckton, Alexander Dalrymple, and this Informant.

(Signed) CLAUD RUSSEL.

Madras, 31st Aug. 1776.

Sworn before me,

(Signed) JOHN TURING, Mayor.

A true Copy from the Paper, delivered in by Mr. Russell.

(Signed) G. A. RAM, Coroner.

To Lieutenant-colonel Horne, commanding at the Mount.

S I R,

I am directed by the president and council to acquaint you that it was resolved on Tuesday forenoon, the 7th instant, that Lord Pigot should not be sent to England on the ship now under dispatch*. This I have the commands of the board to desire you will communicate to his Lordship, and at the same time that you will inform him the *Lioness* is to be dispatched on the 5th of next month, and that any packets he may have to send to Europe will be taken every possible care of,

I am, Sir,

Your most obedient Servant,

(Signed) R. J. SULLIVAN, Secretary.

Fort St. George,
20th of Jan. 1777.

* Or upon any other ship, until it is his Lordship's pleasure to embark.

Lord Pigot told Major Horne, when he gave him the letter to read, that if the above had been added, it would have been more decent and proper for his view.

A true Copy from the Paper No. 2. delivered in by Mr. Russell.

(Signed) G. A. RAM, Coroner.

*To the Honourable Warren Hastings, Esq. Governor General, &c.
Council of Bengal.*

Honourable SIR, and S I R S,

Major Horne having this afternoon received permission for me to No. : write to you in his presence, I think it proper to acquaint your Honour, &c. that having found it expedient, with the advice of my Council, to order Sir Robert Fletcher under arrest, for being concerned in circulating in the garrison letters of a seditious nature, Colonel James Stuart, the next officer in rank, was appointed to the chief command of the troops. This officer, who dined with me at the Fort, at his own desire was invited by me to supper at the Company's Garden-house; which invitation he accepted, and at the same time acquainting me that he had no conveyance, requested I would take him with me in my chaise. I that afternoon desired the gentlemen of the Council to meet me in the Fort; and I directed the Secretary to write to Colonel Stuart also, to attend, where I shewed him the Commission of Government, and he then declared upon his honour that he would, that night, issue to the out-garrisons the general orders of Sir Robert Fletcher's being under arrest, if the tappies were detained, and they were detained accordingly.

I then took Colonel James Stuart into my chaise; and when I was upon the Island, something more than half a mile from the Fort, my horses were stopped by Colonel Eidingtoun, the Adjutant General, with a party of Sepoys. At this instant of time Captain Lysaght presented himself on that side of my chaise on which I was, with a pistol in his hand, and Colonel Stuart seizing me by the arm, said, "Go out, Sir," and delivered me to the charge of Captain Lysaght, who conducted me to a post-chaise, and brought me prisoner to the Mount, where I was delivered into the custody of Major Horne, who at the same time received from Captain Lysaght the accompanying order; which are the only orders, Major Horne acquaints me, he has liberty to give me copies of. I remained in this

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confinement

confinement from Saturday night the 24th of August, to Thursday the 27th, when between eleven and twelve at night, Colonel Eidingtoun arrived with fresh orders for my removal. I will leave other men to say how patiently I bore my confinement, and with what propriety I conducted myself upon Colonel Eidingtoun's refusing to shew his orders, or to make known to me whither he was to conduct me. I thought it necessary to declare, that I would not trust myself with a traitor who had made me prisoner, and that I would resist whilst life remained in me. Major Horne's prudence, and Colonel Eidingtoun's reflection, stopt this violence proceeding further, and receiving a visit from Sir Edward Hughes in the morning, I thought it prudent to demand the protection of the King's flag; and Sir Edward Hughes has, in consequence, demanded a safe-conduct for me to his ship.

I have recommended to all the civil servants of the Company, whom I have seen, to continue in the execution of their duty to the Company, in their several stations.

I am, Honourable Sir, and Sirs,

Your most obedient humble Servant,

Saint Thomas Mount,
29th August, 1777.

(Signed) PIGOT.

A true Copy from the Paper No. 3, delivered in by Mr. Ruffel.

(Signed) G. A. RAM, Coroner.

To the Honourable George Lord Pigot.

My Lord,

We have been honoured with your letter from the Mount, dated the 29th August, by the Triton. We had previously, by the Shrewsbury, a letter dated the 23d, from the Majority of the Council, which impressed us with the deepest concern for the unhappy excesses to which the differences in your Councils had then proceeded; and although the terms of their letter, and of the protests contained in it, gave us reason to expect the most alarming consequences, yet we confess the account of your confinement filled us with equal anxiety and surprise.

Having

Having maturely weighed the subject of the respective advices before us, our duty obliges us, however reluctantly, to take a part in these unhappy contentions; and we wish it were possible for us to reconcile it to the high esteem which we bear for your Lordship's character, and the extensive services you have formerly rendered to the Company; but the occasion is too urgent and critical to admit of suspense or indecision; we therefore deem it incumbent on us to declare, that the rights and powers of the Governor and Council of any of the Company's presidencies are vested, by their original Constitution, in the Majority of the Board; that the violence committed by your Lordship, in excluding two of the Members of the Council of Fort St. George from their places, was a violation of that Constitution; that the measures taken by the Majority to recover the actual Government, which of right is vested in them, arose from the necessity of the case; and that we shall acknowledge and support the title and authority which they consequently possess. In doing this, it is sufficient for us to know, that we are supporting the legal and constitutional Government of the Company, though we are not yet perfectly informed of all the train of facts which have brought the Government of Madras into the present situation.

To remove every possibility of a doubt, which your Lordship may entertain, that the whole powers of the Government exist in a Majority of the Members of the Council, we think it proper to transmit you an extract of a general letter which we have lately received from the Honourable the Court of Directors, by the Lionses, wherein you will find their sentiments very clearly expressed.

We should have been happy to have had it in our power, by acting as mediators, to effect a reconciliation between you and the other Members of the Council; and we should have preferred this method, had not we feared that your differences had gone too far to admit of it, and that a want of success in promoting that desirable end might have been attended with consequences more fatal than any which can result from our present decided resolution.

We have thought it proper to acquaint Sir Edward Hughes with the part we have resolved to take on this occasion, that he may act consistently therewith, in case the situation of the Company's affairs should be such as to make it requisite for him to take an active part

in the divisions of your Government, which we earnestly hope, however, will never happen.

We are, My Lord,

Your Lordship's most obedient humble Servants,

(Signed) WARREN HASTINGS,
J. CLAVERING,
RICHARD BARWELL,
P. FRANCIS.

A true Copy from the Paper No. 4, delivered in by Mr. Ruffel.

(Signed) G. A. RAM, Coroner.

Extract of a Letter from Lord Pigot to Sir Edward Hughes, dated St. Thomas's Mount, 14th of October, 1776.

After all the trouble which I found myself under the necessity of giving you, I am concerned, that on the visit I have now the honor of receiving from you, you should meet with further requests; but I cannot help calling your attention again to my situation. My health and spirits, thank God, are good, although separated from my family; but I have been used to much exercise, and this I cannot take, circumstanced as you see me. I beg, therefore, that you will ask the Gentlemen in the Fort (if I am to continue under a guard of horse as well as foot), whether it would not be more decent that the Company's troop of horse should be ordered on that service in the room of the Nabob's black cavalry, sent hither by those gentlemen the morning after my confinement, seven weeks ago, which you saw arrive, and now see continue here; for, so guarded, I appeal to you whether it is advisable for me to move out of sight of the European guard.

A true Copy from the Paper No. 5, delivered in by Mr. Ruffel.

(Signed) G. A. RAM, Coroner.

A true Copy.

WM. SEDGLEY, Clerk of Peace.

Town of MADRAS PATNAM. J.

The INFORMATION of Mr. William Sedgley, in the Service of the East India Company, taken upon Oath before me George Andrew Ram, Coroner of our Lord the King for the said Town, on an Inquisition taken at the Company's Garden-house, about a Mile distant from Fort St. George, on the View of the Body of the Right Honourable GEORGE Lord PIGOT, there lying dead; and by Adjournment at the House of Mr. George Smith (Foreman of the said Inquest), in the said Fort.

THIS Informant, on his oath, saith, That he came down to Madras from the northward, in February 1776, which was the first time he ever saw Lord Pigot. He has remained in the Settlement ever since. This Informant is particularly acquainted with the circumstances of his Lordship's seizure, being employed as his Lordship's attorney at law, and of course has made frequent visits to his Lordship during his confinement at the Mount; but he does not particularly recollect ever to have been taken aside by his Lordship into his own room till the evening of the 6th of January last, when, upon a visit he paid his Lordship at Major Horne's house at the Mount, where his Lordship was confined, his Lordship did this Informant that honor; and the conversation naturally turning upon the report which prevailed of an intention to send his Lordship forcibly on board the *Lioness* Indiaman, by order of the Gentlemen who form the present Council, his Lordship declared, with very unusual warmth and energy, that he would not go from that house alive, and (this Informant thinks, with an oath) repeated the words more than once. This Informant was so much affected and agitated at the manner in which these words were spoken, that he almost immediately took his leave.

As

As this Informant has had but a bad state of health since, he has not had many opportunities of seeing his Lordship.

(Signed) WM. SEDGLEY.

Sworn the 15th day of May, in the seventeenth year of the reign of King George the Third, and in the year of our Lord 1777, before me,

(Signed) G. A. RAM, Coroner.

A true Copy.

WM. SEDGLEY, Clerk of Peace.

Town of MADRASPATNAM. ff.

The INFORMATION of John Maxwell Stone, Esq. taken upon Oath before me George Andrew Ram, his Majesty's Coroner for the Town of Madraspatnam aforesaid, on an Inquisition held at the Company's Garden-house, about a Mile distant from Fort St. George, within the Districts of the said Town, on the View of the Body of the Right Honourable GEORGE Lord PIGOT, there lying dead; and, by Adjournment, at the House of Mr. George Smith (Foreman of the said Inquest), in the said Fort.

THIS Informant, on his oath, saith, That he has known the said Lord Pigot near twenty-two years since his (this Informant's) arrival in India. Lord Pigot always appeared to him to have enjoyed an extraordinary good state of health: and since his Lordship's last arrival in India, and previous to his confinement at the Mount, this Informant never knew him confined by sickness; nor did he ever know that his Lordship has taken medicines from the surgeons.

Lord Pigot was accustomed to take frequent exercise whilst Governor of Madras, both before his going to England, and since his return. He always slept in the Fort. He used to ride out in a chaise in a morning to breakfast at the Company's Garden-house, and frequently took a long ride. After breakfast, his Lordship generally amused himself in the Garden, till about ten o'clock, when business usually called him to the Fort, to which he generally returned in his carriage. After dinner, if he did not sleep, he frequently went upon the fortifications. In the evening, he generally drove out in his chaise to the Company's Gardens, or took a long ride. He always supped at the Garden-house, and drove in after supper to the Fort.

Lord Pigot was made a prisoner on the Island the 24th of August last, and carried to St. Thomas's Mount, where he was delivered into the custody of Major Horne. This Informant has heard the particulars of Lord Pigot's seizure from his Lordship; but as this Informant was not present when Lord Pigot was taken, he cannot speak of it from his own knowledge. Soon after, this Informant received notice from the persons who had seized on the Government of this Settlement, viz. Messrs. George Stratton, Sir Robert Fletcher, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay, that they had thought proper to suspend him from his seat at the Council Board.

On the 23th of August, in the morning, Captain Elphinstone, of the Triton Indiaman, came to this Informant's house in the Fort, and acquainted him, with the utmost appearance of astonishment, that an attempt had been made, between eleven and twelve o'clock the night before, to remove Lord Pigot from the Mount, and that this Informant would soon hear enough to astonish him. This Informant went to the Mount the same day in the evening; he saw Major Horne in the garden, and asked him if he (this Informant) might have permission to speak to his Lordship, as this Informant understood that no one was permitted to speak to Lord Pigot but in Major Horne's presence. Major Horne pointed to his Lordship, who was walking in the veranda. This Informant went up to his Lordship, and asked him how he did. When Lord Pigot answered him, this Informant observed that his Lordship was exceeding hoarse. This Informant told his Lordship that he had got a very bad cold. Lord Pigot replied, that he had no cold, that his hoarseness was occasioned by exerting his voice very much the night before when the attempt was made to remove him. His Lordship seemed agitated, and a good deal uneasy.

On the 4th of October last, this Informant went to live at the Mount, where he constantly resided from that time to his Lordship's removal from thence to the Company's Garden-house on the 28th of April last. His Lordship's usual exercise, during that time, was to walk down to Mr. Monckton's house, being about five or six hundred yards distance. Mr. Monckton and Lord Pigot's family resided at the house called General Lawrence's house. During his Lordship's confinement at the Mount his Lordship used to employ himself in the garden of the said house, and generally returned back to dinner at Major Horne's house. In the afternoon his exercise was

generally the same; sometimes he slept in the afternoon, and sometimes not. This Informant has known his Lordship take longer walks in the environs of the Mount, and sometimes to the top of the Mount. He only once went out in a chaise with Major Horne and his family, and the officers of his Lordship's guard. His Lordship was always attended by an officer, and an orderly man. And during the time of the first Quarter Sessions, after his confinement, he was attended by two orderlies.

The accommodations which Lord Pigot had in Major Horne's house at the Mount, were only one room, which was his bed-room, about thirty feet by eighteen; on the west end of the room there was a small passage and a closet; the passage Major Horne generally made use of to write in; the closet was used as a lumber closet for the family; one door of his Lordship's room opened into the passage, and another door into the hall, which, together with the veranda, his Lordship had the use of, in common with Major Horne's family, and the officers and others who visited there.

This Informant has reason to believe, that a letter was written (having seen a copy of an answer to such letter) in October, by Mr. George Stratton, Mr. Henry Brooke, Sir Robert Fletcher, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay, to the Governor General and Council at Bengal, representing the danger of suffering Lord Pigot to remain here, and the necessity of sending him to England. This Informant believes that they expressed a wish to have the sanction of the Governor General and Council of Bengal for doing so. The answer from Bengal, copy of which this Informant has seen, was, as well as he can recollect, dated some time in November; the Governor General and Council of Bengal (as it appeared to this Informant) therein encouraged Mr. Stratton and his associates to carry the measure into execution, but declined taking upon themselves any part of the responsibility. This Informant believes it was some time in October last that Lord Pigot heard that such a letter had been written to Bengal; but it was not until about the 20th of January, that he saw copies of the letters to and from Bengal. Indeed his Lordship understood some time in November, that an answer had been received from Bengal, utterly disapproving of the measure. About the beginning of January, a report had prevailed on the Settlement, at the time of the arrival of the Lioness Indiaman from Bengal, that Mr. George Stratton, Mr. Henry Brooke, Colonel James Stuart, Mr.

Archdale Palmer, Mr. Francis Jourdan, and Mr. George Mackay, (the persons then acting as Governor and Council of this place) meant to send his Lordship to England by force.

On the 4th of January at night, Lord Pigot acquainted this Informant, that he understood such was their intention, and that he had desired Major Horne to acquaint them, that every thing having been referred to the Company, he should wait with patience for their determination; but that he never would be taken away alive. Some few days afterwards his Lordship gave this Informant a copy of the letter which Major Horne had written to Mr. Stratton; in his Lordship's hand-writing, which this Informant begs leave to lay before the jury, many of whom are well acquainted with his Lordship's hand. On the 7th, Major Horne received a note, this Informant believes from Mr. Stratton, to acquaint Major Horne that he (Mr. Stratton) and his Council had just come to a resolution not to send his Lordship home by force. As this note was from Mr. Stratton only, and not an official letter, it was not sufficient to ease the minds of Lord Pigot's friends, particularly as it did not appear that any notice had been taken of a letter which had been written to Mr. Secretary Oakely, the 6th of January, by many of the Company's servants and inhabitants of the place, containing a protest against sending Lord Pigot home by force. These apprehensions were increased by a report that about the 12th of the said month, Mr. Stratton had assured Mr. Pasley, that an official letter was prepared, and would be sent to his Lordship, expressing the resolutions of Mr. Stratton and the gentlemen before mentioned, not to remove his Lordship by force. No such letter was received; on the contrary, on or about the 16th of January, Lord Pigot received a paper from some person, this Informant does not know who it was, containing a draft of a letter, which appears thereby to have been intended to have been written on the 12th of the same month, but which appears by the remarks on it, to have been disapproved by some of these gentlemen. This Informant must observe to the jury, that Lord Pigot always took copies himself of any papers containing information which he received privately, and destroyed the papers themselves, to prevent a discovery of the persons from whom he got his information. The paper which this Informant now begs leave to deliver in, is all in his Lordship's hand-writing, except the name *Mathew*, which was inserted by this Informant instead of James.

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On the 21st of January at noon, a letter was received by Major Horne from Mr. Secretary Sullivan, a copy of which, wrote likewise in Lord Pigot's hand, this Informant delivers now in; and as a proof of the impression which it made on his Lordship's mind, this Informant begs leave to refer the jury to the note or observation made thereon by his Lordship, which is also in his Lordship's hand-writing. Considering the nature of the resolution said to have been come to as mentioned in the said letter, and the distance of time between the taking of the said resolution, mentioned in the letter to be the 7th of January, and the date of the letter, viz. the 12th of January, it is not surprising that Lord Pigot and his friends should still be under a state of anxiety and suspense, particularly as another ship, the Prince of Wales, was expected to arrive from Bengal in a short time, and to be dispatched for Europe.

The anxiety which the whole of this transaction occasioned in his Lordship's mind, was, this Informant thinks, apparent, as Lord Pigot never after appeared to this Informant to have those spirits that he had before, which this Informant imputed to the effect which the intended removal had on Lord Pigot, and which seemed to hang on his mind, as he frequently mentioned the matter to this Informant, and even once in a very particular manner after his Lordship was taken ill. This was not only apparent to this Informant, but also to this Informant's family. This Informant observes, that all the papers which he has delivered in, he received from his Lordship's own hand. Captain Larkins of the *Lioness* Indiaman, told this Informant that he (Larkins) had been spoken to by one of the gentlemen of Mr. Stratton's Council (whose name Captain Larkins would not mention, but who, as this Informant afterwards heard, was Colonel James Stuart) regarding sending Lord Pigot to England on his (Larkins) ship, and that he (Larkins) not seeming willing to receive Lord Pigot on board if put by force, was given to understand that if he did not, he would be turned out of the ship. This Informant advised Captain Larkins, if it should come to that extremity, to receive Lord Pigot on board, and that this Informant would order a ship, whereof this Informant was part owner, then lying in the road, to follow him to sea, and take his Lordship out. Captain Larkins replied, That whatever his Lordship desired him to do he would do. This Informant has seen a copy of the orders from Colonel James Stuart, which were delivered to Captain Lyfaght and to Major Horne, regarding the manner of his Lordship's confinement; he has likewise seen copy of a sub-

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fequent order, which he understands was given to Major Horne, by Messrs. George Stratton, Sir Robert Fletcher, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay, within a day or two after his Lordship's confinement; the substance of which was, that in case of any attempt to rescue Lord Pigot, his life must answer for it. This order was shewn to his Lordship immediately, or very soon after Major Horne received it, and this Informant believes was never withdrawn, but remained in force whilst his Lordship remained in confinement.

Lord Pigot had never any sword or other arms during his confinement, and to the best of this Informant's remembrance, it was expressly directed in the order which Major Horne received, that his Lordship should not be suffered to carry arms.

Lord Pigot appeared to enjoy a good state of health until the latter end of December or beginning of January. This Informant has already said, that his Lordship's spirits from that time appeared not so good as before, but that he seemed full of anxiety. His Lordship was taken ill some time between the 1st and 8th of March.

Lord Pigot was removed from the Mount the 28th of April last in the morning, as Mr. Pasley had judged a removal nearer the sea absolutely necessary for him. On the 26th of April, Mr. Pasley proposed to Mr. Ruffel, Mr. Monckton, and to this Informant, that Lord Pigot should be removed either to the Company's Garden-house, or Mr. Monckton's house on Choultry plain. This Informant does not know whether Mr. Pasley had before mentioned it to Mr. Stratton, but on the same day a letter was received by Major Horne from Mr. Secretary Sullivan, acquainting him that as a removal was judged necessary for the restoration of his Lordship's health, they, the persons in possession of the government, had no objection to Lord Pigot's being removed to whatever place Mr. Pasley and his Lordship should think proper; and in case the Garden-house should be preferred, it should be fitted up for his Lordship's reception. The next day, being the 27th, Mr. Pasley broke the matter to his Lordship, and his Lordship consented to go to the Garden-house, of which Major Horne advised Mr. Secretary Sullivan, and Lord Pigot was removed the next morning early. This Informant then thought Lord Pigot was in a very dangerous way.

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This Informant believes that it was on the 9th of May that Mr. Pasley first expressed to him (this Informant) apprehensions of the dangerous state in which his Lordship was; on the 10th at noon, Mr. Pasley signified his wish that Lord Pigot had said every thing to Mr. Ruffel, Mr. Monckton, and this Informant, that he might have to say, as he (Mr. Pasley) was apprehensive that Lord Pigot could hold out but a few hours; and indeed Mr. Mallet told this Informant that he did not think his Lordship could live longer than four o'clock that afternoon.

On Sunday the 11th of May, in the morning, when this Informant came to the Garden-house, the serjeant who was posted at the gate came up to this Informant, and acquainted him that Major Horne had the night before, at eleven o'clock, come and informed him, that Lord Pigot was no longer to be considered as a prisoner, and that the guards were to take no further charge of his Lordship. This Informant did not expect when he came to the Gardens to hear that Lord Pigot was alive, as this Informant did not think, from the state in which he had left his Lordship the preceeding night, that he could have survived till morning. Lord Pigot died between eleven and twelve o'clock that forenoon. His Lordship was very much reserved, and particularly with regard to every thing concerning himself.

(Signed) J. M. STONE.

Sworn the 16th day of May, in the seven-
teenth year of the reign of King George the
Third, and in the year of our Lord 1777,
before me,

(Signed) G. A. RAM, Coroner.

(A true Copy)

WILLIAM SEDGLEY, Clerk of Peace.

Copy of a Letter from Major Matthew Horne to Mr. Stratton, delivered in by Mr. Stone to the Jury on the Inquest before mentioned.

Honourable Sir,

Yesterday afternoon Lord Pigot told me, he was informed that the Board had under consideration, the seizing and sending him on board some ship; that he understood there were different opinions, however, resolved on; he was determined not to be carried alive: he said,
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if the East-India Company or the King's ministers disapproved of his conduct, let them send his dismissal, and he would return to England by the first opportunity, and face any charge they had against him there; but as both sides had wrote to England, he would not leave the country until directions arrived, in consequence of those dispatches. I conceive it my duty to give you this information, and to acquaint you that his Lordship has not been down to Mr. Monckton's as usual, or stirred out of the house since.

I am, very respectfully,

Mount, 5th of Jan. 1777,
twelve o'clock.

Honourable Sir, &c.

(A true copy from a copy in the hand-writing of Lord Pigot.)

(Signed) G. A. RAM, Coroner.

Copy of a draft of a Letter intended to have been sent to Major Horne, delivered in by Mr. Stone to the Jury on the Inquest before mentioned.

Matthew (in Mr. Stone's hand.)

To Colonel James Horne, commanding at the Mount.

S I R,

The President has laid before the Board your letter to him, dated ; and by their direction I acquaint you, that it is not their intention to send home Lord Pigot, which you will be pleased to make known to him.

I am, S I R,

12th Jan. 1777.

Your most obedient Servant.

I think the letter to Major Horne quite unnecessary.

G. M.

I understand that his Lordship has, through Major Horne, been already made acquainted with the resolution of the Board.

H. B.

I beg

I beg leave to represent that there is no necessity to write to Major Horne.

No name is to this, but it is the substance of J. S^{ts}. opinion.

(A true copy, from a copy in the hand-writing of Lord Pigot.)

G. A. RAM, Coroner.

To Lieutenant Colonel Horne, commanding at the Mount.

S I R,

I am directed by the President and Council to acquaint you, that it was resolved on Tuesday forenoon, the 7th instant, that Lord Pigot should not be sent to England in the ship now under dispatch *. This I have the commands of the Board to desire you will communicate to his Lordship; and at the same time, that you will inform him the Lioness is to be dispatched on the 5th of next month; and that any packets he may have to send to Europe, will be taken every possible care of.

I am, S I R,

Fort St. George,
20th Jan. 1777.

Your most obedient servant,

(Signed) R. J. SULLIVAN, Secretary.

* Or upon any other ship, until it is his Lordship's pleasure to embark.

Lord Pigot told Major Horne, when he gave him the letter to read, that if the above had been added, it would have been more decent and proper for his view.

(A true copy from a paper in his Lordship's hand-writing, delivered by Mr. Stone to the Jury on the Inquest before mentioned.)

(Signed) G. A. RAM, Coroner.

(A true Copy).

WM. SEDGLEY, Clerk of Peace.

Town of MADRASPATNAM. J.

The INFORMATION of Mr. Joseph Nutting, taken upon Oath, before me, George Andrew Ram, his Majesty's Coroner for the said Town, on an Inquisition taken at the Company's Garden-house, about a Mile distant from Fort St. George, on the View of the Body of the Right Honourable GEORGE Lord PIGOT, there lying dead; and, by Adjournment, at the House of Mr. George Smith (Foreman of the said Inquest), in the said Fort.

THIS Informant, on his oath, saith, That he served the late Lord Pigot as valet de chambre upwards of five years; his Lordship's health, ever since this Informant has known him, has in general been very good, excepting, about three years ago, he had a violent fit of the jaundice, during which time he kept the house, but was not confined to his bed; since that, his health has been very good. Since his arrival in India his health has likewise been remarkably good. His Lordship was accustomed to rise early, about gun-fire, before his confinement; but since his confinement, not until between six and seven o'clock; which this Informant is of opinion, was out of compliment to the officers on guard over his Lordship, as his rising early would have made it inconvenient to the officers.

Lorn Pigot was also accustomed to take frequent exercise, particularly that of walking in the Company's gardens; he regularly went out in his open chaise, morning and evening, to different gentlemen's gardens, but chiefly to Mr. Monckton's, since Mr. Monckton's marriage with his Lordship's daughter.

Lord Pigot was carried to the Mount on the 24th of August last, and this Informant went there the day after in the evening, and remained there constantly from that time till his Lordship's removal to the

the Company's Garden-house. During the first part of his Lordship's confinement, he did not take a great deal of exercise; but, about three weeks or a month after his confinement, to the best of this Informant's recollection, he was permitted to go down to the house where Mr. Monckton and Lord Pigot's family resided; but even after he was permitted, he did not at first come down so frequently as he did latterly: the distance from Major Horne's house to that where Mr. Monckton resided, this Informant thinks exceeds a quarter of a mile. At Mr. Monckton's house he frequently exercised himself in the garden or overseeing the workmen in and about the house, &c. This Informant believes his exercise in Mr. Monckton's garden might be as much as his exercise in general was before his confinement, but that it was confined to that place only; he never went out in any carriage whatever but once, when he accompanied Major Horne to a place a few miles distant from the Mount to drink tea.

This Informant has heard very frequently from the orderly men who have attended his Lordship, that should his Lordship attempt to get into a carriage of any kind or palanquin, it was their orders to prevent him.

Lord Pigot has walked at different times during his confinement, to the top of the Mount, but only latterly; he was always attended by an officer and an orderly; his Lordship was never permitted to wear a sword, during the whole of his confinement; there were guards stationed at the top of the Mount during his Lordship's confinement at the Mount.

This Informant should have mentioned, that, in the first part of his Lordship's confinement, he was particularly attended by armed men; and this Informant was told, that his Lordship was not permitted to enter the gates of the garden in which Mr. Monckton lived; and this Informant has seen his Lordship come down to the gates of that house but not enter them, in the first part of his confinement.

The accommodation which Lord Pigot had at Major Horne's house was, one very good room, wherein he slept; and this Informant believes every necessary convenience he wished for, as this Informant never heard him complain: he had no other room to himself, but he had access to the hall and veranda, in common with Major Horne and his family; the room had a communication with the hall. There was a passage, into which Lord Pigot's chamber had a door; there

there stood in the passage a bureau, which Major Horne made frequent use of in writing at. Before Lord Pigot's sickness Lord Pigot used to open and shut that door as he found it convenient, but after his illness it was always kept open.

On the Monday or Tuesday after his Lordship's confinement, about eleven o'clock at night, after this Informant had laid down to sleep at Mr Monckton's house, this Informant suddenly waked, and the first thing this Informant heard was his Lordship's voice, which this Informant could distinguish very distinctly. This Informant immediately got up and went into an adjoining room, where this Informant found Mr. Dalrymple, who this Informant perceived was dressing himself. This Informant asked him, if he was going to Major Horne's; he replied, that he was. This Informant then left him, and returned to the room where this Informant had been asleep. After this Informant had put on some cloaths, he went immediately to Major Horne's; this Informant found his Lordship in the veranda, disputing with Colonel Eidingtoun and Major Horne; Mr. Dalrymple and Mr. Monckton were also there. The particulars of the dispute between his Lordship, Colonel Eidingtoun, and Major Horne, this Informant found was, that these gentlemen had told him, that they were ordered to remove him; which had thrown his Lordship into a violent passion, and he was much agitated at the time; this Informant heard his Lordship say, that he would not be carried to any place whatever, excepting to his own Fort, or to the King's Admiral; that he would go into no carriage whatever, that he insisted upon; but that he would walk at the head of those few brave fellows, alluding to some guards that were drawn up round him; that he had no fear but that they would protect him to the Fort or to the Commodore. This Informant heard Major Horne reply to him, that it was his orders to remove him, and that he must obey them by forcing him. This Informant heard Colonel Eidingtoun say to his Lordship, that it was not a time to dispute the matter, nor was it proper (or that he did not think it proper), that his Lordship should say so much in presence of the men; what this Informant means, by saying, that Colonel Eidingtoun thought what his Lordship had been saying to the men improper, was, that his Lordship had just before observed to the men, or in their presence, that he made no doubt, but there were some among them who had formerly served under him, and would be ready to protect him; he told Colonel Eidingtoun at the same time, that he did not think it proper that he (Eidingtoun) should contradict what he said, as he had

served.

served the Company for forty years, which might be before he was born.

Mr. Monckton and Mr. Dalrymple spoke in defence of his Lordship, and supported him in the dispute with Colonel Eidingtoun.

This Informant thinks he remembers Lord Pigot putting his hands upon Major Horne's shoulders, and desiring him to protect him.

About that time Colonel Eidingtoun and Major Horne left his Lordship with Mr. Dalrymple and Mr. Monckton.

Mr. Monckton came to this Informant, and desired this Informant would go to his house and prevent the ladies from being alarmed, if he could (meaning his Lordship's daughters), as he every minute expected their return home from Mr. Smith's Garden-house, where they had supped that evening.

This Informant went immediately to Mr. Monckton's house, but did not find the ladies returned; they shortly came, in company with Mr. Ruffel. Immediately after the ladies retired to their rooms, this Informant acquainted Mr. Ruffel with what had happened at Major Horne's to his Lordship, respecting his removal; upon which Mr. Ruffel immediately went thither. Very soon afterwards this Informant returned to Major Horne's himself, and found that his Lordship was gone into his room, but saw Colonel Eidingtoun and Major Horne sitting at a table writing; after which this Informant returned back to Mr. Monckton's house.

This Informant must observe, that he saw a post-chaise standing at Major Horne's gate, which this Informant was told belonged to Mr. Benfield, and he was informed, that it was brought thither for the purpose of carrying his Lordship to the place to which he was to be removed.

Early next morning, when Lord Pigot was getting out of his bed, this Informant asked him how he did, and if he had any headache. His Lordship replied, No; and that he was very well. This Informant ought to have mentioned, when speaking of the post-chaise, that he saw an European, who was the driver, and a serjeant in the Company's service, attending it.

About last New-year's day, this Informant heard that there were orders given to send his Lordship on board the Company's ship *Lioness*, then in the Road, in order to transport him to England; on which account, his Lordship kept within Major Horne's house for three or four days without once coming out: that this Informant heard his Lordship express a great dislike to such a proposal, and that it seemed very disagreeable to him. This Informant has heard his Lordship at different times say, that he would take care to prevent it if it was in his power.

His Lordship's health during his confinement at the Mount had been very good until his last illness, which commenced about eight or ten weeks ago; but that knowing so much of his Lordship's reserved disposition, this Informant is convinced Lord Pigot did not complain till some days after he must have been disordered.

The first day that this Informant found he kept his room, he went to him as usual; this Informant asked him how he did; his reply was, that he was pretty well, but his breath was rather short. This Informant observed, that he was a great deal oppressed and found great difficulty in breathing: this Informant thinks Mr. Mallet, surgeon of the artillery quartered at the Mount, gave his Lordship an emetic that day; and this Informant believes, the day following, Mr. Pasley came to his Lordship, and ordered him such medicines as he thought his disorder required. His Lordship continued ill about a month, and then grew better, but about the 3d or 4th of last month he relapsed; his Lordship then continued to be very ill, and had frequently violent reachings; these continued, and he grew worse until his removal the latter end of August.

There were no guards attending his Lordship from the Mount to the Company's Garden-house; but this Informant believes that Major Horne did intend to accompany his Lordship in a palanquin, Major Horne having ordered his palanquin for that purpose; however, as it happened, he went before in a chaise: this Informant believes his Lordship did not think that Major Horne would accompany him, as his Lordship, out of his palanquin called for Major Horne, saw him, and seemed to take his leave of him; a gentleman standing by, said, that Major Horne meant to accompany his Lordship. This Informant did not observe, that day, or he thinks the day following, any guards about the Garden-house, more than ordinary; but this Informant (he believes it was on the third day

day after Lord Pigot's removal) was told by serjeant Pepit, that there was another serjeant posted at the gate of the Garden-house, where there was a tent pitched for him, to stay, as this Informant believes, as particular guard over his Lordship; the serjeant having told him, that he had orders to send daily, written reports to Major Horne, respecting what happened in the course of the day, or of any thing particular that passed at the Garden-house. This Informant, believes he mentioned the foregoing circumstance to Mr. Ruffel and Mr. Tonckton. This Informant believes the guard did continue until the day of his Lordship's death; he did not hear that the guard was removed before his Lordship's death; after his Lordship's death, he was told, that Major Horne had given an order for the guard to be removed that morning from the gate, at the same time that Major Horne had given an order, that this Informant should be made acquainted, that no part of Lord Pigot's property, in case he died, was to be considered under the care of any guards then about the Garden-house.

Mr. Pasley seemed to think three or four days before his Lordship's death, that his Lordship could not recover; having heard Mr. Pasley express himself three or four different times, that his Lordship was so very weak, he could not recover. His Lordship died about eleven o'clock in the forenoon of the 11th instant, aged about fifty-eight; he was very much reserved in his disposition.

The morning that his Lordship left the Mount, to go to the Company's Garden-house, he ordered this Informant to open the box of coach-seat, and take out of it a brace of pistols, and to blow the priming out of them; he then desired this Informant to return them to the box, which this Informant did accordingly.

(Signed) JOSEPH NUTTING.

Sworn the 16th day of May, in the seventh year of the reign of King George the third, and in the year of our Lord 1777, before me,

(Signed) G. A. RAM, Coroner.

(A true Copy.)

WM. SEDGLEY, Clerk of Peace.

Town of MADRAS PATNAM. ff.

The INFORMATION of Mr. David Haliburton, in the Service of the East India Company, taken upon Oath before me George Andrew Ram, Coroner of our Lord the King for the Town of Madraspatnam aforesaid, on an Inquisition held at the Company's Garden-house, about a Mile distant from Fort St. George, within the Districts of the said Town, on the View of the Body of the Right Honourable GEORGE Lord Pigot, there lying dead, and by Adjournment at the House of Mr George Smith (Foreman of the said Inquest), in the said Fort.

THIS Informant, on his oath, faith, That he knew Lord Pigot from the time of his Lordship's last arrival in India till his death, that from public report he knows that Lord Pigot was confined the 24th of August last, and carried to the Mount, where he saw his Lordship two days after in confinement.

This Informant heard it publicly reported in the month of January last, that there was an intention of sending Lord Pigot forcibly to England some time in the end of that month. This Informant was with Lord Pigot, in his Lordship's room at the Mount, when his Lordship desired this Informant to bring him from Mr. Stone or Mr. Ruffel, a copy of the letter from the Governor General and Council at Bengal, about sending him (Lord Pigot) home. This Informant accordingly brought it to his Lordship, who read it with seeming agitation, and the expression he made use of at the time was a very strong one; this Informant remembers it perfectly, it was as follows: "Would not one think they were treating me as a

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"mad dog?" the letter acknowledged the receipt of another from Mr. Stratton and his Council, dated the 19th of October last.

This Informant has frequently been with his Lordship in private, since his confinement, and has observed his Lordship's spirits to be depressed, and a visible alteration in him since the time that the intention of sending him home was known to him.

This Informant further faith, on his oath, That the Saturday following, after his Lordship had been carried to the Mount, Mr. Sedgley, attorney at law to his Lordship, took Mr. Lathom and this Informant to Major Horne's house, and in their presence did demand formally of Major Horne the order, or a copy of the order, by which Lord Pigot was detained a prisoner, and this Major Horne refused to produce. Mr. Lathom and this Informant made an affidavit of this refusal of Major Horne, before Mr. John Turing, the then Mayor.

(Signed) DAVID HALIBURTON.

Sworn the 16th day of May, in the seventeenth year of the reign of King George the Third, and in the year of our Lord 1777, before me,

(Signed) G. A. RAM, Coroner.

(A true Copy)

WILLIAM SEDGLEY, Clerk of Peace.

Town of MADRAS PATNAM. II.

The INFORMATION of Mr. Gilbert Pasley, Surgeon in the East India Company's Service, taken before me, George Andrew Ram, his Majesty's Coroner for the said Town, on an Inquisition taken at the Company's Garden-house, about a Mile distant from Fort St. George, on the View of the Body of the Right Honourable GEORGE Lord PIGOT, there lying dead, and by Adjournment at the House of Mr. George Smith (Foreman of the said Inquest), in the said Fort.

THIS Informant, on his oath, faith, That as the Jury on this Inquest have thought proper to put several questions to him, relating to his profession in general, he shall endeavour to give them such information as his experience affords him, and shall then proceed to inform them of what he knows, in particular regarding Lord Pigot, and of the disorder of which his Lordship died.

This informant says, That there is from observation a great connection between the mental and corporeal parts, and whatever disorders the one, may likewise affect the other.

That a deep sense of injury and affront, especially if often repeated and long continued, will certainly prey upon the mind, and occasion obstinate disorders, which gradually waste the constitution.

That the human passions have an immediate effect upon the constitution.

That when the mind dwells upon any subject of a disagreeable nature, though this does not obstruct the whole functions of the body, which would occasion immediate death, yet it may impair them.

That

That the body may receive a great deal of injury when it is deprived of those occupations, and of the exercise of those employments to which it has been accustomed. The injury which the mind may receive is not so determinate.

Grief and strong attention of the mind, in all dissatisfactions, and in general, all those things which affect the mind, have an effect on the body.

The more the passions and affections of the mind are concealed, the more they prey upon the mind.

This Informant does not think that the effects which the mind has upon the body are so easily produced on persons in advanced life, who have generally more firmness and fortitude, and less sensibility of nerves, and are therefore more able to support the injuries which arise from the change of situation, and other misfortunes.

The immediate effects of the passions on the body are discoverable by every person, but their effects on the animal œconomy, in the production of diseases, are more slow, though certain.

Grief and anxiety of mind affect the system in general in producing diseases, and if they exist during the disease, may aggravate circumstances much.

The feelings of injuries, and the effects which they have upon the constitution, must always be in proportion to the character, dignity, and prospects of the person who experiences the injury.

This Informant says, that he knew Lord Pigot during his former government, and also since his last arrival in India, during all which time this Informant has never known him to complain, so as to require medicines, except from the commencement of his last illness, in March last.

This Informant first knew Lord Pigot in September 1756, at which time this Informant was surgeon's assistant in the Company's service. He has resided constantly at Madras since the year 1761, as one of the two surgeons of the establishment.

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During Lord Pigot's first illness this Informant was constantly with his Lordship, while any danger remained: and afterwards, when absent, left directions with Mr. Mallet, the surgeon's assistant at the Mount. In his Lordship's last illness this Informant staid in the house with his Lordship. Mr. Anderson, the other surgeon of the settlement, also visited his Lordship.

This Informant is of opinion, That the general good health of Lord Pigot before his confinement, is a proof that the exercise which he took agreed with his constitution, and was of great consequence in preserving his Lordship's health.

As to any alteration or abatement in the kind of exercise which Lord Pigot was accustomed to take; this Informant observes, that all involuntary restraints, accompanied with uneasiness of mind, are productive of disorders, and no doubt, in many respects, contributed to lay the foundation of his Lordship's disorder; but it is also to be observed, that Lord Pigot's illness was a disorder peculiar to this country. Men in all circumstances, in all situations, are subject to disorders of the same kind; though uneasiness of mind and a diminution of exercise never fail to produce bilious disorders, of which his Lordship died. His Lordship died of a putrid bilious fever, originated in a disordered liver. This disorder is occasioned by a variety of causes, as intemperance, impaired digestion, passions of the mind, indolence, and want of exercise, all which, and other causes, contribute to lay the foundation of liver obstructions, the consequence of which is ill conditioned bile thrown into the bowels, which in course of time putrifies, and produces fevers, fluxes, and other complaints.

His Lordship's first illness was of the same kind with that of which he died, but he was then strong, and could bear the effects of medicines, consequently he soon recovered; but this Informant thought it necessary to apprise his Lordship, that the effects of his disorder were only removed, and that his disorder had originated in a diseased liver; alterative medicines, and caution in his diet, and sleeping, would be necessary to prevent relapses. His Lordship having no feeling of any ails, and great confidence in a good constitution, was unwilling to suppose that he could require any course of medicines, urging at the same time, that he thought himself as well as any man in India. After his Lordship's first illness he did not acquire his usual strength, and in the course of a little time, perhaps a fortnight,

fortnight, his Lordship began to have symptoms of a return of his complaints, much putrid bile in his bowels, and a degree of inflammation in the substance of his liver, which altogether brought on a relapse of his fever, with an enlargement of his liver; and as he had not recovered the same strength of body, nor could bear the effects of medicines so well as in his first illness, it proved fatal.

The accommodation which Lord Pigot had at Major Horne's house at the Mount, was one large room and a closet, which was a lumber room; his Lordship had access to the hall and veranda in common with the family and officers who visited there. This Informant should not have thought the removal of Lord Pigot from his situation at the Mount necessary, if there had not been reason to expect bad effects, in the condition he was in, from the approaching hot winds.

This Informant has heard from the relations of others, but especially from the evidence of Messrs. Monckton, Ruffel, Stone, and Lord Pigot's servant, taken on this Inquest, a particular account of an attempt made on the 27th of August, to remove his Lordship from the Mount, of an order relative to any attempts to rescue Lord Pigot, in case of which his life was to answer for it; also of an intention to send Lord Pigot to Europe, with which last this Informant was himself acquainted; Mr. Stratton having told this Informant, that he and his Council had come to a resolution not to send his Lordship to England by force, this was in the month of January. How far these circumstances might have laid the foundation of, or increased Lord Pigot's disorder, this informant has already observed in general, that a diminution of the usual exercise that one is accustomed to, and strong affections of the mind, are productive of bilious illness; but this Informant cannot in particular say, that the passions and exertion of Lord Pigot on the 27th of August, laid the foundation of the disorder of which his Lordship died; the more usual effects of violent passions and violent exertions are to produce immediate disorders. As to the order before spoken of, so far as might affect his Lordship's mind, it would contribute to increase his disorder.

