Series XIII

Mayor's Court records Contd

Quarter Sessions (Vol 2)

11-1-1769-2-10-1771

35,000—4-5-

Block 7

Rack No.

Shelf No.

Serial No. 2

General No.

Town of Madraspatnam ss

At a General Quarter Sessions 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 Eleventh day of January in the Ninth 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 One thousand seven hundred and sixty nine Before Charles Bourchier, Josias Dalbe and John Call Esqrs and others their Sociates Justices of the Peace of our Sovereign Lord the King and Commissioners of Oyer and Terminer and Goal Delivery for the said Town and districts thereof on which day the said Sessions was by the said Justices adjourned over unto Wednesday the Twelveth 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 11th January 1769.

Justices Present

Charles Bourchier Esqr Chairman.
Josias Dalbe
John Call
Alexander Wynch
John Andrews
Samuel Ardley
George Stratton
George Dawson
James Bourchier
Richard Brickendon
George Mackay

} Esqrs

The

The Court being called the Grand Jury Sworn on both Commissions as

Edward Stracey Esqr Foreman

Majr Peter Marcette	Majr Robert Dorsett
John Debonaire	Alexr Davidson
Thomas Powney	James Taylor
Reynold Adams	Josiah Maynard
Francis Jourdan	George Savage
John Holland	Georg Westcott
George Smith	John Perring
John Davidson	Gedeon Firth

An Officer being Sworn to attend them they withdrew and after sometime one of their Body came into Court to see the following Witnesses Sworn Vizt

Alexander Tod and James Poole on a Bill of Indictment against William Black for

The Coroner delivers in two Inquests by him taken Vizt

The Grand Jury then came into Court and being called over answered to their Names and deliver in a Bill of Indictment against William Black of Madraspatnam Mariner for Murder ——— endorsed Billa Vera

William Black brought to the Bar

Clerk of the Peace — William Black hold up your hand — You stand Indicted by the name of William Black of Madraspatnam Mariner not having the fear of God before your Eyes but being moved and seduced by the Instigation of the Devil the 1st day of January

a Tope to which he pointed that he was wounded in the Head and he believed was dead as he saw him fall; if that is the case said I in his Majesty's only said

the Ninth year of the Reign of our Sovereign Lord George the Second of Great Britain &c. with Force and Arms in a Garden or Tope called Chinna Tomby Modaly near Dormonds Gardens in the Black Town within the Jurisdiction of Madraspatnam in and upon one Thomas Pearn also Mariner in the Peace of God and of our Sovereign Lord the King then and there being feloniously Voluntarily and of your Malice aforethought with a certain Pistol made of Iron and Steel of the Value of Two Shillings which you the said William Black in your hand then and there had and held the said Thomas Pearn did mortally wound — the Ball or Balls with which the said Pistol was charged having pierced the Skull of the said Thomas Pearn of which said Mortal Wound he the said Thomas Pearn instantly died — and that you the said William Black in manner and form aforesaid then and there feloniously Voluntarily and of your Malice aforethought did Kill and Murder against the Peace of our Sovereign Lord the King his Crown and Dignity. How say you William Black are you Guilty of the Felony and Murder whereof you stand indicted or not Guilty

Court — Were you present when the Prisoner was examined by
Deponant — I was part of the time
Court — Was the Prisoners Declaration to the Colonel the same as to you
Deponant — I was at some Distance and did not hear distinctly what passed
Court to the Prisoner — Have you any Questions to put to the Deponant
Prisoner — Not any

James Poole called and duly Sworn

Clerk of the Peace — You were in Court and heard the Prisoners Arraignment relate what you know of that matter
Deponant — On the first January about 5 or a little before in the afternoon I was going on duty to the Battery at the Bound Hedge with Alexander Tod, and saw a Gentleman in great haste — he crossed a Water course to come to us, and said he hoped we would avoid him; that he had fought

fought a Duel, and saw his Antagonist fall, but knew not whet
he was alive or dead — We asked if he had any Arms, he said yes a
my Companion and I took each of us a Pistol from him — he told
they were both discharged; and then begged We would go to the Hos
as fast as possible to get a Surgeon for the Gentleman in the Tope —
went, and enquired for Doctor Yates, but he not being there anoth
Gentleman immediately offerd to go and went — We then got thr
Seapoys and a Naigue to take charge of the Prisoner — he begg'd t
go to Mr Harrisons to get clean Cloaths as he was wounded i
the Right Arm and very bloody — We went with him, and having
shifted himself immediately We carried him to Captain Mackai
Quarters in the Black Town, but not finding him at home, my
Comrade advised our taking him to Colonel Butlers our comman
ding Officer — he was a Sleep when We got to his House We waked
him and he immediately dressed himself and desired us to bring in
the Prisoner — the Colonel examined him and thank'd my Comrad
and I for having done our Duty — We staid there near and hour t
the Colonel sent a Letter to the Governor by his orderly man, just
then Colonel Hart came, and perswaded Colonel Butler to
carry the Prisoner to the Main Guard — this is all I know of the
matter

Court — Did the Prisoner express any Concern at the time?

Deponant — He was in such Concern for the other Gentleman that he did not fe
the Pain in his Arm

Court — Why do you think his Concern was for the other Gentleman

Deponant — Because he was anxious for the Surgeon to go to him and seemed
regardless of his own Wound

William Harrison, Tavern keeper, called and
duely Sworn

Clerk of the Peace — Do you know the Prisoner at the Bar, and did you know the deceas

Deponant — Yes, they were both Lodgers in my House

Clerk of the Peace — How long?

Deponant — The Prisoner near four Months, and the Deceased from the time the
London was lost, which I think was the 26th or 27th of September las

Clerk of the Peace — Acquaint the Court what you know concerning their Quarrel

Deponant

Deponant — On the 31st December there was a dispute between the Prisoner & the deceased

Court — Did you ever know them have any dispute before?

Deponant — No, they always appeared to be very good friends

Court — Do you know the Cause of their dispute?

Deponant — It was because the Prisoner, Mr Fargus & Mr Campbell refused to
make Affidavit to a Paper they had signed about the Loss of the London,
unless sent for by the Mayor for that Purpose

Court — Do you know the Contents of the Paper?

Deponant — I saw it and read it, but do not recollect the Words

Court — Relate what you know concerning it

Deponant — About a month before the 31st December, Captain Floter supp'd at my
House, and after sending for the deceased two or three times he came —
The Prisoner, Mr Campbell, Mr Fargus & Abraham the Supra Cargo
of the London were present — Captain Floter had a Protest or Copy of
one which the deceased (Mr Pearn) had made before a Notary Public
relative to the loss of the London — he shewed it to the Gentlemen present
and blamed the deceased for the loss of that Ship — the deceased replied
that he had done his Duty, and that he (the Captain) was most to blame
as he had not answered his Notes recommending the Swivells to be put
in the Hold and Top Gallant Mast struck &c^a — Captain Floter
said he did not think it worth while — two or three days after the deceased
drew up a Paper containing the Substance of the Conversation — this was
the Paper which was sign'd and to which the deceased wanted them
to swear;

On the 31st December about 3 or 4 o Clock in the afternoon; on
the deceaseds desiring the Prisoner and the rest of those who had signed
the Paper would go to the Mayor — the Prisoner said to him, you are an
an old Fool, why do you disturb the Company with this matter which
you are continually bringing up, you see the Gentlemen will not go —
the deceased immediately got up from his Chair, and told the Prisoner
he was a damn'd Coward and Scoundrel unless he would get up and
box with him and give him Satisfaction directly — the Prisoner replied
that he did not think it worth while to put himself on so black guard
a footing as to box with him, and desired him not to be in a Passion —
the Deceased said damn you, I am in a Passion, if you wont box I'll
cudgel with you, — the Prisoner refused, saying he did not understand

such

such black guard usage – the deceased then challenged him to fight with small Swords, repeating that he was a damn'd cowardly Scoundrel and dared not fight – the Prisoner said he did not understand the small Sword and that he did not want to fight at all –

Court — Did the Prisoner appear angry at this time?

Deponant He seemed quite composed and did not rise from his Chair

Court Proceed

Deponant The deceased again got up, struck the Prisoner on the Shoulder with his Fist, and damning him again said if you will not fight with the Sword, fight with Pistolls – the Prisoner then replied, I have neither Pistol or Ammunition, had I, I should have no Objection to fire a Pistol with you – that shall be no hindrance said the deceased, there are Pistolls enough in the House the Company then broke up and the deceased asked me for Pistolls which I refused him.

Court — At what time did this happen

Deponant About 3 o'Clock after dinner, before the Company broke up from Table

Court Was there no dispute before dinner

Deponant None

Court — What happened afterwards

Deponant The deceased left my House on being refused, and I saw nothing more of him till he and the Prisoner passed my Window and my Servant told me they were gone to fight with Pistolls

Court — What became of the Prisoner after the Company broke up?

Deponant He remained in my Company till sent for out by the Deceased

Court What did you do on hearing they were gone to fight?

Deponant I went after them a little way, and Mr Barrett being with me I desired him to run and take the Pistols from them as he could run fastest – he went and returned with the Pistols which he delivered to me telling me he had taken one from each.

Court — What became of the Prisoner and deceased?

Deponant They returned to my House and not a Word passed between them, they both slept there, but I believe the deceased eat no Supper

Court Do you know what passed the next day?

Deponant I do not know that they had any Dispute after – About nine the next Morning (that was the 1st January) the deceased came and asked me for the Pistols which Barrett had given to me, what said I you are going to fight again, if I hear any more of it I shall send you both to the Fort – he replied that he was not, that the affair was settled and he wanted to return the Pistolls to the Person he had borrowed them of – I gave them to him and he went away, – this is all I know of the matter

Court Was the Prisoner at your House the 1st January?

Deponant He breakfasted and dined there, but I was not at home

Court Had you any Conversation with him on the Subject of the Quarrel?

Deponant I do not remember that I had

Court What Character can you give of the Prisoner?

Deponant I never saw him otherwise than very quiet, peaceable & well disposed – he is not given to drinking or sleeping abroad.

Court to the Prisoner Have you any Questions to ask this Evidence

Prisoner Not any

Robert Churchill called & duly Sworn

Clerk of the Peace Do you know the Prisoner at the Bar

Deponant I do

Clerk of the Peace You have heard what he is accused of – If you know any thing of the Dispute between him and the deceased Thomas Dearn, acquaint the Court therewith

Deponant On Saturday the 31st December at Mr Harrisons at dinner there happened a dispute between the deceased and Mr Fargus relating to an Affidavit that the deceased wanted the Prisoner Mr Fargus and Mr Campbell to make concerning a Paper relating to a Conversation between Captain Slater of the London and the deceased — the Prisoner interrupted the Conversation between those Gentlemen and desired the deceased to hold his Tongue, as he knew very well that the Gentlemen were ready to take their Affidavit provided they were summond, and not otherwise – the deceased upon that told him he would mention it as often as he thought proper for that he looked upon it that any person who signed a Paper were not men of Probity unless they would take their Affidavit to what they had signed – (he knew the Paper was signed by the Prisoner, Mr Fargus and Mr Campbell) – the Prisoner replied you are an old Fool, hold

Court

your Tongue, or something to that Purpose – the deceased thereupon abused him in very gross Terms calling him a damnd Chuckle head Puppy, Scoundrel and Rascal – the Prisoner then said to the deceased by God you lye Sir – the deceased started up from his Chair and struck the Prisoner a Blow upon the Right Shoulder told him he was a Scoundrel and Coward if he did not turn out and fight him immediately in the Yard – the Prisoner then said he was no Porter nor did he understand putting himself on such a footing as fighting him with his Fist – the deceased proposed taking a Stick to cudgel with him – which the Prisoner also declined – after which the deceased challenged the Prisoner to fight with a Sword who answered he did not understand it, but would see him with a Pistol – the deceased then said that is enough and sat down again in his Chair – About 4 o'Clock (not a ¼ after) the deceased got up and said to the Prisoner in my hearing – I desire you will prepare yourself for I am going to get Pistols – the Prisoner replied very well – upon which the deceased went out – in about an hour after he went out, he came back and I saw him go up Stairs – a short time after being in Billiard Room, Harrison came in and said the Prisoner and the deceased were gone out to fight and desired Mr Barrett to go after them and prevent them, he went out and soon after returned with two Pistols, the deceased and Prisoner being in Company – about 10 o'Clock that night the Prisoner came to me and asked me if I thought he was in the wrong to which I answered, I did as he had interfered in a Conversation in which he had no manner of Business – he then asked me if I thought it would be any Discredit to him to make a Concession to the deceased – I told him I thought not – he then called the deceased out to the Door of Harrisons House and told him in my hearing that as I thought he was in the wrong he was ready to ask him self so and to say he was very sorry for it – the deceased at first seemed satisfied, but afterwards told the Prisoner that he must ask his Pardon, to which the Prisoner would not agree and they returned into the House – this is all I know of the Affair

