25,000—4-5-32.

Block 7

Rack No.

Shelf No.

Serial No. 1

General No. 12405

5948

Town of Madraspatnam ss

At a General Quarter Session of the Peace Sessions of Oyer and Terminer and Goal delivery of our Sovereign Lord the King holden for the Town of Madraspatnam at the Town Hall of the said Town on Wednesday the Fourteenth day of January in the Thirty fourth Year of the Reign of our Sovereign Lord George the second 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 One thousand seven hundred and sixty one Before John Smith Charles Bourchier and Dawsonne Drake Esquires and others their Sociates Justices of our Sovereign Lord the King and Commissioners of Oyer and Terminer and Goal Delivery for the said Town and the Districts thereof on which day the said Sessions was adjourned by the said Justices untill Thursday the Fifteenth day of this Instant January to be held at the Town Hall of the said Town at Eight of the Clock in the Forenoon of the same day on which day the said Session was by the said Justices adjourned over untill Wednesday the Eight day of April next ensuing to be held at the Town Hall of the said Town at Eight of the Clock in the Forenoon of the same day to do further as the said Court shall then and there consider of

Wednesday the 14th January 1761
Justices Present

John Smith Esq. Chairman
Charles Bourchier }
Dawsonne Drake } Esqrs.
Richard Fairfield }
Samuel Ardley }

The Court being called the Grand Jury Drawn in and being called over deliver in three Indictments against David Achlin and William Williams for felony the first Endorsed Billa Vera the Other Billa Vera as to David Achlin – Ignoramus as to William Williams. – And One against Tonapah for Felony Endorsed Billa Vera.

The Court then proceeded to the Tryal of William Williams and David Achlin who are brought to the Barr and Arraigned as follows.

Clerk of ye Peace William Williams hold up your Hand: David Achlin hold up your Hand. You stand Indicted by the names of William Williams late of the Town of Madrasspatnam Mariner and David Achlin late of the Town of Madrasspatnam Mariner for that on the fourth day of December in the thirty fourth Year of the Reign of our Sovereign Lord George the Second now King of Great Britain &c and at divers other times by force and Arms &c within the Town aforesaid Two Peices of Painted Linnen to the Value of Thirty Shillings, one Peice of Handkerchiefs of the Value of Ten Shillings and one Peice of Gingham of the Value of Six Shillings of the Goods and Chattles of Somly Chitty then and there being found in a Shed near the Water Gate otherwise called St Georges Gate feloniously you did steal take and bear away against the Peace of our Sovereign Lord the King his Crown and Dignity and that you David Achlin knowing the said Two Peices of Painted Linnen and one Peice of Handkerchiefs and one Peice of Gingham to be stolen afterwards that is to say the said fourth day of December in the Year aforesaid by force and Arms &c in the said Town the Two Peices of Painted Linnen, One Peice of Handkerchiefs and One Peice of Gingham aforesaid feloniously you did receive against the Peace of our Sovereign Lord the King his Crown and Dignity as also against the Statute in that Case made

and

the Arraignment — upon this Indictment they have been Arraigned and have pleaded not Guilty and for their Tryals have put themselves upon God and their Country which Country you are. Your charge is to Enquire whether they are Guilty of the Felony whereof they stand Indicted or not Guilty. If you find them Guilty you are to enquire what Goods and Chattels Lands and Tenements they had at the time the Felony was committed or at any time since. If you find them not Guilty you are to enquire whether they fled for it. If you find that they fled for it You are to enquire of their Goods and Chattels Lands and Tenements as if you had found them Guilty. If you find them not Guilty and that they did not fly for it. You are to say so and no more and hear your Evidence

Tomby Chitty called and sworn after the manner of the Gentoos.