In regard to the intention of sending Lord Pigot to Europe, which it appears from the evidence of Messrs. Ruffel and Stone, was known to his Lordship in October, and from the apprehensions of which he was not totally freed till even after the sailing of the *Lioness*,

this Informant cannot say that a knowledge of this did lay the foundation of his Lordship's disorder, but that this and other distresses during his Lordship's confinement, did contribute to lay the foundation of his Lordship's disorder. Lord Pigot had been ill some days before this Informant was called upon, by which means his complaints had a putrid appearance, and were alarming. This Informant understood that his Lordship had been ailing for several days before that, though he did not confine himself.

It is probable that his disorder was then operating on his habit, but how long before that, his disorder had taken place in his constitution this Informant cannot determine; though all disorders of this kind have their causes existing in the constitution long before they appear. After what this Informant hath said on the subject of his Lordship's health, he hath only to add, that during the cold months, when his Lordship seemed to be in perfect health, the weather then counteracted the effects of his confinement, and other circumstances, which might contribute to form a disease; but the heat of the sun in the spring, by increasing a redundancy of bile, and giving it a tendency to putrefaction, probably brought on more speedily Lord Pigot's illness. That his Lordship's situation, and the circumstances, which attended it, contributed to lay the foundation of the disorder of which Lord Pigot died, this Informant hath already observed, but he cannot say, whether in any situation his Lordship might not have been attacked with disorders.

This Informant wrote to Mr. Stratton the of April, that he thought it necessary to remove Lord Pigot from the Mount on account of his illness. Mr. Stratton told this Informant, that if it was judged necessary to remove his Lordship from the Mount, the Garden-house should be fitted up for his reception, and this Informant believes he wrote to Major Horne to the same purport.

This Informant attended Lord Pigot from the Mount to the Company's Garden-house on the 28th of April, and considered him as then in danger. On the road thither this Informant did not perceive that his Lordship was under any military restraint. Mr. Stratton sent for this Informant the same morning; the Council were then sitting. Mr. Stratton came from the Council Board, and told this Informant the Council were considering of replacing guards over
Lord

Lord Pigot. This Informant told Mr. Stratton that he was exceedingly concerned, that should be under discussion, as the decency of his Lordship's coming from the Mount without guards gave general satisfaction. Mr. Stratton said that he had been arguing against it himself. This Informant therefore begged him to use, as an additional argument, that it was this Informant's opinion, if this circumstance should come to his Lordship's knowledge, it would irritate him much, and might do him considerable injury in his present situation. Mr. Stratton seemed satisfied with the remark, and returned into the Council-room. Mr. Monckton afterwards told this Informant, that Major Horne had reported himself as still having charge of his Lordship at the Company's Garden-house. This Informant cannot say whether or not Mr. Monckton told him by whose particular orders, but this Informant believes it was by the authority of this present government.

In conversing with Mr. Stratton on Lord Pigot's illness and private affairs, this Informant could not help expressing his fears that his Lordship might die without arranging his family matters. Mr. Stratton told this Informant, that he (Mr. Stratton) believed that was already done; for that his Lordship, before he went to Tanjour, took him familiarly into his (Lord Pigot's) room, and said, George, (meaning him Mr. Stratton) should any accident happen to me, you will remember that Mrs. Monckton's marriage settlement, some papers, and my will, are contained in that bureau, pointing to a bureau. This Informant reported this to Mr. Monckton and Mr. Ruffel, he thinks, three days before Lord Pigot's death.

Two or three days before his Lordship's death this Informant acquainted Mr. Stratton, in a note, that his Lordship's strength fell off very much, and that there were no hopes of his recovery.

This Informant observes, that the Jury are well acquainted with Lord Pigot's reserve. During this Informant's attendance on Lord Pigot, he never spoke to this Informant concerning his confinement, and if at any time Lord Pigot spoke of Mr. Stratton on any indifferent matter, he spoke of him with temper.

Lord Pigot died on the 11th of May, between ten and eleven o'clock, aged, as this Informant hath heard, about fifty-eight years.
This

This Informant was at the Company's Garden-house at the time of his death.

(Signed) GILBERT PASLEY.

Sworn the 17th day of May, in the seventeenth year of the reign of King George the Third, and in the year of our Lord 1777, before me,

(Signed) G. A. RAM, Coroner.

A true Copy.

WM. SEDGLEY, Clerk of Peace.

Town of MADRAS PATNAM. ff.

The INFORMATION of Mr. James Anderson, Surgeon in the East India Company's Service, taken upon Oath before me George Andrew Ram, his Majesty's Coroner for the said Town, on an Inquisition held at the Company's Garden-house, distant about a Mile from Fort St. George, on the View of the Body of the Right Honourable GEORGE Lord PIGOT, there lying dead; and by Adjournment at the House of Mr. George Smith (Foreman of the said Inquest), in the said Fort.

THIS Informant, on his oath, saith, That as the Jury on the Inquest have thought proper to put several questions to him relating to his profession in general, he shall endeavour to give them such information as his experience affords him, and shall then proceed to inform them of what he knows in particular regarding Lord Pigot, and the disorder of which he died.

This Informant says, that there is in the human body a reciprocal influence between the mental and corporeal parts, and whatever disorders the one does likewise affect the other.

That the impressions of pleasure and satisfaction are productive of health, and the contrary from the reverse.

That it is dangerous to tamper with the human passions, as they may be easily thrown into such disorders as to produce violent effects upon the constitution.

That when the mind dwells upon any subject of a disagreeable nature, it in some degree obstructs the functions of the body.

That the mind is easier in those employments to which it is accustomed.

That the sorrowful passions may sometimes destroy the animal economy, but that these affections are frequently produced from diseases of the body.

That the passions and affections of the mind will produce an effect upon the constitutions of such as are not so much of philosophers as to have conquered those passions and affections.

That in his opinion, the passions make less impressions upon persons in advanced life, as they have more reason and reflection, and time for more observation of mankind, and of themselves.

That great alterations in respect to exercise are attended with much risk.

That there is no doubt but persons who are in agreeable circumstances have greater chances of enjoying health than in the reverse.

This Informant remembers seeing Lord Pigot here when he was Governor before, in the year 1762, and since his last arrival here.

This Informant remembers, about a twelvemonth ago, that Lord Pigot once complained of a foulness and weight about the pit of his stomach, which he seemed to think might be a bile. This Informant told him, that he thought it might, and recommended to his Lordship to take a purge. Lord Pigot told him, that he sometimes was in that situation, and that he relieved himself by abstinence; he was, in consequence, well without taking any medicine.

The morning of Lord Pigot's removal to the Mount, on the 24th of August, this Informant went to breakfast with him; he took this Informant on one side, and shewed him a mark he had on his forehead. This Informant told him, that it seemed to proceed from some heat of body, and recommended to him to keep himself quiet, and to his regimen, until such appearances should go off. Some person coming past treated the matter lightly, but this Informant insisted on sending him something to apply to it, as the part was irritated by his wearing his hat. As to the general state of his health, this Informant understood, that it was remarkably good. When

When he had slight indispositions he used to get rid of them by abstinence.

The exercise which Lord Pigot took before his confinement must undoubtedly have contributed to preserve, not only his health, but his strength.

This Informant visited Lord Pigot at the Mount twice during his last illness, and found him weaker, and altogether worse, on his second visit than on the first.

Lord Pigot's disorder seemed to be putrid bile, attended sometimes with fever. After Lord Pigot's arrival at the Company's Garden-house, the 28th of April last, this Informant called four times a-day to see him. As far as this Informant was able to judge from seeing Lord Pigot, it appeared, that he discharged putrid bile by stool whenever he took physic; and from a pain which he complained of in his side, and a fulness about the region of the liver, this informant thought that Lord Pigot's liver was enlarged, which he could more easily judge of from his Lordship's being much emaciated.

This disorder is sometimes mortal, but it is likewise frequently removed by medicines.

His Lordship told this Informant, that he could almost tell the day when he became ill: he had been working in the garden till late in the sun, that he came in very hot (this Informant thinks Lord Pigot said) to Mr. Monckton's house, and drank something; this Informant thinks Lord Pigot said it was punch, and was very much overheated. Whether this conversation related to his first or second illness this Informant does not know, because at the time his Lordship mentioned it, he was so weak that this Informant did not choose to ask more questions than seemed absolutely necessary.

This Informant has heard from several persons, and particularly from the evidences of Messrs. Monckton, Ruffel, Stone, and my Lord's servant, the circumstances of an attempt to remove Lord Pigot from the Mount, and also of an intention to send Lord Pigot by force to England; as to what effect the attempt to remove Lord Pigot from the Mount might have on his Lordship's health, this informant will not so far accuse the memory of Lord Pigot as to suppose

suppose it could have any considerable effect, because this Informant has not been so much with Lord Pigot as to be perfectly acquainted with what he might feel or suffer on that occasion.

This Informant has already observed that the passions of the mind very much affect the body, but with regard to the effect that the attempt to remove his Lordship from the Mount, and his agitation on that occasion, might have on the body or mind of Lord Pigot, this Informant saw Lord Pigot in perfect health, and understands that he enjoyed a great degree of health for some time after that attempt.

As to what effect the knowledge of an intention to send Lord Pigot to England by force might have on his Lordship's mind, this Informant cannot pretend to speak from his own knowledge, because he had not an opportunity of seeing Lord Pigot about that time.

As to how long Lord Pigot's disease might have lain dormant in his constitution before the visible effects of it appeared, this Informant thinks that Lord Pigot had no local disease in the parts which were afterwards affected till the time that he was overheated in the garden, as before mentioned.

This Informant says, that some days before Lord Pigot's death, he mentioned to many persons that Lord Pigot grew weaker and weaker every day, and seemed to be dying. This Informant mentioned this in particular to Commodore Sir Edward Hughes, whom he accidentally met at the Company's Garden-house the night before his Lordship's death; that Lord Pigot was very low; and that this Informant had no hopes of his recovery. This Informant has further to observe, that the season of the year, during Lord Pigot's illness, was the hottest season of the year, and that Fahrenheit's Thermometer was at 95. 96, 97, degrees every day at the time in the shade.

(Signed) JA. ANDERSON.

Sworn the 17th day of May in the seventeenth year of the reign of King George the Third, and in the year of our Lord 1777, before me,

(Signed) G. A. RAM, Coroner.

A true Copy.

WM. SEDGLEY, Clerk of Peace.

Town of MADRAS PATNAM. ff.

The INFORMATION of Mr. Thomas Davis, Surgeon in the Service of the East India Company, taken upon Oath before George Andrew Ram, Coroner of our Lord the King for the said Town, on an Inquisition taken at the Company's Garden-house, about a Mile distant from Fort St. George, on the View of the Body of the Right Honourable GEORGE Lord PIGOT, there lying dead, and by Adjournment at the House of Mr. George Smith (Foreman of the said Inquest), in the said Fort.

THIS Informant, on his oath, faith, That as the Jury on this Inquest have thought proper to put several questions to him, relating to his profession in general, he shall endeavour to give them such information as his experience affords him, and shall then proceed to inform them of what he knows in particular regarding Lord Pigot.

This Informant says, that in the human body there is a reciprocal influence between the mental and corporeal parts, and whatever disorders the one likewise affects, the other more or less.

This Informant is of opinion, that a deep sense of injury and affront, especially if they are often repeated and long continued, will prey upon the mind, and that they may affect the constitution so as to produce dangerous disorders.

This Informant is of opinion, that it certainly is dangerous to tamper with the human passions; for, from the passions of the mind, the human body may be so affected as to produce the most violent disorders.

That when the mind dwells upon any subject of a disagreeable nature, this, in some degree, obstructs the whole functions of the body.

That when the mind is deprived of those occupations, and of the exercise of those faculties to which it hath been accustomed, it may thereby receive a great deal of injury.

That the sorrowful passions are frequently the causes of diseases.

This Informant is of opinion, that those distressing impressions, which arise from great mortifications, humiliations or vexations, are greatly aggravated by any necessity the person suffering may be under to constrain or mask them, and that in proportion to the sensibility of the person who is attacked by them.

This Informant is of opinion, that the dangerous effects of the passions are more easily produced on persons in advanced life than any others.

That when the passions have been strongly agitated, this Informant thinks, that it is not difficult for a physician to discover the detriment they have produced in the constitution.

This Informant has known Lord Pigot ever since his last arrival in India; he always appeared to have enjoyed a good state of health. This Informant is of opinion, that Lord Pigot's general good health is a proof that the exercise which he usually took before his confinement agreed with his constitution, and was of great consequence in preserving his health.

As this Informant was not consulted by his Lordship's physicians at any time during his illness, and as this Informant had not an opportunity of inspecting his Lordship's body after his decease, he cannot pretend to say how far the great alterations and abatement in the kind of exercise which his Lordship took might, or might not, render his case mortal.

This Informant is of opinion, that anxiety, and a peculiar strong agitation of the mind, from many causes, may not only fix a disease, and increase it, but even render it mortal.

This

This Informant says, that had the circumstances happened to him which happened to Lord Pigot, during his confinement, they would have so irritated the passions of his (this Informant's) mind, as to produce disagreeable effects on his constitution.

This Informant is of opinion, that the anxiety which his Lordship must have been under, whilst the sending him by force to England was under consideration, and on other occasions during his confinement, might serve to injure his Lordship's constitution.

This Informant has heard, from the evidences taken on this Inquest, that there was an order given to Major Horne, that in case of any attempt to rescue Lord Pigot, his life was to answer it, which it does not appear was ever withdrawn; such an order happening to this Informant would greatly increase his anxiety.

This Informant has already observed, that every degree of degradation and anxiety of mind may more or less impair a man's constitution; so, according to Lord Pigot's more or less sensibility, must his health have been impaired.

This Informant observes, that the reserve of his Lordship's temper, increased by the restriction he was under, and the cautions he was obliged from his situation to observe, being never without a guard on his person and actions, must certainly add to his Lordship's mortifications.

This Informant resided at the Mount for the greatest part of the time during Lord Pigot's confinement there, and frequently saw his Lordship during that time.

In conversation with Lord Pigot, in company with other gentlemen, this Informant has heard his Lordship say, and has also understood from others, that there was an intention of sending his Lordship home, at which his Lordship expressed much warmth, and said, "that if they did send him, they should send him dead; for that he would not go on board ship alive."

During the early part of Lord Pigot's confinement, it was obvious to this Informant, that his Lordship enjoyed great good health; but some little time before his illness, this Informant thought that he perceived that his Lordship had not those good spirits he was used to have.

have. After Lord Pigot became ill, this Informant did not observe any thing in his Lordship but what was incident to men labouring under disease.

This Informant never saw Lord Pigot during his confinement without an officer and an artillery-man, and sometimes two. His Lordship used frequently to walk in this Informant's garden as well as in the other gentlemen's gardens at the Mount; but this Informant more particularly took notice that his Lordship amused himself in that garden which is called General Lawrence's garden. This Informant never recollects to have seen Lord Pigot on horseback, or in a chaise; and his Lordship's exercise appeared to him to be altogether circumscribed to the environs of the Mount.

This Informant frequently visited at Major Horne's, and ever after the confinement of Lord Pigot he saw there a guard, which he believes might be more or less than twenty men, with a drummer and fifes, which this Informant always understood was constituted for taking charge of Lord Pigot, to which guard the officer and orderly, who daily, by rotation, attended his Lordship, belonged; these were stationed without the gate of Major Horne's house, and this Informant always saw two European centinels within the gate, standing at their stations, or walking in the front of the veranda.

(Signed) THOMAS DAVIS.

Sworn the 19th day of May, in the seventeenth year of the reign of King George the Third, and in the year of our Lord 1777, before me,

(Signed) G. A. RAM, Coroner.

(A true Copy.)

WM. SEDGLEY, Clerk of Peace.

Town of MADRAS PATNAM. §.

The INFORMATION of William Mallet, Surgeon in the Service of the East India Company, taken upon Oath before me George Andrew Ram, his Majesty's Coroner for the said Town, on an Inquisition taken at the Company's Garden-house, about a Mile distant from Fort St. George, on the View of the Body of the Right Honourable GEORGE LORD PIGOT, there lying dead, and by Adjournment at the House of Mr. George Smith. (Foreman of the said Inquest), in the said Fort.

THIS Informant, on his Oath, saith, That he has known the late Lord Pigot ever since the commencement of his Lordship's confinement in August last. This Informant officiated as surgeon to the corps of artillery, stationed at the Mount, during the time of his Lordship's confinement at that place. This Informant has heard a report of an intention to send Lord Pigot to England; but for the truth of this report he cannot answer. This Informant saw his Lordship frequently, and sometimes daily, during his confinement at the Mount. His Lordship before his late illness always appeared cheerful, and in a good state of health, until the 6th of March, when his Lordship was first attacked with the illness of which he died; this was a bilious complaint of which there are daily instances, and which is incident to the nature of the climate; this disorder is often mortal, and particularly so when the liver is affected.

His Lordship's general exercise in his confinement was walking to and from Major Horne's house to the house called General Lawrence's, where Mr. Monckton and his Lordship's family resided, sometimes employing himself in the garden of that house, and at other times walking on the plain, and sometimes to the top of the Mount.

Mount : in these walks his Lordship was guarded on his first arrival by the officer of the guard, sometimes afterwards with the addition of an orderly gunner, which guard was continued till his Lordship's removal to the Garden-house. This Informant cannot say particularly how long his Lordship confined himself, or was confined from walking out from the first of his arrival. Lord Pigot, during his confinement, went out but once in a chaise, which, to the best of this Informant's recollection, was to a place called the Cave of Despair, distance supposed to be three miles, accompanied by Major Horne and family with some artillery officers. This Informant has been frequently at Major Horne's house at the Mount, both before and since his Lordship's confinement; he was present there when Lord Pigot was brought to the Mount, on the 24th of August last, when his Lordship appeared to this Informant to be a good deal agitated and somewhat confused; his Lordship was attended by Captain Lyfaght and a grenadier, who came behind the chariot in which his Lordship was; Captain Lyfaght delivered a paper to Major Horne in which were orders or written instructions. This Informant's motive for so saying was from hearing Captain Lyfaght interrogate Major Horne in the following manner: Do you choose to abide by these orders? To which Major Horne replied, I do, as orders from my commanding officer. From the orders which this Informant then heard given by Major Horne to the acting adjutant to order an officer's guard, he concluded that the orders in the paper were touching the care of Lord Pigot's person. To the best of this Informant's recollection, Lord Pigot had no sword on at that time, nor did this Informant at any time after see his Lordship with a sword or any other arms. There were present with Major Horne, when Lord Pigot was brought to him, Mr. Sutliff, the acting Adjutant, and this Informant, it was between the hours of nine and ten at night. Before the time that Lord Pigot was brought there, to the best of this Informant's recollection, there used to be only a Sepoy centinel at Major Horne's gate, but after Lord Pigot being brought there, the usual guard of an officer, consisting, this Informant believes, of thirty men, mounted, adjacent to Major Horne's house, from which guard two centinels were posted at the gate.

One evening about the 6th of March, that this Informant met with Lord Pigot at Major Horne's house, his Lordship complained to this Informant of a sick stomach, and a constipation of the bowels, for which his Lordship desired this Informant to give him a dose

of Physic, which accordingly was prescribed; the ensuing day he (Lord Pigot) complained of its not having had so great an effect as he could wish; the sickness of his stomach increased, and this Informant advised him to take an emetic, by which he benefited somewhat; the complaint still remaining, the advice of Mr. Pasley was thought proper to be called in, who prescribed also another emetic, and afterwards sent him (Lord Pigot) what medicines he thought proper from Madras. As to the progress of his Lordship's first illness, he benefited daily by Mr. Pasley's prescriptions, so as in a short time to be able to take his usual walk to see his family at General Lawrence's house; he continued his walks as usual for a few days, and used exercise in the garden, greatly, as this Informant imagines, to the prejudice of his recovery; a few days after he was disposed to be rather feverish, and complained again of the sickness of his stomach, attended with an uneasy sensation in his side, for which Mr. Pasley prescribed bleeding, but his Lordship rejected it. His Lordship benefiting nothing all this while, and the land wind season approaching, the removal nigher the sea was proposed, to see if it would produce any good effects. Lord Pigot was removed on or about the latter end of April to the Company's Garden-house, where Lord Pigot died on the 11th of May last, about twenty-two minutes before eleven o'clock; and this Informant was then present, and Mr. Pasley also, at his Lordship's expiring moments. This Informant conceived Lord Pigot to be in danger from the time of his relapse, and the symptoms by no means abating, he formed a judgment of his Lordship's dangerous situation. This Informant did not communicate his opinion on that head to any one, further than by saying that his Lordship was in a dangerous way, and this Informant believes particularly to Mr. Davis; this Informant might also possibly have acquainted Major Horne, but he cannot possibly affirm that he did or did not.

This Informant hath been in the country going on eight years; he commenced the East India Company's service in the year 1771, nigh three years of which he attended under Mr. Pasley in the Madras hospital; the artillery being removed to the Mount, this Informant was appointed to act as surgeon to that corps during their being cantoned. This Informant hath filled that office, in which he was to have been confirmed at the resignation of Mr. Hinchly, as being the first for that promotion; but no attention was then paid by the

Council as to his promotion taking place, which was delayed till within a few months past.

(Signed) WM. MALLETT, Surgeon.

Sworn the 19th of May, in the seven-
teenth year of the reign of King George the
Third, and in the year of our Lord 1777,
before me,

(Signed) G. A. RAM, Coroner.

A true Copy.

WM. SEDGLEY, Clerk of Peace.

Town of MADRASPATNAM. ff.

The INFORMATION of Richard Lathom, Esq; taken upon Oath before me George Andrew Ram, Coroner of our Lord the King for the Town of Madraspatnam aforesaid, on an Inquisition held at the Company's Garden-house, about a Mile distant from Fort St. George, within the Districts of the said Town, on the View of the Body of the Right Honourable GEORGE Lord PIGOT, there lying dead; and, by Adjournment, at the House of Mr. George Smith (Foreman of the said Inquest), in the said Fort.

THIS Informant, on his oath, saith, That he first knew the late Lord Pigot the latter end of January 1759, when his Lordship was Governor of Madras.

That from the time when this Informant was first acquainted with his Lordship, to the time of his Lordship's embarking for England, his Lordship's health was, in general, very good. After Lord Pigot's return to India, this Informant, who was then Chief of Cuddalore, saw his Lordship at that place on the 1st of April 1776; Lord Pigot was then in good health, and told this Informant that, during his (Lord Pigot's) stay in England, he never had so much as a finger-ache. Lord Pigot continued at Cuddalore till the 3d of April, from which time, till this Informant came down to Madras (which he thinks was in the beginning of August), he did not see his Lordship. On this Informant's arrival at Madras he enquired of Lord Pigot how he did? His Lordship told this Informant that he was well.

Lord Pigot was seized and carried to the Mount on the night of the 24th of August last. This Informant was first made acquainted
M 2 with

with his Lordship's being seized, by many people at the Company's Garden-house between eight and nine o'clock in the evening. On receiving this intelligence, this Informant went the same night with Mr. Dalrymple, in Lord Pigot's chariot, to the Mount; Mr. Dalrymple ordered the coachman to drive to Major Horne's house, as he supposed Lord Pigot to be there; on their arrival at Major at Horne's, they saw Lord Pigot, Major Horne, Mr. Mallet, and this Informant thinks there were two officers besides, sitting at a table in the veranda of Major Horne's house. So soon as Major Horne saw Mr. Dalrymple and this Informant, he said, Gentlemen, I have very particular directions concerning you; Mr. Dalrymple made answer, "Who could give you these directions?" Major Horne, "I am sorry to see you concerned in such a business, we served together at Manilla in a friendly manner, and I am concerned now that there is the appearance of our differing so much in our sentiments." Major Horne said, "I was entirely ignorant of Lord Pigot's coming out to the Mount, till his chariot stopped at my door, and I was then much surprised what had brought him out so late to the Mount. Upon his Lordship's alighting from the chariot, I saw Captain Lyfaght follow him out of the chariot, who came forward and delivered me a written order from Colonel Stuart, to detain Lord Pigot in custody. I therefore think myself obliged to obey my commanding officer's orders." Lord Pigot then said to Mr. Dalrymple, "Better not talk of these matters now, better be quiet." Mr. Dalrymple and this Informant then acquainted Lord Pigot that the Fort had surrendered. Lord Pigot answered, "*I hope no body is hurt.*" They said, "*None, my Lord, that we have heard.*" Lord Pigot said, "*I am very glad to hear it.*" After Mr. Dalrymple and this Informant had sat about an hour, to the best of this Informant's remembrance, in the veranda, a letter was delivered into Major Horne's hand, which he opened, and having read it, said it was from the gentlemen of the majority, who acquainted him that they had taken upon themselves either the administration or the government (this Informant does not recollect which), and had given him directions to keep the person of Lord Pigot in confinement till their further orders. Some other conversation passed: soon after Mr. Dalrymple and this Informant went away.

This Informant has seen the order by which Lord Pigot was confined; his Lordship was confined by Colonel Stuart's order: it is a long order of which this Informant does not recollect the particulars. This Informant saw Lord Pigot the next day, who appeared to

to him to be under great concern; Lord Pigot remained under military confinement at Major Horne's house, to this Informant's knowledge, till about the 13th of September, when this Informant returned to Cuddalore: Lord Pigot, for the first two or three days, did not stir further than Mr. Horne's garden, he was afterwards allowed to walk down as far as the house called General Lawrence's house, where his family lived, an officer attending him; but during the first part of his confinement, he was not allowed to breakfast, dine, or sup out of Major Horne's house. This Informant knows that there was a request made, but by whom he does not recollect, to let his Lordship live at General Lawrence's house with his family, but it was denied.

On the 27th of August, between the hours of 11 and 12 at night, Mr. Monckton and this Informant were sitting in the east veranda of General Lawrence's house at the Mount, undressing themselves to go to bed, when a servant belonging to the house came running into the veranda to them, and crying out that Lord Pigot was fighting with the guard at Major Horne's house, who wanted to carry his Lordship away. Instantly Mr. Monckton and this Informant put on their cloaths, hurried down stairs and run to Major Horne's house. On entering the garden gate, this Informant heard Lord Pigot say, in a very loud voice, that he would not be carried away alive. This Informant saw Lord Pigot, Major Horne, Lieutenant Colonel Eidington, and Mr. Dalrymple in the veranda; Mr. Monckton and this Informant advanced towards them; Major Horne, on their attempting to go into the veranda said, Gentlemen, you must not come up here; Mr. Monckton replied, you must knock me down then, and jumped up into the veranda: this Informant stood close to it. Immediately after, Lord Pigot, Major Horne, Lieutenant Colonel Eidington, Mr. Dalrymple, and Mr. Monckton then came down from the veranda, and a guard of artillery men, that were on the plain before the house, marched into the garden and were drawn up there, and a chariot (which this Informant has heard was Mr. Benfield's), drove up to the gate. The officer who commanded the guard was a Mr. Gison. This Informant, and the before-mentioned persons all advanced towards the guard. Major Horne asked the officer, Mr. Gison, whether he would obey orders? Mr. Gison the officer dropt the point of his sword. Major Horne then asked the guard, Whether they would obey orders? They made no answer. Mr. Gison, the officer of the guard, then turned round and said to them, Soldiers, will not you obey orders? They made him no answer. Lord Pigot then asked Lieutenant

Lieutenant Colonel Eidingtoun, where were his orders for carrying him (Lord Pigot) away. Lieutenant Colonel Eidingtoun (to the best of this Informant's remembrance) said he could not tell his Lordship. Lord Pigot then asked Lieutenant Colonel Eidingtoun, where he was to carry him. Lieutenant Colonel Eidingtoun said, he could not tell his Lordship. Lord Pigot then addressed himself to Major Horne, threw his arms upon him, and said, "My friend, will not you protect me from such violence, you and I have fought together in Madras, and will not you defend me now." Major Horne said, "I have orders to deliver you up to Colonel Eidingtoun, and I durst not disobey." Lord Pigot then said, "I will not be carried away alive." Lieutenant Colonel Eidingtoun then went on one side of Lord Pigot, and Major Horne on the other. They appeared, to this Informant, each of them to lay hold of his shoulders, as if they had been going to force Lord Pigot into the chariot. Mr. Dalrymple, Mr. Monckton, and this Informant addressed themselves to the soldiers nearly as follows, "Soldiers, will you allow your Governor to be carried off?" Major Horne then turned round and said, "Gentlemen, you must not talk to the soldiers." This Informant, and Mr. Dalrymple, and Mr. Monckton told Major Horne, that they thought it their duty to talk to the soldiers, and that they would. Major Horne and Lieutenant Colonel Eidingtoun then quitted Lord Pigot, and went further off on each side: Lord Pigot turned round to the soldiers, pulled off his hat to them and said, "Soldiers, will you not protect your Governor from violence, I have fought with you in Madras, and will fight with you again if my duty calls me; do not let me be delivered up to traitors, villains who treacherously seized me, almost under the guns of my own Fort; there is that Eidingtoun, that villain, that traitor! stopped me in my chaise (pointing at Lieutenant Colonel Eidingtoun); believe me, soldiers, all those in the Fort are villains and traitors, I will hang them all." Lieutenant Colonel Eidingtoun said to Lord Pigot, "My Lord, I hope you would have more clemency if we were in your power." Lord Pigot replied, "If the law would hang you, I would hang you all." Lord Pigot continued talking to the soldiers, telling them, if he had committed any fault (opening the breast of his waistcoat at the same time), they would punish him by putting the bayonets into his breast. Lord Pigot said several other things to the same purpose, but this Informant cannot recollect all his Lordship said, at this distance of time. After Lord Pigot had been talking to the guards for a considerable time, Lieutenant Colonel Eidingtoun said to Major Horne, "Can you depend upon your

"men?" Major Horne answered, "I am sure I can, I am sure they will be obedient soldiers." Major Horne, and Lieutenant Colonel Eidingtoun then went both out of the garden upon the plain, and continued there five or six or ten minutes; when they returned into the garden, Major Horne thus addressed Lord Pigot, "My Lord, as you express so great reluctance to go away (or words to that purpose), if you pledge me your honour that you will remain quiet in my house, till an answer can come from the Fort, I will pledge you mine to protect you, though I do it at the hazard of my life." Lord Pigot gave Major Horne his honour, that he would remain quiet till an answer could be received from the Fort. Lieutenant Colonel Eidingtoun then said, he would go to the Fort, and acquaint them (the persons in possession of the Government) of his Lordship's reluctance to go away. The guard was then dismissed. Some Madeira wine was brought, whether by Major Horne's orders, or Lord Pigot's desire, this Informant does not know, for Lord Pigot was then so hoarse that one could hardly hear him speak. Lord Pigot then took a glass of wine, and either gave, or desired Lieutenant Colonel Eidingtoun to take another, and said to him, "Colonel Eidingtoun, What I have said of you or to you, my duty required of me, but I entertain no personal enmity toward you;" and, this Informant thinks, shook hands with him. Mr. Monckton, or somebody present said, "Colonel Eidingtoun, it is reported by some of the black people here at the gate, that you have an order to carry Lord Pigot to Gingee, and that Palanquin Boys are placed on the road for that purpose; this gives so black an appearance to your intention of carrying away Lord Pigot, that if you have any orders to the contrary, you had better produce them to exculpate yourself." Lieutenant Colonel Eidingtoun replied, That he had no such orders, that he was to carry Lord Pigot to a very good place; but would not produce his orders, nor would he tell the place where he was to carry Lord Pigot. Mr. Monckton, Mr. Dalrymple, and also Mr. Russell (which last had come into the garden just as the guard had been dismissed), and this Informant, went up to Lord Pigot and expressed their uneasiness that he was so much fatigued and exhausted; they wished him good-night, and took their leave. When they went out of Major Horne's garden, they saw a croud of black people on the plain before Major Horne's garden, who told them that an European had come out with the chariot which drove up to the gate, and when the guard was dismissed, had opened the pans of one or two pistols that he had in his hands (this Informant does not recollect whether the black people said one or two), shook out the powder, and

and said, " *Now, I have no occasion for this to-night.*" About ten o'clock the morning of the 27th, this Informant's Dubash, by name Mycomada, acquainted him that his (this Informant's) Chubdar, who lived with a Seapoy at the Mount, had been acquainted by the Seapoy at breakfast, that Sir Robert Fletcher had been out to the Mount that morning about five o'clock, and had gone in his chariot to Major Horne's back door; that Major Horne had been thereupon called up, who went to the chariot, and was in conversation with Sir Robert Fletcher about a quarter of an hour; of which circumstance this Informant acquainted Lord Pigot.

This Informant recollects, that once at Major Horne's house (the precise day he does not remember), to have seen the last paragraph of an original letter to Major Horne, from Messrs. George Stratton, Sir Robert Fletcher, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay, which, to the best of this Informant's remembrance, was expressed in these words; "If an attempt should be made to rescue Lord Pigot, his life is to answer for it, and this you are to acquaint him of." This Informant knows that this paragraph was communicated to his Lordship.

This Informant further saith, That Lord Pigot did apply to the Mayor's court for a writ of Habeas Corpus, which at first the Mayor's court voted to grant him, but the form of producing the order, or copy of the order by which his Lordship was confined, having been omitted to be produced to the court, that issuing the writ was delayed till the order, or a copy of the order, could be produced; and Mr. Sedgley, Lord Pigot's attorney, came out to the Mount to demand the same from Major Horne; Mr. Halliburton and this Informant accompanied Mr. Sedgley to Major Horne's house, and Major Horne did, in their presence, refuse producing the order, or a copy of the order, by which he held Lord Pigot confined, to Mr. Sedgley, of which this Informant and Mr. Halliburton made affidavit before the Mayor. Afterwards the Mayor's court, upon re-consideration of their powers to grant a writ of Habeas Corpus, voted in the negative.

An application was also made from Lord Pigot to Sir Edward Hughes, also Mr. Ruffel, Mr. Dalrymple, and Mr. Monckton, and this Informant did write a letter to Sir Edward Hughes, to take his Lordship under his protection. This was done between one and two
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in the morning of the 28th, after their return from Major Horne's house: but this application did not produce the desired effect.

(Signed) RICHARD LATHOM.

Sworn the 19th of May, in the seventeenth year of the reign of King George the Third, and in the year of our Lord 1777, before me

(Signed) G. A. RAM, Coroner.

(A true Copy.)

WM. SEDGLEY, Clerk of Peace.

Town of MADRASPATNAM. ff.

The INFORMATION of Sir Edward Hughes, Knight, Commander in Chief of his Majesty's Squadron in India, taken before me George Andrew Ram, his Majesty's Coroner for the said Town, on an Inquisition taken at the Company's Garden-house, about a Mile distant from Fort St. George, on the View of the Body of the Right Honourable GEORGE Lord PIGOT, there lying dead, and by Adjournment at the House of Mr. George Smith (Foreman of the said Inquest), in the said Fort.

THIS Informant, on his oath, saith, That he knew Lord Pigot in England, after his arrival from India, about the year 1764, that his Lordship appeared to him to enjoy perfect health. This Informant has not had very frequent intercourse with his Lordship since his last arrival in India. He has had more intercourse with his Lordship since his confinement at the Mount than before. It was some time in August last, late on a Saturday night, that this Informant heard that Lord Pigot was put under restraint at St. Thomas's Mount. Early the next morning (being Sunday) he saw Lord Pigot at the Mount under restraint.

This Informant had gone to the Mount to be satisfied where Lord Pigot was. He had free access to Lord Pigot; but Major Horne (at whose house Lord Pigot was) told this Informant, that any conversation with Lord Pigot must be in his (Major Horne's) presence. But after that morning this Informant conversed with Lord Pigot as he pleased. At the very same time Major Horne shewed this Informant an order, which he (Major Horne) gave as a reason for preventing this Informant from having a private conversation with his Lordship. This Informant believes this order was from Colonel Stuart, but he doth not recollect the purport of it.

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Three or four days after his Lordship was put under restraint, he applied to this Informant for the protection of his Majesty's flag. This application was made in the morning after an attempt to remove his Lordship from the Mount over night. This Informant, upon this application, requested of the Gentlemen then in possession of the Government, that Lord Pigot might have safe-conduct to the Fort, or to this Informant's ship, that being his Lordship's request to this Informant. This request the Gentlemen in possession of the Government did not think proper to grant. This Informant has heard that Lord Pigot afterwards applied to the Mayor's Court for a writ of Habeas Corpus, but he cannot speak of that matter from his own knowledge. This Informant remained some time at the Mount for the satisfaction of Lord Pigot and his friends: but he did not consider this in the light of protecting Lord Pigot against any other attempt to carry him away. Mr. George Stratton had told this Informant, for his satisfaction (the evening after the aforesaid attempt to remove Lord Pigot from the Mount), that his Lordship should not be removed without this Informant's knowledge.

The first morning that this Informant was at the Mount he observed some of the Nabob's cavalry picketted between the house of Major Horne and the house where Mr. Monckton and Lord Pigot's family resided: he believes there might be twenty. Before this Informant went to Trincomallee, Lord Pigot applied to him to procure their removal, appealing to this Informant, whether it were safe for him (Lord Pigot) to go out of sight of the European guard at Major Horne's house, whilst these horsemen remained there; or saying something to that purpose. This Informant thereupon made application to the Gentlemen in possession of the Government the day before he sailed for Trincomallee (which was the 15th of October last), they sent this Informant for answer, That there were only ten men intended for the convenience of carrying messages to and from the Mount; however, on this Informant's application, the horsemen were immediately removed. Also, before this Informant sailed for Trincomallee, Lord Pigot addressed a letter to him, relative to Criminal Courts being held by the Gentlemen in possession of the Government, which this Informant transmitted to them; and these Gentlemen answered him that they had received it.

Since this Informant's return from Trincomallee, about the 18th of January last, he has heard that it was moved to send Lord Pigot home by the Lions; but this Informant does not know of any proposal

posaf to the Captain of the Lioness, or to any other person, to take Lord Pigot on board ship. When this Informant sailed for Trincomallee, he had no reason to believe that the Gentlemen in possession of the Government had any intention of sending Lord Pigot to England. This Informant has heard Lord Pigot's friends say, that his Lordship would not suffer himself to be carried away by force alive; but he never heard it from Lord Pigot.

When this Informant has visited Lord Pigot at the Mount, he appeared to be always under restraint, as an officer always accompanied him. In this visit Lord Pigot never conversed with this Informant concerning his Lordship's situation, and very seldom of the Gentlemen in possession of the Government, scarce ever respecting the late disputes at this place.

The day Lord Pigot removed from the Mount to the Company's Garden-house, or about the 28th of April last, this Informant was present at a conversation between Major Horne and Mr. Monckton, at the Garden-house, the purport of which, as well as this Informant recollects, was as follows: Major Horne told Mr. Monckton, that Mr. George Stratton had signified to him the opinion of the Council, composed of the Gentlemen in possession of the Government, that Lord Pigot was still under his (Major Horne's) charge; that the Jemidar's guard at the gate was put under his (Major Horne's) directions, which should be to prevent any noise or disturbance; that he (Major Horne) should not remain there, but return to the Mount the next day. This Informant thinks Mr. Monckton said, that Lord Pigot could not be told of it, and Major Horne said it was unnecessary. The day before, or the day on which Lord Pigot died, Mr. Monckton shewed to this Informant a paper on which he had taken down the substance of his conversation. The contents of the paper appeared to this Informant to be nearly the purport of the said conversation, and he told Mr. Monckton so.

The day before Lord Pigot's death, this Informant cannot say whether it were the day before or two days before, Mr. George Stratton took an opportunity of desiring this Informant to communicate to Mr. Monckton, that he (Mr. George Stratton) should like to attend the funeral, if the event happened, as chief mourner, or in any other capacity, if he were invited; but as things were circumstanced he (Mr. George Stratton) thought it was not proper to go
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without an invitation. This Informant mentioned this to Mr. Monckton.

This Informant says, that he means by the Gentlemen in possession of the Government there, who addressed him as a Board of Council, when the disputes before mentioned arose, namely, Mr. George Stratton, Sir Robert Fletcher, Mr. Henry Brooke, Mr. Charles Floyer, Mr. Archdale Palmer, Mr. Francis Jourdan, and Mr. George Mackay, he has had addresses from them since, they have been fewer in number, but does not remember seeing any other name or names in their addresses to him.

This Informant hath seen an order relative to any attempts to rescue Lord Pigot, but he does not exactly recollect the purport of it, but he transmitted it home with other papers relative to the disputes at this place.

(Signed) EDW. HUGHES.

Sworn the 21st day of May, in the seventeenth year of the reign of King George the Third, and in the year of our Lord 1777, before me,

(Signed) G. A. RAM, Coroner.

Town of MADRAS PATNAM. §.

The INFORMATION of Telasinga, Peon, taken upon Oath before me George Andrew Ram, Coroner of our Lord the King for the Town of Madraspatnam aforesaid, on an Inquisition held at the Company's Garden-house, about a Mile distant from Fort St. George, within the Districts of the said Town, on the View of the Body of the Right Honourable GEORGE Lord PIGOT, there lying dead; and, by Adjournment, at the House of Mr. George Smith (Foreman on the said Inquest), in the said Fort.

THIS Informant on his oath, saith, That he served Lord Pigot when he was before Governor. He has also served Lord Pigot from the day of his Lordship's last arrival until the day of his death.