Court to the Prisoner Have you any Questions to put to this Evidence

Prisoner I desire he may be asked whether the deceased ever mentioned to him any thing about our fighting with Swords after Pistols

The said Question being accordingly put the Deponant declared he did not

Cottrel Barrett called & duely Sworn

Clerk of the Peace Do you know the Prisoner at the Bar

Deponant I have been frequently in his Company

Clerk of the Peace If you know any thing of his Quarell with the deceased Phillips acquaint the Court therewith

Deponant On the 31st December I went to Mr Harrisons house and he asked me if I would stay and dine with him I consented and accordingly the Prisoner, the Deceased, Mr Fargus, Mr Churchill, Mr Harrison and myself set down together when dinner was about half over some words passed between Mr Fargus and the deceased relating to signing some Papers – the deceased said he did not think they acted like Gentlemen since they refused to swear to what they signed and the Prisoner replied he did not refuse but the Deceased was a foolish old Fellow to bring one up that affair so late and disturbing the Company – the deceased asked the Prisoner what he meant by calling him a Fool and called him a great thick headed Puppy in return – the Prisoner said he did not think it worth while to take Notice of him as he was an old Fool – Words passed on both sides and the deceased got up and struck the Prisoner saying if you are a man come and fight me with fists, Sword or Cudgel or any thing you think proper – the Prisoner replied he understood neither – I do not recollect who mentioned the word Pistol first but the Prisoner said he would take a Pistol with him – the Company broke up and the deceased said to the Prisoner you will take care to provide for yourself as I will do directly – he then went away – somebody said to the Prisoner (I think it was Mr Churchill) you had better make this matter up as you were in the wrong for calling him an old Fool – he made no reply in my hearing but walked about the House – About an hour after I saw the Prisoner look into the Yard and heard him call out Mr Churchill will you come – I imagined it was about the Quarell and Mr Churchill not being

there

there I went out and saw the Prisoner and deceased go away together
— upon which I told Mr Harrison and Mr Churchill — the
latter not being dressed did not go after them — Mr Harrison said
you can go faster than me, see which way they go and endeavour
to prevent their Fighting — I told him it was not my Business
but upon the second desire I went with Mr Harrison — I went
on (losing Mr Harrison in the Croud) and overtook them — I
told the deceased he had better let it alone that he would bring
both into trouble — and he replied that he did not care, as it was
gone so far he would see it out — they went to the Great Buzar
and I followed them — the deceased said to Prisoner I have provided a pair
of Pistols and Flints, the least that you can do is to get Powder and
Shot which you may do at the Grand Guard — The Prisoner accor-
-dingly went away and I remained with the deceased endeavou-
-ring to dissuade him from fighting, while he was away the deceased
said the Prisoner must be a damnd Coward or he would have pro-
-vided himself with Pistols and Ammunition before — presently the
deceased returned and said he could get none, tho' I do not think
he could have gone half way then said the deceased I must try and
get some myself — We returned half way to Harrisons on my
perswasion, and on my saying to the deceased that he had better
hide that Pistol — he told me to take it and said to the Prisoner
that is my Pistol give it to Mr Barrett and he will take care of
both — I tried to see if they were loaded and found they were not
and the deceased said he himself would go and look for Powder and
Ball and went again to the Buzar leaving the Prisoner and me
together during which time the Prisoner seemed quite composed
— We went to Mr Harrisons, to whom I gave the Pistols and
desired him to take care of them — at 7 in the Evening the deceased
came to my House said he was fatigued with having been all day in
search of Powder and Ball and demanded the Pistols, I asked if
he had not done with that affair, what he wanted with Pistols
desired him and endeavoured to perswade him to think no more about
it — he again demanded his Pistols and when I told him I had left
them with Mr Harrison — he swore by God he would go thro' with the

affair since he had begun with it — he then set down and in about 10
minutes drank some Wine and Water and then went away — the next
day I came in to Mr Harrisons and saw the deceased receive the Pis-
tols from him — which is all I know of the affair

Court — Did the deceased return with you and the Prisoner to Mr Harrisons
after you had received their Pistols from them

Deponant — He did not, nor did he return while I staid there.

Court to the Prisoner — Have you any Question to put to this Witness

Prisoner — I have not

Collin Fargus, called and duely Sworn

Clerk of the Peace — Do you know the Prisoner at the Bar

Deponant — Yes, I came from England in the same Ship with him

Clerk of the Peace — Did you know the deceased Mr Vearn

Deponant — I did

Clerk of the Peace — Acquaint the Court with all that has come to your Knowledge rela-
tive to the Quarel between them

Deponant — On the 31st of December about 2 o'Clock in the afternoon when at
Mr Harrisons — the deceased told me that he had been with the
Mayor of Madras on purpose to Subpana the Gentlemen who had
put their Names to a Paper concerning the Loss of the Ship London
and the Mayor said he could not Subpana any Gentleman without
making a process of it, and that he could not see what Objection
any Gentleman had to come before him to take an Affidavid — the de-
-ceased then told me that none of us who had signed our Names to
that Paper could be Men of Honesty or Probity without taking
Affidavid to any thing which we had put our hands to — some
Words arose between us — Mr Black (the Prisoner) Mr Churchill
and Mr Harrison were then in Company — Mr Black interrupted
him and told him that he was a foolish old man for bringing up
an Affair which We had heard so often upon which the deceased
replied that he (the Prisoner) was a Chubheaded Scoundrel and
a dirty cowardly Rascal — the Prisoner said he lied; upon which
the deceased immediately got off his Chair, opend his Waistcoat, stru-
-ck the Prisoner upon the Shoulder with his Fist and repeated the

Words

Words he was a cowardly Rascal and if he would go into the yard he would box him – the Prisoner replied he did not understand it with the deceased then said he would take him at Cudgels – the Prisoner made answer he did not understand that either, nor any such low lived way of putting an end to a Dispute – the deceased then said he would fight him with small Sword – the Prisoner replied he did not understand that – the deceased asked the Prisoner if he would take a Pistol – the Prisoner said he did not know but he would fire off with him if put to the Push, but that he had no Pistols – the deceased said he would find him Pistol, Powder and Ball – and the Company rose from Table – I left the house presently after and thought no more of it

Court — Do you lodge at Harrisons, if yes, how long have you lodged there

Deponant — I have lodged there about two months

Court — How long did you stay from the House after the Company broke up

Deponant — I was absent about three hours.

Court — Did you hear any thing of the Dispute when you returned

Deponant — I saw Mr Black (the Prisoner) and heard some body say (I do not who) that the fighting Cocks had not fought as they said they would.

Court — Did you imagine the Quarell was made up

Deponant — I thought there would be no more of it.

Court — Had you any Conversation with Mr Black on the Subject?

Deponant — No, nor did I hear any thing more of the Affair till I saw the Prisoner conducting to the Fort.

Court — You have said that you came from England in the same Ship with him, what do you know of his Character?

Deponant — I always found him well disposed, he behaved with great Decency and order and was no ways quarellsome.

Court to Prisoner — Have you any Questions to ask this Witness

Prisoner — No, but I desire Harrison may be asked if Mr Cairns (the deceased) returned with Mr Barrett & me to his House

William Harrison being called and the said Question put to him, replies that he is not positive but thought they came in together

Prisoner — I desire the same question may be put to Mr Churchill, and that he may also be asked touching my Character.

Robert Churchill again called

Court. — Did the deceased return to Harrisons with the Prisoner & Barrett after they had gone to fight on the 25th December

Deponant — I am not certain as to that point, but I think I saw them come in together

Court — What Character can you give of the Prisoner, as to his Temper

Deponant — I came from England in the same Ship with him, I always thought him by no means quarelsome, but indeed quite the contrary and very well disposed.

Joseph Trap called and duely Sworn

Clerk of the Peace — Do you know the Prisoner, and did you know the deceased

Deponant — I have been in Company with the Prisoner, I am not much acquainted with him, but I know the deceased very well

Clerk of the Peace — If you know any thing of their Dispute, relate what you know to the Court

Deponant — I know not of their Dispute, but the Evening before the accident happened, the deceased came to me at Mr Macfaskills and asked me if I could let him have some Powder and Pistol Balls, I told him I had none of any one, but would enquire of the Gentlemen above Stairs for some, which I did, but could get none – he seemed very impatient, and said he would go to the Fort and try to get some, I told him I thought before he could return it would be too late to settle an Affair of that kind, he replied no and We parted – I saw the Prisoner and deceased at Supper at Harrisons, nothing then passed except that I saw the deceased whisper the Prisoner which made me suspecious tho I know not of the Dispute

Court — When the Prisoner came to you at Mr Gaskills did he say any thing about his Quarel

Deponant — He said his Antagonist had refused to box or fight with Swords and that therefore it must be determined by Pistols.

Court — Do you know nothing further of this affair

Deponant — The next day between 5 & 6 in the Evening I saw a Crowd about Mr Harrisons Door, and the Prisoner who was wounded in the Arm dressing himself

Court to Prisoner — Have you any Question to put to this Witness

Prisoner — I desire he may be questioned relative to the Character of the Deceased

Court

Court to Deponant — Was the deceased of a quarrelsome Disposition

Deponant — He was very much so, and was turned out of the Mates mess on his Account, I have often heard him challenge them and threaten them when they came on shore, and he had many Affairs of this kind on his hands when he left the Ship

Court to the Prisoner — Have you any further Questions to put to any of the Witnesses

Prisoner — I beg Harrison may be asked about a Speech made by the deceased relative to Mr Campbell

Court to Harrison — Do you know of any such Speech

Harrison — The deceased said Mr Campbell had promised to go before the Mayor somebody replied he did not think he would — by God said the Deceased he told me so, but I have a great mind to try that Pockeys Courage before he goes to Camp and by God I will

Court to Prisoner — Have you any further Questions to ask

Prisoner — No

All the Witnesses having been examined the Prisoner was asked if he had any thing to say in his Defence, and replying in the Affirmative he proceeded as follows —

The Cause of the Dispute between myself and the deceased on the 31st December has been so particularly explained by several of the Witnesses who have been examined that I shall not take up the time of the Court with a Repetition of them — On the 1st January the deceased dined out, but on his return home came to me and told me he could not think of putting with any Behaviour of the Night before, he spoke this very loud in a Veranda & I replied that the affair was made up and desired We might carry it no further — We then went into a Room where Mr Fargo sleeps, and I there again endeavoured to make it up, but he made use of many aggravating Expressions, told me he had provided Powder and Ball and to follow him if I was not a Coward irritated by this I did follow him till We came to a Tope when there were many People passing backwards & forwards — this Circumstance I laid hold of, and bidding him set down I again endeavoured to perswade him not to fight, but he persisted in it told me it would be dark and that We must go further presently

to another Tope of Trees — When We were come there, he told me to measure my Distance, but I declined it and told him as he had brought me there he should do it himself — He immediately measured twelve Paces, went two further off then took his Stand at a Coca Nut Tree and turning about asked if I was ready — I said Yes, both had our Pistols cocked and I fired — having missed him he told me to fire again, but I refused and he then aimed at me near two Minutes fired and wounded me in the Arm, finding myself hit I fired again, he fell and I immediately left the Place and surrendered myself to the two Artillerymen who were the first Persons I met — I have nothing further to say on this Occasion but that I have often done the deceased many good Offices, that I have lent him Cloaths, Razors and denied any thing he could ask and that he had my Buckles in his Shoes at the time he fell

The Prisoner having no further Defence to make the Chairman summed up the Evidence to the Jury and an Officer being Sworn to keep them they withdrew, and after some time a Verdict being proclaimed the Jury came into Court, were called over & answered 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 the Peace — Look upon the Prisoner at the Bar, how say you? is he guilty of the Felony and Murder whereof he stands indicted or not Guilty