Court — Do you know the Prisoners at the Bar

Tomby Chitty I have seen them before at Mr Smiths House

Court — Acquaint the Court with what you know concerning a Felony the Prisoners are accused of

Tomby Chitty — On Thursday Night I was at a Godown belonging to one Poor Reedy near the Water Gate by the Horse Stables where I left several Sorts of Goods in a Chest Friday morning going to the Godown I found it broke open with a Bayonet and the Chest where my Goods were put broke open, lying near Cooper Smiths House about 6 Yards from the Godown and all the Goods taken out (Being asked how he knows it was broke open by a Bayonet he says People told him so) He then went and Complained to Mr Justice Smith who bid him go to Mr Tod. Mr Tod told him he would enquire into the matter and advised him to enquire at the Barracks for his Goods. On the Sunday following I went to the Bazar were I was told by two Hawkers, that two Europeans had sold these three Months) being asked if it is not customary for the Printers to give Patterns to other Merchants he says it is so but that he knows it not only by the Pattern but the Fineness and having his Mark, being asked if the Palampores now produced are the same that were in his Chest he says they are) Six or seven days after after as I was speaking of the Goods I had lost some Black People told me (he does not remember who they were) that two Europeans had sold some Goods to a Purser of a Europe Ship. I went to him and found he had bought one Peice of Moorees and a Peice of Betelas, w.ch he said he had given four Pagodas and half for (these Goods cost Seventeen Pagodas) and that he would go to Mr Smith and acquaint him how he bought them — A Peice of Handkerchiefs produced in Court is now shewn him and asked if their was any mark on it he says there was but that it was tore off that the same Peice was in his Chest he knows it by two Yellow Streaks which are on the Handkerchiefs.

Court to the Prisoners } Have you any Questions to ask the Witness

Prisoners — No

Serrapah Called and Sworn after the Manner of the Gentoos

Court — Do you know the Prisoners at the Bar

Serrapah — I have seen them before

Court — Acquaint the Court what you know concerning a Felony they are accused of

Serrapah — On a Sunday about Thirty or Forty days ago An old Man, myself and a Boy named Vencatachela were in the Buzar, about two o Clock in the Afternoon, two Europeans came there (he says the Prisoners at the Bar are the Men) they came to Appiah the old Man and pulled out of a Bag two Palampores and a Peice of Gingham and asked him if he would sell those things for them, and give them the

Money

had brought the Things from on Board. Being asked if the Palampores and Gingham produced in Court was the same that was sold Mr Smith He says he cannot possibly tell whether they are the same or not

Vencatashia Called and Sworn on the Holy Evangelist.

Court — Do you know the Prisoners at the Bar

Vencatashia — Yes

Court — Acquaint the Court what you know concerning a Felony they are accused of

Vencatashia — About Twenty five or Twenty Six days ago as I was passing near Mr Smith's Punch House he saw the two Prisoners Oppoo and Sevapah standing by Mr Smith's House One of the Prisoners (pointing to Achlen) Oppoo Sevapah and myself went into Mr Smith's the Prisoner told Mr Smith he had two Palampores and a Piece of Gingham to sell which he opened and shewed. Mr Smith asked the Price the European said five Pagodas Mr Smith gave him four and a Dram I then went with the European to the Bazar (Oppoo and Sevapah went away) there they met with two other Europeans One of the Prisoners took aside one of the Europeans and the other Prisoner the other European and talked some time One of the Prisoners (pointing to Williams) then came up to me and asked me what the other Prisoner (Achlen) had sold the things for I said I believed four Pagodas. One of the Prisoners (Achlen) changed two Pagodas which was shared between three the other Prisoner (Williams) asked him how he could share two Pagodas when he had received four, he the Prisoner (Achlen) made Answer if you do not like it I will go and give the Money to Mr Smith and bring the Goods. I then went away the next Day Tomby Chetty came to me and asked me if I could shew him the two Europeans that had sold the Goods to Mr Smith, I told him I would go

with

same Goods, I told him I had, he desired to see them when I shewed them he said he knew the Gingham and he believed the Palampores, I gave him the Gingham and one of the Palampores — The Palampores and Gingham produced in Court He believes are the same he bought.

The Prisoner Ashton desires Mr Smith may be asked if he Mr Smith did not ask him when in his house what Man that was standing in the Corner. To which Mr Smith replied he did not remember to have asked such a Question

William Prosser called and Sworn on the Holy Evangelist.