This Informant was present at the Fort-gate when Lord Pigot and Colonel Stuart went into his Lordship's chaise: Lord Pigot gave this Informant his sword and cane as usual, with orders to follow him: this Informant had hold of the chaise and run along with it, near the furthestmost bridge on the Island the chaise was stopped by two officers, the one was Captain Lysaght, and, this Informant believes, the other was Mr. Sydenham; a number of sepoy's with fixed bayonets stopt the horses. The officer who was to the right of the chaise requested that Lord Pigot would alight. Lord Pigot asked him by whose orders he was to come down. The officer said, by General Fletcher's orders. Lord Pigot making some difficulty, the officer said, You had better come down, or else there will be trouble. Colonel Stuart said to Lord Pigot, You had better go down and speak to that officer. The officer attempted to take Lord Pigot by the wrist,

whereupon Lord Pigot sprung out of the chaise. Colonel Stuart also left the chaise. Then the officer that was to the left of the chaise came round, and they all moved a little way. Colonel Stuart halted; then the other two officers and Lord Pigot walked under some trees, where there was a chariot. One of the officers opened the door, from which a serjeant sprung out, who went round and seated himself behind the carriage, and wrapped himself up in a cloak. Lord Pigot went into the chariot. This Informant was going to give Lord Pigot his sword and cane, upon which Lord Pigot told this Informant that he might follow. Captain Lysaght went into the chariot with Lord Pigot. This Informant observed that the officers had swords in their hands, but not drawn. Then Captain Lysaght pulled to the door of the chariot, and the chariot drove on, and this Informant followed. There was an European postillion who drove the chariot. Two Musalgee boys accompanied the chariot, who told this Informant that it was Mr. Benfield's chariot. The Musalgees also told him, that the man behind the chariot had loaded pistols, and that he was a fool to keep so near the carriage lest any hurt should come to him. Then this Informant quitted the hold which he had of the carriage, and followed it. About the long tank this Informant heard the firing of the eight o'clock gun about General Lawrence's house at the Mount. This Informant hurt his foot, and could not follow the carriage so close as before; the carriage drove very hard, and it was with great difficulty that he kept up with it so long. When this Informant arrived at Major Horne's house he saw Lord Pigot and Captain Lysaght walking in Major Horne's veranda, and he saw Major Horne in the hall writing. After finishing what he was writing Major Horne shewed the paper to Lord Pigot, upon which Lord Pigot delivered it to Captain Lysaght, and requested him to let his daughters see it. This Informant observed a single horse-chaise at the gate, Captain Lysaght got into it, and drove away. Soon after, this Informant saw an officer, a drummer, and some private men come before the gate; then Major Horne went out and returned with an officer (who, this Informant learnt, was the Adjutant) with two men, who were placed centinels within the gate before the house, and Major Horne pointed to Lord Pigot and told the centinels that was Lord Pigot. (This Informant stood near and heard this.) Major Horne then returned into the house where Lord Pigot was. The centinels asked this Informant who he was; he answered, that he belonged to Lord Pigot. They asked whose sword and cane this Informant had in his hands; he said, Lord Pigot's. The centinels said, "Go away, you rascal."

This Informant then went out of the garden. He kept the sword and cane all night, and the next morning delivered them to another of Lord Pigot's Peons, and returned to Madras.

(Signed) TELASINGA.

Sworn the 21st day of May, in the seventeenth year of the reign of King George the Third, and in the year of our Lord 1777, before me,

(Signed) G. A. RAM, Coroner.

(A true Copy)

WM. SEDGLEY, Clerk of Peace.

Town of MADRASPATNAM. ff.

The INFORMATION of William Hamilton, in the Service of the East India Company, taken upon Oath, before me, George Andrew Ram, Coroner of our Lord the King, for the Town of Madraspatnam aforesaid, on an Inquisition held at the Company's Garden-house, about a Mile distant from Fort St. George, on the View of the Body of the Right Honourable GEORGE Lord PIGOT, there lying dead; and, by Adjournment, at the House of Mr. George Smith (Foreman of the said Inquest), in the said Fort.

THIS Informant, on his oath, faith, That he is deputy to the military Pay-master.

That the half batta which had been struck off in the month of February 1776, was put on again at Tanjour on the 29th of August last, as he knows by the accounts signed by the Paymaster at that place; and transmitted to the military Paymaster General. This Informant has reason to believe that it was put on at the same time at the other out-garrisons, where it had been formerly paid; but those accounts do not come to his office, but to the Superintendent of the Nabob's accounts.

This Informant further faith, on his oath, That there was a gratuity of twenty Pagodas per day, paid Major Horne at the Mount, during Lord Pigot's confinement. The vouchers which are in his office, specify that it was for extraordinary expences incurred

incurred by Major Horne, during Lord Pigot's residence at his house.

(Signed) WM. HAMILTON.

Sworn the 21st day of May, in the seventeenth year of the reign of King George the Third, and in the year of our Lord, 1777, before me,

(Signed) G. A. RAM, Coroner.

(A true Copy.)

WM. SEDGLEY, Clerk of Peace.

Town of MADRAS PATNAM. ff.

The INFORMATION of William Howard, Servant to Claud Ruffel, Esq. taken upon Oath before me George Andrew Ram, Coroner of our Lord the King for the said Town, on an Inquisition taken at the Company's Garden-house, about a Mile distant from Fort St. George, within the Districts of the said Town, on the View of the Body of the Right Honourable GEORGE LORD PIGOT, there lying dead; and by Adjournment, at the House of Mr. George Smith (Foreman of the said Inquest), in the said Fort.

THIS Informant, on his oath, faith, That he came to the Company's Garden-house, the day after Lord Pigot was removed thither, and remained there until two days after his Lordship's death.

The serjeant who was at the gate, and who had the charge of the guard all the time from the coming of this Informant to the Garden-house, till his Lordship's death, told this Informant, that the guard was under Major Horne's orders.

This Informant standing at the gate, either the evening before Lord Pigot's death, or two evenings before, the Commodore's coachman then speaking to him, relative to Lord Pigot's confinement; the serjeant who was upon guard said, that the guards there were placed over Lord Pigot, and were under the orders of Major Horne, and that he (the serjeant) gave a written report to Major Horne, of the occurrences at the Garden-house in the course of the day. This Informant does not know the serjeant's name.

The morning that Lord Pigot died, the serjeant came into the room where this Informant was, and asked for Mr. Nutting, his

Lordship's servant; this Informant told him, that Mr. Nutting was attending his Lordship. The serjeant said, he was come to acquaint Mr. Nutting, that his Lordship was released, and that he was going to town; and in case of his Lordship's death, the Sepoys were to take no charge of his Lordship's effects. About an hour after this, Lord Pigot died. This Informant did not mention this conversation to Mr. Nutting, or to any other person, till after his Lordship's death; and he further declares, that while Lord Pigot lived, this Informant observed, that about dark, additional guards were placed about the Garden-house, in stations where there were none during the day.

(Signed) Wm. Howard.

Sworn the 31st day of May, in the seventeenth year of the reign of King George the Third, and in the year of our Lord, 1777, before me,

(Signed) G. A. RAM, Coroner.

(A true Copy.)

Wm. SEDGLEY, Clerk of Peace.

The CORONER's Charge to the Jury.

Gentlemen of the Jury.

YOU have now heard all the evidence which I should think could be necessary, to enable you to form a judgment in the present case; as the evidence has been long, and one of the Jury has observed, that he never served on an Inquest before, perhaps it may not be amiss in me to take notice of some particulars in the evidence, and to propose such previous questions for your determination, as in my opinion, may facilitate the finding of your verdict.

The first question I would propose to your consideration is, Whether or not Lord Pigot died in confinement?

The evidence on this head appears to be as follows: That Lord Pigot was under confinement at the Mount; that at his removal from thence to the Company's Garden-house, there was no appearance of a military guard; that after the arrival of Lord Pigot at the Garden-house, Mr. Stratton should say to Mr. Pasley, that his Council had under consideration, the committing Lord Pigot to a military guard; that on the evening of the day on which Lord Pigot arrived at the Garden-house (viz. the 28th of April), Major Horne (under whose charge Lord Pigot was whilst at the Mount) should tell Mr. Monckton, son-in-law to the deceased, that he (Major Horne) had like to have been severely censured; for not guarding Lord Pigot on the road from the Mount to the Company's Garden-house, and that from thenceforward Lord Pigot was to be considered as under his (Major Horne's) custody. It likewise appears from the evidence, that Mr. Sydenham the Town Major, did put the Sepoys, before stationed at the Company's Garden-house, under the orders of Major Horne; and that soon afterwards, a serjeant was stationed at the Garden-house, to make daily reports to Major Horne: that Lord Pigot continued at the Company's Garden-house from the 28th of April, till the 11th of May; that on the morning

Monckton,
Stone, Rufel, Lathom
Sir Edward
Hughes,
Nutting,
Davis, Pasley.

M.

M.

R.

R.

R.

M.

S.

S. morning of the 11th of May, the day on which Lord Pigot died,
R. Mr. Stone heard from the said serjeant, and Mr. Ruffel from his
European servant, that Major Horne had been at the Company's
gardens the night preceding, about eight o'clock, and had told the
serjeant, that he was no longer to consider Lord Pigot under con-
R. finement, or to take charge of his body or effects. Mr. Ruffel ob-
serves, that Lord Pigot's friends could not consider what the serjeant
had said to Mr. Stone, as an official information. Indeed I cannot
help here observing to you, Gentlemen, that when Lord Pigot was
seized and confined, his seizure and confinement was proclaimed to
lama- the whole Settlement, and notice of it sent to all parts of India; but
when he is to be released, the removal of his guards is told to a ser-
jeant only. To proceed with the evidence, we learn from Messrs.
M. R. Monckton and Ruffel, that Lord Pigot's life had been for some days
despaired of; Mr. Stone says, that he did not expect to find Lord
Pigot alive, when he went on the morning of the 11th, to the Gar-
den-house. It also appears, from the evidence of Mr. Pasley, that
P. he had acquainted Mr. Stratton with the dangerous situation Lord
Pigot was in, some days before his death. It appears from the evi-
E. H. dence of Sir Edward Hughes, that Mr. Stratton was so far convinced
of his Lordship's approaching dissolution, that he proposed, through
Sir Edward Hughes, to be chief mourner at the funeral; this con-
versation between Sir Edward Hughes and Mr. Stratton, passed a
day or two before his Lordship's death. I also beg leave to observe,
M. that an expectation of his Lordship's death is tacitly implied in the
N. order, said to be given to the serjeant, viz. that he should not take
charge of Lord's Pigot's body or goods.

M. We also learn from Mr. Monckton, that after his Lordship's de-
cease, about eleven o'clock in the forenoon of the 11th instant, he
wrote a letter to Major Horne, to demand the body of Lord Pigot;
in answer to which, Major Horne acquaints him, that the guard was
taken off Lord Pigot the night before, and that this was the first of-
ficial information Lord Pigot's son-in-law received of this matter.
The original letter from Major Horne, Gentlemen, was produced to
you.

Now, Gentlemen, all these circumstances considered, you will
judge whether Lord Pigot can or cannot be considered as one who
died under confinement; when the first official notice received by his
friends of his release, was not till after his death, and when his life
had for some days been despaired of by the surgeons.

For

For my own part, Gentlemen, I will observe to you, that in my
opinion, no man can be said to be released from confinement, till he
or his friends have official notice of his release; whether what the
serjeant said to Mr. Stone was or was not such official notice, I leave
to your determination.

On the whole, if you find that Lord Pigot did not die in confine-
ment, a doubt may arise, as to the necessity of holding this Inquest,
on which I will (in that case) give you my opinion.

If you find that Lord Pigot did die under confinement, you will
next proceed to your verdict, on which I have much to observe to
you; but first, I must premise, that in the following charge, I have
not taken notice of the distinction, a general and special verdict;
because this will make no difference in the Inquest, which must be
attested by the Jurors, as well as by the Coroner; the reason why it
will not, I shall give, after pointing out in what the distinction
consists.

The distinction between a general and special verdict appears to
me to be as follows: When a man is indicted for any crime or of-
fence, as for murder, for manslaughter, for a robbery, &c. the Jury
may either find their verdict general, guilty or not guilty (that is, of
the offence laid in the indictment), or they may find a special verdict,
setting forth all the circumstances of the fact, and leave it to the Court
to determine, what offence all the circumstances of the fact, as found
by them, is in the eye of the law; whereby they (the Jurors) avoid
judging of points of law. Now, the Jury on an Inquest, who are
sworn to enquire, when, where, and after what manner the de-
ceased came to his death, must of course specify the circumstances
which caused the death, which must be entered on the Inquest.

And as an Inquest in this respect, resembles a special verdict, so
the Coroner being under an indispensable necessity in his Inquest, to
keep to and observe all those words of art, which the law hath appro-
priated to the description of an offence; for no paraphrases or circum-
locution will supply the want of them, let all the circumstances be
never so exactly set forth, the verdict of his Inquest will in that re-
spect, resemble a general verdict; and as I before observed, the In-
quest must be attested as well by the Jurors as by the Coroner.

I now proceed to the next question.

II.

The next question, Gentlemen, may either determine your verdict, or serve to facilitate the finding of it; and here, Gentlemen, I beg leave to observe to you, that your verdict must be positive, and not by way of relation, inference, or opinion; for if it is not positive, it is no judgment, and I cannot receive it as a verdict. The question I propose to your consideration is, Whether Lord Pigot's death were or were not a consequence of his confinement? or, in other words, Whether Lord Pigot's confinement were or were not the cause of his death?

M. The evidence on this question, appears to be as follows: and first,
R. the evidence read to the surgeons for their information, as to matter
N. of fact.

M. By this, it appears, that Lord Pigot was seized and confined on the
R. 24th of August last; that for some time his Lordship's confinement
N. was more strict; that afterwards Major Horne (at whose house Lord
M. Pigot was confined) relaxed somewhat of the strictness of it.

M. That on the night of the 27th of August last, an attempt was
R. made by Lieutenant-colonel Eidingtoun (Adjutant-general) and Major
N. Horne, to remove Lord Pigot from the Mount, which threw his
L. Lordship into violent agitation, and he exerted himself very much in
M. speaking to the soldiers under Major Horne's command, so as to be
N. heard at a great distance. My Lord's servant says, that he heard his
M. R. S. Lordship's voice at a house called General Lawrence's; which the
S. evidences fix at about a quarter of a mile distant from Major Horne's
house. That this exertion rendered Lord Pigot exceeding hoarse,
which hoarseness did not go off for some time after.

R. It appears, that after this attempt, Lord Pigot applied to Sir Ed-
M. ward Hughes, for the protection of his Majesty's flag; how far he
L. obtained it is related by Sir Edward Hughes.

Records of That afterwards Lord Pigot applied to the Honourable Mayor's
L. Court, for a writ of Habeas Corpus, which his Lordship had at first
some reason to expect he should obtain, but was afterwards dis-
appointed;

appointed; the Court not thinking they had power to grant such a writ.

It also appears, from the evidence, that there was an order given to Major Horne, in which were the following remarkable words:
"As the last resource in case of an attempt to rescue Lord Pigot, his life must answer it, and this you will signify to him." It does not appear that this order was ever withdrawn, but rather the contrary.

It also appears, from the evidence, that, in October last, Lord Pigot had intimation of a letter having been written to Bengal, for the concurrence of the Governor-general and supreme Council, to send Lord Pigot to Europe. That on the arrival of the *Lioness* Indiaman, the beginning of January, his Lordship had intimation that the people then in power were debating upon sending his Lordship home.

That Mr. Larkins, Captain of the *Lioness*, informed Lord Pigot that he had been applied to by one of the then Council, to take his Lordship on board his ship, who had said to him, "if you will not, your chief mate will." That Lord Pigot was so much alarmed on this occasion that he would not stir from Major Horne's house (as before he usually did), telling Major Horne that he had been kidnapped once, but would take care not to be kidnapped again, and assuring Major Horne, and several others, that he would not be removed alive. Mr. Ruffel informs us that he secretly provided his Lordship with the means of making resistance, which (it also appears by the same witness) Lord Pigot kept ready by him till his removal to the Company's Garden-house for the benefit of his health. His Lordship's sentiments on this matter are set forth in the letter from Major Horne to Mr. Stratton, a copy of which you saw, Gentlemen, in Lord Pigot's hand-writing, setting forth that Lord Pigot had told him (Major Horne) that "he (Lord Pigot) was informed that seizing him and sending him on board some ship was under consideration; that he understood there were different opinions, however, resolved on; he was determined not to be carried alive; he said, if the East India Company or the King's minister disapproved of his conduct, let them send him his dismissal, and he would return to England, and face any charge they had against him there; but as both sides had wrote to Eng-

"land, he could not leave the country until directions arrived in consequence of those dispatches."

M. It also appears that several inhabitants of the settlement, sensible
R. of the danger to which his Lordship was exposed, addressed a remon-
S. strance to the people in power against sending Lord Pigot home.

R. That about the 20th of January last Lord Pigot saw copies of the
S. letters to Bengal on this subject, and the answer from the supreme
aliburton. Council, encouraging the people in power here to send his Lordship
S. home, if they thought it would be attended with good consequences.
R. S. It also appears that this alarm was kept up in his Lordship's mind,
Palley. by his Lordship's receiving intelligence from Mr. Pasley that he
would soon receive an official letter to assure him that the intention
of sending him home was laid aside; a draft of such a letter was
shewn to his Lordship, with the remarks of several persons upon it,
disapproving of it; copy of which, Gentlemen, you also saw in his
S. Lordship's hand-writing. And Mr. Stone informs us, that Lord
Pigot used to take copies himself of any paper containing informa-
tion which he received privately, and destroy the papers themselves,
to prevent any discovery of the persons from whom he got his
information.

R. Soon after, instead of this intended letter, another was sent to
S. Major Horne to shew his Lordship, which implied only that the
people in power would not send him home by the ship then under
dispatch.

R. His Lordship's resentment, upon being shewn this letter, is
S. evident from a remark of his, which you also saw, gentlemen, in his
own hand-writing. This letter was dated the 20th of January.

edgley. Mr. Sedgley bears testimony that a knowledge of this intention
Haliburton. greatly agitated Lord Pigot, and Mr. Haliburton, that Lord Pigot
M. considered this letter from Bengal as the highest insult and indignity.
N. However, neither Mr. Monckton nor my Lord's servant observed
that this letter had any apparent effect on Lord Pigot's health or
spirits, which Mr. Monckton attributes to Lord Pigot's great re-
serve. But Mr. Russel says, notwithstanding his reserve, Lord
R. Pigot gave him reason to think that he was much hurt, particularly
S. by the letter of the 21st of January. And Mr. Stone says, that it

was

was apparent to himself, and his whole family, that Lord Pigot
never after recovered those spirits which he appeared to have before.
It also appears that Lord Pigot's sickness was apparent on the 5th
or 6th of March last. Mr. Russel says, that upon comparing cir-
Mallet. cumstances, it was apparent to them (Lord Pigot's friends) that for
R. eight, nine, or ten days before, Lord Pigot had not been so well as
usual. Mr. Pasley says, he cannot determine how long his Lord-
P. ship's disorder had taken place in his constitution before (it was
apparent), but that all disorders of a similar kind with his Lord-
ship's, have their causes existing in the constitution long before
they appear.

It further appears, from the evidence, that his Lordship's disorder
increased to a dangerous height, that, however, he grew better to-
wards the latter end of March. M.
P.
R.
Mallet.

The beginning of April he was attacked with a return of his dis-
order, and grew daily weaker till the 28th of April, when he was
removed, in consequence of the recommendation of Mr. Pasley, to
the Company's Garden-house for the benefit of the air; that on the
11th of May his Lordship died. R.
P.

All the witnesses bear testimony to Lord Pigot's good health both
in England and here, previous to his confinement at the Mount,
as far as has come to their knowledge; they also mention that Lord
Pigot took frequent exercise, particularly walking and riding in an
open chaise, before his confinement. M.
R.
S.
S.
P.
Anderson.
N:

Messrs. Monckton, Stone, and Russel, represent that Lord Pigot
never went out but once in a carriage after his confinement, and
represent his exercise in general to have been much less after his
confinement than before. Lord Pigot's servant mentions, that his
N. Lordship never went out but once in a chaise after his confinement,
and gives a reason to believe that the guard who attended Lord Pigot
had orders to prevent his Lordship, had he attempted to get into a
carriage. Lord Pigot's servant says, that he thinks the exercise
which his Lordship took after his confinement, might be altogether
as much as he took before, but observes that it was confined to one
place; with regard to Lord Pigot's health in his confinement, it does
not appear that any notice was taken of an abatement of it till shortly
before Mr. Pasley was sent for.

M. Messrs. Monckton, Stone, Ruffel, and Pasley, bear testimony,
S. that Lord Pigot was uncommonly reserved, especially in every thing
R. which regarded himself.
P.

Messrs. Monckton and Ruffel both affirm that Lord Pigot had great sensibility in his disposition, and that he was exceedingly temperate in his diet. The evidence depose that the age of Lord Pigot, when he died, was fifty-eight years.

I now, Gentlemen, proceed to the evidence of the surgeons, relative to this question, and here beg leave to observe, that I should think it would be more safe for the Jury, on this question, to go upon the opinions of the surgeons, in relation to the particular disorder of which Lord Pigot died, rather than on any application which the Jury themselves may make from the general opinions of the surgeons to the particular case of Lord Pigot; though the answers of the surgeons, to the general questions put to them, may serve to corroborate this evidence, on the particular case of Lord Pigot, if they are found to correspond therewith; however, on this matter, every man will judge for himself.

Pasley. Gentlemen, the evidence of the surgeons is to the following purport: and first, Mr. Pasley, in answer to the general questions, gives it as his opinion, that the passions, and all the circumstances which affect the mind, will of course so affect the body as to produce disorders. But he observes, that advanced life has generally more firmness and fortitude, and less sensibility of nerves, and is therefore more able to support the injuries which arise from a change of situation, and other misfortunes. As to what more particularly relates to Lord Pigot, Mr. Pasley informs us that Lord Pigot died of a putrid bilious fever, originated in a disordered liver; that disorders of this kind are occasioned from a great variety of causes, as intemperance, impaired digestion, passions of the mind, indolence, and want of exercise.

Mr. Pasley (as well as Lord Pigot's servant, and his most intimate acquaintance Messrs. Ruffel, Stone, and Monckton) bear testimony of his Lordship's good constitution, and the great share of health he enjoyed before his confinement.

Also in answer to the question, whether his Lordship's general good health was not a proof that the exercise which he usually took
agreed

agreed with his constitution, and was of great consequence in preserving his health? Mr. Pasley answers, that he does think it was. After this Mr. Pasley observes, that all involuntary restraint, accompanied with uneasiness of mind, are productive of disorders, and no doubt, in many respects, contributed to lay the foundation of his Lordship's disorder. On the other hand, Mr. Pasley observes, that Lord Pigot's illness was a disorder peculiar to this country, and that men in all situations are subject to disorders of the same kind. He concludes his answer to this question, which is the twelfth, by saying, that uneasiness of mind, and diminution of exercise, never fail to produce bilious disorders, of which his Lordship died.

I beg leave to observe to you, that from the latter part of Mr. Pasley's answer to the thirteenth question (the former part hath been already taken notice of), it clearly appears that Mr. Pasley considered the second illness of Lord Pigot as a return of the first, rather than a fresh disorder; he also intimates, that Lord Pigot was not so willing to take his advice, to prevent a return of his disorder, as might have been expected.

Upon this part of the evidence, I must beg leave to quote a passage from Serjeant Hawkins, as follows: Book I. chap. xxxi. sect. 10. "If a person, hurt by another, died thereof within a year and day, it is no excuse for the other, that he might have recovered if he had not neglected to take care of himself."

Mr. Pasley, in answer to another question, observes, in general, that the feelings of injuries, and the effects they have upon the constitution, must always be in proportion to the character, the dignity, and prospects of the person who experienced the injury.

The answer to the sixteenth question, whether the exertion apparent in Lord Pigot, in the attempt to remove him from the Mount on the night of the 27th, might or might not lay the foundation of his Lordship's disorder? Mr. Pasley observes, that the more usual effects of passion, and violent exertions, are to produce immediate disorders.

In answer to the seventeenth question, whether Lord Pigot's knowledge of an intention to transport him to Europe might not occasion his Lordship's disorder? Mr. Pasley tells us, he cannot say that that in particular did, but that that and other distresses, during
his

his Lordship's confinement, have contributed to lay the foundation of the disorder of which his Lordship died.

The answer to the nineteenth question, how long the disorder might have lain dormant on his Lordship's constitution? Mr. Pasley says, that all disorders of the mind have their causes existing in the constitution long before they appear; of this I have before taken notice.

In answer to the twenty-third question, whether it be not probable and likely, from his Lordship's state of health before his confinement, that he might have lived longer, had it not been for the confinement of his person, and the treatment he met with in that confinement? Mr. Pasley says, that he has already observed that his Lordship's situation, and the circumstances that attended it, had contributed to lay the foundation of the disorder of which his Lordship died, but that he cannot say whether in any situation his Lordship might not have been attacked with disorders.

Mr. Pasley's answer to a general question, on his Lordship's disorder, is as follows: "After what I have said on the subject (the cause of his Lordship's disorder), I have only observe, that during the cold months, when his Lordship seemed to be in perfect health, the weather counteracted the effects of his confinement, and other circumstances that might contribute to form a disease; but the heat of the sun in the spring, by increasing a redundance of bile, and giving it a tendency to putrefaction, brought on more speedily his Lordship's illness."

So far Mr. Pasley upon this point; and we further learn from him, that he continually attended Lord Pigot the first part of his illness, whilst any danger remained, and that, during the latter part of his illness, Mr. Pasley staid in the house with his Lordship. I also found Mr. Pasley in the house after his Lordship's decease.

It may not be amiss here to observe that Mr. Pasley has practised upwards of twenty years in this country, sixteen years of which he has been one of the principal surgeons of the establishment.

son. The evidence of Mr. Anderson is as follows: The purport of his answers to the general questions put to him is, that the passions and affections of the mind may sometimes have an effect on the constitutions

tions of such persons as are not so much of philosophers as to have conquered their passions and affections, but those affections are frequently produced from the diseases of the body.

He thinks that the passions make less impressions on persons in advanced life, as they have more reason and reflection, and have had time for more observation of mankind and themselves.

He says, there is no sort of doubt but great alterations, in respect to exercise and manner of life, are attended with much risk.

As to his particular knowledge of Lord Pigot's disease, he acquaints us, that Lord Pigot's disease was a bilious and putrid complaint, that he thought that Lord Pigot's liver was enlarged, which he could more easily judge of from Lord Pigot's being much emaciated. That he visited Lord Pigot but twice during his sickness at the Mount: that in one of those visits Lord Pigot acquainted him, that he (Lord Pigot) dated his illness from having caught cold by drinking punch after having heated himself in Mr. Monckton's garden, but Mr. Anderson cannot say whether this conversation related to the first or second time that Lord Pigot was taken ill.

Mr. Anderson bears testimony to the general good health of Lord Pigot, and tells us, that Lord Pigot informed him that, whenever he found himself a little out of order, his remedy was abstinence, and that he never used to apply to the surgeons for medicines. This also is confirmed by Messrs. Ruffel, Monckton, Stone, and Pasley. In answer to the question, whether his Lordship's general good health be not a proof that the exercise which he took, before his confinement, agreed with his constitution, and was of great consequence in preserving his health? Mr. Anderson says, that no doubt it must have contributed to preserve not only his health, but his strength.

I next proceed to the evidence of Mr. Davis. Mr. Davis observes, that having never attended Lord Pigot, nor been consulted (by the surgeons who attended him) on the disease of which his Lordship died, he cannot say what the disease was, nor any thing certain regarding it. In answer to a general question, whether a deep sense of injury and affront (if often repeated, and long continued) do not prey upon the mind, and occasion obstinate disorders? he says, that, in his opinion, it does, and that it may so affect the constitution as to produce dangerous disorders.

Davis

That

That it is dangerous to tamper with the human passions, for from the passions of the mind the human body may be so affected as to produce the most violent disorders; the answer to the question, whether the effects of the passions be more easily produced on persons in advanced life? he says, he is of opinion that they are.

He bears testimony to the general good health of Lord Pigot, and says, we may judge of the benefit which the exercise he took (before his confinement) was to him from the good health he enjoyed.

He is of opinion, that anxiety and a peculiar strong agitation of mind, from many causes, may not only fix disease and increase it, but even render it mortal.

He says, that had the circumstances happened to him, which happened to Lord Pigot, they would have so irritated the passions of his mind as to produce disagreeable effects on his constitution.

He is of opinion, that all the anxieties and vexations that happened to Lord Pigot, during his confinement, might serve to injure his Lordship's constitution.

Edlet.

Mr. Mallet having acted under the directions of Mr. Pasley, during Lord Pigot's illness, his evidence is chiefly to matter of fact, and therefore not necessary to be taken notice of here.

Such parts of the evidence of Mr. Lathom, Sir Edward Hughes, and Mr. Pasley, as corroborate the evidence read to the surgeons I have occasionally referred to, though their evidence was not taken till afterwards.

In stating the above evidence, the Jury will observe, that I have purposely confined myself to what regards the present question; such part of the evidence as have a relation to the questions that may hereafter be put, shall be taken notice of when those questions are proposed. I must further observe, that the Jury will do well to consider the whole evidence of the surgeons, which I have but imperfectly abstracted, and in particular that of Mr. Pasley, who appears to have been most acquainted with Lord Pigot's illness. Now, Gentlemen, upon this evidence, you will determine whether Lord Pigot's confinement were or were not the cause of his death.

If

If you find that Lord Pigot's confinement, and treatment he met with in that confinement, were not the cause of his death, your verdict will of course be, that Lord Pigot died by the visitation of God in the course of nature.

If you find that Lord Pigot's confinement, and treatment in that confinement, were the cause of his death, I have other questions to propose which, in my opinion, will facilitate the finding of your final verdict; why; and for what reason this last finding verdict, I shall discuss, if there be occasion to come to the next question.

One thing more I have to observe, that, in my opinion, none of the witnesses have given a satisfactory account of Lord Pigot's temper, any further than his great reserve, which might arise from a delicacy in those nearly connected with his Lordship. I therefore, Gentlemen, think that there is no impropriety in mentioning what has occurred to me on this subject; and you, Gentlemen, who have been personally acquainted with Lord Pigot, will be able to judge whether my observation on Lord Pigot's temper be just or not. Now, Gentlemen, Lord Pigot always appeared to me to have been naturally a man of what is called a hasty temper, but who had so far got the better of this natural disposition, that he could command it when there was occasion: my reasons for thinking so, are, that I have sometimes observed Lord Pigot to appear angry upon trivial occasions; but when his Lordship has had great cause of vexation, I never could observe any appearance of anger in his Lordship, which I always attributed to the command he had obtained over his natural disposition.

III.

Gentlemen, In case that your determination on the second question should be, That Lord Pigot's confinement was the cause of his death, I propose to explain to you, why and for what reason this finding is no verdict, and cannot be received by me as such; and do not doubt of giving you entire satisfaction on this head.

And first, Gentlemen, I must observe to you that your verdict, like the verdict of other Juries, must contain such a decision in law, as will either totally acquit and absolve, or lay some offence to the charge of others. Now, Gentlemen, the finding that a person died in consequence of a confinement, without finding that he suffered a

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more

more rigorous treatment in that confinement, than others in similar circumstances undergo, or without entering into the legality or illegality of his confinement; such a finding neither acquits nor accuses any one: it implies no breach of the laws of your country, nor does it answer the intent of the law in ordering Inquests on persons dying in confinement, the intent whereof it is to certify, whether the death of the person, who died in confinement, were or were not occasioned by a more rigorous treatment than persons in similar circumstances undergo; or rather, to certify whether the prisoner have or have not suffered greater hardships in his confinement, than the law has authorized for the benefit of society.

Persons die daily under confinement, and no doubt their confinement is frequently the cause of their death; yet if no extraordinary rigours have been exercised upon them, the law does not consider their death as out of the course of nature, provided their confinement is legal.

For instance, a debtor in a gaol is deprived of his exercise; he has, perhaps besides, the anxiety of reflecting that his family, on account of his confinement, are deprived of the benefit of his labour, and these circumstances so operate on his constitution as to occasion his death; yet, Gentlemen, you must all be sensible that the law, considering his confinement as legal, does not account his death violent, or out of the course of nature, nor is any one called to answer for it, provided no unnecessary hardships were put upon him.

And this consideration naturally leads to the next question. Having, as I hope, convinced you, Gentlemen, that your finding that Lord Pigot's confinement caused his death, cannot be your final verdict, and in that case, the next question I have to propose to your consideration is,

Whether Lord Pigot's death were or were not occasioned by a more rigorous treatment, during his confinement, than persons of his Lordship's rank and condition usually experience?

The substance of the evidence, with regard to the treatment of Lord Pigot during his confinement, is as follows.

R. S. E. H. That his Lordship's confinement was at first more strict than afterwards; that the first day after his confinement he was denied the

the privilege of speaking in private with his friends, but it does not appear that this was denied him at any time afterwards, but rather the contrary; that in a little time Major Horne allowed his Lordship to walk to the house called General Lawrence's house, where his family and Mr. Monckton's resided, about a quarter of a mile distant from Major Horne's, and in the gardens of that house; that his Lordship could also walk to the other houses at the Mount, and about the environs, but always accompanied by an officer and one or two artillery men; that his Lordship did not, during the first part of his confinement, come so often to the house called General Lawrence's, as he did in the latter part, which might in some degree be attributed to his apprehensions from some of the Nabob's horse, stationed during the first part of his confinement near Major Horne's house.

The accommodations which Lord Pigot had at Major Horne's house, were one room to himself, which Mr. Monckton says was the best room in the house; that after he fell sick he had also a closet or passage adjoining for the use of his servants, that he had the use of the hall and veranda in common with the family.

It would be superfluous in me to be more particular on this head, since, Gentlemen, all, or the greater part of this Jury, have frequently seen Lord Pigot during his confinement, and the manner in which he was treated in their presence.

If, upon the foregoing evidence, or from your own knowledge, you find that Lord Pigot's death was occasioned by a more rigorous treatment than prisoners of his Lordship's rank and condition usually experience, your verdict must, in that case, be wilful murder against the persons who had charge of Lord Pigot's person, who treated him with those rigours during his confinement: "For if a prisoner by duress of the gaoler come to an untimely death, it is murder in the gaoler, and the law implies malice by reason of the cruelty."

Burn's Justice, Page 411. 426.

It will also be necessary, Gentlemen, that you specify the particulars of the ill treatment, for they must be entered on the Inquest as part of the verdict.

And in this case, the Jury will next consider, who are the persons who, having Lord Pigot's person in their custody, put those hardships upon him.

If you find that Lord Pigot's death was not occasioned by a more rigorous treatment than persons of his rank and condition usually experience, you will bring in your verdict, that Lord Pigot died by the visitation of God, and in the course of nature; unless you will take upon you to enquire of the legality or illegality of Lord Pigot's confinement.

And here, Gentlemen, I would advise you not to be too hasty in declining such an enquiry, but to consider maturely, whether it be or be not your duty and province to enquire of this matter; for, Gentlemen, should it hereafter appear that Lord Pigot's death was occasioned by an illegal confinement, and that it was your duty to enquire into the legality or illegality of the confinement, you will no doubt be highly censured for declining such an enquiry.

I have further to observe to you on this head, that Sir Edward Hughes, Commander in Chief of his majesty's squadron in India, has informed us, that he did not take upon him to judge of this matter.

And also, it is well known to such of the members of this Jury as are Aldermen of the Mayor's Court, and perhaps to others, that the Court of Judicature at Bengal have not taken upon them to determine upon this point, foreseeing that a determination of theirs might possibly be attended with dangerous consequences.

Whether these authorities, especially the latter, ought to have any weight with this Jury, I leave entirely to their consideration, observing that, in my opinion, the question of the legality or illegality of Lord Pigot's confinement, may be discussed without taking into consideration the legality or illegality of the present Government, which, in my opinion, is a matter quite foreign to the present enquiry, and which the Jury have nothing to do with.

I shall add a question which may probably evince the necessity of the Jury's considering, whether it be or be not their duty and province to determine of the legality or illegality of Lord Pigot's confinement.

Burn's Justice, Page 427. Vol. II. Sect. II. " If a man, by harsh and unkind usage, put another into such a passion of grief or fear, that the party either die suddenly, or contract some disease whereof he dies, though this may be murder or manslaughter in the sight of God, yet in a human judicature it cannot

" cannot come under felony, because no external act of violence was offered, whereof the law can take notice." (*Hale's History of the Pleas of the Crown, Page 429.*)

Now, Gentlemen, it is evident to me, that a legal confinement is not such an external act as Sir Mathew Hale speaks of, though it is possible an illegal confinement may; of which you will consider, if you find that it be your duty to enquire into the legality or illegality of Lord Pigot's confinement.

It therefore, Gentlemen, remains with you to determine, whether you be or be not authorised to enquire of this matter. If you find that you are not, I must observe to you that it can, on no account whatsoever, be presumed that Lord Pigot's confinement was illegal, and therefore, in that case, your verdict must be, that Lord Pigot died by the visitation of God, and in the course of nature.

And here, Gentlemen, I beg leave to observe to you, that this finding will not preclude a future enquiry into the cause of Lord Pigot's death, by persons who shall hereafter be authorised to enquire of the legality or illegality of Lord Pigot's confinement.

And also that your opinion, if you do find that Lord Pigot's confinement was the cause of his death, will be known to the world by being entered on the minutes of this Inquest, in answer to the second question proposed by me for your consideration.

If you find that it is your duty to enquire into the legality or illegality of Lord Pigot's confinement, I will proceed to state the evidence on this head, after observing to you what, in my opinion, may render a confinement illegal.

Upon reflection, it occurs to me that the question may be stated in a different manner, which perhaps may set it in a new light,

Whether the Jury (who are sworn to enquire of the death of Lord Pigot deceased under confinement) are in duty bound to enquire, if Lord Pigot's death was occasioned by a more rigorous treatment in his confinement than prisoners of his rank and condition usually experience, and no more.

Or,

Or, whether it be the duty of the Jury to enquire of the legality or illegality of Lord Pigot's confinement, as well as other circumstances relative thereto.

IV.

Gentlemen, I now proceed to state the evidence, touching the legality or illegality of Lord Pigot's confinement; in case you find that it is your duty to enquire of this matter.

And first, Gentlemen, I will observe to you, that in my opinion a confinement may be illegal, on the following accounts.

Blackstone's Commentaries, 3d vol. p. 127. When the crime, offence, or cause assigned for the confinement, is not such as, by the laws of our country, subject persons to such confinement.

Secondly, when the offence assigned as a reason for the confinement is bailable, and bail is refused, after which (the refusing of bail) the confinement becomes illegal.

Thirdly, where there is a deficiency in the form of the warrant or order, by which a person is confined; such as an omission of the crime or offence in the body of the warrant, &c.

There are no doubt other considerations, which will render a confinement illegal, with which I am not sufficiently acquainted, to lay them before the Jury; but the foregoing, I am clear, are sufficient to render a confinement illegal; and I shall therefore proceed to state the evidence on this head, upon the proclamation, records of the Mayor's Court, &c.

Oath by Lord Pigot. And first, you will do well to consider attentively, the oath of Lord Pigot; an attested copy of which, under the seal of the Mayor's Court, I have laid before you; the greater part of which is corroborated and confirmed by the evidence of Tellasinga.

From the oath aforesaid, it appears, with what commission and powers Lord Pigot came out to India.

R. That his Lordship took charge of Fort St. George on or about the 9th of December, 1775, by virtue of the said commission; that his Lordship

(119) Lordship continued in the exercise of the authority granted him by his commission, and in possession of Fort St. George, until the 24th of August last, about eight o'clock in the evening; when he was Tellasinga. stopt in his chaise on the highway, on the island between the two bridges, by an armed and military force; that Colonel James Stuart, Captain James Eidingtoun (otherwise called Colonel Eidingtoun), Adjutant-general, and Captain Arthur Lyfaght, did assault, seize, and compel the said Lord Pigot (he the said Lord Pigot being in bodily fear of his life) to enter the post-chaise of Mr. Paul Benfield, wherein the said Captain Arthur Lyfaght also entered, having in his hand a pistol; that an European, whom there is reason to believe was armed with loaded pistols, mounted behind the said chariot; that the said chariot proceeded to St. Thomas's Mount, where Lord Oathof Lord Pigot was delivered over to the custody of Major Horne (with certain order or orders, said to be from the said Colonel James Stuart), in whose custody Lord Pigot remained, till about the time of his Lathom. death.

It also appears, that some days after Lord Pigot's confinement, Lathom. Mr. Sedgley, his attorney at law, applied to Major Horne, in the Halliburton. presence of Messrs. Lathom and Halliburton, for the order or warrant, by virtue of which Major Horne detained Lord Pigot a prisoner at his house, in order to obtain a writ of Habeas Corpus from the Honourable the Mayor's Court; that Major Horne refused to produce the order or warrant, or a copy of it, to Mr. Sedgley, as is attested by Messrs. Lathom and Halliburton.

Now, Gentlemen, the plain inference from this refusal is, that the warrant or order was not such a legal warrant, as would justify Major Horne in detaining Lord Pigot a prisoner; if it had been such, where was the necessity or use in refusing to produce it, or a copy of it, when legally applied to.

Now the causes or reasons assigned for confining Lord Pigot, are set forth at large, in a proclamation signed by Messrs. Stratton, Sir Robert Fletcher, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay, and by their orders read at different times in the Fort; first to the soldiers, by the said Captain Arthur Lyfaght; afterwards, by Mr. Secretary Oakley, to all the European inhabitants of this Town of Madras; put up at the several gates of the Fort, and dispatched, not only to the dependencies of this Settlement, but to every part of India.

Copy of which proclamation, I have, Gentlemen, laid before you; which copy has been examined by me; which I myself compared with that upon the Sea-gate of this Fort, and I believe to be a true copy of the original, except that the names of the persons signing, are not ranged in the same order.

Now, Gentlemen, you will consider, whether in this proclamation, there be or be not, any treason, felony, or other offence, against the laws of your country, laid to the charge of Lord Pigot; if you find that there is, or if any such charges against Lord Pigot, have come to your knowledge, since the issuing of the said proclamation; then you will find the confinement of Lord Pigot legal; except you find that there was a deficiency in point of form in the warrant.

If, Gentlemen, you find no treason, felony, or other offence, against the laws of your country, in the said proclamation, nor have heard of any such charges being laid to Lord Pigot, you will find the confinement illegal; you will also find the confinement illegal, if you find that there was any deficiency in the order or warrant by which Lord Pigot was confined.

Upon the whole, Gentlemen, if you find Lord Pigot's confinement was legal, your verdict, for reasons foregiven, will be, that Lord Pigot died by the visitation of God, in the course of nature.

If you find that Lord Pigot's confinement (which caused his death) was illegal; you will next consider what offence this illegal confinement, and the consequence of it, the death of Lord Pigot, is in the sense of the law.

And here, Gentlemen, I once more beg leave to observe to you, that, in my opinion, this question, the legality or illegality of Lord Pigot's confinement, may be discussed, without taking into consideration the legality or illegality of the present government, by whom Lord Pigot was confined; with which, in my opinion, the Jury have nothing to do, since it implies no contradiction; but on the contrary, it appears from history, that a legal government may do illegal acts.

V.

V.

Gentlemen, you have now found that the confinement of Lord Pigot was illegal; you have before found that Lord Pigot's confinement was the cause of his death.

You will do well, in the next place, to consider maturely the opinion before quoted, of Sir Matthew Hale, viz. "If a man by ^{Burn's Justice, p. 427.} "harsh and unkind usage, put another into such a passion, or grief, "or fear, that the party either die suddenly, or contract some disease, whereof he dies; though this may be murder or manslaughter in the sight of God, yet in a human judicature, it cannot come under the judgment of felony, because no external act of "violence was offered, whereof the law can take notice." (*Hale's Hist. of the Pleas of the Crown*, 429.)

Gentlemen, in my opinion, the foregoing implies, that if there be such an external act, whereof the law can take notice, then the eventual, harsh, and unkind usage, in that external act, which caused the death of the person, will in a human judicature come under the judgment of murder or manslaughter.

You will therefore proceed to consider, whether an illegal confinement be or be not such an external act, as that eventually causing the death of any one, will bring that death under the judgment of murder or manslaughter in a human judicature.

If you find that an illegal confinement be not such an external act, your verdict (according to the foregoing great authority) will be, that Lord Pigot died of the visitation of God in the course of nature.