Foreman — Not guilty of Murder, but Guilty of Manslaughter

Clerk of the Peace — What Goods or Chattels, Lands or Tenements do you find that he had at the time of the Felony and Manslaughter or at any time since

Foreman — None

Clerk of the Peace — Did he fly for it

Foreman — No — which being recorded

Clerk of the Peace — Gentlemen of the Jury, hearken to your Verdict as the Court hath recorded it, You say that William Black is not Guilty of Murder but Guilty of Manslaughter, that he had no Goods or Chattels, Lands or Tenements at the time or at any time since, & that he did not fly for it? So you say all

Jury — Yes

The

The Grand Jury then came into Court and being
over delivered in a Bill of Indictment against Mahomed Sha
for Murder endorsed Billa Vera

An Interpreter being then duely Sworn the Court
proceeded to the Tryal of the said Mahomed Shareef who being
brought to the Bar is arraigned as follows

Clerk of the Peace — Mahomed Shareef hold up your hand — You stand
indicted by the name of Mahomed Shareef now or late of Ma
patnam Subadar for that not having the fear of God before yo
Eyes but being moved and seduced by the Instigation of the
Devil on or about the 18th day of October in the Eighth year of
Reign of our Sovereign Lord George now King of Great Bri
&ca with Force and Arms in Peddinaigs Pettah within
Jurisdiction of Madraspatnam in and upon one Ranga
a Seapoy in the Peace of God and of our Sovereign Lord the K
then and there being feloniously Voluntarily and of his Mali
aforethought with a certain Weapon made of Wood common
called a Feristick of the Value of one Farthing which you the
said Mahomed Shareef in his hand then and there had and
held upon the Right Arm of the said Rangapah feloniou
and Voluntarily and of your Malice aforethought did Strik
and Mortally Bruise the said Rangapah of which Strok
and Mortal Bruises he the said Rangapah died — that
you the said Mahomed Shareef in manner and form aforesa
then and there feloniously Voluntarily and of your Malice a
thought did Kill and Murder against the Peace of our Sov
-reign Lord the King his Crown and Dignity. How say
you Mahomed Shareef are you Guilty of the Felony & Murd
whereof you stand indicted or not Guilty

Prisoner — Not Guilty
Clerk of the Peace — How will you be tryed?
Prisoner — By God and my Country
Clerk of the Peace — God send you a good deliverence

The Chief Justice then informed the Prisoner of the nature
of Trials by Juries and acquainted him he was at liberty to chuse
whether he would have a Jury of twelve English men or of Six English men
and six of his own Country men.

The Prisoner chusing to be tried by a Jury of Six English men
and Six of his own Country men

Clerk of the Peace — You the Prisoner at the Bar, these good men whom you shall here called
and personally do appear are to pass between our Sovereign Lord the King
and 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 are called to be Sworn
and before they are Sworn.

The following Jury was then Sworn, the Prisoner declaring he
had no Objection to any of them

Mr. Andrew Ross	Salmeath Saib
Mr. Phillip Reeffer	Amjaboy
Mr. Joseph Anigus	Mahomed Codabunda
Mr. Thomas Chambers	Abdul Hauder
Mr. Thomas Pelling	Sydoo Peermahomed
Mr. William Cranwell	Mahameth Mooras

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 Mahomed Shareef of Madraspatnam Subadar for that on
or about the 18 day of October &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 Tryal has put himself upon God &c
and his Country, which Country you are; Your charge is to enquire whether
he is Guilty of the Felony and Murder whereof he stands indicted or not
Guilty. If you find him Guilty you are to enquire what goods or Chattels —
Lands or Tenements he had at the time of the Murder committed, or at
any time since; If you find him not guilty, you are to enquire whether
he fled for it; If you find that he fled for it you are to enquire of his
Goods and Chattels Lands and Tenements as if you had found him Guilty;
If you find him not Guilty and that he did not fly for it, you are to say so
and no more: and hear your Evidence.

Currapah Seapoy called & Sworn after the manner of the Malabars

Clerk of the Peace. Do you know the Prisoner at the Bar.

Deponant Yes

Clerk of the Peace You were in Court and heard what he is accused of, relate to the Court what you know of the Matter

Deponant About 3 months ago I was on Ball Chittys Battery about 8 o Clock at Night - My Wife brought my Rice and told me that my Brother Arm was broke by a Subadar, and that another Seapoy had brought some Physic and carried to him, she desired me to go as my Mother and Sister were both gone to him - A Havaldar coming presently and confirming the Report I left another Seapoy on my Post and went to Brother - I found him with his Arm tied and laying down & asked him who had struck him and whether it was for being defecient in his Duty - He replied that a Havaldar had sent him to call the Subadar that he went to the Subadars house stood in the door way & called him two or three times, but no body answering he went into the first entry called out again - that the Subadar then answered, came out, asked he came into his House and gave him two or three Blows with his Ba - that he replied he did not want to steal any thing, but the Havaldar had sent him and he then turned about to go out, but the Subadar took up a Firestick and saying why do you repeat that to me; and giving one Blow broke his Arm - that he then went to the Havaldar and said to him, you sent me to the Subadar, see here he has broke my Arm upon which the Havaldar pulled off his Coat and saw that his Arm was broke - My mother went to Complain to Captain Mackain who sent for the Commandant to enquire what was the Matter, the Commandant said tis nothing at all in two or three days a Mallabar Doctor will cure it without sending him to the Hospital, and what is the Expence of 8 or 10 Pagodas? - the Subadar will pay it -

My Brother told me that the Subadar sent the Barber to who dressed his Arm constantly for nine days, and then telling him that was not a proper place took him to his own House, where he remained three days and was then at the Barbers Recommendation carried to the Potmakers - he had been there four days when the

Storm came and the Tiles of the House being blown off he got wet and remained so till morning - two days after the Potmakers advised his being carried to the Brick kiln, as there were three or four Potmakers there, and promised to come and visit him daily - he gave the same advise to my Mother and me, but We refused to send him, and desired he might be carried to the Subadars - the Subadar then sent him to my House where he remained only one Night and died in the Morning

Court Did you see your Brother at the Potmakers, if you did how was he

Deponant I saw him there he was better and talking

Court Was you there the night of the Storm

Deponant No, I went at 8 o Clock the next morning, and found him shevering very much but he did not complain

Court Did you see him afterwards

Deponant Yes the next day, he complained of being extraordinary dry & having caught cold - the day after he was brought to my House -

Court On what footing was your Brother with the Subadar

Deponant I never knew them Quarel - the Subadar would have no other Sepoy to attend him, and he was always sent to the Subadars House

Court Is the Barber reckoned skilful

Deponant I do not know

Court Was your Brother sickly

Deponant No

Court Did the Subadar express any Concern at the Accident

Deponant Yes, great Concern, and his Regard for the deceased as he look'd on him as his Brother

Mootue Naick, Havaldar Sworn after the manner of the Gentoos

Clerk of the Peace Do you know the Prisoner at the Bar; and did you know the deceased

Deponant Yes

Clerk of the Peace You have heard what the Prisoner is accused of, acquaint the Court with what you know of that Matter

Deponant At 7 o Clock in the morning about three months ago he went from the Main Guard to the Choultry - a Seapoy brought orders from the Subadar to keep all the Seapoys there because the Serjeant was coming - the Serjeant

Serjeant and Subadar came and found but few men there — the former said he was going, but would be there again at 3 Clock in the afternoon and must have all the People there, About 3 he came — I got the Sepoys ready and sent the deceased to tell the Subadar — when the deceased returned he was crying — I asked why — he replied that the Subadar had struck him and broke his Arm — the Subadar joined half an hour after and I asked why he had broken the Arm of the deceased — he said he had only struck him with his Hand that on his replying he had given him a shot and if his Arm was broke it must be by a Fall — the Prisoner then sent for a Barber Surgeon to dress the deceaseds Arm and when the Surgeon came — He felt that the Bone was broke — this is all I know

Court — How came you to send the deceased to the Subadar

Deponant — He was at hand, and I sent him for that Reason

Court — Was the Prisoner in Liquor when he came to the Choultry

Deponant — He appeared a little so, and some what concerned at the Accident

Court — What footing do you think the Prisoner was on with the dead

Deponant — The Prisoner used to call him his Son, but he treats all his People very kindly

Court to Prisoner — Have you any Question to put to this Witness

Prisoner — Not any

Persaramah, Doctor of the Barber Cast sworn after the manner of the Mallabars

Clerk of the Peace — Do you know the Prisoner at the Bar

Deponant — Yes

Clerk of the Peace — Did you know the deceased

Deponant — Yes — the Prisoner sent for me, told me the Seapoys were tying up the deceaseds Arm and to go and attend him

Clerk of the Peace — Relate what more you know of the affair

Deponant — When I went to the deceased I found his Arm was broke lengthways — the Seapoys were washing him with Arrack

Court — Did you dress his Arm then or at any time afterwards

Deponant — No, not then — the third time I was with him, I held his Arm, but gave no Directions concerning him — at length I assisted, but finding I could do no good I recommended his being sent to the Potmakers

Court

Court — How did he got to the Potmakers

Deponant — He walked supported by two People

Court — Did you not attend him afterwards

Deponant — I did not

Court — Do you think the Wound was the Cause of his death or the Storm

Deponant — I think it was the Storm that killed him

Court to Prisoner — Have you any Question to put to this Witness

Prisoner — Not any

Mootiah, Doctor of the Potmakers Cast Sworn after the manner of the Mallabars —

Clerk of the Peace — Did you know the deceased

Deponant — Yes, I attended him

Clerk of the Peace — Acquaint the Court with what you know relative to his Wound and death

Deponant — At 8 Clock in the Morning of the day of the Storm, the Barber Surgeon the deceaseds Brother and two others came to my House — the Barber said the Subadar sent us to you, because he has hurt the deceaseds Arm and I cannot cure it — I asked if he could come to me they said yes — and between two and three in the afternoon they brought him — it rained on the Road and when I examined the Wound and found it sore all round from the Wrist to the Shoulder — I asked them how it came so sore they said it had been done by Limes and hot Oil — it was Scalded and very offensive and I found by his Pulse that he had caught cold — I asked them how the Cold came — they said he caught cold the night before in the Rain — I told them to call ~~the Subadar — he came~~ accordingly and I told him there was no danger from the Wound but he was very ill had caught cold, and had been ill treated — He got wet in the Storm that night and they had no dry Cloaths to give him — I could not dress his Wound the next day — the third I did — but he grew worse and I told the Seapoys and Subadar to carry him home — they carried him from thence the 7th day and I heard the Morning of the 8th day that he was dead.

Court — Do you think the Cold caught by the Storm was the Cause of his death

Deponant — I do

Court to Prisoner Have you any Question to put to this Witness

Prisoner None

The Prisoner being asked and having nothing to say in his Defence, the Chairman summed up the Evidence, and the Jury withdrew having a Bailiff Sworn to keep them and after a little time a Verdict being proclaimed, the Jury came into Court & having answered 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 the Peace Look upon the Prisoner at the Bar, is he guilty of the Felony and Murder whereof he stands indicted or not Guilty

Foreman Not guilty

Clerk of the Peace Did he fly for it?

Foreman No

Clerk of the Peace Gentlemen of the Jury hearken to your Verdict as the Court hath recorded it, You say that Mahomed Shareef is not guilty of the Felony and Murder wherein he stands indicted and that he did not fly for it and so you say all

Jury Yes

The Prisoner was then set at Liberty after the Chairman had recommended to him to be more circumspect in his future Behaviour

The Grand Jury come into Court and having answered to their Names make the following Presentments, ~~& having no further Business, the Grand and Petit Jurors~~ are dismissed with thanks for their Services

Madraspatnam ss

We the Grand Jury of the Town of Madraspatnam sworn to enquire for our Sovereign Lord the King for the Body of the said Town being justly & truely sensible of the many Advantages arising to this place by the Gracious Dispensation of his

Majestys

Majestys Royal Charter as it has conveyed with it the Laws of England & prescribed the proper Methods of putting those Laws into Execution

Do present unto this Honble Court that notwithstanding the former Grand Jurys of this Place have twice represented that they had been informed that a Lascar at Masulipatam did come to an untimely Death by the means of Mr William Stevens of that Place relative to which they have heard since that Depositions have been taken by John Lewen Smith Esqr Chief of Masulipatam and one of his Majestys Justices of the Peace and sent to his Majestys Justices of the Peace for this Place and although the Law in case of the Death of a Man even by Accident is very strict; Yet it has not come to the knowledge of this Jury that any measures have been taken to bring the said Mr Stevens to his Tryal

And Further Present that it has come to their knowledge that a Coffrie Slave Woman did come to an untimely Death in the house of Mrs Mary Turing of this Place, and that the said Coffrie Slave Woman was privately interred at Vepery without any Coroners Inquest being held upon the Body notwithstanding the Form of the Statute in this Case made; and moreover that it has come to the Knowledge of the said Jury that the said Mrs Mary Turing did sojourn many days in this place after the said accident happened yet that no Person has hither to been indicted or brought to a Tryal for the same.