Court --- Do you know the Prisoners at the Bar

Wm Prosser I know Williams

Court --- Acquaint the Court what you know concerning a Felony the Prisoners are accused of

Wm Prosser The Day the Boy was executed as I was coming from the Garden house, About 12 o'Clock, I met the Prisoner Williams, who asked me to drink a Dram, I told him I would not in the publick Street. We went into the Choultry near the Water Gate, there was a Bundle near the Doorway which I concluded belonged to a Washerman, and desired Williams to come from that place, that if any of the things were lost it would be laid to our Charge. As we were both going as I thought to Lawrence's Bastion I looked back and missed Williams, I sat down under the Bastion and in about ten Minutes he came with something under his Jacket which I did not see before, on my asking him what it was, he said it was an Old Palampore he covered himself with in the Hospital. We drank the Liquor he went towards the Garden House were they sell Toddy

Prisoner to the Witness } Are there any Doors or Windows in the Choultry

Wm Prosser No

The Witnesses being all examined the Prisoners are asked if they have any Defence to make they say they have — Williams proceeds as follows.

Saturday

and I went to the Hospital, and lay down with the things under my Head, the Sunday following I went to the Bazars were I met Achlin and an Old Man (Oppero) I went with Achlin as far as M^r. Smiths, he and the Old Man went in and sold them, came back and gave me the Money I changed a Pagoda and gave Achlin Six fanams which he had given the Black Fellows, We then went to the Portuguese Church & drank a Bottle of Arrack, where I told Achlin how I came by the things, the next day Achlin was taken up — He has no further Defence to make.

Achlin is then asked if he has any Defence to make he says he has and proceeds as follows.

The Day the Man was hanged Williams came into the Hospital about two o Clock seemingly in Liquor he took a Bundle from under his Jacket put it under his Head and went to sleep Saturday Morning he asked me to go to the Bazar with him to sell some things, I was out of Order and could not go, the same Evening as I was sitting at the Hospital Gate I saw Williams speak to a Black Fellow that had something under his Arm, as Williams was going to lay hold of him he let fall the Bundle and ran away and Williams after him soon after Williams came up to me with a Bundle under his Arm I asked him why he ran after the Black Fellow he said he is a Damm'd Thief I wish I could have caught him I would have carried him to a Justice Williams then went into the Hospital. Sunday Morning he came to me again and desired me to go with him to sell some things I gave him no Answer but in the Afternoon As I was in the Bazar Williams and an Old Black Fellow came up to me Williams said here is a Man that will sell the Things if you will go with us I will give you part of a Bottle of Arrack We went along till we came near Punch House Smith's were Williams stopt to make Water I saw two Black Fellows went into the House Williams desired me to say that the things were Plunder at Sriancopong M^r. Smith after he had seen the them to be stolen as aforesaid and the Grand Jury do further Present that the said Mootea and the said Amarabuttah were carried before one of His Majestys Justices of the Peace and have not been brought to a legal Tryal for the same and the Grand Jury do further present that Notwithstanding the repeated Presentments that have been made to this Honble Court relating to the Wells in and about the Black Town and the adjacent Pettahs being quite level with the Ground without any fence round them to prevent people from falling in as likewise relating to Channels being cut a cross the Publick Roads and sundry other Nusances in and about this Place no measures have as yet been taken to remedy the Same All which matters and things are contrary to the Peace of our Sovereign Lord the King his Crown and Dignity

Signed

Town Hall
15th Jany 1761

Peter Marvelle Foreman
Francis Taylor
Mathew Clarke
Charles Smith
John Palmer
John Maxwell Stone
John Davidson
George Dawson
John Calland
George Mackay
John Debonaire
James Taylor
Richard Fife
John Smith
Richard Dawson

In Answer to the above Presentment the Chief Justice Informed the Grand Jury that upon Examination of the matter presented there did not appear to the Justice to be sufficient Evidence to prosecute And that all means should be

The Chief Justice Informed the Prisoner he might have a Jury of twelve Englishmen or Six Englishmen and Six of his own Country — He chuses a Jury of Six Englishmen and Six of his own Countrymen.