If you find that an illegal confinement be such an external act, as that eventually causing the death of any one will bring that death under the judgment of murder or manslaughter, in the sense of the law, you will next proceed to which of these two offences the death of Lord Pigot can be imputed. The better to enable you to do this, in the extraordinary case of Lord Pigot's death, and also to enable you to determine, whether the present offence be murder or manslaughter, I have quoted the following authorities from such books as are in my possession.

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Judge

Blackstone's Commentaries, vol. iv, P. 195. Judge Blackstone observes, book 4th, chap. 14th, page 195, that murder is now thus defined, or rather described by Sir Edward Coke; when a person of sound memory and discretion unlawfully killeth any reasonable creature in being, and under the King's peace, with malice forethought, either expressed or implied."

P. 196. "The unlawfulness arises from the killing without warrant or excuse, and there must also be an actual killing to constitute murder (for a bare assault with an intent to kill, is only a great misdemeanor). The killing may be poisoning, striking, starving, and a thousand other forms of death, by which human nature may be overcome."

P. 197. "If any man does such an act of which the probable consequences may be, and eventually is death; such killing may be murder, although no stroke is struck by himself; as was the case of the unnatural son, who exposed his sick father to the air against his will, by reason whereof he died; and of the harlot who laid her child in an orchard, where a kite came and killed it."

P. 198 and 199. "The killing must be committed with malice forethought, to make it the crime of murder; that is the grand criterion which now distinguishes murder from other killing; and when the malice prepenſe, *malitia præcogitata*, is not so properly spite or malevolence to the deceased in particular, as an evil design in general, the dictates of a wicked, depraved, and malignant heart, *in disposition a faire un mal chose*; and it may be either expressed or implied in law. Express malice is, when one, with a sedate deliberate mind and formed design, doth kill another; which formed design is evidenced by external circumstances discovering that inward intention."

P. 200. "In many cases, where no malice is expressed, the law will imply it; as where a man wilfully poisons another; in such a deliberate act, the law presumes malice, though no particular enmity can be proved."

P. 201. "If one intends to do another felony, and undesignedly kills a man, this is also murder."

Ditto. "All homicide is presumed to be malicious, until the contrary appeareth upon evidence."

H.P. Crown chap. 31st, sect 3d. Serjeant Hawkins (Book 1st, Chap. 31st, which is of Murder, Sect. 3d.) observes, "That by murder at this day, we understand
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"the wilful killing of any subject whatsoever, through malice forethought."

As to the first part, viz. "In what cases a man may be said to Sect. 4th. kill another, not only he, who, by a wound or blow, or by poisoning, strangling, famishing, &c. directly causes another's death, but also in many cases, he who, by wilfully and deliberately doing a thing which apparently endangers another's life, thereby occasions his death, shall be judged to kill him."

Serjeant Hawkins quotes the case of the unnatural son, &c. Sect. 5th.

The case of the harlot before taken notice of. Sect. 6th.

"If a person hurt by another die thereof within a year and a Sect. 10th. day, it is no excuse for the other, that he might have recovered, if he had not neglected to take care of himself."

"As to what killing shall be adjudged of malice prepenſe or Sect. 18th. murder, it is to be observed, that any formed design of doing mischief may be called malice; and therefore, that not such killing only as proceeds from premeditated hatred or revenge against the person killed, but also in many other cases, such as is accompanied with those circumstances as shew the heart to be perversely wicked, is adjudged to be of malice prepenſe, and consequently murder."

"And according to this notion I shall consider first, such murder Sect. 19th. as is occasioned by an express purpose to do some personal injury to him in particular who is slain; in which case the malice seems to be more properly said to be implied."

"By malice expressed, is meant a deliberate intention of doing any bodily harm to another whereunto by law a person is not authorized." (1 Hale's Hist. P. C. 154.)

"The evidence of such malice must arise from external circumstances, discovering that inward intention, as lying in wait, &c. (1 Hale's Hist. P. C. 451.) 3d. Malice implied is in several cases, as where one violently kills another without any provocation; for in this case the law presumes it to be malicious, and he is a public enemy of mankind." (1 Hale's P. C. 455, 456.) 6th. "When a prisoner dieth by duress of the gaoler, the law implies malice
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"lice by reason of the cruelty." (3 Inst. 52.) 8th. "Whenever it appears that a man killed another, it shall be intended, *prima facie*, that he did it maliciously, unless he can make out the contrary by shewing that he did it on a sudden provocation, or the like." (Hawkins, 82.) Gentlemen, I have thrown together these quotations for your information, but would advise you to have recourse to the books themselves for your further satisfaction. And now, Gentlemen, having first determined whether the illegal confinement of Lord Pigot be such an external act as is attended to in the foregoing quotations from Sir Matthew Hale, you will next consider whether there be malice express or implied.

And now, Gentlemen, I will observe to you, that it does not appear to me from the evidence, that there was any express malice or previous design of causing the death of Lord Pigot by confinement. You will yourselves judge whether malice ought to be implied from the following circumstances which appeared in the course of the evidence.

Oath of Lord Pigot. And first, it appears that Lord Pigot was stopped on the highway in his open chaise by an armed and military force.

Petition and oath of Lord Pigot. Secondly, That Captain Lysaght had a pistol in his hand, with which he entered the post-chariot with Lord Pigot, and continued with the said pistol in the chariot from the Island to the Mount, which I need not inform you, Gentlemen, is about eight miles.

Lathom. Thirdly, That Lord Pigot was apprehensive that the seizure of the Fort might occasion the hurt of many people.

Pasley. Fourthly, That Mr. Pasley, on the 28th of April last, acquainted Mr. Stratton, who said he was consulting with his Council upon the matter, That if the re-committing Lord Pigot to a military guard should come to his Lordship's knowledge, it would irritate him, and might do him considerable injury in the situation his Lordship was then in.

That notwithstanding this information from the surgeon attending his Lordship, Mr. Stratton and his Council did recommit Lord Pigot to a military guard; nor does it ever appear that any precautions were taken by Mr. Stratton and his Council to keep a knowledge of this

this from his Lordship, though Major Horne, at the desire of Mr. Monckton, promised to do it as much as lay in his power.

I shall observe to you, Gentlemen, that in these instances there appears to me to be a very blameable degree of indifference as to the lives of others; whether they imply malice according to the spirit of the law, you, Gentlemen, will judge; you will consider whether the words attested by Messrs. Russel, Stone, Monckton, and Lathom, to be in an order shewn by Major Horne to them and to Lord Pigot, and signed George Stratton, Robert Fletcher, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay, do or do not imply malice according to law. The words are as follows: "As the last resource in case of an attempt to rescue Lord Pigot, his life must answer it, and this you will signify to him."

If you find that these instances do not imply malice, your verdict will be manslaughter: If you find that they do, your verdict will be murder. And in either case you will next consider who are the persons concerned.

And in this enquiry you must be careful to distinguish the principals from the accessaries, on which subject I shall observe, that all those present aiding and assisting in the seizure of Lord Pigot are principals; and also all those by whose orders the said principals acted, are accessaries before the fact. For your further information on this head I refer you to the 29th chapter of the second book of *Hawkins's Pleas of the Crown*, which is of the arraignment of principal and accessory. Now it appears from the evidence of Telafinga, R.M. Court. and from the oath of Lord Pigot, on the Records of the Mayor's Court, that Colonel James Stuart, Captain Arthur Lysaght, Captain James Eidingtoun (otherwise called Lieutenant-colonel Eidingtoun), Adjutant General, and certain sepoy, whose names are not known, acting under the undue influence of the said Colonel James Stuart, Captain Arthur Lysaght, and Captain James Eidingtoun, were principals in seizing the person of Lord Pigot. Telafinga, indeed, does not bear evidence against Captain Eidingtoun; he says, that the officer who assisted Colonel Stuart and Captain Lysaght appeared to him to be Mr. Sydenham; however, Lord Pigot, who must have known Captain Eidingtoun perfectly, from the public station in which he acted, positively swears to his person in his oath upon the Records of the Mayor's Court, and it is hardly possible that he should be mistaken. From the same evidence it appears, that the said Arthur

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Arthur Lyfaght, and Matthew Horne, Major of artillery, together with certain persons, officers, and others belonging to the corps of artillery stationed at St. Thomas's Mount, acting under the undue influence of the said Major Horne; also certain sepoys acting under the said undue influence, were principals in restraining and confining the person of the said Lord Pigot, as well at the Company's Garden-house as at St. Thomas's Mount aforesaid. It also appears from the Records of the Mayor's Court, that the Members of a Court of Appeal, held 24th of December, 1776, acknowledged that Lord Pigot was restrained and confined by their order in their capacity of Members of this Government; also those persons whose names appear to the proclamation laid before you, dated 24th of August, 1776, wherein they call themselves the only representatives of the Company and Members of the Government of Fort Saint George, and its Dependencies, viz. George Stratton, Sir Robert Fletcher, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay, acknowledge, in the said proclamation, that Lord Pigot was arrested by their orders. It also appears, by the evidence of Sir Edward Hughes, Messrs. Monckton, Ruffel, Stone, and Lathom, that Major Horne did receive orders from the above George Stratton, Sir Robert Fletcher, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay, during the confinement of Lord Pigot, and relative to that confinement.

VI.

Gentlemen, you have brought your verdict, I submit it to your consideration, whether it be advisable, in the present state of affairs, to make it public, whether such a publication might not be deemed an attempt to stir up a mutiny in this garrison?

Whether it does not become us in particular to be cautious lest our verdict become an occasion of strife and mischief, and whether in this particular we ought not to follow the conduct of the Court of Judicature at Bengal?

Whether in the present state of affairs, and considering the authority, which I at present can exert, can only command voluntary assistance, the publication of our verdict will be attended with any good consequences, and what? and whether it is not rather advisable to conceal, as far as is in our power, our verdict, till news shall arrive from Europe, or, at least, till I can have the authority of the Court of

of Judicature at Bengal, to prove that my pretended removal was illegal?

All this I submit to your consideration, and will abide by your determination, having no doubt but you will support me to the best of your abilities, in the prudent exercise of my office. And I take this opportunity, Gentlemen, to thank you for your ready attendance on my summons, and your constant application to the business of the enquiry.

I am, Gentlemen,

Your most obedient Servant,

(Signed) G. A. RAM, Coroner.

(A true Copy.)

WILLIAM SEDGLEY, Clerk of Peace.

Ex^d. C. B. Soll.

VERDICT of the Coroner's Inquest.

Town of MADRASPATNAM. ¶.

AN Inquisition indented, taken at the Company's Garden-house, distant about a mile from Fort St. George, and within the districts of the town of Madraspatnam aforesaid, the 11th Day of May, in the 17th year of the reign of our Sovereign Lord George the Third, by the grace of God of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth; and in the year of our Lord 1777, before me George Andrew Ram, Coroner of our said Lord the King for the town and districts of Madraspatnam aforesaid, on the view of the body of the Right Honourable George Lord Pigot, Baron Pigot of Pattishull in the Kingdom of Ireland, then and there lying dead; and, by adjournment, at the house of George Smith, Foreman on the said Inquisition, in the said Fort, the 12th, 13th, 14th, 15th, 16th, 17th, 19th, 21st, 26th, 27th, and 30th days of the said month, also the 2d, 5th, 6th, 9th, 17th, 18th, 26th, and 30th days of the month of June in the said year; also the 7th, 10th, 12th and 30th days of July in the said year; also the 5th and 7th days of the month of August in the said year, on the oath of George Smith aforesaid, Andrew Ross, George Baker, Thomas Powney, Thomas Pelling, John De Fries, Robert Ewing, George Taswell, Alexander Cuthbert, Robert Farquhar, William Parsons, and John Turing, good and lawful men of Madraspatnam aforesaid, who being sworn and charged to enquire on behalf of our said Lord the King, when, where, and after what manner, and by what means, the said George Lord Pigot came to his death, do say upon their oaths, That *George Stratton, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay*, in the civil service of the English East India Company at Madraspatnam aforesaid, Brigadier-general *Sir Robert Fletcher*, Colonel *James Stuart*, Lieutenant colonel *James Eidingtoun*, Adjutant-general, Captain *Arthur Lysaght* in the said Company's service at Madraspatnam aforesaid, not having the fear of God before their eyes, but being moved and seduced by the instigation of the Devil, on or before the 24th day of August, in the 16th year of the reign of our said Lord the King, with force and arms,

arms, within the districts of the said town of Madraspatnam, against the said George Lord Pigot, Governor of the said Fort St. George and its Dependencies, then and there being in the peace of God and our said Lord the King, feloniously, voluntarily, and of their malice forethought did combine and conspire to seize, confine, and keep as a prisoner the said George Lord Pigot, and to take from him the said George Lord Pigot the Government of the said Fort Saint George and its Dependencies, and to place the government of the said Fort St. George and its Dependencies in the hands of the said George Stratton; and that in pursuance of the said combination and conspiracy, the said Colonel James Stuart did accompany the said George Lord Pigot in the chaise of the said George Lord Pigot, on the road between the said Fort St. George and the said Garden-house, between the hours of seven and eight in the evening of the said 24th of August, in the year aforesaid; and that the said Lieutenant-colonel James Eidington, aided and abetted by certain sepoys to the Jurors aforesaid unknown, armed with muskets and bayonets, the said chaise then and there did stop, and the said Colonel James Stuart, the said Lieutenant-colonel James Eidington, together with the afore-Captain Arthur Lysaght, having and holding, in his the said Arthur Lysaght's right-hand a pistol, in and upon the said George Lord Pigot, then and there being in the chaise aforesaid, in the peace of God, and of our Sovereign Lord the King, did make an assault, and the said George Lord Pigot did then and there put in bodily fear, and the said George Lord Pigot did then and there seize and make a prisoner, and did then and there compel and force the said George Lord Pigot to quit his the said George Lord Pigot's chaise aforesaid, and then and there to enter a post-chariot belonging to Paul Benfield in the said Company's civil service; into which said post-chariot the said Captain Arthur Lysaght did also then and there enter; and the said Captain Arthur Lysaght did then and there take with him the pistol aforesaid, in order to restrain, confine, and keep a prisoner the said George Lord Pigot in the said post-chariot; and that a serjeant in the said Company's service, to the Jurors aforesaid as yet unknown, was then and there present, aiding and abetting the said Colonel James Stuart, the said Lieutenant-colonel James Eidingtoun, and the said Captain Arthur Lysaght, in seizing and making a prisoner the said George Lord Pigot, in manner and form aforesaid; and that the said post-chariot was then driven to St. Thomas's Mount, and between the hours of eight and nine in the evening of the said 24th of August, in the year aforesaid, did arrive at a house at
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the said St. Thomas's Mount, belonging to Major Matthew Horne, commanding the corps of artillery in the said Company's service, then stationed at the said St. Thomas's Mount, and that the said Captain Arthur Lyfaght then and there did cause the said George Lord Pigot to alight from the said post-chariot, and him the said George Lord Pigot did then and there deliver over as a prisoner to the said Major Matthew Horne, and that the said Major Matthew Horne did then and there receive the said George Lord Pigot as a prisoner: And that the said Major Matthew Horne did then and there himself, and by the aid and assistance of certain officers and soldiers belonging to the said corps of artillery, then and there acting under the command of him the said Major Matthew Horne, to the Jurors aforesaid as yet unknown, did then and there restrain, confine, and keep a prisoner, and did cause to be restrained, confined, and kept a prisoner, the said George Lord Pigot; and that the said Major Matthew Horne, not having the fear of God before his eyes, but being moved and seduced by the instigation of the Devil, feloniously, voluntarily, and of his malice, fore-thought, himself, and by the aid and assistance of the said officers and soldiers unknown, did restrain, confine, and keep a prisoner, and cause to be restrained, confined, and kept a prisoner, the said George Lord Pigot at the said St. Thomas's Mount, from the said 24th of August in the said year, to the 28th of April in the 17th year of the reign of our said Lord the King, and from the said 28th of April, to the 11th of May, in the said 17th year of our said Lord the King; the said Major Matthew Horne, by the aid and assistance of certain sepoys, to the Jurors aforesaid as yet unknown, and a serjeant, to the Jurors aforesaid as yet unknown, the said George Lord Pigot did cause to be restrained, confined, and kept a prisoner at the Company's garden-house aforesaid; and that immediately after the seizure of the said George Lord Pigot was effected as aforesaid, to wit, the evening of the 24th of August, in the 16th year of the reign of our Lord the King, in pursuance of the combination and conspiracy aforesaid, the said George Stratton, Sir Robert Fletcher, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay, the said Fort did enter, and did take possession of the said Fort, and did assume the government of the said Fort St. George and its Dependencies, and did issue orders, the said George Stratton as Governor, and the said Sir Robert Fletcher, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay, as Council for the affairs of the said Company at the said Fort St. George and its Dependencies, and that

the said Colonel James Stuart did return to the said Fort after the seizure of the said George Lord Pigot, to wit, between the hours of seven and eight in the evening of the 24th of August aforesaid, and did then and there aid, abet, comfort, and maintain the said George Stratton, Sir Robert Fletcher, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay, in taking possession of the said Fort; that the said George Stratton, Sir Robert Fletcher, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay, did issue an order to the said Major Matthew Horne, which was received by the said Major Matthew Horne, and by him shewn to the said George Lord Pigot, in which said order were the following words: "As the last resource, in case of an attempt to rescue Lord Pigot, his life must answer it, and this you will signify to him." And that on the 27th day of the said month of August, in the said year, at the dead of night, the said Lieutenant-colonel James Eidingtoun did come with a post-chariot to the house of Major Matthew Horne aforesaid, and did inform the said Major Matthew Horne, and the said George Lord Pigot, he the said George Lord Pigot then and there being a prisoner, and under restraint and confinement, that he the said Lieutenant-colonel James Eidingtoun had orders from the Governor and Council, meaning thereby the said George Stratton, the said Sir Robert Fletcher, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay, to remove the said George Lord Pigot from St. Thomas's Mount aforesaid that very night, to wit, the night of the said 27th of August; and that the said Lieutenant-colonel James Eidingtoun did refuse to shew the said orders to the said George Lord Pigot, and also did refuse to inform the said George Lord Pigot to what place he the said Lieutenant-colonel James Eidingtoun intended to remove him the said George Lord Pigot; and that the said Major Matthew Horne, and the said Lieutenant-colonel James Eidingtoun, then and there did make an attempt to put into execution the said orders, against the consent and intreaty of the said George Lord Pigot; and that the said George Lord Pigot was then and there, by the said attempt, and by the refusal aforesaid, thrown into a violent agitation of mind and body, and did declare that he the said George Lord Pigot would not be removed alive; and that the said Lieutenant-colonel James Eidingtoun, and the said Major Matthew Horne, from the aforesaid attempt did at length desist; and that, sometime in the month of October in the said year, the said George Lord Pigot, at the said St. Thomas's Mount, then and there being a prisoner under

the said confinement, did receive information, that the said George Stratton, Sir Robert Fletcher, Henry Brooke, Archdale Palmer, Francis Jourdan, and George Mackay, had an intention of forcing and compelling him the said George Lord Pigot to go on board some vessel belonging to the said East India Company, in order to transport him the said George Lord Pigot to Europe; and that on or about the 4th day of January, in the 17th year of the reign of our said Lord the King, the said George Lord Pigot, at St. Thomas's Mount aforesaid, then and there being and continuing a prisoner under the said restraint and confinement, did receive information from Thomas Larkins, commander of the ship *Lioness*, belonging to the said East India Company, that he the said Thomas Larkins had been applied to by one of the members of the Council, meaning by the word Council the said George Stratton, Henry Brooke, Archdale Palmer, Francis Jourdan, George Mackay, and Colonel James Stuart, to carry him the said George Lord Pigot to England; and that he the said Thomas Larkins had been threatened by the persons aforesaid, that in case he the said Thomas Larkins did refuse to take him the said George Lord Pigot on board the said ship *Lioness*, as a prisoner, and to transport him the said George Lord Pigot to England as aforesaid, he the said Thomas Larkins should be deprived of the command of the Company's said ship *Lioness*; and that the said George Lord Pigot was then and there under great anxiety and apprehension on account of the said intention of transporting him the said George Lord Pigot to England, and the anxiety and apprehension under which the said George Lord Pigot then and there laboured had a visible and apparent effect on the spirits and behaviour of the said George Lord Pigot; and that the said apprehensions in the said George Lord Pigot of being transported to Europe was never entirely removed from the mind of the said George Lord Pigot; and that the said George Lord Pigot did frequently declare, that he the said George Lord Pigot would not be forcibly removed from the said St. Thomas's Mount whilst he had life; and that he the said George Lord Pigot was, by means of the restraint, confinement, and imprisonment aforesaid, deprived of a great part of that exercise which before the said confinement he the said George Lord Pigot usually took, and also of those occupations and employments to which he the said George Lord Pigot before his said confinement was accustomed; and that the said confinement of the said George Lord Pigot, together with all the circumstances of the said confinement, did so operate on the mind and body of the said George Lord Pigot,

Pigot, as to occasion a disease in the liver of the said George Lord Pigot, the consequence of which disease in the liver of the said George Lord Pigot was a putrid bilious fever and flux, the symptoms of which fever and flux on the body of the said George Lord Pigot were first apparent about the 8th of March in the said year; and that the said George Lord Pigot being of a good constitution did in some degree recover from the said putrid bilious fever and flux towards the latter end of the said month of March, but the said disease in the liver of the said George Lord Pigot still subsisting, and the said George Lord Pigot still remaining a prisoner under the said confinement did, about the beginning of April in the said year, suffer a relapse, and did again labour under a putrid bilious fever and flux as before, from which time, to wit, from the beginning of April aforesaid to the 28th of the said month, the said George Lord Pigot did languish, and languishing did live a prisoner in the said confinement at St. Thomas's Mount aforesaid; that the said Major Matthew Horne, with the consent of the said George Lord Pigot, and by the advice of Gilbert Pasley the surgeon who attended the said George Lord Pigot during his the said George Lord Pigot's said disease, did cause the said George Lord Pigot to be removed from his the said Major Horne's house at St. Thomas's Mount aforesaid to the said Company's Garden-house the said 28th of April for the benefit of the sea air; that on the road between the said St. Thomas's Mount and the said Garden-house the said George Lord Pigot was not confined or restrained by any military guard, as he the said George Lord Pigot before, to wit, from the 24th of August in the 16th year of the reign of our said Lord the King to the said 28th of April, had constantly been guarded, confined, and restrained; and that, on the said 28th day of April, the said George Stratton, Henry Brooke, Archdale Palmer, Francis Jourdan, and George Mackay, did give orders to the said Major Matthew Horne still to take charge of the person of the said George Lord Pigot, and him the said George Lord Pigot to imprison, confine, and restrain at the said Company's Garden-house as he the said George Lord Pigot had been confined, restrained, and kept a prisoner at St. Thomas's Mount aforesaid; and that they the said George Stratton, Henry Brooke, Archdale Palmer, Francis Jourdan, and George Mackay, did put under the command of the said Major Matthew Horne certain sepoy, to the Jurors aforesaid as yet unknown, and a serjeant, to the Jurors aforesaid, as yet unknown, to be a guard over the said George Lord Pigot.

Lord Pigot, for the purpose of confining and restraining the said George Lord Pigot at the Garden-house aforesaid; and that on the said 28th of April, and before the said orders relative to the confining and restraining the said George Lord Pigot at the said Garden-house were given to the said Major Matthew Horne, by the said George Stratton, Henry Brooke, Archdale Palmer, Francis Jourdan, and George Mackay, Gilbert Pasley the surgeon who attended the said George Lord Pigot, during his the said George Lord Pigot's said illness, did represent to the said George Stratton, then about to consult with the said Henry Brooke, Archdale Palmer, Francis Jourdan, and George Mackay, touching the placing of a guard for the purpose of confining and restraining the said George Lord Pigot at the said Garden-house, that if it should come to the knowledge of the said George Lord Pigot, that a guard was placed at the said Garden-house, for the purpose before mentioned, it would irritate the disease under which the said George Lord Pigot then and there laboured; that the said George Lord Pigot, from the said 28th of April, until the said 11th of May, did languish, and languishing did live, on which 11th day of May in the year aforesaid, in the Garden-house aforesaid, within the district of Madraspatnam aforesaid, under the and occasioned and restraint aforesaid, of the said disease produced and as aforesaid, he the said George Lord Pigot did die; and so the Jurors aforesaid, on their oaths aforesaid, say, That the said George Stratton, Sir Robert Fletcher, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, George Mackay, James Stuart, James Eidingtoun, Arthur Lysaght and Matthew Horne, the said George Lord Pigot, in manner and by the means aforesaid feloniously, voluntarily, and of their malice forethought, did kill and murder, against the peace of our said Lord and King his crown and dignity; and the Jurors aforesaid, on their oaths aforesaid, say, that the said first-mentioned serjeant, to the Jurors aforesaid as yet unknown, the said first-mentioned sepoy, to the Jurors aforesaid as yet unknown, and the said officers and soldiers, belonging to the corps of artillery, to the said Jurors as yet unknown; also another serjeant and other sepoy stationed at the said Garden-house, to the Jurors aforesaid as yet unknown, were at divers times present, aiding, abetting, assisting, and maintaining the said George Stratton, Sir Robert Fletcher, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, George Mackay, James Stuart, James Eidingtoun, Arthur Lysaght, and Matthew Horne, to do and commit the felony

felony and murder aforesaid, against the peace of our said Lord the King his crown and dignity. In witness whereof, as well the aforesaid Coroner as the Jurors aforesaid, have to this Inquisition put their hands and seals, the 7th day of August, in the 17th year of the reign of our said Lord the King, and in the year of our Lord 1777.

(Signed) GEORGE SMITH, Foreman. (L. S.)

ANDREW ROSS. (L. S.)

GEORGE BAKER. (L. S.)

THOMAS POWNEY. (L. S.)

THOMAS PELLING. (L. S.)

(Signed) G. A. RAM, (L. S.) JOHN DE FRIES. (L. S.)

Coroner. ROBERT EWING. (L. S.)

GEORGE TASWELL. (L. S.)

ALEXANDER CUTHBERT. (L. S.)

ROBERT FARQUHAR. (L. S.)

WILLIAM PARSONS. (L. S.)

JOHN TURING. (L. S.)

(A true Copy.)

WILLIAM SEDGLEY, Clerk of the Peace.

To

To George Andrew Ram, Esq; Coroner of the Town of Madraspatnam.

SIR,

Having, on your exposition of the law, signed to the verdict given by the majority of the Jury on an Inquest held on the body of the late Right Honourable Lord Pigot, and being of a contrary opinion myself, I therefore judge it necessary to declare my sentiments, requesting you will lay this letter before the Judges at the same time with the verdict.

The only question in which we were unanimous was, that Lord Pigot died in confinement, the restraint under which he was kept, not being sufficiently, properly, nor regularly removed.

To the second question, whether the confinement of Lord Pigot, all circumstances considered, was or was not the cause of his death? I was the only one that voted in the negative, that it was not the cause of his death; for I could not determine within myself, taking all the attending circumstances together, to say, that the confinement was absolutely the cause of his death; and from the difficulty which I laboured under I conceived that it would have been more consistent in this particular case to have given a special verdict, submitting it to the Judges to be determined upon, but the motion being over-ruled, it stood as first proposed.

The third question being to fix on the fact, as before determined, the degree of criminality it incurred by law; the Jury were divided equally between manslaughter and murder, until on reconsideration two of the members receded from the former opinion, which made the majority of opinion to be murder, on which the present verdict is founded; and as I was one of those who said it amounted only to manslaughter, I am desirous that my opinion may be recorded.

I am, Sir,

Your most obedient Servant,

(Signed) JOHN DE FRIES.

(A true Copy.)

WM. SEDGLEY, Clerk of Peace.

SIR,

SIR,

Touching the inquiry concerning the death of Lord Pigot, I need not inform you, that I believed the seizure, imprisonment, and treatment therein, to be the cause of his death; and that I also believed the seizure and imprisonment to be a false and illegal seizure and imprisonment, but I found myself incompetent to pronounce farther, and therefore refused at first to sign the verdict, because signing a record upon oath, without conviction of mind, seemed repugnant to reason and common sense. However, submitting at length to your decision and judgment, and to the sense of Eleven of the Jury on the question, whether it was or was not my duty by law to sign the verdict of the majority, I subscribed my name.

Now least I may have done more than is warranted by any authority, I am necessitated to avail myself of the condition of my signing, by requesting, that the reason why I subscribed as mentioned above may always accompany the verdict.

Fort St. George,
6th September, 1777.

I am, Sir,
Your most obedient humble Servant,
(Signed) ROBERT EWING.

*To George Andrew Ram, Esq;
Coroner for the Town of Madraspatnam.*

(A true Copy.)

WM. SEDGLEY, Clerk of Peace.

Exd. C. B. Soll.

SIR,

The hurry I have been in for these two days past has not afforded me time till now to acquaint you, that upon mature reflection on the passage in the book I have of the office of Coroner as follows: " If it happens the Jury do not agree but divide, you are then to collect their voices, beginning with the last in the Pannel, and rising upwards to the Foreman, whereby the Foreman declares his opinion last; you then collect the numbers, and declare the majority, into which the minority sinks, and the verdict or finding which is given by the Foreman is, from necessity, as *ex dicto majoris partis juratorum* taken and considered as
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" the

Fort St. George,
8th August, 1777.

Exd. C. B. Soll.

"the verdict of all."—Also the opinion of Council had from Bengal;—It appeared to me improper to comply with your request of delivering in the letter you thought proper to address to me, and which was given to me in presence of the rest of the Jury, the beginning of this month, since I consider it as my duty to deliver the verdict of the Jury, without taking notice of the opinion of any particular member who happened to differ from the majority.

I have only further to inform you, that I shall take the greatest care of the letter, if ever you should have occasion to call upon me for it.

September 26, 1777.

I am, Sir, your most obedient humble servant,

(Signed) GEORGE ANDREW RAM, Coroner.

To Mr. De Fries.

The like letter was written to Mr. Ewing.

(A true Copy.)

Ed. C. B. Soll.

WM. SEDGLEY, Clerk of Peace.

[The foregoing Proceedings, as appears by the Diary, were sent, on the 24th of September 1777, to the Governor and Council of Madras, who are Ex Officio Justices of the Peace, with a Request from the Coroner to be assisted in apprehending the Persons therein accused.—Mr. Whitehill, the Governor, waving this Request, desired these Gentlemen to attend him at the Company's Garden-house the following evening, when, without entering upon the Nature of the Inquest, he committed them to the Charge of the Sheriff by the following Warrant.]

Town of MADRASPATNAM. ff.

WHEREAS by an inquisition taken before George Andrew Ram, his Majesty's Coroner for the said Town of Madraspatnam and the district thereof, the 11th day of May, at the Company's Garden-house, within the said districts of the said Town of Madraspatnam, on the view of the body of George Lord Pigot, then and there lying dead, and by divers adjournments to and at the house of George Smith, Foreman of the said Inquisition, in Fort St George, within the districts of the said Town of Madraspatnam, from the said 11th of May to the 7th of August last, George Stratton, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay, Esqrs. and Brigadier-general James Stuart, stand charged with the wilful murder of the said George Lord Pigot. These are therefore in his Majesty's name to charge and command you to receive into your custody the said George Stratton, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan,

Jourdan, George Mackay, and James Stuart, and them safely keep, untill they shall be discharged by due course of law; and for which this shall be your warrant.

Given under my hand and seal this 25th day of September
1777.

JOHN WHITEHILL, Justice.

*To the Sheriff of the Town of
Madraspatnam.*

EXTRACTS from the Proceedings of the Quarter Sessions and Justices of the Peace in so far as relates to the *Verdict* of the *Coroner's Inquest*.

TUESDAY the 30th of September, 1777.

At a COURT of SESSIONS.

JUSTICES PRESENT,

JOHN WHITEHILL, Esq. Chairman,
ANTHONY SADLER, and QUINTIN CRAUFURD, Esqrs.

MR. CHARLES BROMLEY, Solicitor for George Stratton, Esq. and others now under confinement, charged by a Coroner's Inquest with the Wilful Murder of the late Right Honourable Lord Pigot, appears and prays leave of the Court to deliver in the two following Petitions from those Gentlemen.

To the Honourable John Whitehill, Esq. &c. Justices of Oyer and Terminer and General Gaol Delivery of the Town of Madraspatnam and its Districts.

The HUMBLE PETITION of George Stratton, Esq. Brigadier General James Stuart, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay, who, with sundry others, stand accused of the Homicide of the late GEORGE Lord PIGOT, for as much as concerns each and every of your Petitioners in the Body of such Bill of Indictment as may be preferred against us.

"WE are informed that a Bill of Indictment is intended to be preferred against us to the Grand Jury, for a crime of the most atrocious nature, a crime, that, surely, no unprejudiced man can think

think us capable of; as, however, such a charge exists against us, we wish for nothing more than to stand a fair and open trial, and publicly to convince the world of our innocence; yet we trust in the candour of the Court, that they will prevent any illegal or improper evidence being laid before the Grand Jury against us, and such we apprehend to be the informations, as taken upon a pretended Inquest held on the body of the late Lord Pigot; for we humbly conceive, that the person who presided there was neither legally appointed nor legally empowered to hold that or any Inquest; and we humbly beg leave to represent to you, that he himself seemed so conscious of his having no such authority, that, except in this one instance, he constantly, for six months previous to the death of Lord Pigot, declined the duty of that office, and tacitly acknowledged he had no power to act, by referring applications made to him as Coroner, to another person.

“ We humbly represent to this Honourable Court, that several of the persons who composed the Jury on this Inquest, by open and public declarations in writing, entered upon the Records of Government here, addressed to the Court of Directors at home, and published in London long before the death of Lord Pigot, manifestly proved that they were neither unprejudiced nor impartial men.

“ Had a legal and impartial Coroner inquired into the cause of Lord Pigot's death; had he summoned a Jury composed of the most respectable and creditable inhabitants of this presidency; nay, had the Inquest, illegal as it was, been held in a place where the public could have resorted, we are convinced, from the integrity of our own hearts, that the propriety of our conduct would not be this day brought into question, nor the death of Lord Pigot be found to be otherwise caused than by the hand of God.

“ We therefore humbly pray, that an Inquest illegally held, and informations illegally obtained, may not be offered as evidence to the Grand Jury; but lest our desire may be misconstrued by the ungenerous part of mankind, lest we may be suspected of a wish to elude the justice of the Court, we also humbly intreat, that a Bill of Indictment for the murder of Lord Pigot may be preferred against us, and that the witnesses who were examined on the Inquest, and any others who may present themselves (such of them, we mean, as may be deemed by the Court legal evidence), we intreat we say, that they may be sworn in Court, and personally examined by the

Grand Jury, in order that these Gentlemen may have the most satisfactory grounds whereon to found an opinion as to the justice or futility of the charge.

“ And your Petitioners, as in duty bound, shall ever pray.

(Signed) GEORGE STRATTON,
HENRY BROOKE,
JAMES STUART,
CHARLES FLOYER,
ARCHDALE PALMER,
FRANCIS JOURDAN.
GEORGE MACKAY.”

(A true Copy)

By order of Court.

WM. SEDGLEY, Clerk of Peace.

To the Honourable John Whitehill, Esq. &c. Justices of Oyer and Terminer and General Gaol Delivery for the Town of Madraspatnam and its Districts.

The HUMBLE PETITION and Declaration of Brigadier General James Stuart, one of the Persons who stands accused for the Homicide of GEORGE Lord PIGOT,

Sheweth,

THAT your Petitioner being entirely unacquainted with the particular grounds, or nature of proofs, on which the supposed Inquest, said to be taken by George Andrew Ram, have found the heavy charge against your Petitioner; your Petitioner can only declare, in this stage of the business, That your Petitioner is ready and willing now, and at all times, to stand any form of trial or enquiry that the laws of his country can warrant, not only for every act of your Petitioner in consequence of the orders or instructions of a majority of Council, which your Petitioner, as a soldier and servant of the United Company of Merchants trading to the East-Indies, has ever thought, and still thinks it his duty implicitly to obey, but likewise for every act, opinion, or advice, applicable to your Petitioner, after your Petitioner had the honour of a seat and voice in Council.

Your Petitioner therefore most humbly prays, that this his declaration and petition may be received, publicly read, and recorded as his act and deed.

And your Petitioner, as in duty bound, shall ever pray.

(Signed) JAMES STUART.

(A true Copy)

By order of Court.

WM. SEDGLEY, Clerk of the Peace.

WEDNESDAY, the 1st of October, 1777.

At a COURT of SESSIONS.

JUSTICES PRESENT.

JOHN WHITEHILL, Esq. Chairman,
ANTHONY SADLER, and QUINTIN CRAUFURD, Esqrs.

THE Court opened. Sheriff returns his precepts, Chairman delivers the following paper to the Clerk of the Peace, who reads it to the Court.

“ CONSIDERING it as one of the many important duties of a Judge to facilitate and forward the course of justice, the Gentlemen on the bench were determined to have proceeded on the business of the present sessions without adjournment or delay from them; but by the verdict of an Inquest, and sundry informations, that have come before us, relative to the death or murder of the late Right Honourable Lord Pigot, we have found the subject of so uncommon and extraordinary a nature, that we wish to proceed in it with the utmost circumspection we can observe, lest, by any error in the proceedings, the guilty should be screened from justice, or the innocent exposed to danger. We have therefore resolved to apply to the Judges of the High Court of Judicature at Fort-William, for their opinion and advice; in so doing, we are well persuaded we shall meet the views and wishes of every honest and dispassionate man, which in the most rigid minds should only be, that justice should be obtained, and not eluded. Besides the satisfaction we shall feel by proceeding with advice of so great authority, we have also the pleasing expectation, that but very little time may be lost in obtaining it; for the late animosities in this Settlement having, more or less, engaged and affected the greater part of its small society, the nature and dignity of justice requires that as many as possible should be summoned for the Juries, as were remote from the scene of dissention: however great confidence we may have in men ourselves, and however impartial they may really be, we think this much is due to the opinion of the world, particularly to those who, by a distant situation from

from this society, have not the means, as we have, of knowing the characters that compose it. For this purpose we shall recommend to the Sheriff to issue his summons to the gentlemen at the subordinate factories, and these, with the persons who have been already summoned, and any strangers that may afterwards be found, we hope will fully provide against every accident.

“ We understand much has been said on the propriety of removing this matter to England, but we think whoever suggested such a measure, could not have fully attended to all its certain and probable consequences. It is at present before this Court; several persons are bound over to prosecute, and we believe the only method by which it can now be removed, is by Writ of *Certiorari* from his Majesty's Court of King's Bench at Westminster. To obtain this Writ would probably require a year; to send home witnesses and others, in consequence of it, would require several months more; in the course of such a period, material and important evidence, as well for the crown, as those accused, might be lost: the expence would be enormous, and the difficulties and delays in other instances might be such as to frustrate the end of removing it.

“ As we observe that many of the Gentlemen who sat on the Grand Jury of yesterday are now in the court, we take this opportunity to inform them, that the difficulties which have induced us to adjourn the present sessions were then under consideration, and therefore that we could not answer the question proposed to the Clerk, Whether they would immediately proceed to business in the present sessions, and whether the same Grand Jury would again be called on? The question from the Jury to the Bench was indeed highly irregular, but we were attentive to the particular circumstances from whence it arose, and being thoroughly impressed with a sense of the inestimable value and important duties of a Grand Jury, and with the nature and tendency of their oath, we were willing, and indeed desirous, of satisfying them so far as was then in our power.”

Court adjourned till Wednesday 12th of November.

(A true Copy.)

By order of Court.

WM. SEDGLEY, Clerk of Peace.

[The Court being adjourned to the 12th of November, and Sir Edward Hughes being to sail for England immediately, the Justices called upon him and Mr. L'Epine his Secretary, to appear before them.]

Town of MADRASPATNAM. J.

The INFORMATION of Sir Edward Hughes Knight, Commander in Chief of his Majesty's Squadron in India, taken before John Whitehill, Esq; Chief Justice, Anthony Sadlier, and Quintin Craufurd, Esqrs; Justices of his Majesty's Court of Oyer and Terminer, and Gaol-Delivery, at Madraspatnam aforesaid, on the Second Day of October, in the Year 1777.

THIS Informant being duly sworn, and examined, deposesh, and saith, He hath been acquainted with the Right Honourable Lord Pigot from the year 1764; that upon Saturday night, the 24th of August 1776, he supped at the house of George Mackay, Esq; where he was informed that Lord Pigot had just then been seized; that he immediately repaired to the Company's Garden-house, where he saw Messrs. Russel and Monckton, who confirmed the news, and informed him, that Lord Pigot was carried to the Mount. As soon as it was day-light next morning, this Deponent went to the Mount, where he saw Lord Pigot in the house of Major Horne, walking to and fro in the hall in his usual manner. Some little time after this Deponent had entered into conversation with his Lordship, he was told by Major Horne, that he (Major Horne) was sorry to interrupt this Deponent, but that his orders were not to permit any communication with his Lordship, but in his (Major Horne's) presence; upon which this Deponent desisted: in about three hours after, this Deponent returned to his own house

at St. Thomé. About three days afterwards, between the hours of two and three in the morning, Mr. Ruffel and Mr. Dalrymple came to this Deponent's house, to inform this Deponent, that an attempt had that night been made to remove Lord Pigot, and desiring this Deponent to prevent it. That this Deponent came to the Fort before day-light, when Mr. Stratton assured this Deponent, that no farther attempt should be made to remove his Lordship, if the Gentlemen at the Mount made no disturbance, of which this Deponent informed Lord Pigot in a few hours. That his Lordship answered, He had no terms to make with these Gentlemen, but that he claimed the protection of the King's flag, by Major Horne's being ordered to give him safe-conduct to the Fort, or to the King's ship. In consequence this Deponent wrote by his secretary to the Gentlemen in the Fort, which was not immediately answered, but Mr. Stratton signified to this Deponent, by his secretary, that his Lordship should not be removed without this Deponent's being previously acquainted thereof. Upon this Deponent's communicating the above to Major Horne, he declared that all the troops in the Carnatic should not remove his Lordship, without this Deponent's knowledge. On the 15th of October, this Deponent sailed for Trincomallé, from which place he returned on the 16th of January, when he heard that the sending home Lord Pigot in the *Lioness*, had been debated in Council, but that it had been determined in the negative; upon which this Deponent, either on that day, or the next, asked his Lordship, If he was satisfied on this subject. His answer was, "That they had determined not to send him home in 'this ship,' (meaning the *Lioness*)." This Deponent added, "That as he was now arrived, there was the further security that he could not be removed without this Deponent's previous knowledge;" at which his Lordship seemed satisfied. This Deponent frequently visited Lord Pigot afterwards, and he appeared in good health and spirits, and on the Monday, in the week on which Lord Pigot was attacked with illness, this Deponent saw his Lordship in the garden, at the house of Mr. Monckton at the Mount, in company with Mr. Stone; when this deponent observed to Mr. Stone, that it was too hot to remain in the garden, and expressed his fear that it might injure his Lordship. Mr. Stone answered, "That his Lordship was used to it." This Deponent observed, "That there was a difference between this time and twenty years ago, and the old proverb, that the bucket never went so often to the well, but it might be broken;" and then this Deponent returned into the house, which Lord Pigot did not. On the Friday following, this Deponent heard from Mr. Sydenham, that Lord Pigot had been

taken

taken ill the day before; upon which this Deponent observed to Mr. Sydenham, "That he supposed Mr. Sydenham would acquaint Mr. Stratton of it immediately." This was at Colonel Ross's, about eleven o'clock at night, when Mr. Sydenham was going into the Fort. This Deponent understood that Mr. Sydenham did so the next morning, and that in the course of that day (Saturday), Mr. Stratton sent for Mr. Pasley, to acquaint him of what he had heard, and that Mr. Pasley in answer said, "He had seen Mr. Ruffel, who did not speak of his Lordship's being particularly ill." Nevertheless this Deponent understood Mr. Stratton had ordered Mr. Pasley to go to the Mount the next morning, being Sunday, where this Deponent met Mr. Pasley coming from Mr. Monckton's, and asked him, "How he had found his Lordship?" who answered, "That his Lordship was in a state of putrid bile, and that if he had been applied to two days sooner, he should have been able to do in that time, what might now take him two months." After this, this Deponent went home, frequently sending to know how his Lordship did, and sometimes calling in person. In about a fortnight Mr. Pasley admitted this Deponent to see his Lordship, who was still in bed, appeared very feeble, but conversed with this Deponent on different subjects, and spoke jocularly of his disorder. In about a fortnight his Lordship, being much recovered, asked this Deponent to dine at Mr. Monckton's, when he appeared feeble, yet easy in every respect. Shortly after, this Deponent again dined at Major Horne's, when his Lordship retired as soon as dinner was brought, seemingly much indisposed. Some time after, this Deponent (constantly sending to know how his Lordship did) received a message from Major Horne, That his Lordship continued very ill, and doubted much of his recovery. This Deponent communicating this report to Mr. Stratton, who was then at dinner with him, Mr. Stratton proposed his Lordship's removal from the Mount to the Company's Garden, for the benefit of change of air, and to avoid the approaching land-winds; for which purpose he carried Mr. Sullivan the secretary into the veranda, and ordered him to write immediately to Dr. Pasley, and to Major Horne, that if Dr. Pasley thought it necessary, they should propose it to his Lordship. This was on a Saturday, and this Deponent understood that Dr. Pasley made the proposal the next morning, and, upon his Lordship's asking if it would be proper, consented. This Deponent understands that Mr. Pasley further proposed to Mr. Stratton, that his Lordship should be removed without a guard, which Mr. Stratton agreed to, and his Lordship was accordingly removed the next

morning, as this Deponent understood, without being any longer under charge of Mr. Horne. This was on the Monday, and when the Council met, this was disapproved, and Major Horne was again desired to reassume his charge, which he did, by the Sepoy guard at the gate being put under his command. To prevent noise and disturbance, and on application from Mr. Monckton, the morning and evening guns, and all salutes, were prevented on board and ashore, till Sunday morning, the 11th of May, when this Deponent was informed of his Lordship's decease, and then ordered the minute guns on float to be fired.