And Do Further Present that they have been informed that an European Servant attending on Captain Arthur Morris of the Honble Companys Ship Earl of Chatham has been guilty of stealing sundry Effects consisting of Wearing Apparell and pieces of Chintz the Property of the said Captain Arthur Morris and George Stratton Esqr and that it has not come to the Knowledge of the said Jury that the said European Servant has either been imprisoned, or that any Bill of Indictment has been laid against him

And Do also Present that the Coroner and Jury that sat

on

on an Inquisition on the Body of Thomas Peam deceased, brought in their Verdict Felonious Killing; yet, it doth not appear to this Jury that the Coroner or the Justices of the Peace did take the Depositions of the Witnesses that appeared before the Coroner or their Recognizances, or that they did commit the Body of William Black to the Town Goal. All which matters and Things are contrary to Law, against the Peace of our Sovereign Lord the King his Crown and Dignity.

Town Hall
11 January 1769

Edward Stracey Foreman
Peter Mariette
John Debonaire
Thomas Powney
Reynold Adams
Frances Jourdan
John Holland
Jorge Smith
John Davidson
Robert Dowsett
Alexr Davidson
James Taylor
Josiah Maynard
George Savage
Jorge Westcott
John Perring
Gideon Firth

Madrass patnam ss

We the Grand Jury of the Town of Madrajpatnam sworn to enquire for our Sovereign Lord the King for the Body of the said Town being Duely & truely sensible, of the many Advantages arising to this

place by the gracious Dispensation of his Majestys Royal Charter, as it has conveyed with it, the Laws of England & prescribed the proper Methods of putting those Laws into Execution.

Do Present unto this Honble Court, that in several Streets in the Black Town, but particularly in one near the Bridge that leadeth thereto, Ruts have been caused by the late Rains, and that many Wells yet remain without the proper Fences to prevent people from falling in, which greatly endanger the Lives of his Majestys Subjects

Do likewise Present that the Bridges and publick Road are continued to be infested by Beggars, and the Streets of this Town by a Madman, which are great Nuisances to the publick, and against the Peace of our Sovereign Lord the King his Crown and Dignity

Town Hall
11th January 1769

Edward Stracey Foreman
Peter Mariette
John Debonaire
Thomas Powney
Reynold Adams
Frances Jourdan
John Holland
Jorge Smith
John Davidson
Robert Dowsett
Alexander Davidson
James Taylor
Josiah Maynard
George Savage
George Westcott
John Perring
Gideon Firth

On the first Presentment it is Ordered that Mr Stevens be brought to his Tryal in due form of Law and that the Chief of Masulipatam be directed to take Recognizances of such Witnesses as appear on behalf of the Crown to prosecute the said William Stevens in due form of Law

On the Second the Court remark that it did come to their knowledge that a Coffree Slave Woman did come to an untimely Death in the House of Mrs Mary Turing, but that the said Coffree Slave Woman had been interd many days before her death came to the Knowledge of any this Court or of the Persons who gave Information to any of the Court, and that before proper Enquiry could be made into the Cause of the death of the said Coffree Slave Woman, the Parties said to be concerned therein has absconded, and are not now within the Jurisdiction of this Court

On the Third that the European Servant attending on Captain Morris is under Confinement for further Examination

On the Fourth - that the Grand Jury appear to have no Cause for this Presentment, as they have this very Sessions found a Bill of Indictment against William Black and he has taken his Tryal at the Bar before this Presentment was made

As to the Ruts which the Grand Jury present they were occasioned by the heavy Rains in the last monsoon, - that Season is scarcely over, and it therefore has been impossible as yet to fill them up, - repeated Orders have been given for the remedying of this Evil as well as that complained of by the Grand Jury with respect to the Wells, but it cannot be expected that Works which require time should be compleated in a day

As to the Bridges and publick Roads being infested with Beggars, and the Town by a Madman, such Orders have been given as have appeared necessary from time to time to prevent their Nuisances, but We know of no Law in this Country to restrain the

Poor

The Court then adjourned to Wednesday the 12th April for holding an other Sessions.

J. Court

Town of Madraspatnam ss.

At a General Quarter Sessions of the Peace Session of Oyer and Terminer & 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 eleventh day of January in the ninth year of the Reign of our Sovereign Lord George the third by the Grace of God of Great Britain, France & Ireland King Defender of the Faith and so forth and in the Year of our Lord one thousand seven hundred and sixty nine before Charles Bourchier, Josias DuPré and John Call Esqrs and others their associate Justices of our Sovereign Lord the King and Commissioners of Oyer & Terminer and Goal Delivery for the said Town & the Districts thereof, on which day the said Session was by the said Justices adjourned until Wednesday the twelfth day of April next ensuing to be held at the Town Hall of the said Town at eight o'Clock in the Forenoon of the same day to do further as the said Court shall then & there consider of

Wednesday the 12th day of April 1769

Justices Present

Charles Bourchier Esqr Chairman

Josias DuPré	George Dawson
John Andrews	James Bourchier
Samuel Ardley	George Mackay
George Stratton	

The

The Court being opened, the Grand Jury sworn on both Commissions are

Edward Stracey Esqr Foreman

Peter Mariette	John Hollond
Reynold Adams	John Davidson
George Smith	Henry Crawford
Arthur Cuthbert	James Taylor
Charles Smith	Willm Hamilton
George Savage	Josiah Maynard

The Charge being given, the Grand Jury withdrew and an Officer was sworn to attend them

The Coroner delivers in two Inquests by him taken Vizt

An Inquest on the Body of Pooliah taken near the Rice Buzar in the Black Town the 9th April and found wilfull Murder against Shaick Gonsey Seapoy

An Inquest on the Body Vallumay taken near the Great Buzar in the Black Town the 5th March and found felo de se.

Messrs Thomas Powney, Alexander Davidson, Francis Jourdan, Gedeon Firth & William Harcourt Torriano whose Names are inserted in the Pannel of the Grand Jury not attending, and a Bailiff deposing upon Oath that he did deliver to them their respective Summonses they are fined by the Court

A member of the Grand Jury comes into Court to see the following Witnesses sworn on a Bill of Indictment against Vincatasha for Felony

Mr John Debonaire
Ramakishnah
Armogum

Also Pooliah a Witness on a

a Bill of Indictment against Shaick Gonsey for Murder.

The Grand Jury having nothing in readiness to present, the Court after setting some time adjourn till Wednesday the twenty sixth day of this Instant April at eight of clock in the Forenoon for containing the Sessions.

Madraspatnam ss

Wednesday the 26th April 1769

Justices Present

Charles Bourchier Esqr Chairman
Josias Du Pre
John Call
John Andrews
Samuel Ardley
George Stratton
James Bourchier
} Esqrs

The Court being opened, after some time the Foreman of the Grand Jury comes in, and represents that Mr George Smith who was on the 12th Instant sworn one of their Body is so much indisposed as to be unable to attend, Mr Francis Jourdan is sworn a Member of the Grand Jury, in his stead.

A Paper is sent in to the Grand Jury in the following words, Madraspatnam ss. The Jury are allowed until Thursday the 27th Instant at 12 o'clock to return the several Bills of Indictment to them delivered and to make such Presentments as to them shall seem necessary. — After some time the Grand Jury come into

into Court & having answered to their Names, they are asked if they are agreed on any Bills, the Foreman delivers the following Paper which the Grand Jury desire may be read in open Court.

The Humble Address of the Grand Jury of this Town of Madraspatnam, To the Honble Charles Bourchier Esqr and other his Majestys Justices of the Court of Quarter Sessions and of Oyer and Terminer & Goal Delivery for this Town of Madraspatnam and the Districts thereof.

We the Grand Jury of and for the Body of this Town of Madraspatnam are of opinion that among the Enormities and Offences injurious to society none claim our attention so much as those which tend to the Subversion of the Ancient Rights of Grand Juries in whom the King and People repose their confidence and who are constituted by the Legislature to be the Guardians of the Crown and of the liberty and Property of the Subject, for whenever the freedom of Grand Juries is infringed there must be a strong Tendency to the Distruction of the Noble and Glorious purpose, for which they were originally instituted the Defence of Publick Liberty. We therefore cannot but express our deepest Sorrow and Concern at the abrupt, unusual and as we apprehend illegal manner in which the Grand Jury of this Town was dismissed by this Honble Court on Wednesday the Eleventh day of January last altho the said Grand Jury did then represent this to the Court by their Foreman that they

they had further business to lay before them. Truly affected and alarmed therefore with a due sense and Dread of an act which appears to Us a Violation of and Insult on the Freedom of Grand Juries, and at the same time equally sensible of the blessings we enjoy from his Majestys most gracious Charter granted to the Honble the East India Company to enable their Representatives to hold Courts of Quarter Sessions and of Oyer and Terminer in this Town of Madraspatnam and being willing moreover to preserve that Harmony which is so necessary to be observed and which ought to subsist between the Judges of this Honble Court and the Grand Jurys of this Town. We the said Grand Jury do Seriously and humbly recommend to this Honble Court to avoid giving the like cause for Complaint in future. At the same time expressing our Concern for a late Innovation in the Rules of this Honble Court by setting aside the laudable practice of reading the Presentments of this Grand Jury in open Court superseding thereby the Judgement and practice of this Honble Court since its Institution until very lately.

It being our earnest Wish and desire to concur in every legal Measure with the Judges of this Honble Court in all Matters and things relative to Our duty as a Grand Jury that the Course of Justice may not by our means be interrupted we flatter ourselves we shall find a similar disposition in the Honble Judges and We hope that they will not only revive the Laudable practice of reading the Presentments of this Grand Jury in open Court but that on all times hereafter

hereafter they will afford that Countenance Regard and Attention to the Grand Juries of this Town which is their prerogatives by by Law. That the Harmony and unanimity so very essential to the due Administration of Justice may be preserved. In this Hope and with this View only we at this time do hereby address this Honble Court looking for that Relief in the Matters and things herein Set forth which the Nature of our Complaint and the Equity of the Laws demand and direct

Edward Stracey Foreman
Peter Mariette
Reynold Adams
Arthur Cuthbert
Charles Smith
John Holland
John Davidson
Henry Crawford
James Taylor
Wm Hamilton
Josiah Maynard
George Savage
Francis Sourdan

Having delivered the same they retire and the Foreman after some time returning to desire to know the Resolution of the Court he is acquainted by the Chairman that the Court have resolved that the same shall not be read in open Court.

He withdraws to the Jury Room.

The Court think it necessary first to remark that this Grand Jury at

at near 12 o'Clock on the Night of the 11th January last after the Trials were over which they well knew, were called upon to know what further business they had for the Court when the Foreman produced Two Presentments which he delivered to the Chairman of the Court who informed the Grand Jury that they should be recorded Whereupon the Grand Jury desired they might be Publickly read and were told that the Court did not think proper so to do, It occurs to this Court that the Foreman did at the time declare that if the said Presentments were Publickly read the Jury had no further business but the same being refused as above the Foreman after consulting his Brethren acquainted the Court the Jury had further business, and the Court having all reason to believe the Jury only wanted to remonstrate against the refusal of the Court to read their Presentment which the Court being of opinion they had no right to insist upon they dismissed the Juries and adjourned the Court if therefore the Jury cannot shew that they had other business to offer than that above supposed the Court hold themselves justified in dismissing the Juries.