Clerk of the Peace You the Prisoner at the Bar these Good Men whom you shall hear called and Personally do appear are to pass between our Sovereign Lord the King and You upon the Tryal of your Life or Death, if you will challenge them or any of them your time is to speak unto them as they come to be sworn and before they are Sworn.

The following Jury were then Sworn the Prisoner having no Objection to any of them.

Messrs. Andrew Ross
Archdale Palmer
Abraham Browne
Edward Edwards
Samuel Troutback
Thomas Pelling

Butchee Colletiapah
Amarambatoo Mootiapah
Punjen Sadasevah
Poonaree Colletiapah
Chitta Permaull
Nella Rodripah

Clerk of the Peace Gentlemen of the Jury look upon the Prisoner at the Bar and hearken to his cause. You shall know that he stands Indicted by the Name of Sinnapah late of the Town of Madrasspatnam Labourer for that on the Twenty fourth day of November &ca. — Here the Indictment was again read as in the Arraignment. — Upon this Indictment he has been Arraigned and has pleaded not Guilty, and for his Trial has put himself on God and his Country which Country you are; Your charge is to enquire whether he is Guilty of the Felony whereof he stands Indicted or not Guilty. If you find him Guilty, you are to enquire what Goods and Chattles Lands or Tenements he had at the time the Felony was committed or at any time since; If you find him not Guilty You are to enquire if he fled for it, if you find he fled for it you are to enquire of his Goods and Chattles Lands and

Tenem

Of the Admiralty House, He then confessed that one Concert night when the French Ladys were at Table and the Servants out he took an Escrutore out of the Window and carried it where the Boats are mended; there broke it open put the Joys and Pagodas into a Hankerchief and threw the Escrutore and empty Bags away, the next day gave the money to some Girls (he does not know who) and at Night about twelve a Clock, he put the Joys at the Ladys Chamber door, he said there were about three hundred Pagodas in the Escrutore (being asked if the Prisoner looked as if he had been much whipped when he confessed; He say he did not look as if he had been much whipped, He did not see his Back.

Jury to the Witness } Did the Prisoner confess to you of his own accord, or on your asking him?

Witness — When he acknowledged he had stole the Plate, I asked him if he had not taken the Money and Joys, he then confessed the taking them.

Jury — Was he sober when he confessed?

Witness Yes

Court to the Prisoner } Have you any Questions to ask this Witness?

Prisoner No

The Clerk of the Crown here produces ~~Here~~ produces the Prisoners Confession before Mr Justice Ardley which is read as follows

The Town of Madrasspatnam

The Examination and Confession of Tonnapah of Madrasspatnam Labourer taken before me Samuel Ardley Esqr one of His Majestys Justices of the Peace for the said Town

This Examinant saith that On Monday Evening

which

be punished; he then denied having taken anything The Jollier gave him two Strokes, when he cried out he would tell the Truth; He then confeſsed he had Stole from the Admiralty house, One Glaſsa Pot, two Spoons and two other Silver things, which he had given to a Water Girl that lived near the Mint Alley, as We brought him to Mr Ardleys I saw Frances and Pedro talking to the Prisoner at the door, they both came in and told Mr Ardley the Prisoner had confeſsed taking the money and Jewells out of the Admiralty House, Mr Ardley called him and took his Confeſsion, the Witneſs mentions the Particulars as Francis Xavier did in his Deposition, with this difference he says One hundred Pagodas Xavier three hundred

Court To the Prisoner } Have you any Questions to ask this Witneſs?

Prisoner - No.

Pedro called and Sworn after the manner of the Gentous.

Court - Do you know the Prisoner at the Bar?

Pedro - Yes

Court - Acquaint the Court what you know concerning the Felony he is accused of.