This Deponent was summoned upon the Inquest on the 20th of May, and desired to acquaint the Coroner, what time he proposed to be there; to which he replied, Next morning. Previous to this Deponent's examination, he thought it necessary, to say to the Gentlemen of the Inquest, as follows: " Though I have been addressed from both sides, I never have taken upon me to judge on the legality of the present government. The only part I thought my duty was, that of giving the assistance of his Majesty's squadron under my command, where I found the power of carrying on the Company's service for the public good, agreeable to my instructions. On the same principle, I do not take upon me to judge of the legality of the Inquest now sitting. I am nevertheless willing and ready to give you, Gentlemen, any Information on the points you desire, of what may have come to my knowledge, and consistent with the station I am in."

Being put upon my oath.

" Gentlemen, after what I have said, I should suppose the information on my word would be sufficient, yet that I may be of no impediment to your inquiry, and the Coroner informing me it is indispensable, I shall not object to your swearing me upon this occasion." After which this Deponent was accordingly examined.

Questions from the Clerk of the Peace.

Whether, when this Deponent saw Lord Pigot, after the attempt he was informed had been made to remove his Lordship from the Mount (shortly after his confinement), this Deponent observed his Lordship to be hoarse?

Answer.

Answer. His Lordship seemed to be much agitated, but this Deponent does not recollect his being hoarse.

Question. Whether this Deponent at any time observed a guard of Nabob's horse about the house, where Lord Pigot was confined?

Answer. This Deponent has seen a party of the Nabob's horse, somewhere between the house where his Lordship was confined and Mr. Monckton's house.

Question. Whether, when this Deponent saw his Lordship at the Mount, he was always attended by an officer fashed and an orderly artillery-man?

Answer. This Deponent always saw an officer fashed, but this Deponent did not observe an artillery-man.

Question. Whether this Deponent saw an order signed by the Gentlemen in the late administration, to the following purport, " That if an attempt was made to rescue Lord Pigot, his life must answer for it?"

Answer. This Deponent did see such an order.

Question from the Court.

Whether this Deponent has heard of the verdict of the Inquest, and of the persons charged thereon?

Answer. This Deponent has heard that the verdict was wilful murder against the Gentlemen in the late administration.

Mr. Bromley, as Solicitor for those Gentlemen, desires to put the following questions.

Question. When this Deponent saw his Lordship the next morning after his arrest, whether his Lordship appeared irritated, or in fear, or how was he agitated; or did he appear as usual when in the Fort?

Answer. Quite as usual, till the attempt to move him.

Question.

Question. Did his Lordship make any complaint of the reception from Major Horne ?

Answer. No, there seemed to be the greatest civility between them.

Question. You saw his Lordship after the attempt to remove him from the Mount ; did he appear agitated by fear, or irritated, appearing to be in a passion, or otherwise ?

Answer. Much agitated, much displeased.

Question. How soon after did his Lordship recover his usual spirits ?

Answer. He seemed to be quieter in his mind in three or four days, during which time this Deponent did not leave him.

Question. Did he appear tranquil, calm, cool, and dispassionate ?

Answer. Yes.

Question. How long time did he continue to be so, to the best of this Deponent's knowledge and remembrance ?

Answer. To the time of this Deponent's departure to Trincomallè, which was the 15th of October.

Question. From the first day you saw his Lordship at the Mount, to the day of your departure for Trincomallè, did you ever hear his Lordship complain of any violence from Major Horne or any of his family towards his Lordship, or any disrespect from the day of his arrest to your departure for Trincomallè ?

Answer. No.

Question. At the several times you saw his Lordship at the Mount, tell the nature of the restraint under which you saw Lord Pigot, with its circumstances ?

Answer. Attended by an officer, otherwise at liberty, in the gardens and about the Mount.

Question.

Question. Have you not heard that his Lordship went on parties of pleasure from the Mount ?

Answer. No, I never heard but once, when his Lordship I heard intended going to the Cave in a chariot with Major Horne.

Question. From the day of your arrival from Trincomallè to the day when his Lordship was removed from the Mount, did his Lordship complain of any want of respect or attention from Major Horne and his family, or from any of the officers doing duty at the Mount, or was he in want of any assistance that he required ?

Answer. Not to me, or to any person to my knowledge.

Question. Do you remember in what manner his Lordship amused himself at the Mount ?

Answer. It seemed to me by giving directions in the garden, walking, reading, writing, playing billiards, &c.

Question. At what hour of the day have you seen him in the garden ?

Answer. In the morning, generally towards noon, when I was at the Mount, which was generally once and sometimes twice a week.

Question. Was you with his Lordship in any of his walks ?

Answer. Yes, often.

Question. Did you ever leave his Lordship, and for what cause or apprehension ?

Answer. I left him two or three times because it was very warm.

Question. His Lordship being ill at the Mount, by whose order was his family refused admittance ?

Answer. I do not know of any such thing.

Question. Do you remember the number of the Nabob's horse that were at the Mount ?

Answer. I think there were twenty the first day, after which there appeared sometimes more or less.

Question. What reason was assigned for their being placed there?

Answer. Upon my Lord's complaining to me of the circumstance, and my representation to the Gentlemen in the Fort, their answer was, That they had been placed there at first to carry messages, and were immediately removed.

Questions from the Court.

Whether, after Lord Pigot's first illness this Deponent has not heard, that his Lordship was directed by Dr. Pasley to take some remedies for the liver, and whether Mr. Pasley did not inform his Lordship that his disorder originated in his liver; and whether his Lordship did not refuse or neglect the remedies proposed?

Answer. I cannot answer to that, as I never heard it before his Lordship's death, though I have since.

Question. Did his Lordship during his confinement expose himself to the sun, heat, or cold, in such manner as to endanger his health?

Answer. In my conscience I really think he did.

Question. Do you imagine that the disorder of which Lord Pigot died was occasioned by his imprisonment, or do you rather imagine it came on naturally, or was produced by his own imprudence?

Answer. His Lordship's time of life considered, and the frequency of his Lordship's standing in the sun (which I am informed his Lordship did, and have been told is much more prejudicial and likely to produce bile than moving in the sun), was, in my opinion, most probably the cause of his Lordship's death.

Before this Deponent closeth his evidence, he desires it may be minuted, that on mentioning to Mr. Stratton his Lordship's doubts of being sent home, Mr. Stratton told this Deponent, that his note to Major Horne, carefully attended to, must, in every respect, satisfy

tisfy his Lordship; and declared further to this Deponent, he would resign the chair, rather than consent to such a measure.

(Signed) EDW. HUGHES.

Sworn the 2d day of October, 1777, in the seventeenth year of the reign of our Sovereign Lord George, King of Great Britain, &c. before us,

JOHN WHITEHILL,
ANTH. SADLER,
QU. CRAUFURD.

(A true Copy)

WM. SEDGLEY, Clerk of Peace.

Town of MADRASPATNAM. ff.

The INFORMATION of Mr. Edward L'Epine, Secretary to Commodore Sir Edward Hughes, Commander in Chief of his Majesty's Squadron, taken upon Oath before John Whitehill, Esq. Chief Justice, Anthony Sadler, and Quintin Craufurd, Esqrs. Justices of his Majesty's Court of Oyer and Terminer, and Gaol Delivery for the said Town, on the Application of George Stratton, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, George Mackay, and James Stuart, by their Solicitor Mr. Charles Bromley.

THIS Informant, on his oath, faith, That on or about the 25th of August, 1776, the day after the seizure of Lord Pigot, Sir Edward Hughes thought proper to wait on Lord Pigot at the Mount, whom he knew the day before had been Governor. This Informant accompanied Sir Edward Hughes to the Mount by his orders. They found Lord Pigot walking in the veranda of Major Horne's house at the Mount, in company with some gentlemen and officers. There was a guard at the gate, and centries in the inside of the gate. Sir Edward Hughes had a good deal of conversation with his Lordship, who walked about the house at his pleasure. The Commodore returned to his house at St. Thomè. A day or two after Mr. Dalrymple and, he believes, Mr. Russel, came to the Commodore's house in the night. Hearing several persons, this Informant went into the room. He found that they had brought a paper signed by those Gentlemen of Council who had sided with Lord Pigot, and, to the best of his remembrance, by Mr. Monckton. This paper set forth, that an attempt had been made to remove Lord Pigot from the Mount by Lieutenant-colonel Eidingtoun that night, but that his Lordship had at length prevailed on Lieutenant-colonel Eidingtoun to desist. Those Gentlemen applied to Sir Edward Hughes to interpose that his Lordship should not be removed without his consent.

The

The Commodore, upon this, dressed himself, and went immediately to the Fort. This Informant accompanied him. They arrived at the Fort before the gates were open. Whilst waiting at the gate, Lieutenant-colonel Eidingtoun arrived. The Commodore went directly to the Fort-house as soon as the gates were open. This Informant accompanied him. Colonel James Stuart arrived at the Fort-house about the same time. The Commodore had a conversation with Colonel James Stuart and Mr. George Stratton. This Informant was not present during the whole conversation, but he understood from the Commodore that the result was, that a stop should be put to the removal of Lord Pigot from the Mount for that time. The Commodore then went to the Mount. This Informant accompanied him. He found Lord Pigot in the veranda of Major Horne's house, very much agitated at what had passed the preceding night, and giving a narrative of it to the gentlemen that were present. Among other things he said, that he had requested (if he was to be moved) either to have safe-conduct to the Commodore's ship, or to his own Fort (these were his words); he added, "That he would try 'some one (this Informant does not recollect who it was) by a 'Court Martial.'" (He spoke in a very strong manner, and different from what this Informant ever heard him speak before) He said, "And if you are found guilty I will hang you, by God." This Informant found that it was agreed that the Commodore should claim Lord Pigot's person in the name of his Majesty. A letter was written to this effect, which this Informant carried into the Fort. He arrived there about one o'clock, and went to the Admiralty, where he found the Gentlemen (who had the administration of affairs) were. He delivered the letter to Mr. Stratton, who took Colonel James Stuart aside. The result was, that they told this Informant that an immediate answer could not be given to that letter, but that Sir Edward Hughes might be assured, that no further attempt should be made to remove his Lordship without Sir Edward Hughes being first made acquainted with it. This Informant carried back this answer, and the Commodore was prevailed upon by some of Lord Pigot's family to sleep at Major Horne's that and the next night. This Informant also slept there that and the next night, when, finding no reasons to apprehend that any further attempt would be made to remove his Lordship, Sir Edward Hughes returned to his house at St. Thomè. Several letters passed between Sir Edward Hughes and the Gentlemen in the Fort, the result of which was, that the Gentlemen in the Fort could not give up Lord Pigot's person to Sir Edward Hughes, unless Sir Edward Hughes could

could give them security for the peace of the Carnatic; but this Informant understood that the Gentlemen in the Fort remained under the same obligation not to remove Lord Pigot without the Commodore's knowledge. This Informant was frequently at the Mount after this with Sir Edward Hughes; and after Sir Edward Hughes went away, Lord Pigot appeared to this Informant to be as usual. There was an officer on guard always with him, but he appeared to have liberty to go wherever he pleased. It appeared to this Informant, that Major Horne and his family paid great attention to his Lordship.

Questions by the Clerk of the Peace.

Whether this Informant knows any thing of an attempt to send Lord Pigot by force to England on board any ship?

Answer. He has heard such report during the Commodore's absence.

Question. Whether this Informant was present at an entertainment given by Mr. Monckton on the 6th of January 1777?

Answer. He thinks he was there.

Question. Whether this Informant knows of any letter addressed to the Secretary, touching a design to transport his Lordship to England on board the *Lioness*?

Answer. This Informant did see a paper, signed by a number of gentlemen, relative to such a design.

Question. Did this Informant receive any letter from Lord Pigot's friends in relation to such a design?

Answer. He does not at present recollect any such letter.

Question. Does this Informant know, or has he heard, that the Nabob interfered on this occasion?

Answer. Mr. Macpherson told this Informant, that the Nabob had said, that if such an attempt was made, he (the Nabob) would quit the place. This Informant understood that Mr. Macpherson was in the Nabob's confidence. This Informant has also heard it reported

reported, that Umeer Ull Omrah, second son to the Nabob, conveyed his father's sentiments on this head to the Gentlemen in the Administration, who (as this Informant has heard) did thereupon desist.

Question. Whether this Informant, in his visits to the Mount, made any observations on Lord Pigot's health?

Answer. Lord Pigot appeared to be much the same as to his deportment. This Deponent doth not recollect that Lord Pigot ever spoke to him on business during the Commodore's absence.

Question. Doth this Informant recollect having heard any thing of a conversation between Mr. Monckton and Sir Edward Hughes, relative to Lord Pigot's being recommitted to a guard, after his removal to the Company's Garden-house?

Answer. This Informant has heard the Commodore speak of such a conversation, and he thinks he heard Mr. Monckton say to the Commodore, at the Garden-house, that Lord Pigot was not in a condition to be made acquainted whether there was a guard, or no.

Question. Whether this Informant knows any thing of a conversation that passed between Sir Edward Hughes and Mr. Stratton, wherein the latter expressed a desire to attend the funeral of Lord Pigot?

Answer. This Informant has heard from Sir Edward Hughes that Mr. Stratton expressed great sorrow on occasion of the death of Lord Pigot, and said, he wished the Commodore could so settle it, that he (Mr. Stratton) might, with propriety, attend the funeral, either as chief mourner, or in any other way.

Question. If this Informant knows whether this conversation between Mr. Stratton and Sir Edward Hughes passed before or after Lord Pigot's death?

Answer. This Informant doth not perfectly recollect, but he believes it was after Lord Pigot's death.

Question.

Question. Whether this Informant has not reason to think that Sir Edward Hughes knew of the intended seizure of the fort before it happened?

Answer. This Informant has not.

Questions by the Solicitor for the Prisoners.

Whether, during the time of this Informant's visiting Lord Pigot at the Mount, he observed any incivility or disrespect on the part of Major Horne and his family, or any of the officers doing duty at the Mount?

Answer. On the contrary, he observed the utmost politeness and attention paid to his Lordship by Major Horne and his family, and the officers likewise.

Question. Did this Informant ever hear Lord Pigot make any complaint of Major Horne and his family?

Answer. He never did. He has heard Major Horne assure Sir Edward Hughes that his Lordship should be treated with every mark of respect and attention due to his Lordship's rank.

Question. Does this Informant know of any military honour paid to Lord Pigot at the Mount?

Answer. He has heard that Lord Pigot had a guard turned out to him, and that the centinels used to rest when Lord Pigot passed.

Question. Does this Informant know in what manner Lord Pigot passed his time at the Mount?

Answer. This Informant has seen Lord Pigot in Major Horne's house, and walking in his garden. He remembers two or three times in particular, while this Informant has been attending the Commodore, and the Commodore has been in conversation with Lord Pigot, who kept off his hat; that the sun was so hot as to oblige this Informant to go into the shade, although his Lordship appeared to be totally regardless of the heat of the sun. This Informant has frequently heard the Commodore say, that he was afraid some bad consequences would attend his Lordship's being so careless of himself, and he made use

use of the proverb, The pitcher never goes so often to the well, &c. This Informant was of the same opinion.

Question. Does this Informant remember any one time that reports came to the Mount of black cavalry of the Nabob's coming to seize his Lordship, and by whom might the reports be made, and how did his Lordship receive them, and what did he say, and to whom, and what did such report turn out to be?

Answer. This Informant was at the Mount two or three days after his Lordship was seized. There was an alarm at Major Horne's house that there was a large party of the Nabob's horse on the plain coming towards the Mount, and every body seemed to be in confusion on the occasion. Major Horne ordered the soldiers to their arms, and ordered two field pieces to be drawn out. Somebody took a glass, went to an eminence, and word came immediately that it was only a drove of buffaloes.

Questions by the Clerk of the Peace.

Whether this Informant did not see a party of the Nabob's cavalry usually posted by Major Horne's house?

Answer. He has seen about a dozen.

Questions by the Solicitor for the Prisoners.

Does this Informant know for what purpose those cavalry were posted?

Answer. Upon Lord Pigot's expressing his dissatisfaction in a letter to Sir Edward Hughes, about the time of his departure for Trincomalee, this Informant understood that the Gentlemen in the administration assigned as a reason for the cavalry being posted there, that they might be sent on messages, but that they should be immediately dismissed, which was accordingly done. This Informant recollects that Lord Pigot, in his letter to the Commodore, says, that if horse were necessary as a guard over him, whether it would not be more proper that the Company's horse should be employed, and mentioning as a reason, that he had been used to exercise; and he says, in the same letter, that thank God he was in tolerable good health, considering his confinement, or something to that purpose.

Question.

Question. Does this Informant imagine that the disorder of which Lord Pigot died was occasioned by his imprisonment, or do you imagine it came on naturally, or was produced by imprudence?

Answer. This Informant says that he cannot pretend to judge.

Question. Whether, after Lord Pigot's first illness, this Informant has not heard that his Lordship was directed by Doctor Pasley to take some medicines for a disorder in the liver, and whether he has not heard that Mr. Pasley did inform his Lordship that his disorder originated in the liver, and whether he has not heard that his Lordship did refuse, or neglect, to take the medicines proposed?

Answer. This Informant only heard, in general terms, that his Lordship's disorder was a bad bilious disorder, neglected at first; Mr. Pasley having said, in this Informant's hearing, "If I had been sent for two days sooner it might have saved me two months' work."

Question. Did his Lordship, during his confinement, expose himself to the sun in such manner as to endanger his health?

Answer. This Informant thinks he exposed himself too much to the sun.

Question. Whether this Informant knows if Lord Pigot was accustomed to be much in the sun, previous to his confinement?

Answer. This Informant hears that his Lordship was always accustomed to be much in the sun.

(Signed) EDWARD L'EPINE.

Sworn the 4th day of October, in the seventeenth year of the reign of King George the Third, and in the year of our Lord 1777, before us,

JOHN WHITEHILL,
ANTH. SADLER,
QU. CRAUFURD.

(A true Copy)

WM. SEDGLEY, Clerk of Peace.

(On these examinations being taken, the prisoners were admitted to bail.)

To the Honourable John Whitehill, Esq. &c. Justices of Oyer and Terminer and General Gaol Delivery for the Town of Madraspatnam and its Districts.

Honourable Sir, and Sirs,

THE disagreeable situation in which we find ourselves placed induces us again to address you on the subject which gave rise thereto.

At the meeting of the late Quarter Sessions of Oyer and Terminer and Gaol Delivery, holden on Tuesday the 30th day of September, we presented, through our Council, a petition to the Honourable Bench in open Court, and we must now take the liberty to transmit to your Honour, &c. our exceptions at large, to the assembly held by the summons of George Andrew Ram, in quality of Coroner; and which assembly has, by him and other persons composing the same, been called a Coroner's Inquisition. These exceptions were prepared to be laid before the Court upon the opening of the present Sessions on the first instant, when we naturally expected to be brought to trial, anxious, as we professed ourselves to be, to have proven to the world our innocence, and the malevolence of the accusation brought against us, or to have met the punishment due by law to the horrid crime of wilful murder, if that charge had been supported; but the further process of this matter was adjourned to the 12th of November next.

Men, situated as we are, and conscious of no guilt, must ever feel embarrassed and uneasy whilst the smallest suspicions on our characters are unremoved; and therefore, though we do not arraign your justice, we cannot help exceedingly to lament the late adjournment of the Sessions.

We are given to understand, from common report, that two gentlemen who have given evidence to the assembly of the said George Andrew Ram (which, for ought we know, may be of great importance to the present cause, either as it may affect the evidence for the crown, or for us), have applied for leave to proceed in the ship Egmont for England, which, by the Company's order, is to be dispatched on or before the 15th of this month. The gentlemen we allude to, are Messrs. Russel and Stone; and we doubt not but your

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Honour,

Honour, &c. will readily perceive the injuries we may probably sustain if this their application is complied with. Every undue advantage seems to have been taken of us; no summons issued to demand our attendance at this pretended Inquisition; no opportunity afforded us to cross-examine the witnesses; questions dressed up to answer the purpose of party and persecution; the inquiry made in a private house, at hours only known to Mr. Ram and his Jury, and sometimes with the door shut: these are proceedings that, surely, are not warranted by law, yet happy should we be could we stop here. Sorry are we to observe, that we have every reason to imagine, that, not content with striking at our lives, our enemies have taken secret and unmanly steps to ruin our good fame. The verdict on this self-denominated Inquest was closed the 7th day of August: Your Government was formed the 31st. Mr. Ram may have had reasons for not returning it during our administration, but why did he not immediately after we ceased to be in power? Why not at the sessions held the 10th of September? Why keep it unfairly back until the 24th of that month, two days after the departure of his Majesty's sloop the Swallow? Why keep until that day the Verdict secret from the world? By those ungenerous and unprecedented means his friends have had above a month to prepare papers for a fresh persecution in England; to send over copies of the informations and proceedings of this unconstitutional assembly; to misrepresent facts, and to give an appearance of truth to false and pernicious arguments. While, on the other hand, we have been deprived of an opportunity of furnishing our friends with proper materials to defeat the malice of our persecutors, or lay our actions and characters before the Public in a fair and just light. These are, surely, hardships, others should not be heaped upon them. Mr. Ruffel and Mr. Stone have been partly the cause of the illiberal charge against us. They should, we humbly apprehend, be obliged to support it in an humble legal manner, and not be allowed an indulgence, equally repugnant to the justice of the Court and constitutional liberties of England.

We likewise beg leave to observe, that though it might have been proper and agreeable to the principles of law and natural justice to submit to necessity in the case of Commodore Sir Edward Hughes, and other gentlemen belonging to his Majesty's Squadron, who were to yield implicit obedience to orders, and whose written informations were on that account taken, yet we conceive the same necessity does not exist with regard to Messrs. Ruffel and Stone, and it would be introducing

introducing a dangerous precedent to allow, in capital cases, written evidence to be taken, where it can possibly be avoided.

We request that this Address, and the Exceptions accompanying it, may be made a Record of Court, in order that they may be laid before the Grand Jury.

We are, with respect,

Honourable Sir, and Sirs,

Your most obedient humble Servants,

Fort St. George,
7th of October, 1777.

GEO. STRATTON,
HENRY BROOKE,
JAMES STUART,
CHARLES FLOYER,
ARCHDALE PALMER,
FRANCIS JOURDAN,
GEO. MACKAY.

MR. CHARLES BROMLEY Solicitor for the Gentlemen accused by the Inquest then delivers the following Exceptions and Affidavit, which is read publicly.

To the Honourable John Whitehill, Esq. &c. Justices of Oyer and Terminer and General Gaol Delivery for the Town of Madraspatnam and its Districts.

The EXCEPTIONS of George Stratton, Henry Brooke, Esqrs. Brigadier General James Stuart, Charles Floyer, Archdale Palmer, Francis Jourdan, George Mackay, Esqrs. Lieutenant-colonel Matthew Horne, Captain James Eidingtoun, and Captain Arthur Lysaght, taken to an Inquest held by George Andrew Ram, on the Body of the late Lord PIGOT.

First, **B**ECAUSE, admitting the appointment of the said George Andrew Ram to have been lawful, as having been made agreeable to the custom of the Settlement, yet as he was some considerable time before the death of Lord Pigot appointed to a subordinate Factory, his office of Coroner, agreeable also to the custom of the Settlement, became vacant.

Secondly, Because the said George Andrew Ram himself was present at the Sessions where John Balfour was sworn into that office, and was so conscious of his own disqualifications, that he referred applications made to him in that capacity to the said John Balfour, the person appointed in his room, as appears by the affidavit of the said John Balfour, hereunto annexed.

Thirdly, Because the inexperience, insufficiencies, and known dependence of some of the Jurors, selected on this Inquest, in preference to others of the most respectable persons in the Settlement, who attended on the summons of the said George Andrew Ram, and whose names were placed by him after the twelve men first called over, rendered them improper persons to form a legal and impartial opinion on an affair of so serious a nature.

Fourthly, Because of the declared sentiments of several of those Jurors, and in particular of George Smith their Foreman, Andrew Ross, and Alexander Cuthbert.

Fifthly,

Fifthly, Because this pretended Inquest was held in the house of the said George Smith, where the Public could have neither ingress nor egress without permission.

Sixthly, Because the said George Stratton, Henry Brooke, James Stuart, Charles Floyer, Archdale Palmer, Francis Jourdan, George Mackay, Matthew Horne, James Eidingtoun, and Arthur Lysaght, were not summoned on this Inquest, and were thereby deprived of the benefit of a cross-examination.

Seventhly, Because there were no witnesses examined but on the part of the Crown.

Eighthly, Because the witnesses for the Crown were unduly led in their examination, and suffered to give hearsay and public report as matters of fact and certain knowledge.

Ninthly, Because there appeared no external mark of violence upon the body of the said Lord Pigot at the time of the inspection thereof by the said pretended Jury, and because there was so little suspicion of his Lordship's having died from the effects of poison, that the said pretended Jury declared there was no necessity to open the same, although one of the surgeons attended with his instruments for that purpose; and therefore ordered the body to be buried without further inquiry.

Tenthly, Because the said pretended Jury, immediately upon the said inspection, found that the said Lord Pigot died a natural death, and having thereby answered every purpose for which Inquests have been instituted, should have immediately brought in their Verdict, and not have adjourned or proceeded further.

Eleventhly, Because the uncertain and conjectural opinions in answer to metaphysical questions put to the surgeons, examined on this pretended Inquest, concerning the operations of the mind in general upon the body, were received as certain and positive evidence, and by them applied to the case of Lord Pigot.

Twelfthly, Because the meetings of this pretended Jury were held at different times, and at distant periods, and therefore the persons composing it liable to be biased in their opinions by intermediate occurrences and intercourse with prejudiced and partial men.

Thirteenthly,

Thirteenthly, Because the Jury took upon them to determine points of law, although their authority (had it been lawful) only extended to inquire into matters of fact.

Fourteenthly, Because the Jury were unduly influenced by the said George Andrew Ram, and led to give several verdicts under the name of Questions.

Fifteenthly, Because the Jury, though consisting but of Twelve, determined by a majority of votes.

Sixteenthly, Because this pretended Inquest was illegally kept back, the said George Andrew Ram having past over one entire Session, namely, that held on the 10th of September last, before he delivered the same.

Wherefore the said George Stratton, Henry Brooke, James Stuart, Charles Floyer, Archdale Palmer, Francis Jourdan, George Mackay, Matthew Horne, James Eidingtoun, and Arthur Lysaght, do except to the said pretended Inquest, and every act and proceeding thereon, as being partial and unfair, and contrary to the known and established laws of England; and they do therefore humbly pray, that the same may be quashed; and that the Clerk of the Crown may be directed to furnish them with a Record or Certificate in due form of law of the Verdict and other proceedings on the said pretended Inquest, and of the Reasons of the Honourable Court for quashing the same, should it be deemed proper so to do.

(Signed) CHARLES BROMLEY, Solicitor.

(A true Copy)

By Order of Court.

WM. SEDGLEY, Clerk of Peace.

Town of MADRASPATNAM.

JOHN BALFOUR, of Madras aforesaid, Gentleman, came this day before me one of his Majesty's Justices of the Peace for this same, and made oath, on the Holy Evangelists, That in the latter end of the month of December 1776, he (this Deponent) together with Mr. George Andrew Ram, of Madras aforesaid, and several other Gentlemen, were in company together at St. Thomas's Mount, when a letter was delivered to the said Mr. Ram, and which was directed to him, the said Mr. Ram, as Coroner; and this Deponent faith, that the said Mr. Ram, immediately upon reading the superscription of the said letter, and as this Deponent verily believes, without opening it, handed it forward to this Deponent, declaring at the same time so loud as to be heard distinctly by this Deponent, and, as he believes, by others then present, "*That this was business for him (this Deponent)*:" and this Deponent further faith, that he is of opinion, the said Mr. Ram would not have caused the same to be delivered to this Deponent, in manner aforesaid, had he not believed that he (Mr. Ram) had then no authority to act in the capacity of Coroner: that the letter delivered, as aforesaid, by Mr. Ram to this Deponent was from Mr. Sydenham, Town Major, informing him that the body of a man lay dead in a street in the Black Town; that this Deponent came from the Mount to the Black Town, where he held an inquest on the body: that this Inquest was the second, if not the first, which this Deponent had held after having been appointed by the Governor and Council, and sworn in at the Sessions to the office of Coroner for the town of Madraspatnam, and districts thereof.

(Signed) J. BALFOUR.

Sworn to before me (Signed) CHARLES SMITH, one of his Majesty's Justices of the Peace.

Attested to be a true Copy by me

(Signed) CHARLES BROMLEY, Not. Public.
(A true Copy)

By order of Court.

WM. SEDGLEY, Clerk of Peace.

[*Captain Marlow of his Majesty's Ship Coventry, being under sailing Orders for Bombay, is called upon by the Justices and examined.*]

Town of MADRAS PATNAM. ff.

The INFORMATION of Benjamin Marlow, Esq; Commander of his Majesty's Ship Coventry, taken upon Oath before John Whitehill, Esq; Chief Justice, Samuel Johnson and Peter Perring, Justices of Oyer and Terminer and Gaol Delivery for the Town aforesaid.

THIS Informant saith, That about the 17th of January in the present year of our Lord 1777, he arrived at Madras, in his Majesty's Ship Coventry, and soon after was introduced by Sir Edward Hughes, at the Mount, to George Lord Pigot, and found his Lordship, in this Informant's opinion, in good health, lively, and full of spirits, as could be expected from one of his Lordship's age and under restraint.—This Informant saith, That he visited his Lordship frequently, in company with Sir Edward Hughes, and generally found him the same until his first illness, which this Informant was told by Sir Edward Hughes (which he had from Dr. Pasley), that his disease was a complaint in the liver and putrid bile, and that Mr. Pasley had declared to Sir Edward Hughes, that had he been acquainted two or three days sooner, it would have saved what would take him up as many months.—This Informant further says, That some time after he went in company with Sir Edward Hughes to visit his Lordship, on his being told he was something better, but to this informant's opinion, his Lordship appeared a good deal out of order; notwithstanding this his Lordship went out into the garden at the back of the house, to see the walks cleared and watered with an hand engine, which this Informant then thought was imprudent in his Lordship's then situation.—This Informant does not remember to have visited Lord Pigot again, until his Lordship's second attack, at which visit he found his Lordship to appearance much altered for the worse, seemingly very weak and low; and to the best of this Informant's remembrance, the last time he saw his Lordship, was at the house of Colonel Matthew Horne, and at the approach of the dinner his Lordship got up from the sofa, and took his leave of Sir Edward Hughes and the company, and of this Informant, taking both his hands, and saying, "My friend, Marlow, I wish you well." This informant took his leave of his Lordship, as being of opinion

he

he should never see his Lordship more, of which he told Sir Edward Hughes and the company present.

Question. Whether Lord Pigot exposed himself much to the sun when this Informant saw him?

Answer. This Informant says, that during the several times he visited Lord Pigot at the Mount, many of which were from eleven o'clock till dinner time, he has often walked in the heat of the sun from Mr. Monckton's house to the Mount, and sometimes in the garden backwards and forwards from house to house.

Question. Do you remember any particular time of your being in the garden, or elsewhere with his Lordship in the heat of the sun; and do you remember any observations you made thereon?

Answer. Yes, one time in particular, his Lordship had got some trees either to set or transplant, when Sir Edward Hughes with this Informant attended him in the garden in the heat of the day, between twelve and two o'clock. This Informant says, that he was very unhappy within himself from the heat of the sun, although both Sir Edward Hughes and himself can bear the sun very well, being used to it; turning about found Sir Edward Hughes had gone into the house, upon seeing of which this Informant was very happy, and followed Sir Edward Hughes, leaving his Lordship in the garden with the gardeners.

Question. Whether this Informant saw any disrespect shewn his Lordship at the Mount?

Answer. This Informant says, that he never saw any disrespect shewed to his Lordship by Colonel Horne or any of his family, or from the officers doing duty; but on the contrary, every person endeavoured to shew every civility, and watched every opportunity in obeying his Lordship, and that his Lordship appeared satisfied therewith, as this Informant could see or understand.

Question. From the Clerk of the Peace. Whether when this Informant saw Lord Pigot at the Mount, he was attended by an Officer sashed, and an artillery man?

Answer. He was generally attended by an Officer, but this Informant does not remember to have seen an artillery man.

(Signed) BENJAMIN MARLOW.

Sworn this 10th day of October 1777,
before us. (Signed) JOHN WHITEHILL.

A true Copy.

WM. SEDGLEY, Clerk of the Peace.

Town of MADRAS PATNAM. ¶

The INFORMATION of Mr. William Mallett Surgeon, taken on Oath before Charles Smith, Esq; Samuel Johnson and Peter Perring, Esqrs; his Majesty's Justices of Oyer and Terminer for the Town aforesaid; at the Request of Mr. Bromley, Solicitor for Messrs. Stratton, &c.

THIS Informant, upon his oath, saith, That he knew Lord Pigot from the beginning of his confinement the 24th of August 1777, and that he was present upon his Lordship's arrival at the Mount, on the night when he was delivered by Captain Lyfaght into the custody of Major Horne.

I had an opportunity, while his Lordship resided at the Mount, of visiting him for the most part daily. After the first few days of his Lordship's confinement he assumed a cheerful aspect, visiting his family residing at General Lawrence's house, and employed himself chiefly in the garden of that house. I never knew any limits or restraint to which his Lordship was subjected in point of taking such salutary exercise as might be deemed conducive to health; on the contrary, imagine, had his Lordship kept himself more out of the excessive heats of the weather, the result of his illness might not have taken that dangerous tendency it did. From the 24th August, till March following, he enjoyed uninterrupted good health; returning from his usual amusements (the 6th), he complained of a chillness and sick stomach, for which he applied for a dose of physic, and took it that night at bed-time. The next morning, visiting his Lordship, he complained of its not having the desired effect, and requested another, which answered the intention. That evening, complained much of sickness, heat, &c. for which he took some tartar-emetic mixture, and voided a quantity of bile, and other indigested materials. The 8th, complaints much the same as preceeding day,

day, Mr. Pasley's advice was thought necessary, and came that day by desire of Major Horne, and Mr. Monckton. A continuance of the tartar-emetic mixture was thought necessary, which he took with a good effect. The 9th, took a dose of Physic, consisting of *Sal Rochelle, manna crum, T. & tamarinds*, from Mr. Pasley. The 10th, began a course of alteratives, which he benefited by much. Mr. Pasley continued his visits daily till after the 20th, by whose prescriptions his Lordship found such service, as to be able to take his usual exercise. The weather then being very hot, and change of season at hand, it was requested that his Lordship would not too early expose himself to sudden heats and colds, lest it might retard his gaining strength. This, however, availed but little, for he continued going from the house to the garden among the work-people, frequently employing himself, and when heated, returning again to it, which kept up such an irregular succession of heat and cold, which, to a person in the soundest health, could not fail but of being very pernicious. Soon after this he was again seized with a bilious vomiting, dry skin, and all the symptoms of a confirmed bilious fever; Mr. Pasley was again sent for, who continued his visits daily till the removal of his Lordship, on account of the periodic winds, to the Company's Garden-house. I there visited his Lordship from the Mount generally daily, and was with him the day he expired, May 11th, 1777.

Questions from the Clerk of the Peace.

Were you acquainted with Lord Pigot's manner of life before his confinement?

Answer. No.

Question. Do you know whether Lord Pigot exposed himself to the sun more after his confinement at the Mount, than he was before that period used to do.

Answer. I do not know.

Questions from the Solicitor for Messrs. Stratton, &c.

Do you remember the salutation that Lord Pigot gave Major Horne upon his first arrival at the Mount?

Answer. I do. The words, "My dear Major," or, "My dear Horne, how do you do?"

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Question.

Question. Do you remember the conversation that passed between Captain Lyfaght and Major Horne, upon the former delivering Lord Pigot into Major Horne's charge?

Answer. No further than that upon Captain Lyfaght's delivering a paper, saying, "*Do you abide by these orders.*" Major Horne answered, "*I do, as the orders of my commanding officer.*"

Question. Do you remember Lord Pigot's asking for pen, ink, and paper, and was it granted him by Major Horne, on the first night of Lord Pigot's arrival at the Mount?

Answer. Yes; and it being granted him, Lord Pigot wrote to his daughter, and desired Captain Lyfaght to take care of the letter.

Question. Did you live at the Mount during the whole time of Lord Pigot's confinement?

Answer. Yes.

Question. Have you not frequently seen his Lordship in most of the different houses and gardens at the Mount, and also walking at the top of the Mount.

Answer. Generally so.

Question. As you were often at Major Horne's house during Lord Pigot's confinement, relate the manner in which his Lordship was treated by Major Horne and his family, and the officers doing duty at the Mount?

Answer. To make his Lordship's situation as agreeable as possible, became the joint concern of Major Horne and his family, and by the officers he was treated with the greatest respect.

Question. Have you not observed, or do you not know, that his Lordship has frequently been angry at Mr. Monckton's house, from the various reports and rumours brought to him by Mr. Monckton and his friends?

Answer. I have seen his Lordship return from Mr. Monckton's displeased, but from what cause I do not know.

Question.

Question. Was it not frequently the conversation at Mr. Stone's and Mr. Monckton's tables, the threatening to hang every man concerned in the removing Lord Pigot from his government, and calling Mr. Stratton, &c. villains, traitors, rascals, and scoundrels?

Answer. The former, but too frequent; the latter (*viz.* calling them by opprobrious names), I have also heard, but not generally.

Question. Have not you seen Messrs. Ram, Farquhar, and Parsons at Mr. Monckton's or Mr. Stone's tables when these conversations passed?

Answer. I do not particularly recollect.

Question. Have you seen these three above-mentioned Gentlemen at other times, at Mr. Stone's or Mr. Monckton's tables, as also Mr. George Smith, Mr. Andrew Ross, and Mr. Alexander Cuthbert?

Answer. All these Gentlemen I have seen at the above tables.

Question. Do you remember all or any of these Gentlemen violent in their expressions against Messrs. Stratton, &c. Gentlemen in the late administration?

Answer. I have heard Mr. Stone, Mr. Monckton, and Mr. Ram, at times express themselves violently, but with the other Gentlemen I seldom held any conversation.

Question. Do you recollect any particular expressions made use of by either of these Gentlemen?

Answer. No farther than what I have already related.

Question. Relate at what particular hours in the day you have seen Lord Pigot exercising himself in the gardens?

Answer. At all hours of the day, and sometimes very late in the evening.

Question. Do you remember to have heard any of the officers that attended Lord Pigot complain of the excessive heat of the sun?

Answer. Yes, fatiguingly so, when attending him in their tour of duty.

Question. Do you remember dining with Lord Pigot at Mr. Monckton's the Sunday before his Lordship was taken ill?

Answer. I do.

Question. Do you remember what he eat on that day, and the remarks you made thereon, and to whom did you make these remarks?

Answer. I remarked to Major Horne his Lordship having made an unusual meal of turtle, and that I was apprehensive (from its being food of so gross a nature) that his Lordship might feel the ill consequences of it.

Question. Do you remember Lord Pigot's absenting himself from a ball given by Mr. Monckton on the twelfth night, and did he not prefer staying at Major Horne's as a place of greater security for his person; and did not his Lordship always confide in Major Horne as the person in whom he reposed his personal security, and whether his Lordship did not appear contented in remaining with Major Horne?

Answer. I remember his Lordship's staying from the ball, but to the rest of the above question I cannot answer, as I do not know from what motive he staid away.

Question. Might not Lord Pigot in your opinion, have been equally liable to an attack of the disease which he had at the Mount, had he been in full possession of his liberty?

Answer. I do think he might.

Question. Have you ever heard, that soon after Lord Pigot's residence at the Mount, there were frequent accounts brought and sent him by those who were supposed his friends, of troops in motion to remove him and other alarms; and might not such frequent alarms affect his health?

Answer.

Answer. These things I have heard, but as to their effects I cannot answer.

Question. You no doubt have heard of a letter written by the Supreme Council to Lord Pigot respecting his conduct whilst in this government?

Answer. I have heard of one letter, which I have read.

Question. Are you not of opinion, that as the Supreme Council had so decidedly condemned his Lordship's conduct, he might be apprehensive that the Company in England might do the same, and that such apprehensions might prey upon his mind, and produce more disagreeable effects than any treatment his Lordship met with from the Gentlemen of the late administration?

Answer. The body-politic being of so abstruse a nature, I cannot pretend to form any judgment what good or evil might be derived from such apprehensions.

Question. Did you ever hear or know that Lord Pigot was prevented from using any exercise he pleased at the Mount, such as riding, &c.