While the Court are yet deliberating whether they shall first examine Evidence to disprove what is alledged against the Legality of the Courts Proceeding at the last Session or acquaint the Jury with their Sentiments of the Present address and call upon them to prove what they have advanced Mr. Stracey the Foreman comes into Court and desires to know if any and what answer is to given to their Address. The Chairman then acquainted Mr. Stracey that he was to take an Oath — Mr. Stracey desired first to be

be informed whether he could take the Oath consistently with that he has already taken as Foreman of the Grand Jury and being assured by the Court in the Affermative and that they are of Opinion they can oblige him to take the Oath the following is administered to him, he desiring the Salvo as a Juryman may be expressed therein —

Clerk of the Peace, Lay your Hand upon the Book

You shall full and true Answer make to all such Questions as shall be put to you by the Court saving the Oath you have taken as Grand Juryman and declare the truth the whole truth, and nothing but the Truth so help you God.

Court Did you not when Foreman of the Last Grand Jury declare to the Court that if the Presentments you delivered were read in Court the Grand Jury had no further business

Mr. Stracey I do not really recollect I made use of such an Expression I might have done it.

It then occuring to the Court that the present Examination of Witnesses to invalidate the Assertions of the Grand Jury will only retard the progress of other business, the Foreman was desired by the Court to acquaint the Jury in answer to their Question that they had deliberated whether they should first Examine Evidence to disprove what was alledged against the Legality of the Courts Proceeding at the last Session or acquaint them with their Sentiments of the Present Address — and call upon them to prove what they had advanced it was at Length resolved that the Jury should first be called into Court be informed of the opinion of the Justices upon their present

address

address and be required by due Evidence to support the Charge they had brought against the Court.

The Foreman withdraws and the Grand Jury coming into Court and answering to their Names the Chairman addresses them in the following Speech.

Gentlemen of the Grand Jury

The address you have presented to the Court will be entered upon the Records thereof without being read by the Publick Officer in open Court for tho' that method may heretofore have been observed yet as there is no obligation to continue the Practice, It is Judged by the Court improper to do so in future, But as this address of yours carrys with it the Imputation of an Arbitrary and unjust Proceeding in the last Court of Sessions dissolved the 11th January last by its dismissing the Grand Jury who had been observed great part of the time the Court were sitting to be walking seperately about the Court Room when they the Grand Jury at or about Midnight upon the Courts requiring to read publickly their Presentments said they had further Business for the Court without shewing an Instance of what business they had to offer. Unless therefore you produce Evidence thereof duely testified. The Paper you have delivered to them cannot but be deemed highly injurious to the Dignity of the Kings Majesty falsely accusing his Delegates of a Misdemenor and as such the same will be recorded & the Court will take such further Measures thereon as shall be advisable. The Grand Jury in Consequence of the said

Speech from the Chairman, desire leave to withdraw.

They are then asked if they are proceeding on the Bills which have been delivered to them. They desire to adjourn to their Room.

A message from the Grand Jury by their Bailiff desiring a Copy of the Chairmans Speech to which no answer is returned and they having withdrawn sometime the Clerk of the Peace is sent from the Court to desire to know if they have any Business ready as the Court will otherwise adjourn till tomorrow Morning. The Clerk of the Peace reports to the Court that the Grand Jury desired him to withdraw, and they would give their Answer.

The Clerk of the Peace informs the Court that two Bills of Indictments were sent into the Grand Jury on Wednesday the 15th Instant on neither of which Verdict has yet been Returned.

The Clerk of the Peace being sent for by the Grand Jury returns and reports to the Court that the Grand Jury desired him to acquaint the Court that till they have a Copy of the Paper which the Chairman read they can proceed with no further business.

Three Bills of Indictment having been sent to the Grand Jury about 11 Clock this Morning when the Court was opened and the Court having sett more than 4 Hours without having sworn any Witnesses to give Evidence to the Grand Jury or received any Bill of Indictment from them. The Foreman is called into Court and desired to return with the Indictments delivered

to

to the Jury this Morning and see the Witnesses sworn on them
he answers very well and returns

The Foreman comes into Court and reports
from the Jury that till they receive a Copy of the Paper read by
the Chairman they cannot proceed with any further business

The Chairman replies that the Paper was
his Speech in Answer to their address that after the Grand Jury
shall have finished the business which is now before them they
shall be furnished with a Copy of it but that the Court now
require the Attendance of the Jury or a part of their Body to see
the Witnesses sworn on the Bills of Indictment delivered to them
this Morning

The Jury not Coming for sometime after
into Court and having answered to their Names the Court demand
whether they will produce the Bills of Indictments delivered to
them this Morning that they may see the Evidences sworn
thereon, the Foreman informs them in the name of the Jury
that till they have a Copy of the said Speech they cannot
proceed to any further Business

The Court then inquiring whether by the
Word cannot they mean that they will not produce the Bills
of Indictment to see the Witnesses sworn thereon they desire
to retire and Promise to return their Answer immediately

One of the Grand Jury comes into
Court to see the following Witnesses Sworn

Mr

41

Mr Charles Oakely
Paupah
Narrain
Veerapermaul
Annanaly
Gnanapah
Petchan
Cootey

} On a Bill of Indictment against
Bommah for Felony

Mr John Turing
Mooten
Rosa
Chinnadoo
Verrapah

} On two Bills of Indictment one against
Vellapah & Mary Turing for the Murder
of Catherina. The other against Mary
Turing as accessary before the Fact to the
Murder of the said Catherina

The Court having first acquainted the Grand
Jury of their Resolution to adjourn till Friday Morning and their
Expectation that all their Business will be then ready, adjourn
accordingly to Friday the 28th Instant at 9 Clock in the Forenoon

Friday the 28th April 1769.

Justices present as on Wednesday

The Grand Jury came into Court, answer to
their Names and deliver the following Paper

The humble Address of the Grand
Jury of this Town of Madraspatnam to the Honble Charles
Bourchier, Esq and others his Majestys Justices of the Court
of Quarter Sessions of Oyer and Terminer and Goal delivery
holden for this Town of Madraspatnam and the Districts
thereof

It is with the truest concern and regret that
We the Grand Jury of the Town of Madraspatnam and the

the Districts thereof find ourselves under the absolute necessity of again addressing this Honble Court

Conceiving ourselves highly reflected on, by the Charge against Us, containing in a Paper read by the Chief Justice in this Honble Court, which he said would be recorded, and which Paper was in answer to our Humble Address of the 26 Instant. We did verbally apply for a Copy thereof, which not having been granted, We do again request the same, in order to enable Us to vindicate Ourselves from the Charge therein laid against Us; which Charge, if true We do believe sufficient to disqualify Us for the present service.

We do again as in our former Address declare our earnest and sincere desire to concur with this Honble Bench in every legal measure for the Public Service.

Madraspatnam
28th April 1769

John Davidson — Edward Stracey Foreman
Henry Crawford — Peter Mariette
James Taylor — Reynd Adams
Willm Hamilton — Arthur Cuthbert
Josiah Maynard — Charles Smith
George Savage — John Hollond
Francis Jourdan

The Court desire to know whether the Jury have gone thro' the Business delivered to them at the first meeting of this Sessions on the 12th Instant and at the last meeting of this Sessions the day before yesterday. The Foreman Mr Stracey replies — I look upon myself as the Mouth Piece of the Grand Jury, and do not think myself properly authorize by them to answer that Question.

Mr Davidson says — Upon my Ooath and my Conceive, I do not think the Business is finished.

It occuring to the Court, that the Examination of the Grand Jury seperately will only delay the Proceeding of publick Justice, they demand from the Grand Jury the Bills of Indictment delivered to them at the first and last meetings of this Sessions — The Foreman leaves the Court returns with the Indictments and delivers them to the Court.

A Bill of Indictment against Vencatasha for Felony being endorsed Billa Vera, the Court demand from the Foreman whether the said Indorsement is the Verdict of the Grand Jury — He Answers in the Affermative.

The following Bills of Indictment returned by the Grand Jury have no Endorsement

A Bill of Indictment against Shaick Gansy for the Murder of Poolick.

A Bill of Indictment against Vollapah and Mary Turing for the Murder of Catherina

A Bill of Indictment against Mary Turing as Accessary before the fact, to the Murder of the said Catherina

A Bill of Indictment against Bommah for Felony.

The Court require from the Grand Jury and apply to the Foreman for Information whether they have examined the Witness's on the Bills of Indictment which are not endorsed. Mr Stracey desires the Opinion of the Court whether as an individual he is obliged to answer that Question — the Court leave

leave it to the determination of his own Conscience.

Mr. Stracey — Sam as Foreman only the Mouth of Jury — and as an Indevidual I do not think Sam at Leberty to Answer that Duistion consestent with the Oath I have taken.

Vencatachellum — The Interpreter before sworn to interpret to the Grand Jury is sworn now to answer all such Duistions as shall be put to him by the Court.

Court — Was Pooliah Witness examined on the Bill of Indictment against Shaick Gansay for the Murder of Pooliah.

Vencatachellum. He was examined the twelfth of this Month and declared all that he knows.

Cornara Swamy having been also sworn to interpret to the Grand Jury is likewise Sworn to answer such Duistions as shall be put to him by the Court and declares that He has not interpreted between the Grand Jury and any of the Witness's on the Bills of Indictment.

The Chairman addresses himself to the Grand Jury acquaints them that the Court find on examining the Interpreters that the Jury have examined only one Witness on a Bill of Indictment tho' they have had time enough to go thro' all the Business delivered to them that the Court therefore permit them to retire and give them five Minutes to determine whether they will proceed on the Business or not they accordingly retire. The Grand Jury return and having answered to their Names Their Foreman reports that they cannot give any answer to the Duestion till they have a Copy of the Paper they desired.

Chairman — Gentlemen of the Jury

The Conduct you have held and which you still persist intends in the Judgement of the Court manifestly to obstruct and as much as in you lies to prevent the Course of Publick Justice & consequently to destroy the Peace and Welfare of the Colony and that without even a Reasonable Plea for if it were a point clearly established that the Justices were wrong in the matter which you think proper to contest with them as they cannot be amenable to themselves the Case must of necessity be removed to a Superior Authority but the Point in Question has no relation to the Jurors or not Jurors upon Bills of Indictment before you neither does it lay any impediment in the way of prosecutions founded on or arising from any Presentments made or to be made by the Grand Jury since the Court is open to all Suitors your refusing therefore to proceed upon the Bills of Indictment which have been sent in to you can be nothing less than wilfull Contumacy a Parallel Conduct in a Jury in England would not be so culpable because it could not be attended with such bad Consequences for the Superiour Judicature being there some Remedy may be applied to every possible Case of doubt Obstinacy or Perverseness; but in this Colony whereby reason of the small number of European Inhabitants qualified to act as Grand Jurymen the Contumacy of two or three Juries must absolutely put it out of the Power of the Justices to proceed legally in the Administration of Justice the Case is much aggravated.

That a Conduct so pernicious in its tendancy and so contrary to the Spirit of all Laws should be liable to severe penalties cannot be doubted and that such may be inflicted by this Court is equally certain nevertheless the Justices have determined to refer the Judgment of your Contumacy to Superior

Superior Authority, and seeing your determination not to proceed on Business which you have been Sworn to execute, the Court think proper to dismiss you and you are accordingly dismissed from this present Service.

The following Grand Jury was then immediately empannelled and sworn on both Commissions.

John Maxwell Stone Esqr. Foreman

Mr. John Sykes	Mr. Samuel Scott
Mr. Charles Bromley	Mr. John Sulivan
Mr. James Johnson	Mr. Thos. Marsden
Mr. Andrew Majendie	Mr. Willm. Carlisle
Mr. Charles Jones	Mr. Willm. Cranwell
Mr. Paul Benfield	Mr. James Call

Chairman. Gentlemen of Grand Jury.

Besides the Matter which generally fall under the Cognizance of Grand Juries and which I need not repeat to you, you will enquire of all Concealments that may have been made by the late Grand Jury. I think it proper to remark to you that the Circumstances of this Colony differ in many Respects from those of Great Britain. this occoured to our Sovereign in granting the Charter for the Administration of Justice under this Presidency, and therefore you will find by the Charter that We are directed to proceed in the same manner as in England or as near as the Condition & Circumstances of the Place and Inhabitants will admit of which I recommend to your Attention.

An Officer being sworn to attend them they withdrew and after some time one of their Body came into Court to see the following Witnesses sworn, and an Interpreter to interpret between the Jury and such of them as are Natives.

Polliah, on a Bill of Indictment against Shaich Gansey for Murder.