Pedro - The Governours Butler and two or three others brought the Prisoner to the Choultry, and told me Mr Ardley had Ordered him to be beat till he told the Truth (being asked if he remembers how many Strokes Mr Ardley ordered to be given he first says Ten or twelve, then that he mentioned no Number) I gave the Prisoner two Lashes, when he cryed out he would tell the Truth; He confeſsed he had Stole one Glaſs Pott 2 Spoons, and other Silver Plate, and that he had given them to a Water Girl, We then carried him to Mr Ardleys, at the door I heard Frances say he confeſsed

taking the

[illegible]ted the particulars nearly as in his Confession, Mr Dowset then told him that was enough to Hang him.

All the Witnesses being examined the Prisoner is asked if he has any defence to make — He says he was in Liquour when he confessed, and that he never stole any thing. Being asked why he confessed before Mr Hay — He says he was angry with a Water Woman, and confessed thinking to bring her to Trouble — Having nothing further to say the Chairman Summed up the Evidence to the Jury and an Officer being sworn to keep them they withdrew and after near three Hours absence A Verdict was proclaimed The Jury came into Court where there called over and answer to their Names

Clerk of the Peace Gentlemen of the Jury are you agreed of your Verdict?

Jury — Yes.

Clerk of the Peace Who shall say for you?

Jury — Our Foreman

Clerk of ye Peace Look upon the Prisoner at the Bar, how say you is he Guilty of the Felony whereof he Stands Indicted or not Guilty?

Foreman Guilty.
which being recorded

Gentlemen of the Jury hearken to your Verdict as the Court hath recorded it, You say Tonnapiah is Guilty of the Felony whereof he Stands Indicted and so you say all.

Jury Yes

The Grand Jury having nothing further to offer, they and the Petty Jury are dismissed and the Court proceeded to Sentence of the Prisoners.

Clerk of the Peace Tonnapiah hold up your Hand, You have been Indicted for Felony of which you have been found Guilty, what have

you

Town of Madrasspatnam ss

At a General Quarter Sessions of the Peace Session of Oyer and Terminer and Goal delivery of Our Sovereign Lord the King holden for the Town of Madrasspatnam at the Town Hall of the said Town on Wednesday the Eighth day of April in the thirty Fourth Year of the Reign of our Sovereign Lord George the Second 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 One thousand seven hundred and Sixty One Before George Pigot Dawsonne Drake, Samuel Ardley and Charles Turner Esquires and others their Sociates Justices of Our Sovereign Lord the King, and Commissioners of Oyer and Terminer and Goal delivery for the said Town, and the Districts thereof on which day the said Sessions was adjourned by the said Justices untill Wednesday the Eighth day of July next ensuing to be held at the Town Hall of the said Town at Eight of the Clock in the Forenoon of the same Day to do further as the said Court shall then and there Consider of.

Wednesday the 8th April 1761

Justices Present

George Pigot Esqr Chairman

Dawsonne Drake
Samuel Ardley } Esqrs
Charles Turner

The Grand Jury being Sworn on both Commissions as also an Officer to attend them withdrew and after some stay returned and being called over acquaint the Court that no Business offered — And the Court observing that as the usual Notice of the Meeting of the Sessions this day was affixed at the most publick parts of the Town

[illegible]

Town of Madraſspatnam &c

At a General Quarter Seſsion of the Peace Seſsion of Oyer and Terminer and Goal Delivery of our Sovereign Lord the King holden for the Town of Madraſspatam at the Town Hall of the said Town on Wednesday the Eighth day of July in the first year of the Reign of our Sovereign Lord George the Third by the grace of God King of Great Britain, France and Ireland Defender of the Faith and so forth, and in the Year of Our Lord One thousand Seven Hundred and Sixty one, Before George Pigot John Smith Dawsonne Drake, Samuel Ardley, and Charles Turner, and others their Aſsociate Justice of Our Sovereign Lord the King and Commiſsioners of Oyer and Terminer and Goal Delivery for the said Town and the Districts thereof on which day the said Seſsion was by the said Justices, Adjourned untill Thursday the Ninth of the said Instant July to be held at Town Hall of the said Town at Eight of the Clock in the Forenoon of the same day, on which day the said Seſsion was adjourned untill Friday the Tenth day of the said Instant July to be held at Town Hall of the said Town at Eight of the Clock in the Forenoon of the same day on which day the said Seſsion was adjourned untill Saturday the Eleventh day of the said Instant July to be held Town Hall of the said Town at Eight of the Clock in the Forenoon the same day on which day the said Seſsion was adjourned Monday the Thirteenth the said Instant July to be held at the Town Hall of the said Town at Eight of the Clock in the forenoon the same day on which day the said Seſsion was Adjourned over untill Monday the fifth day of October next ensuing to be held at the Town Hall of the said Town at Eight of the Clock in the forenoon of the same day to do further as the Court shall then and there consider of