Answer. I never knew any limits or restraint to which his Lordship was subjected on that head.

Question. You have heard that Lord Pigot did once ride out at the Mount; do you know, or have you heard any reason assigned and by whom, why he did not repeat that exercise with the same party?

Answer. I remember Lord Pigot once going on a party to the Cave of Despair, but why he did not repeat those excursions I can assign no particular reason.

Question. Did you not ride out to find a good chaise road to the sea-side from the Mount, and to pitch upon some pleasant spot to send tents to, in order to make a party with the ladies of Lord Pigot's family and Major Horne's, and was it not supposed Lord Pigot was to be of the party?

Answer.

Answer. I recollect going in search of such a spot near Trivambore (about four or five miles from the Mount), in order to pass a day or two, but really I do not recollect for whom it was particularly intended.

Questions from the Court.

Do you imagine that the disorder of which Lord Pigot died was occasioned by imprisonment, or do you rather imagine it came on naturally, or was produced by his own imprudence?

Answer. I do not impute his Lordship's disease to the effects of imprisonment, but I impute his relapse a good deal to his own mismanagement.

Question. Have you not heard that after Lord Pigot's first illness, Mr. Pasley recommended medicines for the liver, which his Lordship either refused or neglected taking?

Answer. I do not know of this circumstance.

(Signed) W. MALLETT.

Sworn the 6th day of November, in the
the seventeenth year of the reign of our Sovereign
Lord George, King of Great-Britain,
&c. before us,

CHARLES SMITH.
PETER PERRING.

(A true Copy)

WM. SEDGLEY, Clerk of Peace.

WEDNESDAY the 12th of November, 1777.

At a COURT of SESSION.

JUSTICES PRESENT:

JOHN WHITEHILL, Esq; Chairman.

CHARLES SMITH and PETER PERRING, Esqrs;

Court opened. Sheriff returns his precepts.

Court adjourned to Wednesday the 19th of November.

(A true Copy)

By Order of Court.

WM. SEDGLEY, Clerk of Peace.

Town of MADRAS PATNAM. ff.

The INFORMATION of Mr. Gilbert Pasley Surgeon, taken upon Oath before Charles Smith and Peter Per-ring, Esqrs. his Majesty's Justices of the Peace, Justices of Oyer and Terminer, and Gaol Delivery for the Town aforesaid, taken at the Request of Mr. Charles Bromley, Solicitor for Messrs. Stratton, &c.

Questions from the Clerk of the Peace.

DID you know Lord Pigot in his lifetime, and how long have you so known him?

Answer. I knew him both in his former and last government.

Question. Did you ever attend Lord Pigot during any indisposition?

Answer. I attended him during his indisposition at the Mount.

Question. Did you perceive his Lordship to be under any, and what, restraint at the Mount?

Answer. I knew his Lordship had been sent to remain at the Mount under a guard, but he seemed to have leave to walk about, as I have often seen him at Mr. Monckton's, and at other houses at the Mount.

Question. You have mentioned that you attended Lord Pigot during his indisposition at the Mount, relate what his disease was, its progress, and consequences?

Answer. At the request of the Gentlemen of the late Administration I drew out a state of Lord Pigot's case, which I now deliver as an answer to the above question (case delivered and sworn to).

Questions from the Solicitor for Messrs. Stratton, &c.

Do you remember the apartments allotted for the use of Lord Pigot in Major Horne's house; if you do, particularize the same?

Answer. His apartments were a large bed-room, a closet, or lumber-room, and a passage between them, and he had the use of the hall, veranda, and any part of the house not occupied by Major Horne's family.

Question. Do you know how many persons were of Major Horne's family residing in the house?

Answer. The Major, his wife, and sister, besides the servants.

Question. Do you know, or have you heard, of any inconvenience arising to Major Horne from his Lordship's living in his house?

Answer. I saw none, nor have heard any expressed by Major Horne or family.

Question. Do you know, or have you heard, that Lord Pigot was restrained or limited to any particular distance from the house of Major Horne?

Answer. It was supposed he was confined to the Mount, but I have reason to believe, that if his Lordship would have condescended to ask for liberty, or even would have accepted it, from the Gentlemen in the late Government, he might have gone where he pleased, though, I believe, on one occasion only he went beyond the Mount in a chaise with Mrs. Horne.

Question. Was not his Lordship at liberty to use such exercise, and enjoy such pleasures as most suited him?

Answer. I believe he was not restricted from any.

Question. Do you know, or have you heard, at what particular hours of the day, or night, his Lordship used to walk out and amuse himself?

Answer. Generally, I believe, from breakfast till dinner time, and from five o'clock till supper.

Question. Do you know, or have you heard, what particular amusements his Lordship generally employed himself in whilst at the Mount, and if those amusements were confined to any particular house or place?

Answer. His Lordship, being of an active disposition, was seldom unemployed, his usual amusement was working in the garden before noon, and I have heard that he employed himself in repairing tanks and houses; but I believe his amusements were not confined to any particular house or place.

Question. Do you remember seeing his Lordship, at the time he might be employed in the garden, with any covering besides his hat?

Answer. His Lordship generally had a servant attending with an umbrella, but whether he used it or not I cannot say, being seldom at the Mount when his Lordship was in health.

Question. Do you know the precise time when his Lordship was taken ill at the Mount, and by whom were you acquainted of his indisposition, who directed you to attend his Lordship, and how soon after such direction did you attend him?

Answer. I do not recollect the day his Lordship fell ill, but it was sometime in the beginning of March; Mr. Stratton was the first who acquainted me with his Lordship's illness, I told him that I doubted it, because Mr. Russel had been at my house and had left no message regarding his Lordship's illness; however, as Mr. Stratton seemed convinced of it, and desired me to go to the Mount, I went the next morning.

Question. Did you make any, and what, report of his Lordship's disorder, and to whom, and relate the observation you made thereon?

Answer. I reported by letter to Mr. Stratton the alarming situation I found his Lordship in, and expressed the same to his Lordship's family at the Mount, and the surprize I was under that his Lordship should be so ill before I was called.

Question.

Question. You have said on his Lordship's case, now produced, that he relapsed and grew worse, how soon did he relapse, and to what cause do you impute such relapse?

Answer. About twelve or fourteen days after his Lordship's recovery he relapsed, owing to his going too soon abroad, and not using the precautions he was advised to; as I think it highly probable that a relapse might have been prevented could his Lordship have been persuaded of the necessity of persevering in a course of medicines, and other attentions necessary in his situation.

Question. Did you ever remonstrate and give your advice to his Lordship after the recovery from his first illness? if you did, relate the conversation that passed between you; and whether his Lordship did not appear sensible of his imprudence by not following your advice?

Answer. I did represent to his Lordship how usual it was to have relapses in disorders of the kind he laboured under, and that medicines, diet, and other precautions were necessary to prevent them; indeed, I took pains to explain to his Lordship the nature of his disorder, and the consequences that might arise from a neglect of preventative means; but his Lordship having the feelings of a perfect recovery, said he could not think them necessary, as he felt himself as well as any man in India. When a relapse took place he expressed in strong terms a consciousness of imprudence in not attending to the advice I had given him.

Question. Did not you, soon after his Lordship's getting the better of his complaint, visit him, and find him sleeping on a couch at the Nabob's house, where Mr. Monckton lived, between two open doors; did you not awake him, and apprize him of the mischief he was doing his constitution?

Answer. I do not positively recollect that I awaked his Lordship, but it is certain that his Lordship did sleep on a ratan couch between two open doors, with his hat under his head, and that I represented both to him and his family how very uncautious and imprudent it was, that being just recovered from an illness he should expose himself, or sleep in a draft of wind.

Question. Was not his Lordship removed to the Company's Garden-house for the benefit of the air?

Answer. He was.

Question. By whom was the offer of the Garden-house made, and to whom?

Answer. Mr. Stratton, hearing of his Lordship's dangerous state of health, sent for me, and proposed his coming to the Garden-house, which, he said, should be immediately evacuated for his Lordship, at the same time desired me to inform his Lordship that he was at liberty to chuse any other house if more agreeable.

Question. Did you deliver that message to his Lordship?

Answer. I communicated it to his Lordship's family; in the interval Major Horne received an official letter on the subject, the contents of which was, after some consideration, communicated by Mr. Monckton to his Lordship, who very readily accepted the Garden-house in preference.

Question. As you visited at the Mount frequently, did you ever observe any want of personal respect or attention towards Lord Pigot by Major Horne, or any of his family, or from any person under his authority?—Was Lord Pigot in any want of attendance or necessities that could be procured during his illness, disturbed by any noise that might have been prevented, or, in a word, any way ill treated?

Answer. I know of no inattention or want of respect to his Lordship from any one, his Lordship was in no want of attendance, having his own servants, nor to my knowledge disturbed by any noise; and the drums were, during his illness, removed at a distance from his apartments, by order of Major Horne.

Question. Do you know of any letter or letters that were sent on the 26th of April to Major Horne, respecting the removal of Lord Pigot to the Garden-house? Was his Lordship acquainted of the contents of such letter on that day; if not, what reason was alleged for not communicating the contents of such letter to his Lordship, and who assigned those reasons?

Answer. I know official letters were received respecting his Lordship's removal to the Company's Garden-house; I myself received an order to accompany him thither; Major Horne, under whose

whose charge his Lordship was, received also a letter to that purpose, which Major Horne meant to shew his Lordship; but, as it was wrote in the stile of government, Mr. Monckton and Mr. Russel communicated with me on the occasion, and it was thought better to give his Lordship a verbal notice of the Garden-house having been fitted for his reception, than to give him the perusal of the order to Major Horne in the situation he was at that time in.

Question. Have you not heard Messrs. Monckton, Russel, Stone, and others of his Lordship's friends, frequently abuse the members of the late Government, and threaten prosecutions, hanging, &c.?

Answer. Messrs. Monckton and Stone I have heard talk with the greatest virulence against the members of the late Government, and have heard them say they all deserved to be hanged; Mr. Russel I never heard talk violently against any one of the members of the late Government excepting Mr. Mackay.

Question. Do you think the violent passions Lord Pigot was thrown into, by attempting to remove him to Chingleput, could be productive of ill consequences to his health or constitution?

Answer. I think not; the agitations of violent passions, like severe exercise, produce weariness and fatigue, but never have lasting ill effects.

Question. Do you think his Lordship, when in arrest at the Mount, was in general so much under the influence of passions of the mind as to affect his health in any great degree?

Answer. I think, on the contrary, that his Lordship on great occasions was superior to all the little passions of the mind, and in great events, like men of real character, he on every occasion displayed exertions of mind more than enough to prevent them having any great effect upon his health and constitution.

Question. Do you think any particular affections of the mind preyed so much upon his Lordship's feelings as to occasion his Lordship's illness?

Answer. Timidity, despondency, and remorse are the only affections of the mind which, I can conceive, can entail complaints on the body. His Lordship's uniform firmness and fortitude is a contradiction

contradiction to the first preying upon him; his general cheerfulness of behaviour is a proof the second did not exist; and, I believe, he had too good an opinion of his own cause to entertain ideas of the last.

Question. Were many other causes necessary to establish and produce the illness of which his Lordship died?

Answer. Many other causes were absolutely necessary—No single cause, whether passion of the mind, or other, could in any respect produce the disorder of which his Lordship died; remote causes of disorders are not to be traced, they may be supposed, but cannot be ascertained; but the more immediate and ostensible causes doubtless were, an impaired digestion, dense state of the blood, exposing himself too much to the heat of the sun, and the frequent heating and cooling his habit.

Question. Do you think, from your knowledge of Lord Pigot's character, that he could be subject to that degree of dejection as to injure his health?

Answer. I never saw the least appearance of dejection in Lord Pigot, whether in sickness or in health; besides, the natural dignity of his character, the flattering idea he had of the justness of his cause, that his rank, character, and former services would entitle him to such ample satisfaction from the public, that there was no room left for dejection in his mind.—As explanatory of the evidence I have given on the operation of the affections and passions of the mind, I desire it may be noted, that resentment, anger, rage, and the active passions of the mind, produce at all times so great a re-action on the body, that they never do mischief unless instantaneously. The passions and affections of weak minds have their ill effects on the body, principally on occasions of the person's withdrawing himself from society and shutting himself up.

Question. Were any of his Lordship's family sick during their residence at the Mount?

Answer. There were—Miss Pigot laboured under a bilious illness, rather of a dangerous kind, and Mr. Monckton had several smart attacks of feverish bilious disorders.

Question.

Question. Were the corps of artillery subject to bilious disorders at the time his Lordship resided at the Mount?

Answer. They were subject in common with other parts of this coast to fevers, fluxes, inflammations of the liver, &c.

Question. Were any of the officers of artillery taken ill with bilious disorders?

Answer. Several of them were at different times sick of bilious disorders under Mr. Mallett's care, the surgeon on the spot; two of them, Lieutenant Moorhouse, and Lieutenant Douglas, were sent to town to me very ill of liver complaints, with feverish dispositions, and one of them died.

Question. Are disorders similar to his Lordship's common in this part of India?

Answer. They are common all over this part of India, and men in all situations, with the fullest enjoyment of every privilege, are subject to the same, and die of them.

Question. Do you think that the spring and increasing heat of the weather at the time of his Lordship's being at the Mount would be more productive of a disease to his Lordship than to any other man there?

Answer. I think not. His Lordship seemed to have no deficiency of exercise, for he never was idle, and that season of the year such disorders as his Lordship was affected with might affect others there as well as him, and several of them had similar disorders originating in their livers.

Question. Do you think his Lordship's sickness and death was owing principally to his confinement or restraint, or was it the effect of a bilious disorder?

Answer. I think principally from the effect of a bilious disorder arising from the same causes by which they are produced in others.

Question. Whether the room in which Lord Pigot was in the house of Major Horne could be the cause of his Lordship's illness, and whether such room was proper and fitting for a person in Lord Pigot's then ill state of health?

Answer.

Answer. The room could in no respect be the cause of his illness; and it was fit for his Lordship in a sick state on account of its being high-roofed, well aired, and the coolest room in the house.

Question. Can you, with that degree of moral certainty which in all law proceedings, or human evidence, seems necessary to establish the existence of any fact, declare that the seizure of Lord Pigot, and the subsequent occurrences while his Lordship was at the Mount, in consequence of the orders of the late Administration, did certainly occasion, or did certainly contribute, to the illness of which Lord Pigot died?

Answer. I think and can declare the moral certainty is, that the seizure of Lord Pigot, and the subsequent circumstances at the Mount, did certainly not occasion the disorder of which Lord Pigot died, though a combination of the circumstances mentioned in the question might have contributed to produce a change in his Lordship's constitution, but not sufficient to produce a disease of themselves; and his Lordship's enjoying so perfect health from the 24th of August till about the month of March, seems to argue clearly that they only contributed to lay the foundation of his Lordship's illness in the most remote manner, as a little water to the formation of a lake.

Question. Were you summoned on an Inquest held by Mr. George Andrew Ram?

Answer. I was.

Question. Were any questions put to you on that occasion, and what were their tendency?

Answer. Many questions were on that occasion put to me, principally regarding the operations of the passions of the mind upon the body, and the tendency of all the questions put to me seemed to be, to the best of my understanding, directly and carefully to establish a guilt. No questions were put explanatory of the answers I gave them, and none to remove doubts, or discover fact or truth.

Question from the Court.

Do you imagine the disorder of which Lord Pigot died was occasioned by imprisonment, or do you rather imagine it came on naturally, or that it was produced by his own imprudence?

Answer. The first part of this question I have already answered, by ascertaining the causes of his Lordship's disease; as to the second part it was imagined and prophesied by every body, that his Lordship would sooner or later be attacked by some disease, owing to his exposing himself so much in the sun, which, indeed, his friends, always remonstrated against.

GILBERT PASLEY, Surgeon.

Sworn to before us this 17th day of
November, 1777.

CHARLES SMITH, }
PETER PERRING, } Justices.

(A true Copy.)

WM. SEDGLEY, Clerk of Peace.

The CASE of the Right Honourable Lord PIGOT.

HIS Lordship, about Fifty-eight years of age, very healthy, and subject to no constitutional ailments, had resided at St. Thomas's Mount for some months. During the rains and cool season he remained in perfect health. Being accustomed to much stirring and exercise, he employed himself daily till noon (exposed to the heat of the sun) in gardening, repairing of tanks, &c. The confidence he had in his own constitution made him persevere in those amusements contrary to the advice of friends. About the beginning of March, when the weather grew hotter, appearance of a redundancy of bile, and disturbed secretions, took place on his Lordship. He grew restless, his spirits flagged, perspiration became scanty and irregular, with feverish dispositions, which obliged him to take to his room. He remained some days in this situation, took an emetic and a purge, and resisted the feelings of an impending illness. But things growing more serious I was called upon, and was somewhat alarmed at the situation I found his Lordship in. He was restless, an oppression and difficulty of breathing, prostration of strength, his tongue as white as a sheet, his urine like four beer, his skin hot and dry, his pulse very quick, and his whole system agitated with putrid bile. More time was not to be lost. He was directed to take immediately a laxative composed of senna manna, sal rochelle, tamarinds, and fennel seed, which in the course of the evening operated four times. The evacuations were foetid and offensive, and produced some relief. The laxative was repeated in the morning, had a good effect, brought away much putrid pile, and gave general relief: a perspiration was recovered on his skin, his tongue looked better, his pulse swelled and less quick, and every thing favourable. He now began to use saline draughts, with tartar emetic, which sickened his stomach, brought up some fresh bile, and a quantity of glutinous stuff that would not dissolve in water. As the putrid oppressive complaints abated, he became sensible of pain and tenderness in the region of his liver, and pain of his right shoulder. His laxative was again repeated, and evacuations less putrid were produced by it, after which he used saline mixture often as a refreshing drink; and as all symptoms of irritability were much diminished, and little more than a feverish disposition remaining, he was directed to take some alcalizate mercury and tartar of vitriol, equal quantities, morning

ing and evening, to remove liver, and other visceral obstructions. By these means, proper diet, antiphlogistic drinks, and laxatives, he became quite well, to all appearance. Notwithstanding, to secure a permanent recovery, I thought proper to apprise his Lordship, that as all disorders, of the kind he had laboured under, originated in the liver, a course of alteratives, deobstruent and aperient medicines would be highly necessary; and every other precaution in diet and exercise to prevent a relapse which might happen from indigestions and diseased secretions. I was at some pains to explain these matters to his Lordship, but from a confidence in his constitution and former healthiness, he could not be persuaded they were in any respect necessary, particularly as he had not a feeling of disease about him, and his spirits in their usual style. He therefore went out again and followed his amusements and occupations as before. In a fortnight's time, however, he became sensible how imprudent he had been in not listening to the advice he had received. His appetite began to fail him, his sleep grew disturbed, he grew heavy and feverish, and the whole scene of illness was renewed without having strength sufficient to support a second attack. On the commencement of his illness he took some tartar emetic, and a purge; by both he had great discharge of bile. They gave but little relief, as he had considerable congestion and irritation in his liver, which occasioned copious secretions of bile, and kept up his fever in spite of evacuations, relaxing and diluting medicines, and a perfect obedience on his part to every means that was necessary.

As his disorder gained ground, and the heat of the weather increased, he was moved, with his own consent, to the Company's Garden-house, near to the sea. In the course of three or four days after his removal, he was better in some respects, though not generally, but some violent exertions, and exposing himself to cold and fatigue, threw him back again, and brought on severe shivering. After which he gradually declined until he died of a slow visceral fever, partial suppurations in the substance of his liver, and putrid bile.

GILBERT PAGLEY, Surgeon.

Sworn to this 17th day of November,
1777, before us,

CHARLES SMITH, }
P. PERRING, } Justices.

(A true Copy.)

WM. SEDGLEY, Clerk of Peace.

WEDNESDAY, the 19th of November.

At a COURT of SESSION.

JUSTICES PRESENT,

JOHN WHITEHILL, Esq; Chairman.

CHARLES SMITH, and PETER PERRING, Esqrs;

COURT opened:—Sheriff returns his precepts. Mr. Charles Bromley, Solicitor, delivers in the following Petition of Brigadier General James Stuart.

To the Honourable John Whitehill, Esq; &c. his Majesty Justices of Oyer and Terminer, and General Gaol Delivery, for the Town of Madraspatnam and its Districts.

The HUMBLE PETITION of Brigadier General James Stuart,

Sherweth,

“ THAT it is now almost eight weeks since your Petitioner has been in detention of the Sheriff, or admitted to bail, in consequence of a most serious charge, which, from the hour of its being known to your Petitioner, he was, and now is, ready to prove to be devoid of foundation, according to any rules of law, justice, equity, or evidence.

“ The respect your Petitioner bears to the very name of trial by the laws of England (a name assumed by the supposed Court of Inquest), added to your Petitioner's desire to satisfy all mankind of his innocence, made your Petitioner, at the beginning, feel the inconvenience of his detention the less, because he imagined, according to the usual mode of proceedings, the business would be soon gone through; but the repeated, unexpected delays that have since occurred, obliges your

your Petitioner now, with becoming deference, to complain of these delays, as seeming to him a grievance. Therefore your Petitioner, in his own name, and in the name of the military concerned, takes occasion to request most earnestly, that no further delays may intervene; and that if the supposed Inquest is legal, that your Worships will now proceed in course of law, or if not legal, that your Petitioner may have speedy deliverance and redress.

“ Your Petitioner begs leave also to inform you, that if this business is to come to an hearing, in so far as it may concern your Petitioner, for the part he in duty took in obeying the orders of his superiors both civil and military, or for the part which any military man, in like manner, took in consequence of your Petitioner's orders, your Petitioner proposes in person to make his own and their defence, upon grounds distinct from that of the Government at the time, which originally gave the orders to your Petitioner, or to the military who acted under him.

“ Your Petitioner humbly requests, that this his Petition may be entered in the records of this honourable Court.

“ And your Petitioner, as in duty bound, shall ever pray.

Fort-George, 19th
Nov. 1777.

(Signed) JAMES STUART.”

The above Petition ordered to be recorded, and the Court adjourned to Wednesday, the 26th of November.

(A true Copy)

By order of Court.

WM. SEDGLEY, Clerk of Peace.

WEDNESDAY, the 26th of November, 1777.

At a COURT of SESSION.

JUSTICES PRESENT,

JOHN WHITEHILL, Esq; Chairman.

CHARLES SMITH, SAMUEL JOHNSON, PETER PERRING, Esqrs.

COURT opened:—Sheriff returns his precepts.—The following Grand Jury are sworn in upon both commissions.

James Daniel, Esq; Foreman.

<i>Mr. James Henry Casamajor.</i>	<i>Mr. Thomas Cooper.</i>
<i>Mr. Edward Saunders.</i>	<i>Mr. Richard Guy.</i>
<i>Mr. Edward Trowd.</i>	<i>Mr. Theodore Corbett.</i>
<i>Mr. Thomas Barnard.</i>	<i>Mr. Joseph Baker.</i>
<i>Mr. Charles Edward Jones.</i>	<i>Mr. George Moubray.</i>
<i>Mr. Robert Gardiner.</i>	<i>Mr. John Mitford.</i>
<i>Mr. William Aug. Dobbyn.</i>	<i>Mr. James Strange.</i>
<i>Mr. William Duff.</i>	<i>Mr. Edward Miller.</i>

The Chairman then delivers the following paper to the Clerk of the Peace, to be read publicly.

“AT the first meeting in the term of this Session, the Court observed that an Inquisition and sundry Informations had come before them, relative to the death or murder of the Right Honourable Lord Pigot, and that the subject appeared to them of so extraordinary a nature, that they had resolved to apply to the Judges of the High Court of Judicature for their opinion and advice.

“The President and Council, in consequence of this resolution, took the necessary steps for obtaining the opinion of the Honourable the Supreme Court, on several points of law which occurred on the subject of the before-mentioned Inquisition: the answer of the Judges,

Judges to the queries put to them are very full and satisfactory, and this Court having taken the same into consideration, and maturely deliberated on the proceedings of the Inquisition, with the exceptions made to them by the parties accused, are of opinion, That the said proceedings are irregular, and contrary to law, and have accordingly resolved, that the whole be quashed and laid aside.

“And in justice to the persons accused in the said Inquisition, the Court have thought it proper and necessary, that an attested copy of the letter from the Honourable the Judges of the Supreme Court, containing their opinion on the several points referred to them, be entered on their minutes.”

The Court agreeing in opinion that these persons should be immediately released from their recognizances: resolved, That they be now discharged by proclamation.

The Clerk of the Peace then calls over the names of the following Gentlemen, who, by the verdict of the Inquest, were charged with the murder of the late Lord Pigot, viz. Messrs. George Stratton, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, George Mackay, James Stuart, James Eidingtoun, Arthur Lysaght, and Matthew Horne; when Mr. Charles Bromley, solicitor for these Gentlemen, appears and informs the Court the above Gentlemen are in an adjoining house, and submits it to the Court, whether their personal appearance be absolutely requisite, which the Court does not deem necessary, and they are discharged by proclamation; the Court at the same time order the Clerk to quash the Inquest, which is done in the presence of the Grand Jury; and the Chairman then orders the Clerk of the Peace to read the following questions, which were sent to Bengal with the answers received from the Bench of Judges.

Question First. Whether the Judges ought to allow exception being made to the Coroner, as being appointed by the President and Council, and if such exception be admitted, who has properly the power of appointing that officer?

Second. Whether the Justices ought to allow exception against Mr. Ram, the Coroner on the present Inquest, on account of another Coroner having been appointed by Mr. Stratton, and the rest of the Gentlemen of the late administration; or, for his having at any time

time declined to officiate, supposing this latter circumstance, which is at present doubtful, should be found true?

Third. Whether the Justices ought to quash the Inquest on account of any of those exceptions, or on account of irregularities in the proceedings, should any such appear?

Fourth. Whether all those persons, accused by name, should be indicted for murder, or for manslaughter; or whether some only should be indicted as principals, and the others as accessaries before the fact, and in this last case who should be considered as principals, and who as accessaries?

Fifth. Whether, in criminal matters, the informations of persons beyond the seas can be read in evidence to the Petit Jury?

Sixth. Whether the Jurors that sat on the Inquest can be examined as evidence before the Court, and before the Grand Jury, or either?

Seventh. Whether the Jury on the Inquest ought to be unanimous in their verdict; and whether they may decide by any, and what, majority?

Eighth. Whether the proceedings of the Inquest, in case it should be quashed, can be demanded by the Grand Jury?

Ninth. Whether, if the Inquest and proceedings thereon should be deemed legal, the examinations of such persons as gave evidence before the Coroner, and who may forfeit their recognizance by going to England, may be read as evidence to the Petit Jury on the trial?

Tenth. Whether any, and what, challenge, lies on the part of the Crown, or prisoner, against a Grand Jury-man?

Answer to the above Queries.

First and Second. To the first and second queries one answer will suffice. It does not appear to us that there is any such officer as a legal Coroner at Madras. If the President and Council have a right to appoint an officer, who can lawfully exercise the several powers belonging to a Coroner in England, they must derive it from some act of parliament, or from some charter; but no act or charter

which we have seen confers any such right. It may be proper and convenient, in a settlement where there is no legal Coroner, that some of the principal inhabitants should inspect the body of any one suddenly deceased, and that a person appointed by the chief magistrate of the place, should assemble a proper number of inhabitants for that purpose; but though, in such a case, their evidence at a future trial may possibly be important, any inquest that they shall presume to make on oath, will be absolutely void, and the arraignment of a culprit thereon utterly unlawful.

Third. Inquisitions taken before a Coroner may be quashed or set aside, either for formal defects, or material irregularities; and unless there be some authority for the appointment of a Coroner at Madras, with which we are unacquainted, the Inquisition now laid before us, must be rejected as wholly null and void.

Fourth. Whether a man charged with the death of another shall be indicted for murder or for manslaughter as a principal or as an accessary, it is the office of the Grand Jury to determine on the consideration of the Facts proved before them; we can only give an opinion upon such facts as are stated in Mr. Ram's Inquisition, from the perusal of which we cannot collect materials sufficient for an indictment either of murder or of manslaughter. Unlawful imprisonment accompanied with such severities as apparently endanger the life of the prisoner may, if death ensues thereupon, amount to criminal homicide; but where the mode of restraint was not rigorous, nor the place unwholesome, he who has unlawfully abridged the liberty of another will not be answerable for his death, merely because the disease of which he died proceeded from anxiety and depression of spirits, the natural consequences of injurious confinement.

Fifth. In criminal matters the informations of persons beyond the seas cannot be read as evidence to the petty jury, unless perhaps in certain cases attended with particular circumstances, which are not stated or supposed in the present instance.

Sixth. The Gentlemen who attended Mr. Ram under the denomination of Jurors, may give evidence both to the Grand and Petty Jury of what they themselves saw or know, but not of what was related to them either with or without oath by others.

Seventh. To the validity of a Coroner's Inquest it is necessary that the major part of the Jurors agree in the verdict, and that such majority consist of at least twelve; so that if no more than twelve are sworn in, the Jury must be unanimous.

Eighth. The Inquest being set aside, as we have supposed it must be, we do not apprehend that the Grand Jury can have a right to demand from Mr. Ram, or the gentlemen who attended him, any of their papers or proceedings.

Ninth. We are of opinion that the examinations mentioned in the ninth question, cannot be read as evidence to the petty Jury at the trial, both because Mr. Ram appears to us to be no Coroner, and because the depositions of absent persons cannot be read in evidence in a criminal suit, unless for special reasons, which do not appear to exist in the present case.

Tenth. We apprehend that a Grand Jury-man, though not liable to be peremptorily and arbitrarily challenged, may however be challenged for certain causes, by a prisoner under prosecution; we do not think it necessary to enter into a particular examination of each of those causes, but will here transcribe a short passage from Hawkins's Pleas of the Crown, which with the references that will be found in the margin of the book under that passage, may serve to direct, in his investigation of this subject, the Barrister by whom the President and Council of Fort St. George are at present assisted. It seems (says Hawkins) "That any one who is under a prosecution for any crime whatsoever, may by the common law, before he is indicted, challenge any of the persons returned on the Grand Jury, as being *outlawed*, for felony, &c. or *villains*, or returned at the instance of a prosecutor, or not returned by the proper officer, &c." 2 *Hawk.* 215.

We herewith return (as desired) the several official papers that accompanied your letter of the 24th instant, and request that you will be pleased to communicate with all convenient speed, to the President and Council of Fort St. George, our answers to their several questions.

The

The business of the term, and the indisposition of two of the Judges, have been the occasion of your not receiving this sooner.

We have the honour, &c.

(Signed) E. IMPEY,
ROBERT CHAMBERS..
S. C. LE MAISTRE,
JOHN HYDE.

Fort-William.,
31st October, 1777.

(A true Copy.)

By order of Court.

WM. SEDGLEY, Clerk of Peace.

To the Honourable JOHN WHITEHILL, Esq; &c. Justices of Oyer and Terminer, and General Goal Delivery, for the Town of Madraspatnam and its Districts,

The HUMBLE PETITION of George Stratton, Henry Brooke, Esqrs; Brigadier-General James Stuart, Charles Floyer, Archdale Palmer, Francis Jourdain, George Mackay, Esqrs; Lieutenant-Colonel Matthew Horne, Captain James Eidington, and Captain Arthur Lysaght.

Humbly Sheweth,

THAT your Petitioners having heard from public report, that an answer is arrived from the Bench of Judges in Bengal, to the questions you were pleased to propose to them in regard to the mode of proceeding adopted by a meeting within this settlement, calling themselves a Court of Inquest held upon the summons of George Andrew Ram, assuming the name and office of Coroner, and exercising the powers annexed to that office as if legally appointed and constituted; We therefore beg leave on this occasion to call your attention to the address we presented to you in the earliest stage of this business, which though it stated our doubts of the legality of the proceedings held under the said George Andrew Ram, nevertheless was expressive of our wishes, that some mode could be found in law, to proceed to the fullest investigation of the horrid crime we have been accused of by this supposed Inquest; we have avoided excepting to the proceedings thereon, on account of the illegality of the said George Andrew Ram's appointment, lest it should be alleged by our malevolent and malicious accusers, that we allowed its legality, when others only were concerned, and never denied it, until we ourselves fell under the same predicament. But as at present this pretended Inquest has been quashed for unfairness and illegality in the proceedings, We pray you in your wisdom, to think of some mode or form of law, to proceed in the examination of evidence, so that we may have the means of proving our innocence upon the clearest and most liberal footing; for we declare in great sincerity and truth, that it is not on the narrow grounds of want of form in law, such as exceptions to the exercise of the office of Coroner as not legally nominated, that we would desire to quash any prosecution, in

consequence of an imputation or charge of wilful murder however unjust; We say, therefore, that in justice to our own feelings on this important occasion, we think it proper to observe to you, that we are ready and willing to submit to any mode of trial, that the informations taken before you can support, or that the laws of our country can warrant.

We therefore pray, that this our petition may be taken into consideration, and that such relief may be granted to us as to the Court may seem meet and proper.

(Signed) CHARLES BROMLEY.

By order of Court.

(A true Copy.)

WM. SEDGLEY, Clerk of Peace.

Town of MADRASPATNAM. J.

Dated, 8th December, 1777.

THESE Copies examined and compared with the minutes of the Court of Oyer and Terminer, and General Gaol Delivery for the Town of Madraspatnam and its districts, and attested to be a true Exemplification from the Records thereof.

By order of Court.

WM. SEDGLEY, Clerk of Peace.

To the Honourable John Whitehill, Esq; Governor, President, &c. of the Council.

Honourable Sir and Sirs,

Being credibly informed that part of the proceedings of the late illegal meetings held under George Andrew Ram were sent to England by the Hector in July last, even before the supposed final verdict was pronounced, and likewise that the whole of these proceedings (falsely represented to be unanimous) were given by George Andrew Ram to Mr. Monckton, and by him forwarded to England by the Swallow sloop of war in September; on both which occasions an unfair advantage was taken, in order to raise unjust alarms and reports to our disadvantage, and to prejudice the public against us, because at that time we neither had notice of the accusation, nor had we means to exculpate ourselves, or to shew the partiality and illegality of these supposed proceedings and verdict; we therefore entreat your Honour, &c. in justice to us, as well as for the full and authentic information of the Honourable Company, that you will please to forward to the Court of Directors, by the packet over-land, which we understand is to be dispatched to England in the course of next month, the whole of the proceedings taken in this supposed inquest by the said George Andrew Ram, together with copies of the warrant of commitment, the opinion of the Judges in Bengal, the minutes and proceedings of the Bench of Justices, with the informations taken before them relative to this business, and the proclamation of our being liberated: in short, with whatever is connected with the late most illegal and unwarrantable conduct towards us.

Left there should be any difficulty in obtaining authentic copies of these illegal proceedings (now quashed), we have ordered our Solicitor to furnish you, if you desire it, with copies, which we beg may go a number in your packet.

We have the honour to be,

Honourable Sir and Sirs,

Your's, &c.

GEO. STRATTON,
HENRY BROOKE,
JAMES STUART,
CHAS. FLOYER,
ARCHDALE PALMER,
GEO. MACKAY,
MATTHEW HORNE,
JAMES EIDINGTON,
ARTHUR LYSAGHT.

Fort St. George,
28th Nov. 1777.

[In the foregoing Collection of Authentic Papers, the proceedings subsequent to the death of Lord Pigot (under the form of a Coroner's Inquest) have been faithfully exhibited, with every proof or information that was produced on that occasion.

The conduct of the Justices at Madras, in consequence of these proceedings, has in like manner been faithfully stated from their records, down to the time when these justices, in conformity with the unanimous opinion of the Judges of the Supreme Court of Judicature in Bengal, declared, "That the said proceedings were irregular and contrary to law, and accordingly resolved, that the whole be quashed and laid aside."

Previous to this decision of the Justices, Mr. Stratton and the other Gentlemen accused, had prepared the following DEFENCES that were to be given into Court, had they been put on their trial, which they had earnestly requested might take place, that they might have an opportunity of publicly retorting the charge, upon the spot where the transactions had happened, and where they could appeal to so many witnesses of their conduct.

As it is so generally known, that the Inquest assembled Mr. Ram, after examining many witnesses, and after meetings and deliberations during several months, had brought a verdict of WILFUL MURDER against Mr. Stratton, and the other Gentlemen accused by them; and as the papers and proceedings published in the preceding collection (in which there has been no mixture of observations or arguments in favour either of the one party or the other) tend chiefly

chiefly to show the accusations that were brought against the persons to whom that crime was imputed, without giving any precise or complete view of the answers to these accusations, or of the defences that were to have been made, if the trial had proceeded, it is presumed, that the Public, desirous of full information, and disposed to judge with impartiality concerning the conduct of those to whom so heinous a crime has been imputed, will be well satisfied to find, in this collection, the genuine DEFENCES of the persons accused, as well as all the informations, proofs, and endeavours, which were employed for the purpose of criminating them.]

DEFENCE

DEFENCE

OF

George Stratton, Esq; Governor,

Henry Brooke

Charles Floyer

Archdale Palmer

Francis Jourdan

and

George Mackay,

Esquires, of Council at *Madrafs,*

Accused of the wilful Murder of the late Lord *Pigot.*

Gentlemen of the Jury,

TO appear as culprits at the bar of that Court where many of us have often sat as Judges, added to the anxiety which a public scrutiny into our conduct naturally occasions, and to the apprehensions which a trial for our lives necessarily gives rise to, would be fully sufficient to throw such a damp on our minds as may render us incapable of laying our actions before the world in that clear and satisfactory manner which we think requisite to obviate the opprobrium, with which the partisans of the late Lord Pigot wish to cover us. These circumstances, we say, would be sufficient to deprive us of the power of refuting the base and disingenuous charge against us, were we not firm in our own innocence, convinced in ourselves of the propriety of our conduct, and confident in the impartiality, candour, and justice of the Court and Jury.—A simple narrative of facts, known to almost every person here, with a few fair and honest arguments, are all we shall offer in our defence; but few and simple as they are, upon them we rest our lives and reputations.

The crime imputed to us is nothing less than the premeditated murder of the late Noble Lord: We are charged with having feloniously arrested, and confined him, and by this confinement to have occasioned his death; but, conscious that our hearts have been ever free from guilt, we have desired nothing more than a trial of the accusation by our country, and we are here ready to stand or fall by their decision. We do not wish to give unnecessary delays, nor to enter into any point in the least foreign to the subject of this awful day's enquiry; but though the question to be here determined is, Whether we have wilfully and maliciously murdered Lord Pigot, or whether we have not? yet we wish to be indulged in an entire liberty, here publicly to vindicate our conduct at large, and to set the necessity and legality of our measures in the justest and fairest light; for we think it requisite not only to remove the idea of murder, or personal ill-will to the late Noble Lord, but also to obviate that of an unnecessary arrest and confinement.

The Council, from the great confidence they had in the fidelity, as well as military abilities of Brigadier General, then Colonel Stuart appointed him to the important command of Tanjore. In consequence of the appointment, the then Commander in Chief laid before the Board a draft of instructions to be delivered to him previous to his departure, and Mr. Floyer moved, That his Lordship should put the question, to take it into consideration.

Lord Pigot had often declared, That he would never consent to his proceeding to Tanjore, unless Mr. Russel was also permitted to go there as Resident; and although the question had been put, that this Gentleman should go in that capacity, and carried in the negative (as he had been ordered by the Company themselves on the circuit), yet he absolutely refused to put the question, To take the instructions into consideration.—His Lordship being a man of a very warm temper, Mr. Stratton moved to adjourn to the next day, hoping he would reflect on his conduct, and be before then fully sensible of the impropriety of it; but the next day produced no change in the arbitrary manner of his proceeding; for he again absolutely refused to put the question, or order it to be put by the Secretary.

There was now no mode left for Mr. Floyer, who had moved it, but to collect the sentiments of the several Members of the Board for their coming to a decision upon it. This he did, and the majority of the Council approving of the instructions, they were entered accordingly,

accordingly, the Majority having previously entered a minute expressive of their approbation, which was signed by them at the President's desire.

The obstinacy of the President, in not conforming to the regulations of the Company, after the many entreaties that were made him, and an evident desire to concentrate in himself all the powers of government, induced Mr. Stratton to desire the standing orders of the Company of the 3d January 1678 to be read; these declare that "*Whatever shall be agreed on by the Majority shall be esteemed the order by which each are to act, and accordingly every individual person, even the dissenters themselves, are to perform their parts in the prosecution thereof, and in so doing they do their duty.*" He also desired that those of the 9th March 1702 might be read, where it is said, "*We do strictly enjoin that all our affairs be transacted in Council, and ordered and managed as the Majority of the Council shall determine, and not otherwise upon any pretence whatsoever.*" He also begged leave to have it recorded, that by the late Act of Parliament the Governor General himself is obliged, though the first servant of the Company in India, to conform to the opinions, and to adopt the resolutions of the Majority of the Council.

Mr. Stratton having thus given Lord Pigot every information that was necessary to remove any error in his judgment, Mr. Mackay proposed, and the Majority were of opinion, that the instructions should be written fair, and that a letter should be prepared to order Colonel Harper to deliver up the command of Tanjore to General Stuart: but his Lordship, still deaf to remonstrance, declared he would never put his name to them, and that without his name they were not an act of government.

This strange and pernicious doctrine laid such of us here, as were then of the Council, under the necessity of expressing our astonishment at such extraordinary declarations. We were under the necessity to deny that the concurrence of the President is requisite to constitute an act of government, and to declare his Lordship's conduct unconstitutional and illegal; we were forced by duty to our Honourable Employers on such an occasion to assert, that the Minority are obliged to assist in carrying into execution the orders of the Majority, by subscribing to their resolutions; and that the President is as much bound by those orders, as any other Member of the Board.

Yet lest he should imagine that we meant to impose laws of our own institution upon him, we referred, in support of our assertion, to the narrative of Mr. Vansittart; where it is said (and it certainly was not written to answer our purposes), "*that the resolutions of the majority are to be deemed the resolutions of the Board, and to be signed by the whole Board.*" Where it is observed, that that Gentleman himself, in conformity with the general and established rule, signed instructions which he disapproved, because they met with the approbation of the majority of Council. We thought it also necessary to declare, we were of opinion, that in case of the President's refusal to put a question proposed by any Member, it should be the duty of the Secretary to put it; that of every Member of the Council to answer it; and that a refusal to answer should be deemed a breach of the Company's standing orders.

In this manner did we endeavour to make his Lordship sensible of the irregularity of his conduct, and the despotism of his measures; but he still persevered, and again peremptorily refused to sign either the instructions or the letter to Colonel Harper.

In consequence of this unprecedented obstinacy, we as the majority were of opinion, that they should be signed by the Secretary by order of Council; taking this mode out of delicacy to his Lordship, and in pursuance of the moderation we had always observed; for we could have obliged both him and the other Members to have signed the letter, or have suspended them the service on a refusal.

An order was accordingly written to that purpose to Mr. Secretary Sullivan; and being approved of by the majority, was signed by Mr. Stratton and Mr. Brooke; and would have been also signed by the rest of the majority, had not Lord Pigot snatched it out of Mr. Brooke's hand, as he was reading it to Mr. Floyer.