Mr. Charles Oakeley
Paupah
Narrain
Veerapermoll
Annamaly
Gruavapah
Petchan
Cootty

On a Bill of Indictment against Bommah for Felony

Mr. John Turing
Mootoo
Rosa
Chinnadoo
Veerapah

On two Bills of Indictment the one against Vollapah & Mary Turing for the Murder of Catherina. The other against Mary Turing as accessary before the Fact to the Murder of the said Catherina

A Paper was then sent into the Grand Jury in the following Words.

Madraspatnam fs. 9th G 3d

The Jury are allowed until Monday the 1st May at 12 o'Clock at noon to return the several Indictments to them delivered, and to make such Presentments, as to them shall seem necessary.

After some time, the Clerk of the Peace was sent into the Grand Jury with a Message from the Court, acquainting them, that if they were not likely to have any Business ready shortly the Court would adjourn till tomorrow Morning at 9 o'Clock. the same being reported by the Clerk the Court adjourned accordingly.

Saturday,

Saturday the 29th Apr.l 1769

Justices Present as yesterday

The Court being opened after some time the Grand Jury came in and having answered to their Names delivered in a Bill of Indictment against Vollapah and Mary Turing endorsed Billa Vera.

As the Jury are returning the Chairman acquaints their Foreman that it is the Desire of the Court that they will proceed on the Bills of Indictment before them, and promise to allow them sufficient time to finish any other Bills they may have to do.

Mary Turing brought to the Bar

Clerk of the Peace, Mary Turing hold up your Hand — You stand indicted by the Name of Mary Turing of Madraspatnam Widow for that Vollapah late of Madraspatnam Peon & you the said Mary Turing not having the Fear of God before your Eyes, but being seduced by the Instigation of the Devil on the 17th day of October in the Eighth year of the Reign of our Sovereign Lord George the third now King of Great Britain &c. in the Town of Fort St. George by Force and Arms &c. in and upon Catherina a Slave Woman belonging to you the said Mary Turing in the Peace of God and our Sovereign Lord the King then and there being feloniously Voluntarily and of your Malice aforethought you did make an Assault, and for that the said Vollapah Peon with a certain Rope or Cord of the Value of one Pining, which he the said Vollapah Peon in his hands then and there had and held the Arms and hands of the said Catherina did bind & tye, and that the said Catherina being so bound & tyed as foresaid & the

the End of the said Rope or Cord having been passed over a certain Rafter Joist or Beam in the House of you the said Mary Turing by the said Vollapah Peon, he the said Vollapah Peon did by Drawing or pulling the said Rope or Cord raise & suspend the Body of the said Catherina from the Ground, and Fastening the End of the said Rope held the said Catherina so raised and Suspended from the Ground by the Space of one hour of which binding tying and suspending in manner and Form aforesaid the said Catherina then and there languished for the Space of one Hour as aforesaid and then died, and that you the said Mary Turing Feloniously voluntarily and of your Malice aforethought then and there in your own house was present aiding assisting abetting comforting and maintaining the aforesaid Vollapah to the Felony and Murder aforesaid Form aforesaid to be done and committed and so the ~~aforesaid~~ Jury aforesaid on their oath aforesaid do say that Vollapah and you Mary Turing the aforesaid Catherina in the Town of Fort St. George aforesaid in manner and Form aforesaid Feloniously Voluntarily and of your Malice aforethought did kill and Murder against the Peace of our Sovereign Lord the King his Crown and Dignity — How say you Mary Turing are you Guilty of the Felony and Murder whereof you stand indicted or not Guilty —

Prisoner — Not Guilty

Clerk of the Peace, How will you be tried

Prisoner — By God and my Country

Clerk of the Peace, God send you a good Deliverance

Clerk of the Peace, You the Prisoner at the Bar these good men who 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

or Death if you will challenge them or any of them, your time is to speak unto them as they come to the Book to be sworn and before they are sworn.

The following Jury were then sworn the Prisoner declaring she had no Objection to any of them.

Mr. Andrew Ross	Mr. Collen Fargus
Mr. Tho. Pelling	Mr. Philip Reuffer
Mr. Sam. Troutback	Mr. David young
Mr. Christopher Macklin	Mr. James Atkinson
Mr. Edward Rylance	Mr. Daniel Crier
Mr. William Harrison	Mr. John Rogers

Clerk of the Peace Gentlemen of the Jury look upon the Prisoner at the Bar and hearken to her Cause.

You shall know that she stands indicted by the Name of Mary Turing of Madrasspatnam Widow &c. (here the Indictment was again read as in the Arraignment) ——— Upon this Indictment she has been Arraigned, and has thereunto pleaded not Guilty, and for her Tryal has put herself upon God and her Country which Country you are, your Charge is to enquire whether she is Guilty of the Murder whereof she stands indicted or not Guilty — if you find her Guilty, you are to enquire what Goods or Chattels, Lands or Tenements she had at the Time of the Murder committed or at any time since, if you find her not Guilty you are to enquire whether she fled for it, if you find that she fled for it, you are to enquire of her Goods and Chattels, Lands or Tenements as if you had found her Guilty — if you find her not Guilty and that she not fly for it — you are to

to say so and no more, and hear your Evidence.

Mr. James Bouchier one of the Justices of the Bench declares to the Court that the Prisoner at the Bar did voluntarily surrender herself to him to clear herself from the Imputation of the Murder of Catherina who came to an untimely Death at her House.

An Interpreter being duely Sworn to interpret between the Court and such Portuguese Witness as shall be brought them during the Sessions, Rosa is called and sworn on the holy Evangelist.

Clerk of the Peace Do you know the Prisoner at the Bar.

Rosa Yes.

Clerk of the Peace How long have you known her.

Rosa Five years.

Clerk of the Peace If you know any thing of the Murder whereof she stands accused relate the same to the Court.

Rosa About six Months ago as well as I can recollect, the Prisoner my Mistress asked me for an Account of her Cloaths which she missed — I answered that I had not taken charge of them and therefore could give her no account — She then told me to call Catherina which I did, and the same Question being put to her several times, without her giving any answer, She at last declared she knew nothing of the matter, my Mistress told her she did not speak the truth and ordered me to call the Peon to tie her up I accordingly called him & told him what my Mistress bid me Catherina said for Gods sake tell my Mistress that there may be some Cloaths at the Ironing mans — I reported the same to my Mistress who refused that she had sun

seen that account and there were no more — the Peon then carried away Catherina about 12 o'Clock at noon the Peon came and asked for my Mistress — I told him she was within, but she hearing the Peon's Voice came out — I know not what Conversation passed between them, but after my Mistress had talked with the Peon, she came and sat upon the Cot, and in about a minutes time told me to go and see Catherina and carry with me some Hungary water to rub her Temples & the Palms of her hands — I accordingly carried the Hungary water & put it to her Nose —

Court — In what Position did you find Catherina when you went into the Room where she was —

Rosa — She was on the Ground

Court — Proceed with your Deposition

Rosa — While I was rubbing the Hungary water, my mistress came in and asked if I had done as she ordered and what I thought of Catherina — I replied that I really could not tell — my Mistress then told me to put my finger into Catherina's mouth and feel if her Jaw was fast — I did so, and while my Mistress was present I called the Water woman to bring a Mat and my Mistress then went into her Chamber — Some time after she was gone the Cook asked by a Motion with his hands whether Catherina was dead or alive & I replied in the same manner that she was dead — after dinner my Mistress ordered me to put clean Cloaths on Catherina — about six o'Clock a Coffin was brought and I assisted two or three Tallanquin Boys in putting the Body in — The Coffin was then nailed up and I know nothing further of the matter.

Court — Do you know the name of the Peon who laid up Catherina?

Rosa — I do not remember it, he was always called Peon.

Clerk of the Peace to the Prisoner } Have you any Questions to put to this Witness —

Prisoner to Rosa, Was not the Body of Catherina carried to the Burying Ground in the same public manner as that of a Servant who died some time before?

Rosa — I did not go with the Body and know not when it was carried out of the house, having been employed on other Business —

The Prisoner desiring that Rosa may be asked whether she (the Prisoner) did not appear much surprized at the Peons report — and the same Question being accordingly put, Rosa replies that she did —

Mootoo Cook — sworn after the manner of the Parsees —

Clerk of the Peace — Do you know the Prisoner at the Bar — if yes how long have you known her.

Mootoo — I have lived with her twenty three years —

Clerk of the Peace — If you have any Knowledge of the Murder whereof she stands accused — acquaint the Court with the same —

Mooto — Some time before the Storm (30th October) one day about 11 o'Clock Catherina was in the Cook Room minding Linnen — Rosa came and called her and telling her my Mistress wanted her, they both went away together & I know not what then happened, but I soon afterwards saw a Peon named Vellapah and Catherina go into the Wash house, and at about ½ past 11 I heard Catherina make a Noise the Door of the Wash house was almost shut the Peon was sitting without and I heard him tell Catherina not to make such a Noise — the Peon told me to get some water & I ordered the Water woman to carry it — she did so and came back

back to the Cook room, I asked how Catherina had drank the water she replied she had carried it on a Malley and put it to Catherina's Mouth - I then asked how she was tied and the Waterwoman replied by a motion putting her Arms to her side - Some time after I saw my Mistress and the Peon go into the Wash house and seeing Rosa, also I asked how Catherina did Rosa replied by a Motion that she dead, soon afterwards I went home and returning about the usual hour of Six o'clock, I went to the Cook room about my Business -

Court - Did you see nor hear nothing of this matter after you returned

Mooto - I saw the Pallanguin Boys in the Fowl Godown with the Coffin but I heard nothing on the Subject

Court - Did you see the Coffin carried out

Mooto - I did not, nor do I know when it was carried out

The Prisoner being asked whether she has any Questions to put to the Deponent, desires he may be asked whether he saw the Peon and Rosa go into the Wash house before herself - he replies that he did not -

The Grand Jury come into Court answered to their Names, and being asked if they have any Business the Foreman replies that in Consequence of the Desire of the Court communicated to the Grand Jury by the Foreman to proceed on the Bills of Indictment before them, and in Consequence of the Promise given by the Court to the Foreman that the Grand Jury should be allowed sufficient time to finish any Business they may have to do, the Majority of the Grand Jury did agree to proceed on the Bills of Indictment - That Witness upon one of the Bills were thereupon examined but when the the Foreman proceeded to collect the Votes of the Jury some of the Members refused to give their Opinion thereon, having thought it necessary that other Business should be previously entered upon

The Grand Jury therefore request the Opinion of the Court how they are to proceed, as the Business is entirely at a Stop -

Upon the Question proposed to the Court by the Grand Jury. The Court is of Opinion that when the Majority of the Grand Jury shall have resolved to proceed on any particular Matter before them in preference to any other matter every Member of the Grand Jury is obliged to give his Opinion on such matter. and the Court do again recommend to the Grand Jury to proceed first upon the Bills of Indictment, that the Court may not be delayed.

The Grand Jury withdraw -

Chinnadoo Pallanguin Boy called & sworn after the manner of the Pariar -

Clerk of the Peace - Do you know the Prisoner?

Chinnadoo - Yes I have lived with her seven or eight years -

Clerk of the Peace - Acquaint the Court with what you know relative to the Murder she stands accused of -

Chinnadoo - Some time before the Storm (30th October) I do not recollect how long, I was at the Street Door of the Prisoners House - when the Peon Vallapah came & called me, I went with him to the Wash house, and saw Catherina tied by the upper part of the Arms and pinioned behind - Vallapah threw a Rope over a Palmeira in the Roof of the Wash house, and ordered me to hold Catherina up - I lifted her about a foot and a half from the Ground

Ground and the Peon pulled the Rope and fastened the end of it to that part which pennioned her arms behind – he then ordered me to go, and he shut the Door – Some time after he called me again from the Street door – I went with him to the Wash house and found Catherina standing on the Ground with her hands over her head holding the Rope – Vollapah undid the Rope and then tied her Hands as well as her Arms, I said to him she is a Woman – why will you tie her so fast – this may hurt her too much – Our Mistress has ordered us to tie up some of the Girls – but we used to do it gently and not in this manner – he replied she is a fancy Girl and unless she is tied so she will get loose – I then lifted her up as before and the Peon fastened the Rope in the same manner – We then came out – he shut the Door – sat down by it and ordered me to go away – I accordingly went and remained in the Street till past 12 o'Clock when I went home – About half past four I returned and saw a Coffin by a Well which is close to the Cookroom – I did the Duty of the House till six, when Rosa came & ordered the Pallanquin Boys to put the Body in the Coffin We did so and carried it by order of the Peon to Vepery Church.