Justices Present
George Pigot Esqrs Chairman
John Smith
Dawsonne Drake
Richard Fairfield
Samuel Ardely
Charles Turner
Josias Du Pre
Esquires

The Court being called the Grand Jury sworn on both Commiſsions are and the Prisoners at the Bar upon the Trials of your Lives or death, If you will Challenge them or any of them your time is to Speak unto them as they are called to be sworn and before they are Sworn

The following were then Sworn the Prisoners Declaring they had no Objection to any of them

Messrs James Bourchier
John Smith of Bristol
Charles Floyer
Richard Fyffe
John Smith

Thomas Pelling
John Lein
Christopher Macklin
Edward Sane
Samuel Troutback

Clerk of the Peace Gentlemen of the Grand Jury Look upon the Prisoners at the Bar and Harken to their Cause you shall know that they stand Indicted by the Names of Hugh Ross and Robert Murry Late of Cuddalore within the Jurisdiction of the Town of Madrasspatnam for that &c here the Indictment was again Read as in the Arraignment Upon this Indictment they have been Arraigned and have pleaded not Guilty and for their Trial have put themselves upon God and their Country — Which Country you are — Your Charge is to find if they are Guilty of the Murder whereof they stand indicted or not Guilty If you find them Guilty you are to Enquire what goods and Chattles Lands and Tenements they had at the time of the Murder being Committed or at any time since if you find them not Guilty you are to enquire whether they Fled for it if you find that they fled for it, you are to Inquire of their Goods and Chattles Lands & Tenements as if you had found them Guilty if you find they are not Guilty, and that they did not fly for it, you are to say so and no more, and hear your Evidence

Archibald Grant called and Sworn upon the holy Evangelists

Court Do you know the Prisoners at the Bar

Archibald Grant I know Ross but have had but Little Acquaintance with Murry

Court Say What you know Concerning the Crime they are accused of

Archibald Grant The 27th February the day after Mr Donald dyed the Prisoner Robert Murry came to the Deponent and told him that the Deceased Owed him two Rupees for Drugs and Desired him to Pay him as he id Charnatt then and there not having any Weapon drawn and the said Charnatt then and there not having first stricken you, The said Fontaine, and you the said Fontaine then and there gave to the said Charnatt with the drawn Sword aforesaid One Mortal Wound of which Mortal Wound the said Charnatt Instantly Dyed and so the Jury aforesaid upon their Oath aforesaid do say that you the said Fontaine, the said Charnatt in manner and form aforesaid in your Rage Feloniously Kill and Slay against the Peace of our Sovereign Lord the King, his Crown and Dignity— How say you Fontaine are you Guilty of the Murder whereof you Stand indicted or not Guilty

Prisoner Guilty.

The Prisoners Confession being then Recorded he is taken away from the Barr.—

One of the Grand Jury came into to see Mr James Bourchier sworn as an Evidence upon an Indictment against Richard Fardell for Forgery The following Evidences sworn for the Grand Jury on a Bill of Indictment against Hugh Ross & Robert Murry for Murder

Archd Grant
Robt Phillips
Wm Jones } sworn on the holy Evangelists

The Grand Jury having nothing in Readiness to present to the Court The Court is Adjourned untill Thursday the 9th Instant at Eight of the Clock of the forenoon