Becoming thus master of the order, he produced a paper (ready written and prepared, to answer a hasty and undigested, although premeditated purpose), charging Mr. Stratton and Mr. Brooke with "*being guilty of an act subversive of the authority of government, and tending to introduce anarchy, in signing orders to the Secretary to give instructions to Colonel Stuart, which were not approved and passed by the President and Council.*" And at the same time he recommended, that "*as the charge was of the highest nature, those Gentlemen should be ordered to withdraw, that their conduct may*"

"*be taken into consideration.*" Surprised at this motion, Mr. Jourdan moved to adjourn till the next day, and was seconded by Mr. Mackay; but instead of putting the question of adjournment, according to the constant practice, he put that for the suspension; and directing the Secretary not to receive the votes of these two Gentlemen, he arrogated to himself a privilege of judging in a cause where he himself was the accuser, contrary to the principles of the constitution; and thus by assuming a right to himself which he denied to them, he reduced the majority to an equality with his party, and carried the suspension by his casting voice, or double vote.

In this violent and extraordinary manner he deprived these Gentlemen of their rights, not only as Councillors, but as free-born British subjects; who, by the laws of England, are to be judged by uninterested and impartial men; and assumed to himself and his associates those reins of government which the standing orders of the Honourable Company, as well as the late act of parliament, had placed in the hands of the majority, and consequently in ours.

Yet not content with this, when with the late Sir Robert Fletcher, then Commander in Chief, and a Member of the Board, we asserted our rights, and publicly protested against him and his minority; when we declared that we should hold them responsible for all the consequences that might ensue, and that we considered ourselves as the only legal representatives of the Company; when, we say, we had done this, and distributed copies of our protest, thus asserting our rights and the standing orders of our honourable employers; he had the temerity, with the concurrence of his associates, to suspend Messrs. Floyer, Palmer, Jourdan, and Mackay; nay, he pushed his violence to such a degree of outrage, as to order Sir Robert Fletcher into immediate arrest, and to be brought to a general court-martial, under the pretence of circulating letters tending to excite mutiny and sedition among the troops in garrison; although these letters were nothing more than the protest signed by him in his civil capacity of Councillor, and as forming, in conjunction with us, a real and constitutional majority of the Council.

Justly alarmed for the life of the Commander in Chief, thus struck at by an usurped authority, as well as for ourselves, who might have been with equal reason treated in the same manner; for the peace of the Carnatic, and the commercial interests of the Company; for the impartial distribution of justice, and the public safety; we

we saw the necessity of a vigorous and timely exertion of that authority, which since the establishment of the settlement has been vested in the majority of the Board.

We accordingly held a Council, and upon the most mature deliberation agreed, that the fortress and garrison of Fort St. George ought to be in our hands, and under our command, as the legal representatives of the East-India Company; for otherwise we must have remained silent spectators of the free and uncontrouled exercise of an usurped power, deprived of the means of enforcing our orders, or of fulfilling, in the slightest degree, our duty to the Company, unless, by exciting the troops to mutiny, we embued our hands in the blood of our fellow-citizens, and arrived, by a means so shocking to humanity, at a re-possession of our rights and privileges.

For this purpose we empowered General Stuart, on whom, during the indisposition of Sir Robert Fletcher, we conferred the command of the army (as well as of the garrison of Fort St. George during the then present danger), to take such measures as he should judge most proper to answer the end we proposed; which was, that public tranquillity might be restored, and the business of the Honourable Company carried on in the usual manner. Uncertain, besides, to what further excess the violence of Lord Pigot (who seemed to acknowledge no law but his will) might proceed, we also thought proper to order General Stuart to arrest his person, if he thought it necessary, to avoid tumult and the effusion of blood.

General Stuart, having received full information of the grounds on which we had separated ourselves from Lord Pigot and his associates, knew his duty too well to delay obedience to our orders, and therefore immediately formed the plan of putting this fortress into our possession, with as little danger and confusion as possible. But to effect this, he looked upon the arrest of Lord Pigot as an object of the greatest importance, and accordingly took proper measures to arrest him, even in the fort, had it been requisite; but we shall ever think it a fortunate circumstance, that he was not driven to that perhaps bloody extremity.

We must beg leave to observe, that the general order of Lord Pigot and the Gentlemen of the minority to put Sir Robert Fletcher under arrest, and to order him to be tried by a general court-martial,

tial, having appointed General Stuart to the command of the troops under this Presidency; the General wrote, in consequence of the appointment, to Lord Pigot, declaring that he was very imperfectly informed of the steps which led to the honour conferred on him; and that not thinking himself entitled to a seat in Council, as matters were then circumstanced, he hoped his Lordship would allow him to peruse the consultations, or other papers passed in Council, on occasion of those unhappy differences, as he wished to act from information, so as to do his duty to his honourable employers, with honour to himself, and a just observance to his oath of fidelity to the Company. He also said, that he trusted that his Lordship would not refuse him a favour that the practice of the Service had conferred on persons honoured with the chief command. But Lord Pigot was too conscious that a perusal of the consultations would convince him of the irregularity of his appointment, to comply with the request.

At Council, to which he was summoned in the evening, he made this application, and he again urged the propriety of affording him the information he desired, but to no effect. Great pains were however taken, to obtain a public acknowledgment from him of the authority of that part of the Council which were then assembled; a striking proof, that they were themselves conscious of the illegality of it. And when the Fort Adjutant had delivered to him, by order of Lord Pigot, the general orders appointing him to the command of the army, his Lordship desired to meet him in the Fort Square; where having had some conversation with him apart, he told him, that he considered his having received the general orders without objection, as an acknowledgment of the authority by which they were published; a circumstance which surely discovers, that his Lordship's private sentiments were, that the legal government was lodged in other hands than his.

The General, however, not thinking it at that time proper to declare his opinion, contented himself with observing, that he owed to the Court of Directors his appointment of second in command, and with entreating his Lordship to give him the information he desired, before he should be called upon for any executive act as Commander in Chief. But his Lordship, conscious, as we have said, that a perusal of the records would set his conduct in too unfavourable a light to meet with the approbation or support of the army, either constantly eluded the request, or, allowing it to be reasonable, objected:

objected to its propriety, as having the appearance of a bargain before he would consent to do his duty.

Thus, although the General could never bring Lord Pigot to his point, yet his Lordship never lost sight of his own; and at the last Council that he and the minority held at the Fort House, used every effort to obtain an avowed acknowledgment of their authority from him by some public act, and particularly by his directing, as Commander in Chief, the Adjutant General to publish in general orders to the army the resolution of their Council, whereby Sir Robert Fletcher was put in arrest, and himself appointed to the command.

But perceiving the tendency of this application, and that if he acted in one instance only, it would be a tacit acknowledgment of an authority in them which he was firmly persuaded was placed in the hands of the majority; that acting even in that one instance would oblige him to continue to act under their orders, for the sake of uniformity in his conduct, and force him to set the military power in opposition to the legal civil government; that he would be obliged to pay an implicit obedience to an usurped authority, or be treated like Sir Robert Fletcher, and subjected like him, should he remonstrate even in his civil capacity, to an arrest and trial by a general court-martial; perceiving such consequences to a compliance with their demand, the General expressed the hardship of obliging him to take this, or any other step, without communicating to him the ground and reason of their proceedings, and added, he considered it as a right due to the officer commanding the forces, who from his station was entitled to a seat at the Board; but at the same time he judged, that they would continue to act in the same violent and despotic manner that they had already done, and was soon confirmed in his opinion; for he was now informed by Mr. Dalrymple, that it was his duty to obey; thereby giving him to understand, that though they had called him into Council, they did not mean to afford him further information than may be necessary to answer their own purposes, or turn to their own advantage.

General Stuart, now more than ever convinced of the necessity of dissolving the confederacy, and of arresting the person of Lord Pigot, took, as we have said, the proper measures for doing it without noise or public disturbance. For this purpose, he ordered Colonel Eidingtoun to arrest him at some distance from the Fort, in the name of the Government, and to hand him over to Captain Lysaght, who

who was charged to deliver him with the general orders to Major Horne at the Mount. The orders were punctually executed, and his Lordship arrested without bloodshed or insult.

Thus far, Gentlemen, we have acquainted you with these circumstances that led to the arrest; but we have still to relate our motives for continuing his Lordship under restraint, as also the nature of it, and the treatment he met with at the Mount.

Captain Lysaght, agreeable to his instructions, delivered him over to Major (now Colonel) Horne with the General's orders, which directed him to take his Lordship into his charge until he received further orders from us; but at the same time desired that his family and servants might be permitted to visit and attend him; as also that they might be treated with every mark of attention and respect consistent with the situation in which the exigency of affairs made it then necessary to place him.

His Lordship expressed his satisfaction, that we had made choice of a gentleman, whom he had long known to be a man of honour, and at whose house he was confident he should suffer no indignity. Colonel Horne assured him, in the most obliging terms, of every respect and attention in his power, and immediately gave orders for the Officer's guard then mounted at his quarters, as well as for all others at the Mount, to pay him the same military honours he had received in the Fort; and so far was he from wishing to treat him with the least indignity, or permitting him to suffer the slightest inconvenience, that he gave up to his Lordship the best and only good apartment in his house. The better to accommodate him, Mrs. Horne and he contented themselves with a very small room much exposed to the sun, and whose excessive closeness not only contributed much to weaken her constitution, but also obliged the Colonel himself, for six weeks together before Lord Pigot left the Mount, to sleep in an open veranda amongst a number of his Lordship's black servants.

Every part of his Lordship's family were requested to be with him as much as possible; and Mrs. Horne particularly entreated Mrs. Monckton and Miss Pigot to give his Lordship as much of their company as they could. Indeed, so very sensible were himself and his friends of the attention and respect paid him, that the second evening after his arrival at the Mount, he appeared easy and cheerful,

and walked out in the Plain, to all appearance perfectly reconciled to his situation; and would have continued as happy and contented as it is possible to be in such circumstances, had not the imprudence of his friends broke in upon his repose.

Mr. Claud Russell had attempted to put the main guard under arms the night of his Lordship's arrest; and shortly after the Board received information, that underhand practices were made use of to tamper with the troops in garrison, as well as with the corps of artillery at the Mount. This laid them under a necessity of taking proper precautions for the public peace and tranquillity. So near the Fort, Lord Pigot would have had it too easily in his power to disturb that tranquillity, by means of his friends and associates, whose passions were already raised to such a degree of madness, that they would have readily adopted and executed the most violent measures. So near the Fort, every day would have afforded him opportunities of creating fresh divisions in the settlement, of raising mutiny and sedition among the soldiery, and of giving birth, perhaps, to all the horrors of a civil war.

We therefore judged it prudent to remove his Lordship to a place of greater safety; and accordingly ordered Colonel Eidingtoun to conduct him to Chingleput, where we had sent Major Cook to take the command, and to receive his Lordship. This we ordered to be done in the most secret manner possible, to prevent public disturbances. For the same reason, and to induce a ready compliance on the part of Lord Pigot, we directed Colonel Horne to inform him, that as the last resource, in case of an attempt to rescue, his life must answer it. But so little regard did he pay to this menace, that he made use of the most irritating expressions towards Colonel Eidingtoun, who had it then in his power to treat him rudely, could he have so far forgot what he owed to himself as a gentleman; and not content with this, nor with expressing himself in the most indecent and imprudent manner with respect to us, he publicly harangued the guard, that was then drawn out to put our orders into execution, and endeavoured, by every argument that could work upon the mind or passions of a soldier, to stir them up to mutiny.

Colonel Eidingtoun and Colonel Horne were both convinced of the daring and intrepid spirit of Lord Pigot, by his having even thus singly opposed the execution of our orders; at the same time too

they were confident, that notwithstanding our menaces we never meant that the least violence should be offered to his Lordship's person, and that although seemingly positive, it was only intended to prevent the rash attempts of himself and his friends. Had Colonel Horne regarded the order in any other light, he would have thought it his indispensable duty to force an immediate obedience to it on the part of Lord Pigot; they therefore agreed not to proceed further until they had fresh instructions from the board, upon receiving his Lordship's word of honour, not to make any attempt to escape, nor to employ his friends or dependants to tamper with the troops, which from the violence shewn on every occasion by his Lordship's adherents the Board had reason to suspect.

Some of Lord Pigot's friends declaring on this occasion, that we meant to remove him to Gingee, used every means to excite mutiny among the soldiers, yet Colonel Horne, persuaded of the steadiness of his men, shewed them a degree of lenity, that nothing but his own humanity could excuse; and though he would have been justifiable, had he treated them in the severest manner, he contented himself with informing us of the rashness and inefficacy of the attempt.

In consequence of his letter, we wrote to Lord Pigot, and expressed an extreme concern that a notion should have prevailed in his Lordship's mind that he was to have been removed to Gingee. We assured him, that no such idea ever did or could have occurred to us; and we took this opportunity to make him an offer of removing to any settlement on the coast, that he should give a preference to, where there was a Chief and a Council, provided he pledged his word of honour to remain in quietness within the bounds of such settlement until the Company's pleasure should be known. We told him, that if he consented to this proposal, we would order the best house in the place to be prepared for him, that every necessary should be furnished at the Company's expence, and that every respect and attention should be paid to his person. At the same time that we made his Lordship this offer, we informed him, that if he should prefer embarking for Europe in one of the Company's ships, we would order him every accommodation in our power.

Convinced of the necessity of restraining his Lordship from coming into the Fort, or of removing him to such a distance from it as would leave us no apprehensions for the public safety, or the peace

of the Carnatic, it was surely a proof of our wish to contribute to his satisfaction, as much as lay in our power, to give him an opportunity of choosing his place of residence. But his Lordship would not pledge his word of honour to remain quiet until the Company's pleasure should be known, and seemed so happy in the place of retirement we had already chosen for him, that he would have rather lost his life (to use his own expression) than have exchanged it, except for the Fort, which we could never think of giving up, or the King's ship, which we were obliged to refuse him, as the Commodore Sir Edward Hughes would not in that case answer for the peace of the Carnatic. As he seemed, we found, so well pleased with the Mount, we resolved to let him remain there, in the free enjoyment of his family and friends.

We even permitted Colonel Horne to indulge him in the free and unlimited range of the whole country, accompanied by himself or the officer of the guard; he amused himself walking in the neighbourhood of the Mount, or playing at cards, or at billiards; he was cheerful and merry at table, and frequently sung after supper with Miss Prime, a young Lady of Colonel Horne's family, particularly a song he taught her himself, and of which he gave her the words.

On so confidential a footing was Colonel Horne with Lord Pigot, that he used to converse with him on subjects of the most interesting and delicate nature, and his Lordship seemed so well satisfied with his behaviour, and that of his family, that he paid a very particular attention to every person that composed it. Mr. Ross, Mr. Smith, Mr. Turing, and Mr. Taswell, with their families, often dined with him, and were witnesses of his conduct. Mr. Monckton and the Colonel's family were on the most cordial terms; they dined and supped frequently with his Lordship at each other's houses, and Mrs. Monckton and Miss Pigot drank tea almost constantly with the Ladies of his family; most evenings his Lordship received visits from near twenty Ladies and Gentlemen, and the Colonel usually invited every person who came to the Mount to see Lord Pigot, to dine or sup with him; he gave several entertainments on his Lordship's account, and always avoided asking any person that might possibly have been disagreeable to him, though there were many of his own particular friends in that predicament.

There was so little appearance of Lord Pigot's being any way disrespectfully treated, that on the contrary the Mount became the

gayest place on the coast, and on Christmas and Newyear's-day, as well as on Twelfth-night, the balls given by Messrs. Monckton, Ruffel, and Stone, were uncommonly splendid; the Board even coincided in this respect with their wishes, and made Colonel Horne a handsome allowance to defray the extraordinary expences that his Lordship's residence occasioned; but these being considerably lessened by Lord Pigot's insisting on shortening the table, constantly before provided, whether there was company or not, it became more than sufficient, and the Colonel not wishing to benefit himself by his Lordship's restraint, thought it reasonable that the surplus of that money, which had been granted for his entertainment, should be spent in his Lordship's amusement; and accordingly, as he was fond of amusing himself in building, he adopted a plan of his for a bath, and at his instance, upon a much more extensive scale than he had intended.—Lord Pigot having drawn this plan himself, seemed particularly desirous of having it built; and when it was undertaken he frequently gave as close attention to it as any of the workmen; thus, in an occupation of his own choice, and in putting the garden in order, an amusement that he also much delighted in, did he employ those moments that were not spent in the company of his family or friends.

This, Gentlemen, was the nature and degree of the restraint we laid Lord Pigot under; we will not attempt to expatiate on it, but leave to your own understandings to determine whether it was such as evinced premeditated malice, or personal ill-will to his Lordship; but it remains to shew our reasons for continuing him under this restraint.

The Act of Parliament for establishing certain regulations for the better management of the Company's affairs, as well here as in Europe, appoints a Governor General and Council at Calcutta, with a controuling power over all the presidencies in India.

To this controuling power we addressed ourselves upon the public danger, which impended over this settlement, from the conduct of Lord Pigot, and the other Gentlemen of the Minority, who maintained that the executive powers of government were not lodged in a Majority of the Members of the Board, unless the President was of the number, and that his personal assent was absolutely necessary to constitute every act of government.

We addressed this letter to the Governor-general and Council, with a particular detail of our grievances, the day before the general suspension of all the Members of the Majority, and consequently could not have mentioned the necessity we were driven to by that measure, to arrest the person of Lord Pigot, but that in a few days his Lordship did himself.

The answer received from that Board was clear and explicit; the intemperate conduct of Lord Pigot in forcibly excluding two of our Members from their seats in Council, and the unexampled means by which he had endeavoured to usurp the power of government, and by attempting to procure a majority in Council by violence, were reprobated and condemned, whilst our Government was acknowledged, and our measures approved.

Could we have had a doubt of the propriety of our conduct, it was now removed by the pointed and unanimous approbation of that very Board, vested by the British legislature with the most extensive powers ever granted to any set of men in India, and whose supreme controul extends to every instance where the interest of the Company or the peace and tranquillity of their settlements are any way concerned.

Did we need further authority, we had the sense of the Directors themselves, who, by their General Letter to Bengal of the first of February 1776, direct, That the orders of the majority be implicitly obeyed, in the same manner to all intents and purposes as though they had been authorized and signed by all the Members of the Council.

We were not, however, so elated with this approbation as to permit the slightest disrespect or inattention towards Lord Pigot; on the contrary, we repeated our injunctions to Colonel Horne, to treat him with every respect and attention suitable to his rank in society, and to the station he had occupied in the Company's service: we would indeed have gone further, and taken off all restraint, had not his own turbulent disposition, and the violence of his friends, put it entirely out of our power.

To so great a length was this carried, that even after our government was acknowledged by the Governor-general and Council, he never mentioned Fort St. George by any other appellation than that

that of *his Fort*, nor favoured us with other epithets than those of *traitors, villains, and usurpers*.

This however would not have induced us to continue him under restraint; we should have regarded it with that degree of contempt which such language merits, and have thought ourselves culpable in treating it with a serious attention, but we were under continual anxiety from the daily attempts of both him and his friends, to spread confusion and disorders throughout every department of government.

The dangerous conduct pursued by his Lordship to obstruct the course of justice, and thereby to introduce every species of violence and disorder, that could arise from the want of those legal restraints which are instituted for the defence of our lives and properties, naturally alarmed us.

In proof of this we observe, That having occasion to fill up the vacancy of an Alderman in the Mayor's Court, his Lordship addressed a letter to the Mayor, representing that our government was illegal, and warning him against the consequence of receiving any Alderman of our appointment.

This happened a few days before the time fixed by our charter for electing a new Mayor, previous to which it directs, that all vacancies shall be filled up; and had the majority of the Gentlemen who composed the Corporation, been so far influenced by the letter from his Lordship, as to refuse accepting the Alderman whom we had appointed, the election of a new Mayor could not have been made agreeable to the charter, and the powers of the Court must have ceased until some remedy could have been applied from home.

An attempt of the same kind was made by his Lordship, to impede the administration of justice in the Criminal Courts, by a letter which he addressed to Commodore Sir Edward Hughes, in his public character, and of course publicly known in the settlement, representing us as persons not legally qualified to hold Quarter Sessions, or to administer justice in any shape whatsoever.

When his Lordship saw that we were possessed of the powers of Government, had he been interested in the welfare of the Company, or of the Public, instead of pursuing a conduct so very repugnant to it,

it, he would have endeavoured, as much as possible, to conciliate the minds of the inhabitants, and to keep even those who were attached to him in proper obedience and submission; for as the Governor-general and Council at Bengal had acknowledged our Government, and declared their resolution to support it in the strongest terms, he must have been sensible that no effort on his part could meliorate his situation, nor answer any other purpose than to injure and embarrass the affairs of the Company. Had he been single in these attempts to subvert the peace and happiness of the community, we should have had little to apprehend from them; but many of the Company's servants and others of the inhabitants were warm in his behalf, and distinguished themselves in opposition to our Government. Anonymous papers were circulated and published in all the out-garrisons and subordinate settlements, with an intention of exciting mutiny amongst the troops, and of keeping up that spirit of party and opposition to our Government, which, had they been faithful servants of the Company, they would have wished to extinguish.

His Lordship hoping for support from the Governor and Council of Bengal, had solicited an exertion of their controuling power; but when he found that his conduct had been highly condemned by them as arbitrary and unconstitutional; when he found that our measures were approved of, and our government supported, he treated with derision and contempt that controuling power, whose superintendency he had so lately acknowledged, by his solicitation to interpose their authority in his favour; he even treated the orders of the Company itself, communicated to him by the Governor-general and Council, in the same indecent and undutiful manner; he still asserted his rights to the Presidency, declaring, that ours was a Government of usurpation, and that he and the Members we had suspended were the legal representatives of the Company.

These reasons are sufficient, we should imagine, to point out the expediency of not taking off the arrest; but they were strengthened by many others, we had reason to believe, which were, that every effort had been used to sow disaffection in the minds of the Rajah of Tanjore, and of many of the Nabob's collectors and managers, not only to our government, but also towards that of his Highness, a circumstance which might have involved the affairs of the coast in the greatest confusion and disorder.

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We were possessed too of intercepted letters and intelligence, from which we understood, that a constant correspondence was kept up between him and the Rajah; and that his Lordship, by his Dubash Moodee Kistnah, and other emissaries, was using his utmost endeavours to make him believe that he was not to pay the least attention to us, but look up to him for support. The Dobbeer, who was the chief officer of the revenue at Tanjore, was disgraced by his intrigues, and many persons, disaffected to our government, appointed to the management of that department. We had not only intelligence of this, but also that a correspondence subsisted between his Lordship and Hyder Ally.

When under restraint he pursued such measures, what had we not to dread should he be set at liberty? His conduct to his Highness the Nabob, the friend and ally of the crown of Great Britain, before his arrest, by disposing of his territories, and threatening to treat him as a prisoner, was disrespectful, indecent, and oppressive; and the anonymous papers circulated after it, struck at the honour of his family, and tended to alienate their affections from the Company. So early as the 23d of February 1776, he had drawn out a paper, containing the amount of the orders his Highness had given upon the Tanjore country, with directions to his Amuldars and other officers to relinquish all manner of authority, and to account with such persons as his Lordship shall nominate, for all the sums of money collected from the 9th of that month. This paper his Lordship sent to the Nabob by his two sons, and Mr. Chambers the Persian translator, with a message that he would lay it before the Board, and that if his Highness did not consent to whatever it contained, he would put it in execution by force.

This extraordinary paper was written in his Lordship's own hand, and contained a formal renunciation from his Highness of all rights to the Tanjore country, as well as an entire acquiescence in every measure his Lordship might think proper to recommend; it was in every respect repugnant to the Nabob's invariable and uniform claims on that country, and his Highness expressed his surprise and dissatisfaction at it in a public letter, the 27th of that month, addressed to his Lordship and the Council; but this letter he never thought proper to lay before the Board, and we shall remark here, that in this, as well as in the other parts of his unconstitutional and oppressive conduct towards the Nabob, his Lordship acted entirely without our knowledge or consent.

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We are sensible that this transaction, having passed long before Lord Pigot's arrest, we cannot offer it as a reason for continuing him under restraint; but when we repeat, that we had every reason to imagine that he continued his intrigues with the Rajah, even after the condemnation of his conduct by the Governor-general and Council, and as we were informed by his Highness the Nabob, that he kept up a constant correspondence with him and Hyder Ally; when we say, that in the authority of the Supreme Council, he set that of Parliament at defiance; when he still talked of *his Fort*, and treated our Government as an usurpation, no unprejudiced man, who knew the violence of his disposition, will say, that a continuation of the arrest was unnecessary; on the contrary, his harangue to the soldiers at the Mount, and the efforts he made use of to obstruct the course of justice, of themselves point out what he was capable of doing, had he been freed from every restraint.

We shall here request permission to mention two circumstances, which have occasioned much noise; the Black Horse posted at the Mount, and the consultation about sending Lord Pigot to England.

Almost immediately after his Lordship's arrest, we applied to the Nabob for a few horse, to have on all occasions the most speedy intelligence from Colonel Horne; their number was but twelve, and they remained there till the 15th of October, when they were ordered away at his Lordship's desire. Lord Pigot had read our Letter to Colonel Horne, the day they were first posted at the Mount, as had also many of his Lordship's friends, and seen by that, they were sent there for no other purpose; yet it has been industriously propagated, to poison the minds of the Public, that his Lordship was guarded by the Nabob's horse, and he himself was disingenuous enough to write to Sir Edward Hughes, complaining of it; but what is very extraordinary, at the very time Lord Pigot made this charge so injurious to the Nabob, who had generously pardoned the injuries and insults he had received from him, his Lordship's family lived in the Nabob's house, and Mr. Monckton's table was supplied with fruits and vegetables from the Nabob's garden; besides our letters of the 25th of August and 15th of October are on record, and evidence at the same time the falsity of the charge, and the real service they were intended for.

The reasons given in Consultation for sending his Lordship to Europe, were the same that we have already stated, for continuing him

him under arrest; the attempt of Mr. Russell to put the main-guard under arms, his Lordship's harangue to the soldiers at the Mount, his efforts to stop the common course of justice, the seditious papers he had published and circulated as well in the Fort as in all the out-garrisons and subordinate settlements, his contempt of the authority of the Governor-general and Council of Bengal, his continual claims to the Presidency, notwithstanding their decision, his intrigues with the Rajah of Tanjore, and correspondence with Hyder Ally, as already set forth; these, added to our just apprehensions for the interests of the Company, the property of individuals, and the peace of the Carnatic, should he take a dishonourable advantage of the liberty he enjoyed at the Mount, and put himself at the head of his adherents, were the reasons for taking that measure into consideration; but on the other hand, our wishes to execute the trust reposed in us by the Honourable Company, and to maintain our right to the Government, with the least inconvenience to his Lordship, together with the great confidence we had in the fidelity and circumspection of Colonel Horne, and a thorough recollection of his Lordship's former services to the Company, were the grounds of our resolution not to adopt that measure.

Thus far, Gentlemen, we have acquainted you with the causes of his Lordship's arrest, the necessity of continuing it, and the very respectful and attentive manner in which he was treated at the Mount; at present it is necessary we should lay before you the circumstances of his Lordship's death.

It must be in the recollection of almost every person here, that the month of February last was remarkably hot. During this month Lord Pigot mostly employed himself in the garden, where Mr. Monckton lived. He was generally with the gardeners as soon as breakfast was over, and remained with them until dinner; sometimes he kept Colonel Horne's family waiting for him until two o'clock, and often, without lying down in the forenoon, returned to them immediately after dinner. The heat of the sun was so intense, that the officers accompanying his Lordship could not stand it, but were frequently obliged to leave him, and take shelter within doors. This imprudence occasioned a bilious complaint, brought on somewhat sooner perhaps by eating remarkably hearty of a turtle at Mr. Monckton's the Sunday before his illness; a circumstance that was taken notice of by several persons at table, particularly Dr. Mallet, who foretold that his Lordship would have a fit of sickness, if he

continued to act with so little circumspection. It was the more observable, as his Lordship was in general an exceeding moderate man, and seldom himself eat of rich dishes, though fond of giving directions how to prepare them, and of helping others at table. Miss Pigot, as well as Mr. Monckton, mentioned their surprise to Mrs. Horne and Miss Salmon, at his Lordship's having eat so heartily, and Miss Pigot expressed some apprehensions lest it should not agree with him.

On Wednesday the 5th of March his Lordship appeared to be indisposed; he did not however give way to his complaint, but walked about as usual that day and the next. Colonel Horne perceiving his indisposition recommended his sending for Doctor Pasley, but this his Lordship declined; he imagined his illness was too trifling to need the assistance of a doctor, and prescribed something for himself, which was made up by Mr. Mallet. On Friday his Lordship seemed to be worse, yet he still continued to go out as before. Colonel Horne advised Mr. Monckton to send for Dr. Pasley, but was answered, that his Lordship thought there was no occasion. The Town Major was, however, that day to pay a visit at the Mount; and on his going away, Colonel Horne desired him to inform Mr. Stratton that night, if possible, that Lord Pigot appeared to him very much indisposed, and that he wished Mr. Pasley might be sent out. The Town Major delivered this message to Mr. Stratton, who immediately sent for the doctor, and directed him to see Lord Pigot, and to take every possible care of his Lordship.

On Sunday morning early Doctor Pasley went to the Mount, and after he had been some time with his Lordship, expressed his surprise that he had not been sent for sooner. He said his Lordship's complaint had been permitted to gain ground; he found him in a very alarming state, his entire system being agitated with putrid bile, and accordingly lost no time in administering the proper remedies. In proportion as those putrid oppressive complaints abated, he became sensible of pain and tenderness in the region of the liver, and in the right shoulder; but repeated evacuations, with refreshing drinks, and some other medicines, restored him, in all appearance, to a perfect state of health; yet Doctor Pasley informed him, that all such disorders as he had laboured under, originated in the liver, and that a certain course of medicine, with every precaution in diet and exercise, was absolutely necessary to prevent a relapse, which, he said, may be occasioned by indigestion and diseased secretions.

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His Lordship, however, could not be persuaded that they were in any respect necessary, particularly as his spirits were in their usual tone, and as he had not the least sensation of disease about him. He, indeed, declared in a letter to Sir Edward Hughes, that he was as well as any man in India, and so far relied upon the natural excellence of his constitution, that he exposed himself again to the excessive heats of the sun, and followed his amusements and occupations in the garden as before.

But in about a fortnight he became sensible how very imprudent he had been in not listening to the advice he had received, his appetite failed him, his sleep grew disturbed, he became heavy and feverish, and the whole scene of illness was renewed without having strength sufficient to support a second attack.

Colonel Horne took every precaution, as well in his Lordship's first illness as in this, to prevent his being any way disturbed. The house was kept as silent as possible, no drums were allowed to beat at mounting guard, or on any other occasion; centinels were placed to oblige all carriages going past to make a large circuit, and those coming to the house to stop at a certain distance: every possible care was taken of his Lordship, and when his physician recommended the sea-air, we so earnestly desired the re-establishment of his Lordship's health, that we cheerfully gave up the Company's Garden-house as the most likely situation to contribute to it. We should indeed have been sincerely happy in his recovery, for we acted from a principle of duty to the Company, whose interests he had unhappily lost sight of, and not from one of personal animosity to his Lordship.

On his quitting the Mount, his Lordship shook Colonel Horne most affectionally by the hand, expressed his warmest thanks to the ladies of his family, to whom he considered himself as under the highest obligations, and intended to reward the soldiers with a shirt a-piece for their good behaviour, and the attention they had shewn him.

The same precautions that were used to prevent noise or disturbance at the Mount were also taken at the Company's Gardens; no drums were permitted to be beat at practice or otherwise on the Island, or any where near the house, that could in the least disturb his Lordship; no carriages or palanquins were suffered to enter the courtyard

yard, nor any person allowed to go in at any other gate than that next the Fort; centinels were posted on the St. Thome and Chepauk roads at the particular request of his Lordship's servants, to prevent noise from the passengers; and the serjeant of the guard was ordered to comply with any desire that his Lordship's friends or servants may make for his quiet and repose.

In the course of three or four days after his Lordship removed to the Garden-house, he was somewhat better; but violent exertions, and exposing himself to cold and fatigue, threw him back, and brought on severe shiverings, after which he gradually declined until the 11th of May, when he died of a slow visceral fever, partial suppurations in the substance of his liver, and putrid bile.

Having thus related all the circumstances to the death of Lord Pigot, which we imagined requisite to prove the rectitude and necessity of our measures, as also the nature and cause of his disorder, we shall request the indulgence of the Court to make some few observations on the whole.

Before Lord Pigot had received an answer from the Governor-general and Council to the letter he had written to them, he acknowledged their authority in its utmost latitude, yet he denied it as soon as they had refused to support his measures; he denied it so soon as they had declared that the rights and powers of the Governor and Council of all the Company's presidencies were vested by their original constitution, in the Majority of the Board, and that the violence of his Lordship, in excluding two of the Members of the Council from their seats, was a violation of that Constitution. He disallowed their authority, when they declared that the measures taken by us to recover the actual Government, which of right was vested in us, arose from the necessity of the case; and that they should acknowledge and support the title and authority which we consequently possessed; but it has been asserted in favour of his Lordship, that this controuling power in the Governor-general and Council of Bengal does not extend to any other settlement, except in case of war and peace. If, however, gentlemen would allow themselves leisure to peruse the Act of Parliament, they would perceive that it extends to every instance where the Government, Revenues, or Interest of the Company is any way concerned. Why else should the several presidencies of Madras, Bombay, and Ben-
coolen be directed and required "to transmit constantly and diligently
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"to them advice and intelligence of all transactions and matters whatsoever relative thereto;" if the legislature did not mean to give that Board a power so extensive why establish it, "to prevent the various abuses which had prevailed in the government and administration of the Company's affairs in India."

It has been asserted, that no Act of the Majority could be valid, unless the President was of the number, yet all societies (says Grotius, p. 204) "have this in common to them, that in matters for which each association was instituted, the whole body, or the major part in the name of the whole body, oblige all and every the particular members of the society; for certainly it is to be presumed that these who enter into a society are willing there should be some method fixed of deciding affairs, but it is altogether unreasonable that a greater number should be governed by a less; and therefore, though there were no contracts or laws that regulate the manner of determining affairs, the majority would naturally have the authority and right of the whole." This is the law of Nature, Gentlemen, founded in upright and unbiassed reason, and declared by that excellent author, not for the partial benefit of any particular state, but for the general guidance of mankind.

This we should imagine sufficient to prove, that all the authority of government was placed in our hands; yet we will further observe to you, that by the spirit of the laws of England, the sense of the majority in every public assembly is final and decisive; that Lord Pigot thought so, is evident, from the outrage he committed to obtain it. The two Houses of Parliament, the Privy-Council, and all the Courts of judicature, determine by the opinion of the greatest number of members; and conforming to this principle of the constitution, the Company have invariably, since their first establishment in India, directed the members of their several Councils, to be determined in every point, where there should be a difference of opinion, by the sentiments of the majority; to attempt to act contrary to this principle in Europe, would be to attempt a subversion of the constitution, and to do it here, is to expose the Company to a forfeiture of their charter. Yet Lord Pigot was guilty of this, both by refusing to put a question agreeable to the sense of a majority of the Board, and by suspending seven of the members by a junto of four.

It is a maxim in the laws of England, that no man shall be either judge or witness in any cause where he is himself plaintiff or defendant; yet in this instance too, his Lordship acted directly contrary to the laws and constitution of his country, and in defiance of both, sat and voted as a judge in the case of Mr. Stratton and Mr. Brooke, where he was himself the accuser.

We, however, showed no other resentment than to assert the rights of the majority, and to protest before a notary public, against the violent and illegal proceedings of his Lordship; but the consequence of our untimely temperance was, that he and the few members who were influenced by him, suspended four more of the majority. His Lordship repeating the same illegal act, and sitting and voting as judge in his own cause; Sir Robert Fletcher, the Commander in Chief, another member of the majority, he ordered in arrest, and to be brought to a general court martial as guilty, in signing the protest, of mutiny and sedition. In a milder government than his Lordship's, a man was hung by military authority, for a less offence, without a trial; what then had the Commander in Chief to apprehend under the government of a person of Lord Pigot's violent and despotical disposition, who was at that time, as Governor of the fort, vested with similar powers.

We were all in the same predicament with Sir Robert Fletcher; and if asserting the rights of the majority of Council, by protesting against Lord Pigot and his associates, was causing mutiny and sedition; we were all involved in the same guilt with him, consequently all liable to the same punishment, and therefore reduced to the necessity of exerting the common rights of mankind, by putting our lives in safety at the expence of his Lordship's liberty.

It is however asserted, that his Lordship's arrest was contrary to law; but we beg leave to combat this assertion, and to rely upon it, that it was not only lawful but necessary. His Lordship was arrested more in his military capacity of Governor of the fort, than in his civil one as President of the Council; as a civil servant of the Company, we had but little reason to be apprehensive; it was his military authority, as commander of the troops in garrison, that rendered him dangerous, and his arrest consequently lawful; for if there was no power in the majority of the Council, to check the ambition of a military governor of the fort, and to imprison him,
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if necessary, he may forget both his duty to the Company, and his allegiance to the King, and usurp an authority independent of either; besides, we must observe, that it is laid down by the author of the Principles of Penal Law, "*That every wanton, causeless, or unnecessary exertion of authority, is unjustifiable and tyrannical.*" If then a wanton exertion of lawful authority (for he means no other) be tyrannical, what term shall we give to the wanton exertion of an usurped authority, and what means to oppose it can be deemed unjustifiable. Every British subject, in the least acquainted with the history of his country, knows, that it is the spirit of the constitution to resist and overset usurpation, and that the laws allow every individual to exercise, in that case, an authority which they before denied him; many proofs of this have been felt by our very kings, and should we, in whose hands the real powers of government here were placed, have let it pass unnoticed in Lord Pigot.

The Gentlemen who have thought proper to institute this prosecution against us, have quoted Mr. De Lolme's Treatise on the Constitution of England, to endeavour to prove the arrest of Lord Pigot illegal; and we shall from the same book, and the same chapter, endeavour to demonstrate, that it was justifiable and agreeable to a principle inherent in the constitution, we mean that of resistance. In the twenty-first chapter then of this book, he says, that all the prerogatives of the people, taken in themselves, are but weak arms to oppose the real force of those who govern; all these precautions that our ancestors have taken, all those reciprocal rights they have established, suppose every thing to remain in that legal constitutional situation where they had placed them; but should the prince suddenly free himself from every controul, should he set himself above the constitution, in what lies the resource of the people? He tells you, that it lies in resistance, which the laws of England have decided to be lawful and final, against the violence of power; it was this resistance that gave birth to Magna Charta, the basis of our liberty, and at forty different periods procured its confirmation. It was to this resistance King William owed his crown, and to it also are the present royal family indebted for their elevation to the throne. This right of resistance and of opposition to violence, under whatever form it appears, and from whatsoever quarter it proceeds, is so well known, so universally acknowledged, that even the courts of justice themselves have been guided by it in their decisions; witness the case of the Constable, which these Gentlemen have quoted in their protest, and by that, not only acknowledged but proved the
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existence of the principle we contend for. The constitutional right of resistance being then established without a possibility of doubt, we say, that the law must have established modes to give it action, or have left it to the discretion of those who are oppressed. But, as our laws know no opposition, so they prescribe no particular mode of resistance,—violence and oppression overleap the bounds of constitutional power, and must be met on their own ground, and fought with their own weapons. Yet we humbly conceive, we have not only not exceeded in any one act, the discretionary power that both law and nature placed in our hands, but used a degree of lenity and mildness to Lord Pigot, that his conduct towards us gave him very little reason to expect, or indeed to hope for.

The proper administration of the Company's affairs, the rights of the Council, and our personal safety, demanded our putting his Lordship under arrest; in a case of such extreme necessity, we were warranted to do it as individuals, and by a much stronger reason, when we united our judicial and political authorities, and acted in a public capacity.

It has been complained of, that his Lordship was arrested on the high road; but will any person attempt to assert, that it would have been more prudent to arrest him in the fort, and have by that means given an inlet to riot and bloodshed. We have been accused too of impropriety, in calling the military to our aid, though that was our only means to prevent confusion and public disturbance. General Stuart is involved in the same charge with us, for having obeyed the civil power; as are also Colonel Eidingtoun, Colonel Horne, and Captain Lysaght, for having obeyed their commanding officer; but the Gentlemen who have shewn so much ingenuity in composing the Informations, and framing the accusation against us, do not seem to have been acquainted with these articles of war, which have been established by parliament for the regulation of the army, nor to have formed any perfect idea of the nature of the military discipline.

By the articles of war, General Stuart was obliged to act as well in obedience to the orders of the then Commander in Chief, as in aid and support of the civil power; and the other Gentlemen, under a necessity of paying him an implicit obedience; for were it permitted to them, to dispute the propriety or legality of the orders of their superior officer, the officers and soldiers under them, even to the

the very drummers, would have the same right; and how far such a permission would be subversive of all military discipline and authority, is too obvious to need a comment.

Infinite pains have been taken to prove a reciprocal influence between the mental and corporeal faculties. It has been laid down as a maxim in the animal economy, that if any subject of a dangerous nature takes possession of the mind, it may in some degree obstruct the functions of the body; and having established this hypothesis it has been concluded, that as we deprived Lord Pigot of the government, kept him under arrest, attempted to send him to Chingleput, and had it under consideration to send him to England, that we gave rise to disagreeable sensations, which, they say, produced the disorder in his Lordship's liver, and the putrid bile of which he died. But we beg leave to observe, that from the moment of his arrest, to the turtle-feast at Mr. Monckton's, his Lordship enjoyed a perfect state of health; that his disorders were peculiar to this climate, and are generally occasioned by indigestions, or by frequently being too much exposed to the excessive heat of the sun. We shall also remark to you, that, previous to his Lordship's illness, and for some time after, Farenheit's thermometer was at 95, 96, and 97 degrees in the shade.

Were it permitted us to recriminate, we would say, that the friends of Lord Pigot, who think proper to charge his death upon us, were, with a greater degree of probability, guilty of it themselves, if, as they insinuate, the affections of the mind have sometimes a mortal influence on the body; for we assert, that they never left his mind at ease, but kept him in continual alarms of schemes to tear him from Colonel Horne, which he looked upon as his asylum, of bodies of cavalry, and battalions of sepoy, constantly in motion; of plans to seize upon his person, to bind him with ropes and send him to Gingee, or on board ship, in the most ignominious manner: in short, we assert, that they took such pains to tease and torment him with informations of violence and unworthy measures, which never had existence but in the great fertility of their own imaginations, that one would be led to think they wished to sacrifice his life to have the satisfaction of accusing us of his murder.

A charge of homicide has not been thought sufficient, and we are accordingly indicted for wilful and malicious murder; but we are at a loss to conceive what the proof of our felonious intention, or pre-

meditated malice, can possibly be. Lord Pigot had the range of the whole country, was treated with every mark of attention and respect, had every military honour paid him, and enjoyed every convenience that the house he preferred to all others in India could afford. These, we humbly apprehend, are not proofs of a malevolent disposition. Had we had any intention to take away his Lordship's life, could fortune have thrown a more favourable opportunity in our way than when he resisted our orders to remove him to Chingleput? Were we capable of entertaining so horrid an idea, we might have executed it then, and sheltered ourselves under the law; for we will remark to you, that we were not only Members of the Government, but also Justices of the Peace, and our lenity on that occasion, surely demonstrates, that we chose rather to let pass with impunity a resistance to our orders on the part of Lord Pigot, and a disobedience on that of Colonel Horne and Colonel Eidingtoun, than that his Lordship should suffer the least personal violence; and what can more evince at least the same degree of attention and respect in these gentlemen, than their risking, upon a mere surmise of our intention, both their commissions and their lives on this occasion, by disobedience to a positive order from their superiors in his Lordship's favour, notwithstanding an evident attempt to rescue him?