Court – Did you not know Catherina was dead before you went home?

Chinnadoo – No. not till I was ordered to put the Body in the Coffin

Court – What passed after you got to Vepery?

Chinnado – When we arrived at Vepery, the Peon went to Padre returned and told Us that the Padre ordered the Body to be carried to the Tope at the back of the Church,

One of the Petit Jury residing at Vepery informs the Court that the Tope at the back of the Church is

is the Burying Ground We accordingly carried the Body there and a Grave being dug, the Padre and their attendants four or five in Number came & performed the Burial – We then returned to the Prisoner's House –

Court – What became of Vollapah

Chinnado – He returned with Us and went into the House –

Court – Do you know of any Disagreement Quarrel or Dispute having happened between Vollapah and Catherina?

Chinnado – No;

The Prisoner being asked if she has any Questions to put to the Deponent replies in the negative.

The Grand Jury come into Court and having answered to their Names the Foreman represents that in Consequence of the Opinion obtained from the Court the Questions was put to the Members who refused giving their Opinion on the Bill of Indictment before them, whether they would give their Opinion on the said Bill of Indictment or not to which they answered that they still thought they were not obliged to give their Opinion on the said Bill of Indictment because they thought it of the utmost Consequence that other Business which appeared to them more essential should be previously entered upon – The Grand Jury are desired to return, that the Court may consider of the said Representation and after some time being again called in the Chairman addresses them as follows

Gentlemen of the Grand Jury –

Upon your last Representation

the Court

Court have come to the following Resolution, which I inform you of first, that you may consider of them and take such measures as you may think proper.

The Court will order you to bring the Bills of Indictment.

The Court will then examine the Witnesses upon one of them in your Presence, and having done so will order you to find a Verdict.

If any of your Members refuse to do so the Court will order you to discover to them such member or Members —

If you refuse to discover such member or Members the Court will bind every one of you over in a Recognizance to answer the Contempt in the Court of the Kings Bench at Westminster.

If you refuse to enter into such Recognizance, the Court will send every one of you to Prison.

If you do discover such obstinate Member or Members, the Court will bind him or them over in like manner & on his or their Refusal to enter into such Recognizance commit him or them to Prison, untill he or they make proper Satisfaction to the Court.

The Grand Jury withdraw, and the Court proceeding with the Tryal of Mary Turing Vinah a Waterwoman is called and sworn after the manner of the Tarriers.

Clerk of the Peace, Do you know the Prisoner if yes how long have you known her

Vinah I have lived with her ten Years

Clerk of the Peace, Acquaint the Court with what you know relative to the Murder she stands accused of.

Vinah One Morning about 11° Clock when I was in the Cook Room the Peon came and asked the Cook for Water, the Cook told me to carry it — I accordingly went with the Peon & carried some water in a Mallay to the Wash house where Catherina was — She asked me how she could drink — I then put the Mallay to her Mouth and having given her as much water as she chose, I left her — a little while after my mistress (the Prisoner) called me to the Wash house and giving me a Cloth wetted with some Spirit told me to rub Catherina's Temples & Nose with it — I did so but found her lifeless — She had been taken down before I went in and Rosa and myself took the Body and spread it on the Ground — I then went to the Cookroom and having finished my Business went home after two o'clock — this is all I know of the matter

Court Did you neither see or hear any thing of this matter after you return?

Vinah No — I came back at 5° Clock and went again to my Business,

Wm. John Turing called and sworn & deposeth as follows.

John Turing I have known the Prisoner about six Years and a half and lived in the same house with her the 17th October last the day on which Catherina died I left the House some in the Forenoon — I do not recollect the Hour but I returned to dinner and dined with the Prisoner — after dinner She acquainted me that having missed some of her Cloaths &

and suspecting Catherina to have taken Poison she questioned her on the Subject, but not getting any Satisfactory Answer she has then ordered another Servant named Rosa to desire the Poor to tye up Catherina in order to obtain from her the Truth. — that after she had been tied up about an hour during which time She (the Prisoner) was in her room taking an account of her Cloaths, the Poor came and acquainted her that hearing no noise in the Room where Catherina was he went into see how she did when she appeared motionless — that she thinking the Girl could only have fainted, immediately ordered the Poor to untie her and endeavour to recover her with Hungary water, which however had proved ineffectual — upon hearing these Circumstances I told the Prisoner, that as the Girl had unfortunately died so suddenly in such a Situation, I thought it proper to have the Coroners Inquest to sit on the Body, but the Prisoner said she did not apprehend an Inquest was necessary as she was conscious to herself the Death of the Girl was intirely accidental for her own part she has neither seen her tied up, nor said nor meant any more that she should be tied by the Arms in order to make her confess, which Punishment she did not imagine could have been the Cause of her Death. I had no reason to doubt the Truth of what she said and not being well versed in these matters nor sufficiently considering the Propriety of having an Inquest, I did not persevere to press her further to it — As the Prisoner told me the Girl was buried the same evening at Vepury — This is all I know of the affair.

Court. Did the Prisoner appear in any manner so agitated at the time as to make you suspect that any Accident had happened?

John Fleming. I cannot take upon me to say that she did.

Mr Gilbert Pasley Surgeon called & sworn.

Clerk of the Peace. Have you been in Court during the Tryal of the Prisoner?

Gilbert Pasley. Yes.

Clerk of the Peace. Did you hear the Evidence of Chinnadoo?

Gilbert Pasley. I did and paid particular attention to it.

Clerk of the Peace. Acquaint the Court how far you think the Punishment discribed in the said Evidence could have been instrumental to the Death of Catherina?

Gilbert Pasley. It appeared by the said Evidence that there were two distinct Punishments — the first, that of pinioning the Arms by a Rope between the Joints of the Shoulder and thereby suspending the Body a little from the Ground, as that Punishment cannot even by the weight of a suspended Body affect any Part that is necessary for Life it may be supported for hour without any bad Consequence — As to the other Punishment that of pinioning the Arms in the same manner and fixing Ropes to the Wrists if the Arms are brought forward with some force the Ribs sustain as great Compression as they will admit of which must in some measure affect the motion of the Lungs and Circulation of the Blood, but when the Body is suspended, and the Weight thereof presses on the Rope fixed to the two Wrists the Lower Bowels Stomach and Liver must be pressed up into the Chest which so confines the Motion of the Lungs, that Death may soon ensue, I am therefore of Opinion that the first Punishment is not dangerous, the second more or less so according to the Tightness of the Ropes — The Prisoner being then directed to make her Defence requests the Indulgence of the Court to deliver the same.

same in writing, which in Consequence of her weak State being
consented to the same is ready by the Clerk of the Peace as follows

Mary Turing Defence. The great Anxiety and uneasiness I have labourd under
ever since the unhappy Accident which happened in my house
last October in the Sudden Death of one of my Slaves is easier
conceived than expressed - It was no small addition to my uneas
=ness to hear soon after of the misrepresented & exaggerated account
which had given Grounds to the severest Censures upon my Character
as Follows

On Monday the 17th October having
occasion to take an Account of my wearing Apparell, upon exa
=mining I found several Articles were missing and having the
greatest Reason to suspect my Slave Girl Catherina who had
had Charge of them, not only from the many Instances of Thef
she had Committed, but in Particular from a late Practice she
had of privately going over the Walls of the Houses in the Dead
of the Night and decoying another young Slave Girl with her
About 11 Clock of the said day I sent for Catherina in order to
get an Account of the Cloaths that were missing, who as was
always her Custom when detected in any Fault denied know
any thing of them, and would not give any satisfactory Account

I told this my Servant Rosa, & well
knowing Catherinas Sulky obstinate Disposition I desired
Rosa to take Catherina to the Poon & desire him to tie her up
with no other View or design but to get her to Confess the Truth
I continued busey in my Room taking an Account of my
Cloaths tills 12 - when the Poon came & told me that hearing no

Noise

Noise in the Room where Catherina was, he went into see how
she did, when she appeard motionless, this account naturally
surprised me, but I immediately ordered the Poon to untie her
and imagining she could only be fainted sent Rosa with Hunga
-ry Water and followed her and tried every Endeavor to recover
her but they proved ineffectual - Conscious as I was of my
own Innocence in not having the most distant thought or
Intention of or During or doing any thing that could be supposed
to occassion the Womans Death, as I did not see her tied nor
at any time after till I went into the Room to her assistance,
before which she had been taken down, nor said, nor meant
any thing more that she should be tied by the Arms inorder
to obtain From her truth, which I did not imagine could
occasion her Death. I omitted that necessary Form of having
an Inquest to inquire publickly into the Cause of her Death,
which to my great Misfortune I have reason to repent - I
had the Girl buried the same evening at Vepery

From the Clamour that was soon
after raised I was made sensible by Experience the World
generally are too much ineclined to give eare to misrepresented
Reports. I therefore did not hesitate to follow the Advice of those
who were better Judges than myself to withdraw from the Settle
-ment for a time not doubting better Information would soon
naturally offer to the Publick by which Peoples minds would
be quieted and that Impression lessened which the Suggestion
of a heinous Crime might have made - However I do declare
it was my constant desire & Resolution to Surrender myself

to

to Justice as the means of procuring an open Reparation and Acquittal of my Character — and now I do under these circumstances chearfully resign myself to this Court which has ever been distinguished for its Candour and for its Justice to the Protection of the Innocent

The Prisoner then desired that Allanjin might be examined relative to the Conduct of Catherina — he was accordingly called and sworn and deposed that he had known the Prisoner about nine years, and that as to the Behavior of Catherina she had been Guilty of pilfering several times, had once broke open an Escritoire, and was indeed a very ill behaved Girl —

All the Witnesses having been examined and the Prisoner having finished her Defence, the Chairman summed up the Evidence to the Jury and a Bailiff being sworn to attend them they withdrew, and in about an hour, a Verdict being proclaimed, the Jury returned into Court and answered to their Names

Clerk of the Peace, Gentlemen of the Jury are agreed of your Verdict

Jury — Yes

Clerk of the Peace Who shall speak for you —

Jury Our Foreman

Clerk of the Peace, Clerk of the Peace to the Jury } Mary Turing hold up your Hand — Look upon the Prisoner — How say you? is she Guilty of the Felony and Murder whereof she stands indicted or not Guilty

Foreman Not Guilty

Clerk of the Peace, Did she fly for it

Foreman No —

Clerk of the Pe

Clerk of the Peace, Gentlemen of the Jury hearken to your Verdict, as the Court hath recorded it — You find that Mary Turing is not Guilty of the Felony and Murder whereof she stands indicted, and that she did not fly for it, and so you say all —

Jury Yes —

The Grand Jury being called into Court, and having answered to their Names, are asked if they are agreed on any Bills, and the Foreman replying in the Negative, they are ordered to bring the Bills of Indictment into Court, the Foreman accordingly withdraws and returns with the Bills of Indictment, and delivers them to the Court.

Poldiah a Witness on a Bill of Indictment against Shaick Gonsey for Murder, was then called and being sworn after the manner of the Gentoos to give Evidence on the said Bill of Indictment, he was examined in presence of the Grand Jury were ordered to retire and find a Verdict.

The Court then adjourn till Monday the 1st May for containing the Sessions —

Monday the 1st May. 1769

Justices Present

Charles Bourchier Esqr. Chairman

Josias DuBré	John Call
John Andrews	Samuel Ardley
George Stratton	George Dawson
James Bourchier	George Mackay

The Court being opened Mr. William Martin Goodlad having been appointed to act and having acted during this Sessions on Behalf and for Mr. Thomas Depinclay the

the Clerk of the Peace who is indisposed – It is ordered that he do take the following Oaths which are accordingly administered to him – I William Martin Goodlad do swear that I have and will duely and truly record every Proceeding and order of this Session in such manner and Form as appertaineth to the Office of Clerk of the Peace to do, to the best of my skill and knowledge – I William Martin Goodlad do swear that I have not, nor will Pay any sum or sums of money or other reward whatsoever, nor given any Bond or other Assurance to pay any money, Fee or Reward Directly or indirectly to any Person or Persons whomsoever for my Nomination and appointment as Clerk of the Peace – so help me God – After some time the Grand Jury are called in and having answered to their Names are asked if they have found a Verdict on the Bill of Indictment against Shaikh Gomsey for Murder, the Foreman replies No and returns the Bill of Indictment indorsed.