Thursday the 9th July 1761

Justices Present the Same as Yesterday Except John Smith Esqr who is absent

The Court being called the Jury came into Court and being called over Deliver in a Bill of Indictment against the Hugh Ross and Robert Murry for the Murder of one McDonald, Indorsed Billa Vera having Acquainted the Court that Mr Thomas Rowney one of their Body was out of Order and could attend Mr Thomas Savage Summoned to attend on the Pettit Jury is Sworn in his Room They then withdrew

One of their Body came in to Court to see the following Evidences Sworn on a bill of Indictment against Chinna Money and Shaik Ibrahim for Murder

Major Robert Gordon Sworn on the holy Evangelists

Arnachelam
Ramminda
Perumama } Sworn after the manner of the Gentoos

Hugh Ross and Murry are delivered into the Custody of the Sheriff and by him brought to the Barr and Arraigned as follows in the Month of February last there Happened a Dispute between Corporal Mc Donald and himself and that Corporal Mc Donald told him He Expected to be made a Serjeant Soon and then he would be his Superiour he said he was Sorry to think that Corporal Mc Donald should be his Superiour for he never would Allow any Serjeant to be his Superiour for he was come of as good a Family as Most Commissioned Officers in the Regiment after that time Roſs said he could never be Satisfyed with James Mc Donald till he found Means to cut off his days upon which he went to Robert Murry at the Bar for two Drops but the Deponant does not know what the Drops were which Murry Seemed at first unwilling to Grant but when he told Murry what it was for he Granted him Five Drops which he gave to James Mc Donald in a Drink who dyed two Days after when Murry gave the drops he said he would be bound that, that would Shorten his Days he further told the Deponant that there was one Roderick Mc Cloud in the Company that had got James Mc Donald Effects to which he said he had as good a Right as any other Person and if he did not give him part of them he would find a way to make him go the Same way as the Other

Court — Was any Body present then

Robt. Phillips — No

Court — Did you Publish this affair

Robt. Phillips — To his Serjeant about a Month after, Some time in the Month of April when he saw the Prisoner Roſs engaged in a Quarrel with One who he Swore he would take away his life in three days, the Man he Quarrelled, with, was Jno. Peddy who he desired to take care of himself, as then the former affair came in to his Head

Court — Why did you not make the Discovery Sooner

Robt. Phillips — He was afraid and as there was no Person but himself Present he would not be believed and as the Prisoner Appeared to be in Liquor when he Mentioned it to him

Court — Had you any Conversation with Murry

Robt. Phillips — No

Court — Did you know of Murry having given any Medicine to the Deceased

Rob

Court	Did you know the Deceased
Willm. Toms	Yes
Jury	Did you publish this Discourse
Willm. Toms	No but it was publickly talked of
Jury	Did you know of any Quarrel between Murry and McDonald
Willm. Toms	No
Prisoner Murry	What you know of the Prisoners Character
Willm. Toms	Knows Nothing bad of his Character
Prisoner Murry	Where did you hear this Discourse
Willm. Toms	In Serjeant Grants Room who was Present
Court	Do you know of any Quarrel between the Prisoner and Phillips
Willm. Toms	No
	Prisoners having no Questions to ask this Evidence
	Robert Ogilby is called and Sworn on the Holy Evangelist
Court	Do you know the Prisoner
Robt. Ogilby	He knows the Prisoner Murry Since his being in the Country
	Knows that Murry gave the Deceased Drugs one Dose Physick and two Vomits one the Night before he dyed
Court	When was this, at what time
Robt. Ogilby	About four months ago
Jury	How do you know that the Deceased took Physick from Murry
Robert Ogilby	McDonald told him he had got the Vomit from Murry and that he was grown very bad
Court	Did you see him take the Physick
Robert Ogilby	Yes
Court	In what manner
Robert Ogilby	In a drink the Deceased told him
Court	How long before he dyed did he take this drink
Robert Ogilby	about four days, Murry asked him the Deceased how he did, who said bad
Court	Was you with him till he dyed
Robert Ogilby	No, he was Obliged to beat Roll calling
Court	Was you with him when he dyed
Robert Ogilby	Yes
Court	did he look as if Poisoned
Robert Ogilby	No