But supposing the mind and body to have their reciprocal influence on each other, and that the loss of the Government, the arrest, his Lordship's restraint from entering the Fort, his disappointment in the decision of the Governor-general and Council of Bengal, and what, perhaps, occasioned more disagreeable sensations than all the others, his seeing us in power: supposing all this to be true, yet we humbly submit it to you, that as no marks of violence appeared upon the inspection of his body, we are not guilty in the eye of the law of either murder or manslaughter; and that this is law, we beg leave to refer you to the first volume of Lord Chief Justice Hale's History of the Pleas of the Crown, where he says, in page 429, "If a man, either by working upon the fancy of another, or possibly by harsh or unkind usage, put him into such a passion of grief or fear, that he either dies suddenly, or contracts some disease of which he dies, although it may be murder or manslaughter in the sight of God, yet, in a human judicature, it cannot come under the judgment of felony, because no external act of violence was offered, of which the common law can take notice:" and thus, Gentlemen, not guilty of murder or manslaughter in the sight of man, we are firmly persuaded that we have not erred against any precept

precept of the divine law, or any principle of morality. Lord Pigot fell a victim to his own imprudence, and informed Dr. Anderson, in his last illness, that he thought he could tell the day that gave rise to his disorder, nay, the very hour; that he had been that day at work in the garden till very late, had exposed himself to the excessive heat of the sun, and returning to Mr. Monckton's in a violent perspiration, had taken a large draught of cold punch; to this Lord Pigot imputed his disorder, and not to us. Thus then acquitted by himself, and upon his death-bed, has not the present charge against us more the air of premeditated malice, than any we ever discovered against him?

To form axioms founded on conjecture, and to deduce unfair and disingenuous consequences from them, in order to cover us with an opprobrium of the most horrid nature, has it not the appearance of a more felonious intention to strike at our lives than we ever shewed to attempt that of Lord Pigot? we humbly submit it to you, that it demonstrates a premeditated, malicious, and felonious intention to murder us in the basest manner, that is, under the colour of justice. Were Lord Pigot really murdered, his memory is free from the imputation of such an atrocious crime; but his friends, who wish thus to sacrifice us to his manes, discover, upon this occasion, a manifest desire, not only to commit, with impunity, the very crime they charge us with, but at the same time betray an inclination to throw a shade of infamy on our graves.

We shall here conclude, Gentlemen, and we are sorry to have taken up so much of your time, but we thought it necessary to lay before you the circumstances that gave rise to the arrest of Lord Pigot, with our reasons for continuing it; and we shall here remind you, that his Lordship's outrage in suspending Messrs. Stratton and Brooke, was the cause only of our public protest; but his conduct towards the Commander in Chief, in ordering him to be tried by martial law for complaining with us in his civil capacity of the violation of the rights of the Council, his expulsion of the entire majority of the Board, our personal safety, his repeated acts of despotism, his imposing a renunciation on his Highness of all his claims to the Tanjore country, and threatening to put it in execution whether he consented or not; his personal insult to the Ally of the Crown of Great Britain, his declaration to treat him as a prisoner and to place a guard of Europeans at his house: these circumstances, so repugnant to the true interest of the Company, and to the faith and honour

nour of the nation, must naturally point out the impropriety of leaving the powers of Government in the hands of a man who could be controuled neither by principles of justice nor of decency, who was capable of the greatest acts of violence, and who neither consulted the peace of the Carnatic, nor the welfare of his honourable employers; and we trust that there is no unprejudiced man who hears us, that is not convinced within his own breast of the necessity of the arrest; and at the same time, that we are not only free from having in the least contributed to hasten his Lordship's death, but that in consideration of the great services he rendered the Company during the last war, our conduct towards him was as mild and gentle as the convulsive situation of affairs would admit of: and we here cannot but deplore the cruel necessity his Lordship's pretended friends have imposed upon us by this shameful prosecution, to discuss thus freely his public and political character. Though he was our enemy and oppressor, our resentment does not follow him to the tomb; and we should be much better pleased if this trial gave us an opportunity of dwelling on his virtues than his faults.

[It appears by Brigadier-General Stuart's Petition to the Justices, dated 19th November 1777 (Page 188 of the preceding Collection), that he considered himself, and the Officers who acted by his Order, in a different Predicament from the Gentlemen of the Council. He therefore thought it necessary to make a SEPARATE DEFENCE for himself and those Officers; which after he had drawn up and signed, he was prevented from giving in, by the Proceedings of the Inquest being quashed. The following is a Copy of that Defence, the Original of which, signed by Brigadier-General Stuart at Madras, is in the Hands of the Printer.]

D E F E N C E

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*Brigadier-General JAMES STUART, for himself and for
the Military under his Command.*

Gentlemen of the Jury,

TO my utter astonishment, I appear before you, charged, in the first instance, by a number of men (whose names are to the paper * now in my hand) with the most heinous and atrocious crime that human nature is capable of, viz. the concerted, predetermined, malicious, and intentional act of murder, for such I conceive to be the meaning of the words *Wilful Murder*; of which greatest of all crimes those persons have taken upon themselves to charge me, and the other Gentlemen of the army there mentioned; who with myself,

* The Inquest.

in respect to the act of arresting the late Lord Pigot, did no more than our duty, in obedience to the orders of our superiors both civil and military, according to every established idea of legal government within this Presidency, and according to the words and spirit of our respective commissions, and to the rules and discipline of war, the whole comprehended under our solemn oath of fidelity to the Honourable Company.

I therefore say, for myself, and if I am allowed to make the defence of all the army who acted by my orders, I likewise add for them, that neither I nor they, together or separately, are Guilty of the crime charged, viz. the *Wilful Murder* of the late Lord Pigot.

I produce the original order by which I acted, and by virtue of which I gave orders to all the military thus under my command. It is in the hand-writing of one of the Gentlemen whose names are to the paper; they are in number seven; and I know most certainly, that they formed a *majority* of the whole Council. This paper I saw wrote and signed, and received it in person from the Gentlemen.

Sir Robert Fletcher, whose name is to this paper, was at the time Commander in Chief of the Army; whose separate order to me, according to the rules and discipline of war, as my superior, in the very terms of my commission herewith produced, would of itself have been binding and obligatory on me; and he the Commander in Chief being himself of Council, together with the other Gentlemen all of Council (therefore the only persons responsible), he or they were at liberty to give or to refuse me any explanation of their orders, according as they thought proper. My duty was to obey him (Sir Robert Fletcher) the Commander in Chief, according to the express words of my commission; and I thought it, if possible, more my duty to obey the joint orders of a *clear majority* of Council.

I say, that the majority who gave me powers and orders were at liberty to decline entering into the particular motives of their conduct, if they had so chosen. But they did not refuse me any information; and they thought proper to publish to the army, as well as to the whole settlement, the reasons of their secession; as appears by the papers on record, and particularly by the circulation of the letter by a Notary Public. This was a sort of appeal to the
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unbiased judgment of the Settlement, as to what was or was not the legal government, or constitutional mode of managing the affairs civil, military, political and commercial of the Honourable Company, within the limits of this Presidency.

As for my own part, without hesitation, I then believed, and even now, after all that has passed, I remain still of that belief, that the acts of the *majority* of Council are alone binding in civil, military, political, and commercial affairs; and that whatever orders they issue to me, either as a majority of Council, directed to me in particular, or to the Commander in Chief, for him to communicate to me; or from the Commander in Chief of himself to me, as my superior officer; I was then, by every reason of duty, and by my oath of fidelity, and by virtue of my commission, as a military subordinate officer, bound to obey; the responsibility as well as the trust being with him, and them, the majority of Council, the execution of their orders alone left with me. I obeyed accordingly, and in the manner set forth in my narrative upon record; which, though composed in haste, is in every essential part exact.

The mode in which I executed the orders and instructions of the majority, did afterwards meet with their approbation, as appears from all the subsequent publications on their part, where that matter is touched upon.

And here I cannot help expressing my astonishment, that this heavy charge of *Wilful Murder* should be brought against me, who in the manner of arresting the late Lord Pigot, the evening of the 24th of August, shewed such particular attention to prevent the smallest chance of any danger to his own person, or to that of any of his friends. The *management* on that occasion (if it may be called so) arose from humanity and tenderness; otherwise there needed none: the whole was prepared, and at my orders. That *management* has been branded with every odious and infamous epithet, and *false assertions* have been made, to give colour to the scandal.—This digression I hope you will excuse on my part, who on this occasion feel my honour equally as my life attacked; both which, however, I am at all times prepared to defend as becometh. I shall only add here, in regard to the act itself (without the review of subsequent occurrences), that after cool recollection of all circumstances that preceded, accompanied, and immediately followed the arrest of the late Lord Pigot, I now feel the greatest satisfaction for
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the part I took as the instrument of Government ; and I almost defy the mind of man to have devised any other way, in similar circumstances, to have effected it without danger of bloodshed.

And here, notwithstanding the epithets given to these proceedings, I appeal to the memory of every man here living, and to the annals of history, to shew a similar instance of regularity and good order ; for after the act of arresting Lord Pigot, to the minute of resigning the government into the hands of Mr. Whitehill, there has not been any act of violence ; and no man, so far as I know, has been imprisoned, or injured in his person or property, on account of irregularity.

This is demonstration, that there was neither anarchy nor confusion in the settlement (as has been falsely reported), and that the minds of men were prepared for the event, and satisfied with the necessity of the measure. It furnishes, moreover, the clearest proofs of the good discipline of the army, who, from the necessity of the case, were the instruments in the hands of the then Government to assert the rights of the *majority of Council*.

To return to my defence against this heavy charge : After shewing you the orders and instructions by which I, as a military subordinate officer, then acted, and that part of my separate commission as Colonel, according to which I took the oath of fidelity to the Honourable Company ; I shall now endeavour to shew, that the words *Governor and Council*, inserted in the body of that commission, can only mean the *majority of Council* ; and I venture to say, that no man who did not delight in quibble, rather than plain sense, or plain inference, ever yet doubted the truth of this proposition.

Here, however, I beg leave to observe, that in respect to myself, and to the officers or others of the army who obeyed my orders on the occasion, the proving that the *majority* really has the powers of the Governor and Council, in spite of the Governor himself ; I say, that as to the military subordinate officers, this proof is not necessary, because in our commissions, after the words "*And you are at all times to observe and follow all such orders and directions as you shall receive from us, our President and Council aforesaid,*" follow these clear words, "*or any other your superior Officer, according to the rules and discipline of war, &c.*" Which last words shew to demonstration the nature of the subordinate military service ; which

indeed could not possibly be carried on for the good of the community, if nice points of political government, or reasons of state, or the *constructive sense of words*, were to be left to the private opinions or decisions of military officers before they executed the orders of their superiors. Nevertheless, I now proceed to shew, that the words *President and Council*, in the body of my commission, can only mean the *Majority of Council* ; because, beyond the power of doubt or of quibble, the following are the express, clear, unrepealed, standing orders of the Honourable Company :

Standing Orders, dated January 1678, Paragraph 54th.

" *Whatever shall be agreed on by the majority, shall be esteemed the order by which each one is to act ; and accordingly every individual person, even the dissenters themselves, are to perform their parts in the prosecution thereof ; and in so doing they do their duty, and must not be blamed for the event.*"

Instructions to Mr. Pitt, dated 9th March 1702.

" *We do strictly enjoin, that all our affairs be transacted in Council, and ordered and managed as the Majority of the Council shall determine, and not otherwise, upon any pretence whatever.*"

Because in the body of the Commission of Government, and particularly where the word *Soldiers* occurs, it is said,

" *And we do hereby give and grant unto our said President and Governor George Lord Pigot, and to our Council aforesaid, or the major part of them, &c. full power and authority from time to time to rule and govern all and every our Factors and Servants under the said Presidency, and all the Soldiers, &c.*"

Because, in the Commission of Lord Pigot as Governor, it is said,

" *That he, as such, is subject nevertheless to all such rules, orders, and instructions, as have heretofore been given to the President and Council of Fort St. George aforesaid.*"

Besides, in the instructions 1774, the Governor and Council have expressly the power to supersede, alter, or annul any specific act either of the Governor or the Commander in Chief.

Instructions per Ashburnham, 1774, Paragraph 51.

"That if the Governor-general and Council shall at any time think proper to issue orders under their hands, or by their Secretary, to any officer in the army, and thereby to suspend or supersede the specific commands of the Governor-general, or military Commander in Chief, such orders shall be implicitly obeyed."

Can we then, without the greatest abuse of common sense, deny, that the *Majority of Council* is alone meant by the words *Governor and Council*?

After establishing the above clear propositions, to shew what is the Government, need I add any arguments drawn from the absurdity of allowing a power to the President, such as is contended for by the Gentlemen of that side, viz. That the personal consent of the President is essentially necessary in every act of government: That no other can propose or agitate any questions in the first instance: That he alone can adjourn or summons any meeting of Council; and other exclusive prerogatives, which amount to a Polish *veto*, upon every public or private question before the Board, and which, in fact, would reduce the Council to a set of insignificant puppets.

But in truth, neither according to the tenets held by the late Government, when they separated from Lord Pigot and his associates; nor, as I am informed, according to the express orders of the East-India Company, after the fullest information of all the late disputes, and received by the Swallow in August last, *though not yet published*, does such exclusive power lodge in the President here: on the contrary, excepting the *casting vote* upon an equality, no other power is lodged with the President, than is inherent in every other Member of Council.

As to the objection which I hear is *now* started in regard to the want of *form* in not meeting in the Fort Square, in not inserting the word *President*, or in not giving *regular summons* by the Secretary, previous to the orders and instructions delivered to me, by the seven Members of Council, on the 23d of August, 1776, I can only say, that in that crisis I, and I suppose also those members, looked to *substance* and not to *form*.

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They must have known perfectly well, that so long as Lord Pigot was in the Fort, as Governor and Commander in Chief, he would not obey any bit of paper from the civil power in the usual forms of law; also, that in regard to personal security or prudence, it would not have been proper for the majority of Council to have attempted meeting in the Council Chamber in Fort Square. They knew moreover, that the Secretaries were not to be found at the time, and the secrecy of the measure might make it necessary, that a member of the majority, at such a crisis, should himself officiate as Secretary (as was the case), thereby, in my opinion, authenticating more fully their resolutions; besides, common sense pointed out, that the act of a notary-public answered fully every public purpose of promulgating the orders of government; and the omission of the word *President*, which the majority might have inserted if they pleased, seemed to me a mark of their candour. All these reasons, and as looking to the substance, and the material parts of business at that crisis of affairs the 23d and 24th of August, made me conclude, and I dare say, it had the same effect upon all who acknowledged the late Government, that in their public manifestos, or orders, if they did not follow every immaterial punctilio, such as a regular summons through a Secretary, regular meetings in the Fort Square, or the insertion of the word *President*, it was owing either to necessity, or that they did not consider it as essential.

Will any man of common candour, laying his hand on his heart, after allowing that the majority of Council is the legal government, either with or without the President, say, that the omission of these formal and not essential things and words; I say, will any honest man think or say, that by such omission, the acts of a *Majority*, or of those who obeyed their orders, are thereby necessarily vitiated, and the constitution violated, to the degree of impressing and stamping every act of that government with the dangerous epithet of *usurpation*; which implies illegality, and may indeed produce anarchy and law-suits without end. I here in my own name, in respect to what concerns me, appeal against such a sentence, to the justice, the equity, the liberal construction, and common sense of mankind in general.

The conclusion I draw from what precedes, is, that if the government of this settlement is constitutionally vested in the *majority of Council*, and if it was expected of that majority to assert their authority,

thority, he, Lord Pigot, and his associates, were the aggressors, and consequently the original cause of any subsequent violent measures, because all the circumstances of the late Lord Pigot's conduct, in regard to the expulsion of Messrs. Stratton and Brooke, necessarily forced the majority to take the steps they actually followed; considering what they knew of Lord Pigot's power, as military Governor and Commander in Chief, and perhaps, what they had reason to expect from the knowledge they had of his turn of mind and temper.

And now being called upon in my own defence, and in that of the officers, &c. of the army who followed my orders, I shall take leave to say a few words as to the degree of proof offered to the persons who are said *unanimously*, and upon oath, to have given their opinions, that *I was guilty of wilful murder*;—and without mincing matters, I will venture to say, at all risks, that the annals of the British history do not produce an instance of twelve men, assuming the name of Englishmen, or even English subjects, who, upon such sort of proof, ever gave such a cruel, irrational, inequitable sentence, falsely called a verdict. In saying so, I shall, to support my opinion, chiefly adduce the assertions used in what is called the informations of certain persons, mostly the reputed friends of Lord Pigot, said to have been examined upon oath by this meeting of these twelve men.

And here, lest I should forget, I beg your attention to the style of the informations, which to me seem to be as answers to certain questions leading to prove and establish a favourite system, adopted by that meeting, in order, by all artful means, to fix intentional guilt in the conduct of those who took an active part in the change of government the 23d and 24th of August 1776. The plan and system seems as if meant to prove, that the mode of arresting Lord Pigot, the detaining him in arrest, the attempt to carry him to *Chingleput* (which is represented as if meant for *Gingee*), and above all, the project of sending him to England by the *Lioness*, made such an impression on Lord Pigot's mind, that it brought on the disease of the liver, the bilious putrid fever, of which he recovered, and also, that increased liver complaint and bilious fever, which afterwards attacked, and in the end carried him off.

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This I say seems to be the system of the meeting called the Inquest, and you will find all their set questions were of the leading kind, to establish it.

I shall, as shortly as possible, analyse some of the principal informations, in these parts which are applicable to any idea or connection betwixt Lord Pigot's situation, while under restraint at the Mount, and any outward appearance, which, in my opinion, can give authority or sanction for an honest impartial judge by the laws of his country, by common sense, or common conscience, to declare to his certain knowledge and conviction, that I, or the Gentlemen whose names are by them dragged into public view, are guilty of the most horrid of all crimes, the *wilful murder* of Lord Pigot.

I premise in this place, that, in my humble opinion, this is the first instance where the vague uncertain reasonings of short-sighted mortals, as to the effect of the mind upon the body, the time, manner, and force of ideas operating upon matter, was ever brought by Englishmen, or any other men, to establish facts of such gravity or importance; for what can be more absurd, nay impious, than in such cases, to reason and draw consequences from the uncertain ideas of the operations of the human mind upon the body; or from such sort of proof, to form a judgment of the malicious intentional guilt of a third person?

The laws of our country (according to what I have heard) have in such cases left nothing to sentiment, conjecture, or idea. To establish the horrid act of *wilful murder*, the clear eye, or the unbiassed judgment must follow the hand of the murderer, and his malicious views and designs, without a halt or doubt, to the very minute of executing the fatal deed.

I never looked into a law-book in my life, so far as I remember, neither have I consulted, or been assisted by any lawyer, or any person whatever, on this occasion; but common sense defines *murder* thus in my opinion, and so far as I know of the manner of trying this question by the laws of England, it seems to admit of this construction, because of the unanimity necessary to decide as to the real criminality of a person accused; this admitted, let us now see on what evidence these twelve persons accuse me and others of *wilful murder*.

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In this place, I think it proper to inform you, that I was absent from the Presidency on the public service, during the whole period of Lord Pigot's illness, and at the time of his death. His Lordship was known to have been in perfect health the 11th of February, when I left the Presidency, he died on the 11th of May, I did not return until the end of June.

To begin with what is mentioned in the *Diary* of the supposed inquest, signed a true copy by William Sedgeley, Clerk of the Peace. It is remarkable, that when the persons who were called together by the supposed Coroner, and in the *Diary* are styled the jurors, had been sworn *over* the dead body of Lord Pigot, the two principal Surgeons of the settlement, Messrs. *Pasley* and *Anderson*, are asked, Whether, from a further inspection of the body, and particularly from opening it, they can with greater certainty trace the cause of his death. Mr. *Pasley* pointedly replied: "That a *disease was the immediate cause of Lord Pigot's death*; that he apprehends, the jury are desirous of knowing the cause of that *disease*; and that in his opinion, the cause of the *disease* of which Lord Pigot died, cannot be discovered by opening the body." Mr. *Anderson* replied to the same purpose, and told them, "That he had brought the proper instruments, if it was thought necessary to open the body." Upon which the (supposed) jury, considering, "That if the Surgeons cannot acquire any further knowledge of the cause of the *disease*, of which Lord Pigot died, by opening the body; they think it unnecessary that the body should be opened;" and the body was accordingly buried the same evening.

The clear inference which I draw from this first and leading part of the proceedings of the supposed Inquest, is, That there were no marks of *violence* or *poison*, after the most careful view of the body of the late Lord Pigot; on the contrary, there was the opinion of two men able in their professions, and of undoubted good character, that Lord Pigot died in consequence of *disease*, and therefore I say a *natural death*.

And here, according to my idea of impartial justice, a stop should have been put to any future criminal prosecution, whether by inquest, or otherwise; for as the supposed Jury were satisfied of the truth of Messrs. *Pasley* and *Anderson's* declarations, all their future inquiries

inquiries could only tend to metaphysical questions, or to hear the guesses of individuals regarding the manner, time, and force, of the passions operating upon the mind and body; and I believe their meeting afterwards, and continuing by adjournment to meet, at the house of George Smith, who is called the Foreman, under the assumed form of Jury or Inquest, is the first instance where the venerable name of English law was made use of for such purposes.

The fact then is admitted, that Lord Pigot died of *disease*, and that no unnatural signs or marks of violence appeared upon his body.

I observe also in this *Diary*, that at one remarkable period, upon Monday the 30th of June, on collecting the voices of the twelve persons who are said to compose the supposed Jury, six of them were of opinion, that the offence incurred by the death of Lord Pigot can be considered as no less than *murder*, and six deemed it as amounting to *manslaughter* only. On which, it says, the Coroner observes, *that the voices being equal it must be reconsidered*; if this is law, I know not; but I am sure, in my opinion, it is repugnant to any idea of justice and mercy, because the difference of judgments admits of the greatest doubts of the real criminality.

The *Diary* is silent as to the arguments used by the Coroner or others, to bring over the six men, whose manslaughtering mercy, I should for my own part, give them no merit for, because equally as absurd as the others direct unjust cruelty. I only find that they too gave way, for I see twelve have signed their names to this cruel opinion, which, so far as in their power, constitutes me a *murderer*.

I believe such grounds for judgment, and such sport with any man's life, was never before exhibited; for in fact, in the way this Inquest have now determined, it had been a better chance for me, if the Coroner had put my fate in his hat, on two slips of paper, *life* or *death*, and that *another*, not the Coroner himself, had drawn my fate, according to the practice of the India-House in cases where there is an equality.

This Inquest, as I am credibly informed, went to England by the *Hector* in July, so far at least as regarded the proceedings then taken, and before the final verdict; and I am undoubtedly informed,

that the whole of the proceedings, together with the verdict, were transmitted to England by the Swallow, the 21st of September. The purposes there meant to be served (before I and others had an opportunity of giving a defence) may without difficulty be guessed at.

A comparison of dates is often of great use to put facts in a proper point of view, and I beg your attention to the following extract of the said Diary.

11th of May. Lord Pigot's body inspected, and no marks to indicate unnatural death. He is buried;—the supposed Inquest adjourn to George Smith's house.

They continue to do business *in their own way*, adjourning from time to time.

30th of June. This supposed Jury divide, six of them pronounce the offence in law to be *murder*, and six say it is only *manslaughter*, on which the Coroner desires to have it reconsidered.

N. B. Mr. Dalrymple's first accounts, so favourable to the friends of Lord Pigot, are received at Madras the 3d of July.—*This note is not marked in the Diary.*

30th of July. The supposed Jury find their verdict. *Murder.*
7th or 8th of August, The supposed verdict signed.

I find moreover in the same Diary, that on the 5th September, the minutes of the supposed Jury are again read in the house of George Smith the supposed Foreman; at which time two of the supposed Jurors, Messrs. De Fries and Ewing, deliver in letters, declaring their reasons for signing the verdict, *contrary to their private opinion.* This signing indeed is most extraordinary in them, and I should be glad to be informed, what arguments had been used by the Coroner, or by any other person present, to induce them to put their names to such a verdict; for I find on the 24th September this supposed Coroner held these Gentlemen to their subscriptions, and wrote to them, that he had thought it improper to comply with their request, which was only to enter their letters upon the minutes of the proceedings of the supposed Inquest.

Thus far I have remarked upon this supposed inquest, which after admitting, that there was no outward appearance of violence, or marks to cause suspicion, on the body of the late Lord Pigot, and having the positive declaration of Messrs. Pasley and Anderson, that he died of *disease*, yet, nevertheless, they the supposed Coroner and Jury did afterwards meet at the house of George Smith, and continued to meet as a supposed Court of Inquest, from the 11th of May to the 7th or 8th of August, or even the 24th of September following, the space of three months, chiefly to ask pointed questions, and opinions concerning the cause or causes of the disease of which the late Lord Pigot died; which to the Europeans of this settlement is universally known to be the lot of almost every one (mine it has been severely) resident here, at some one period of his life; for the disease that affected Lord Pigot in the first stage (of which he recovered to all appearance), and also after the relapse, and of which he died, *was a putrid bilious fever, originating in a disordered liver.*

Now let us collect from the declarations of the following persons, many of whom the intimate friends of Lord Pigot, what degree of certainty, even in their ideal proof, is established by this metaphysical Court of Inquest.

Messrs. *Pasley* and *Anderson*, on reviewing the body in presence of the Twelve, declare, Lord Pigot died of disease, as has been already noticed, and nothing unnatural therefore appeared upon the body.

Mr. *Russell*, who says that from the time of Lord Pigot's last arrival in India, he was hardly one day absent from him (excepting when Lord Pigot was at Tanjore), *declares*, That during Lord Pigot's confinement his health appeared to be very good, until the *fifth or sixth day of March*, though his Lordship's friends thought the disease which the Surgeons represented to be bilious, might have been lurking in his body for some time. Suppose this time to be eight or ten days, because Mr. Russell mentions *actually* that time; this, at the utmost, brings the first notion of the *lurking stage* to the last week of February. He adds, That Lord Pigot grew better towards the end of March, and that he relapsed in the beginning of April.

Here then by Mr. Russell's declaration (who saw him daily) is the *visible* beginning of Lord Pigot's bilious disorder, brought to the
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fifth or sixth of March, and by conjectures of his friends the *invisible* beginning, to the last week of February.—Lord Pigot gets to all appearance well, and afterwards relapses.

Mr. *Monckton*, son-in-law to Lord Pigot, declares, That during the first part of Lord Pigot's confinement, he was in very good health, and that his illness was first apparent about the fourth or fifth of March; that Lord Pigot towards the end of March got better a good deal; early in April he was again taken ill, and continued growing worse, &c.

Now let us see what Mr. *Stone* says: Mr. Stone went to reside at the Mount, the beginning of October. This person says, That Lord Pigot appeared to enjoy a good state of health, until the latter end of December, or beginning of January; he (*Stone*) *had already said*, That his Lordship's spirits from that time appeared not so good as before, and that he seemed full of anxiety. Mr. Stone adds, That Lord Pigot was taken ill some time between the first and eighth of March.

N. B. When any person gives his opinion, as is the present case upon oath, I wish to attribute all difference of expression to shortness of memory, or mistaken judgment of appearances.

Here is then a difference of two months as to the beginning of Lord Pigot's disease, in the opinion of Mr. *Russell*; who never quitted him a day, and also of Mr. *Monckton*, from that given by Mr. *Stone*. But Mr. Stone had formed to himself a system, and he judged for Lord Pigot differently from his bosom friends, Mr. *Russell* and Mr. *Monckton*, and I believe from *Lord Pigot* himself, and every other person who then lived at the Mount.

Mr. Stone labours to prove, That Lord Pigot's health was directly affected by the letter of the late Government to Bengal, and the reports about sending him home by the *Lioness*. Now, unluckily for this hypothesis, the dates are as follows:

The letter to the Governor-general and Council for an opinion concerning the removal of Lord Pigot is dated the 19th of October. The reports current in this settlement were about 20th or 21st October. The note of Mr. Stratton, which really did remove these apprehensions, was dated 7th January; the official notice the 20th January.

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The inference I wish to draw from these two accounts is, that if we see men in habits of intimacy with Lord Pigot, differ in opinion so widely even in the *visible* outward appearances of his illness, how much more reason have we to distrust the opinion of people who reason upon *immaterial invisible* subjects.

In short, I believe every person who was examined, except Mr. *Stone*, agree in their accounts, that to all outward appearances Lord Pigot enjoyed an uninterrupted state of good health until about the beginning of March, and it seems from the examinations to be generally agreed, that Lord Pigot did unnecessarily expose himself to the sun by working in the garden, appearing without his hat; and perhaps his Lordship injured his health by abstaining from the usual exercise in the chaise; but this last sort of exercise, or any other he thought proper, was in his power at all times to have had if he so chose.

I say, therefore, that in what concerns Lord Pigot's illness, both first and second, nothing appeared but what may be ascribed to natural causes; I mean such as are incident to every person in this settlement, whether under restraint or not; for I believe there is no law to justify in similar cases any conjecture or opinion in regard to the impressions of Lord Pigot's mind upon his body, so as to infer intentional guilt on the part of those who, for reasons of state, put some degree of restraint upon him, to prevent his entering this fortress, which might have been of real bad consequences to himself, as well as to his friends, and also to the public; and if any expressions of persons on examination denote a degree of certainty, that this restraint did contribute to his illness, the utmost that can be inferred from it is, that it is matter of their private opinion, but no legal evidence or sufficient proof.

I see by the Diary, that the supposed Jury had a fixed plan to investigate these operations of the mind, and in consequence examined several persons. I do not think it at all necessary to repeat what was only their conjectures; but it well deserves notice what *Doctor Anderson* positively swears to, viz.

“ That Lord Pigot told him he (*Lord Pigot*) could almost tell the day when he became ill; he had been working in the garden till late in the sun, that he came in very hot (as Mr. Anderson thinks Lord Pigot said) to Mr. *Monckton's* house and drank something (he thinks he said Punch), and was very much over-heated, &c.”

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Mr. *Anderson* afterwards observes, "That as to the impression on the mind of Lord Pigot, occasioned by the attempt to remove him from the Mount, he thinks in compliment to Lord Pigot's memory it could have no considerable effect, *because he understood that Lord Pigot enjoyed a great degree of health for some time after that attempt.*"—And as to how long my Lord Pigot's disease might have been dormant in his constitution, before the visible effect of it appeared, Mr. *Anderson* thinks "*that Lord Pigot had no local disease in the parts which were afterwards affected, till the time that he was overheated as before mentioned.*" Mr. *Anderson* further observes, "*That the season of the year during Lord Pigot's illness was the hottest season of the year, and that Fahrenheit's Thermometer was at 95, 96, and 97 degrees every day at that time in the shade.*"

I say that this information of Mr. *Anderson*, which conveys the very ideas of Lord Pigot himself, with regard to the immediate cause of his illness (whether the first or second attack is immaterial), of itself outweighs volumes of other people's conjectures; besides that it conveys other essential circumstances, amounting to the greatest degree of certainty, that Lord Pigot's illness arose from ordinary and natural causes, peculiarly incident to the human body in this climate;—and with this clear evidence I shall close what I have to say on the supposed Jury or their Diary.

I am really at a loss to know, what are the real true motives of the persons who call themselves Lord Pigot's friends, in endeavouring to persecute me and others, even to death, upon such sort of proof; surely they pay but a poor compliment to his memory, to suppose that he was overborne by the circumstance of his situation, to such a degree affecting his spirits, and his health, as to occasion his death: I ever had, and still have a much better opinion of Lord Pigot's spirit and fortitude of mind, which I believe he possessed in a very eminent degree, and there is nothing in fair proof appears to the contrary.

I have already said enough as to the uncertainty and fallacy of human reason, in judging concerning any other person's thoughts and feelings; I must here add, that were we to admit in Lord Pigot's case, that the agitation of his mind, on account of the political differences in the settlement, did contribute to the illness of which he died, it will be found, that his own supposed friends, as

also the Governor-general and Council of Bengal, have their share of guilt in this respect, in common with the late Government; the first, in teizing him with alarms, and supposed plots, and hearsay stories; the other, in giving their opinion according to what they thought was their duty; for we observe in Mr. Haliburton's information, that when he brought from Mr. Stone or Mr. Russell, the copy of the Governor-general and Council's letter about sending Lord Pigot home, he (Lord Pigot) read it with seeming agitation; and Mr. Haliburton says, he remembers perfectly the strong expression Lord Pigot made use of, *Would you not think, says he, they are treating me as a mad dog.* Mr. Haliburton adds, that he perceived his Lordship's spirits to be depressed, and a visible alteration on him since the time of the intention of sending him home was known to Lord Pigot; and yet, as is observed before, such evident change was not observable to Mr. Russell, to Mr. Monckton, nor, as it seems, to Lord Pigot himself, before the end of February or the beginning of March.

On this occasion, I take leave to say, that Lord Pigot's memory is injured by such conjectures or assertions, at least, if I may be suffered to speak of myself, in my present situation, I should not think that by such reasoning I was obliged to any person, nor would I therefore look upon him as my real friend.

My case is singular enough; I at present find myself, contrary to every reasonable hope or expectation, or assurance before leaving England, suspended, and even superseded, in the Company's service, by orders of superiors at home, *without a fault alleged*; unjustly charged at the same time with the most atrocious crime possible, and subject to the course of law in the settlement, where I had the honour to command the army, and where I am bold to say, I had conscientiously done my duty, in every respect, with the greatest degree of self-denial; I say, were I in these evident present sufferings, to allow my imagination to increase them by adding or anticipating other misfortunes, or if I were voluntarily to deny myself the proper or usual food, exercise, and amusement, the natural consequence, in all human probability, would be a second fit of illness, perhaps fatal; and if so, I ask, Would my honourable employers think it just to be accused of *murder*, because they were pleased to order me to be suspended or superseded for reasons best known to themselves? No; I believe that no jury in England would be found to give such a verdict; for my own part, I here declare, that such sort of revenge

venge or recrimination would be a censure on my memory, for I shall endeavour to shew myself superior to such accidents, and if I die at this time, I trust my friends will so far respect my memory, as never to suppose, that I succumbed under the pressure of such misfortunes, or that it was in the power of any man, or body of men, to make me so far forget the part of a man of true fortitude.

I have thus, at more length perhaps than was necessary for my own defence, as a soldier acting under orders, or for the defence of Lieutenant-colonel Horne, Captains Lyfaght and Edingtoun, and others who acted by my orders, entered into the merits of the charge before you, but I hope the public motives will serve as an apology, because although I am only responsible for the execution of the orders given me the 23d of August 1776, yet, after the fullest information from the Gentlemen of the late Government, I took my part, and I did it from the clearest conviction of the necessity of the measure at that crisis; and therefore I think myself interested on their accounts, as well as my own, to endeavour to carry to your minds the same degree of conviction, which I then felt, and now feel in my own mind, as to the necessity of the times, and as to the innocence of the late administration, with respect to any wilful intentional acts affecting Lord Pigot's health or personal safety.

But in regard to my own defence, against the heavy charge or imputation of *wilful murder*, and what respects the officers or others of the army, mentioned in the supposed verdict, I trust from what I have already said, and from the words and clear meaning of my commission, from the practice of military service in all countries; but more particularly, as being held by the sacred oath of fidelity to the Honourable Company, according to my commission, which at the time was subordinate to that of Sir Robert Fletcher, that you, Gentlemen, will see I was bound to obey the order of him (Sir Robert Fletcher) my superior at the time, according to the rules and discipline of war; he (Sir Robert Fletcher) was of the Council, and responsible, and I saw his name joined with a clear Majority of Council, which together I obeyed, not only as a soldier, for the reasons already stated, but as the joint legal representatives of the Honourable East India Company, who had a right to command my obedience, without entering into any explanation, seeing that at the time I had no claim to a seat or voice in Council.

For

For all these reasons, and for others which I do not mention, because I trust they must occur from your own knowledge of the proofs adduced, and your equitable construction of the laws and constitution both of England and of the East India Company, in the government of their concerns within this presidency, I positively deny the truth of the charge or imputation conveyed in the supposed verdict, and declare in your presence, before God, and to all the world, that I am not, in any sense or respect, either by act, intention, or thought, guilty of the wilful murder of the late Lord Pigot.

(Signed)

JA'. STUART.

K. L.

[The Court of Directors in their Letter of the 11th of June 1777, having ordered the several Members of the Madras Council to proceed to England, Mr. Stratton and Mr. Brooke, a few days after the termination of the proceedings before the Justices, set out over-land for Anjengo, having sometime before ordered a vessel to meet them there and carry them to Suez.]

The other Members of the Council who remained at Madras for an opportunity of returning by sea, had agreed to raise a criminal action against Mr. Ram, the Hon. Mr. Monckton, and others, concerned in holding this Inquest, as having wilfully and maliciously conspired to deprive them of their lives and good fame, and praying such redress as the enormity of the case required, for the public safety, as well as for the vindication of their honour.

This intended prosecution having been made known to the Governor and Council at Madras, they, for reasons of government, expressed an earnest desire that it should be delayed or a time.

In compliance with this request of the Governor and Council it was agreed to wave it until the meeting of the Quarter Sessions in January 1778; but when that time came, the same public reasons still subsisting, the Gentlemen who were to have carried on this prosecution addressed the following letter to the Governor and Council.]

*To the Honourable JOHN WHITEHILL, Esq; President and Governor,
&c. Council of FORT ST. GEORGE.*

GENTLEMEN,

THE public records, which we suppose are transmitted to the Honourable Company, will shew in what manner we have been illegally and maliciously treated, by certain persons within this Settlement, who promoted and took part in the supposed Coroner's Inquest and Verdict, soon after the demise of the late Lord Pigot. So far as depended on those promoters, or members, of the supposed Court of Inquest, our characters, our fortunes, and our lives, were brought in danger. The conduct of that illegal and partial meeting, held under the borrowed name of English Law, has been, as you know, condemned by the unanimous opinion of the Judges at Bengal, and by the Court of Sessions here, and of course afforded us just grounds for ample satisfaction, if we had had solely in view our own private passions or feelings.

We thought it our duty some weeks ago, to represent to you, that, on public ground, as well as for private redress to individuals, who had been illegally accused and confined, we meant to commence a criminal prosecution against those persons for a conspiracy.

Your stating to us the then situation of the Settlement, and in what degree you supposed such a prosecution might affect its peace and welfare, and the interest of the East India Company, had such weight with us, that, without hesitation, we resolved to sacrifice all our private feelings of injury, to what you thought would tend to the good of the Honourable Company's affairs, by waving all prosecution until the meeting of the Quarter Sessions, to be held this day.

We now acquaint you, that although we are fully convinced, that the laws of our country would afford us ample redress for the illegal treatment we have met with; yet, as the same reasons subsist

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at

at this present hour, which you then urged, in expressing your wishes that the prosecution might be waved, we now take occasion to declare, that, we will not, at this time, proceed further, in a business which might necessarily draw your attention from the affairs of Government intrusted to you; and we doubt not, from this representation of our genuine sentiments and of the uniform conduct we have observed ever since in the Company's orders, have been known to us, that they will do us the justice to believe, that the public good has been the leading principle of our conduct.

We are,

Honourable Sir and Sirs,

Your most obedient and
most humble servants,

(Signed)

JAMES STUART,
GEO. MACKAY,
ARCH. PALMER,
CHARLES FLOYER.

Fort St. George,
14th January 1778.

To Brigadier General JAMES STUART.

GEORGE MACKAY,
ARCH. PALMER, and } Esquires.
CHARLES FLOYER, }

GENTLEMEN,

WE have received your letter of the 14th instant, and it is with pleasure we observe from it, a disposition in you to avoid any act, that might tend to disturb the happy state of tranquility, to which this Settlement hath of late been restored. The welfare of the Company's affairs so indispensably requires a continuance of that tranquillity, that we cannot but express our satisfaction at the regard you have shewn for the Company's interest, by suppressing all feelings of private injury, and refraining from a prosecution, which, in its consequences, might prove detrimental to their affairs. In this light, we mean to represent your conduct in this instance, as well as in that of a few weeks ago, to the Honourable the Court of Directors, and in the mean time, we have been induced to signify thus much to you, as a public mark of our approbation.

We are,

Gentlemen,

Your most obedient servants,

(Signed)

JOHN WHITEHILL,
CHARLES SMITH,
SAM. JOHNSON,
P. PERRING.

Fort St. George,
17th January 1778.

*Extract of a Letter from the Governor and Council of
Madras to the Court of Directors of the East India Com-
pany, received by the Houghton in August 1778.*

IT is with pleasure that we now inform your Honors, that since the termination of the above prosecution*, your Settlement hath gradually returned to its former tranquility and good order; and is at present in a much happier state than could reasonably have been expected, considering the violent animosities with which we found it agitated, when we first took upon us the management of your affairs. We have made it our study, in every instance, to conciliate the differences which had some time subsisted betwixt your servants and others, residing within this Settlement, and have the greatest satisfaction in assuring you, that our endeavours have met with success.

It is a justice, however, that we particularly owe to the Members of the late Government, to observe to your Honors, that their leading example in shewing the most implicit submission to your orders, for establishing your new administration, has been of the greatest use in restoring that harmony and good understanding we have just spoken of.

But, besides the general tenor of their behaviour as individuals, of which we have been eye-witnesses, we beg leave to refer you to the letter signed by General Stuart, Messrs. Mackay, Palmer, and Floyer, and to the answer which we thought proper to make to these Gentlemen, who, for the peace of the Settlement, and with a view to the welfare of your affairs, have agreed to wave the agitation of questions at this time, which must necessarily have taken our attention from the immediate business of your government.

* The Inquest.

E R R A T A.

- Page 1. last line, *for Monckto, read Monckton.*
 17. line 29. *for L. Gifon, read L. Gipson.*
 25. 12. *for Quarter Surs, read Quarter Seers.*
 35. 36. *for Subfidar, read Subidar.*
 38. 26. *for conscious, read cautious.*
 39. 22. *for Edward Hughes, read Sir Edward Hughes.*
 56. 22. *for Lorn Pigot, read Lord Pigot.*
 72. 20. *for a bile, read bile*
 84. 7. *for at Major at Horne's, read at Major Horne's.*
 85. 35. *for Mr. Gifon, read Mr. Gipson.*
 88. 27. *for Major Home, read Major Horne.*
 110. 19. *for I have only observe, read I have only to observe.*
 162. 32. *for in an humble legal manner, read in an open and a legal manner.*
 169. 5. *for Sal Rochelle, Mannacrum, T. & Tamarends, read Sal Rochelle, Manna, Cræm. T. & Tamarinds.*
 190. 11. *for Mr. Edward Trowd, read Mr. Edward Frowd.*

F I N I S.