The Chairman then asks whether the Majority of the Grand Jury are ready to discover such of their Members as refuse to give their Opinion on the said Bill of Indictment. The Foreman replies that the Majority have determined to declare whether they are ready to give a Verdict on the said Bill of Indictment if asked seperately by the Court.

The Following Questions was then put to Mr. John Maxwell Stone Foreman of the Grand Jury by the Court.

Are you ready and willing to give a Verdict on the Bill of Indictment against Shaikh Gandey for Murder?

W. J. M. Stone. Before I proceed to answer directly to the Question put to me by the Court, I must beg leave to urge some Arguments, by which this Court as well as every other Person before whom this matter may come, may be informed of the Motives for my Conduct.

I shall first speak as to the necessity there is that every Individual of a Public Body should conform to the Resolution of the Majority –

It ever has & ever will happen that men will differ in Opinion, and if some certain Rule were not laid down by all Public Bodies for determining Matters – there would be no End to Altercation and Dispute, the Execution of all matters which depend upon Public Bodies must in general be prevented and the whole System of the English Constitution would necessarily be endangered.

The general Rule thus necessary for the good order & Government of all Public Bodies is that all matters except in cases of Bill of Indictment be determined by a Majority, and when that Majority is known, it is the Duty of every Individual to assist as far as he is able in carrying the Resolution of the Majority into Execution, altho' such Resolution be contrary to his own Opinion & Judgement. For the Law hath determined that where the Majority is there is whole – many Reasons might be urged to evince the Necessity of this, but I will content myself with observing that if it were only to prevent the particular Opinions of Individuals being publickly known, that alone must appear a sufficient Reason.

Having

Having premised thus much, I shall procured to take into Consideration, how far I can consistently with the Oath I have taken, answer the Question now put to me, whether I will proceed to find a Verdict on the Bills of Indictment delivered by the Court to the Grand Jury — As by the Answer that will be given by myself and the other Members of the Grand Jury, it will appear who are the Persons that have refused to proceed on the said Bills of Indictment — The Oath says the Kings Majesty's Council your Fellows and your own you shall well and truly keep Secret, but does it say that I shall not discover any Proceedings in the Conduct of my Fellows which appeared to me a Breach of the Laws and which I am throughly convinced in my own Breast must tend to the putting a Stop to all Justice — am I not rather bound by the former part of my Oath to make a Discovery of such Conduct? I will for the sake of Argument suppose that the Grand Jury are empannelled and withdrawn and any of the Members should declare that they have resolved not to enter upon any Business at all, and should persevere in such Resolution — can any one say that I cannot according to my Oath discover such Persons who so unlawfully obstruct the Administration of Justice — Am I not rather obliged by my Oath to make such Discovery? unless any one can convince me that a Grand Juryman can be guilty of no Crime, or that he is not subject to the Laws of his Country while he is on the Grand Jury — I must say that I look upon myself to be as much bound by my Oath to present any Violation of

of the Laws in him as in any other member of Community — and can there be a greater Violation of the Laws then the impeding of Public Justice, and it is of no Importance whether Justice is impeded by a Grand Juryman's declaring he will do no Business at all, or by his refusing to give his Opinion on any matter resolved by a Majority of the Grand Jury to be taken into Consideration — I therefore shall make no Scruple to answer the Question put to me by the Court, as I am convinced within my own Breast, that the Oath I have taken is so far from imposing silence on me in this Particular, that it obliges me to speak openly — I therefore do declare to the Court that I am ready and willing to proceed immediately to give a Verdict on the Bills delivered to the Grand Jury, and in mak.g this Declaration I do conceive that I have done no more than I have already declared in Court by the Oath I have taken — that is to enquire of all such matters and things as shall be here given me in Charge, or shall otherwise come to my knowledge —

The Court remark that the Speech of the Foreman fully illustrates the Opinion the Court have before given to the Jury.

The same Question which was put to the Foreman as above is now severally put to the respective Members of the Grand Jury and their Answers are as follows —

Mr. John Sykes I am ready.
Mr. C. Bromley I am ready
Mr. Jas. Johnson I am
Mr. A. Wajendie I am not sufficiently convinced of the Legal authority of the Court to ask me that Question, or any other Question relative to

to the present Service, however I do say that I am not ready to give a Verdict on that Bill of Indictment.

Mr. Ch. Jones. I am ready.

Mr. C. Benfield. As upon my Conscience I believe the Present Jury disqualified, I think it illegal to proceed to the finding of the Bill. & I am of this Opinion from a Sense of the Charge I bear & not from any Disrespect or Contempt of this Honble Court, which I entirely highly respect honor and revere, and should be happy in the Power of giving my Reasons for this my Opinion.

Mr. Saml. Scott. I am ready.

Mr. John Sullivan. I am.

Mr. Thos. Marsden. I must beg leave to decline giving any answer to that Question as I deem it a manifest Violation of the Oath I have taken as a Grand Juror, but it is my Opinion that the Jury is disqualified.

Mr. Wm. Carlisle. I am ready

Mr. Wm. Cranwell. I am & ever was

Mr. James Call. I am.

Mr. Andrew Majendie desires it may be added to his Answer, that he thinks with Mr. Benfield and Mr. Marsden that the Jury is disqualified from proceeding on any Business whatever.

The Court call upon Mr. Paul Benfield to know why he thinks the Jury disqualified - he replies such are my Feelings - being then asked why he thinks the Jury more disqualified now than before they found the Last Bill of Indictment - He replies I think that consistently with my Oath I cannot answer that Question.

The former Question being put to Mr.

Mr. Andrew Majendie he replies, I do not think that I can upon my Conscience and my Oaths make answer any Question relative to the present Business of the Grand Jury or any part of them.

The same Question being put to Mr. Thomas Marsden He replies the Oath I have taken will not permit me to answer any Question relative to the Business of the Grand Jury.

The Court being unanimously of Opinion that the Refusal of Andrew Majendie, Paul Benfield and Thomas Marsden to give a Verdict as Grand Jurymen on the Bill of Indictment against Shaikh Gonsey for murder now required of them by the Court, is contumacious of altogether unjustifiable, do resolve and order that an Information be drawn out against the said Andrew Majendie Paul Benfield and Thomas Marsden for Contempt of this His Majestys Court of Record and an obstinate Obstruction of Justice to be prosecuted in the Kings Bench Court at Westminster to answer to which the said Andrew Majendie Paul Benfield and Thomas Marsden are demanded to enter into a Recognizance of one thousand Pounds Sterling money of Great Britain each to appear in His Majestys Court at Westminster in Michaelmas Term which will be in the Year of our Lord one thousand seven hundred and seventy one, then and there to abide the Order of the said Court.

The Grand Jury are permitted by the Court to retire that the said Andrew Majendie Paul Benfield and Thomas Marsden may consider whether they will enter into the said Recognizance - After some time the Jury are again called in and having answered to their Names the Chairman requires the answers of the said Andrew Majendie, Paul Benfield and Thomas Marsden -

they -

they Answer.

We have taken into our Consideration and maturely deliberated on the Recognizance required of us by this Court to answer before the Court of Kings Bench — Not being versed in Law and not having the means of makeng ourselves sufficiently acquainted therewith, We are not convenced of the Propriety of entering into such Recognezance, and as any Opinion We may in the Judgement of the Court have withheld, being we declare matter of Conscience and not of Contumacy, We have to hope that the Court will take Circumstances of the Case and of our Situation into Consideration and proceed thereon themselves as in their Judgement shall appear most proper.

The said Reply being no Answer to the Question of the Court, whether the said Andrew Majendie Paul Benfield and Thomas Marsden would enter into the Recognezance demanded of them the same is again put & the said Andrew Majendie, Paul Benfield and Thomas Marsden refusing to enter into the Recognezance demanded of them, the Court doth order that the said Paul Benfield, Andrew Majendie and Thomas Marsden do stand committed to the common Goal until the said Paul Benfield Andrew Majendie and Thomas Marsden to give Surety to appear before his Majesty in his Royal Court at Westminster in the Term of St Michael which will be in the year of our Lord one thousand seven hundred and seventy one, then and there to answer an Information against the said Paul Benfield Thos Marsden and Andrew Majendie for Contumacy and Obstruction of Justice in His Majesty's Court of Session of the Peace Oyer

of Oyer and Terminer and Sessions of Goal Delivery holden for the Town of Madraspatnam the 12th day of April in the ninth year of His Majestys Reign and in the Year of our Lord one thousand seven hundred and sixty nine: or till the said Paul Benfield Andrew Majendie & Thomas Marsden shall be discharged by due Course of Law and the Sheriff of the Town of Madraspatnam is orderd accordingly to take Charge of his Prisoners

And it is Ordered that Charles Bourchier Esq. the Chairman or in his Absence the next succeeding Justice of this Bench with two others associate Justices of this Bench, do at any time between the days of Adjournment of this Court on the above named Paul Benfield, Andrew Majendie, and Thomas Marsden any or either of them offering to entering into a Recognezance to appear and answer as already demanded of them then and in such Case to take such Recognezance and supersede the Commitment of each and either of them the said Paul Benfield Andrew Majendie and Thomas Marsden who shall so submit and it is also orderd that Representation be made to the President and Council of Fort St George to desire they will give their Order to any Captain or Captains of the English East India Company's Ships or Ships which may be about to sail for England to receive on Board their Ship or Ships the said Paul Benfield Andrew Majendie & Thomas Marsden and carry them to England.

The following Gentlemen were then sworn on both Commissions as Members of the Grand Jury:

Mr. Alexander Pringle
Mr. William Justice
Mr. Archebald Stewart
Mr. Edward Waple
Mr. Thomas Worsfold
Mr. John Turing
Mr. James West

The several Bills of Indictment were then returned to the Grand Jury and after they had withdrawn a little while a Paper was sent into them in the following words

Madraspatnam ss

The Jury are allowed until Wednesday the 5. May at 12 o'Clock at noon to return the Bills of Indictment to them delivered and to make such Presentments as to them shall seem necessary. — After some time the Grand Jury came into Court and having answered to their names, deliver in a Bill of Indictment against Shaick Gonsey for Murder endorsed Billa Vera

Shaick Gonsey brought to the Bar

An Interpreter is sworn to interpret between the Court the Prisoner and such Witnesses as may be brought.

Clerk of the Peace — Shaick Gonsey - hold up your Hand.

You stand indicted by the name of Shaick Gonsey of Madraspatnam Seapoy, for that not having the fear of God before your Eyes but being moved and seduced by the Instigation of the Devil the eighth day of April in the ninth year of the Reign of Our Sovereign Lord George now King of Great Britain &c with

with Force of Arms in the Rice Bazar in the Black Town of Madraspatnam in and upon one Pooliah of Shepherd in the Peace of God and of Our Sovereign Lord the King then and there being feloniously voluntarily and of your malice aforethought with a certain Instrument called a Bayonet made of Iron or Steel of the value of one shilling which you the said Shaick Gonsey in your Hand then and there had and held upon the side of the said Pooliah feloniously voluntarily and of your Malice aforethought did Strike and mortally wound the said Pooliah of which said Stroke and mortal wound he the said Pooliah died — How say you Shaick Gonsey are you Guilty of this Felony and Murder whereof you stand indicted or not Guilty.

Prisoner — Not Guilty.

Clerk of the Peace — How will you be tried.

Prisoner — By God and my Country.

Clerk of the Peace — God send you a good Deliverance

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 Trial of your Life and death, if you will challenge them or any of them, your time is to speak unto them as they come to the Book to be sworn and before they are sworn

The following Jury were then sworn, the Prisoner declaring he had no Objection to any of them

Mr. Andrew Ross
Mr. Tho. Pelling
Mr. Sam. Troutback
Mr. Christoper Macklin
Mr. Edward Rylance
Mr. William Harrison
Mr. Collen Fargues
Mr. Philip Reeffer
Mr. David Young
Mr. James Atkinson
Mr. Daniel Crier
Mr. John Rogers

Clerk of

The Town Major ordered my Uncle to be carried to a Surgeon — this is all I know of the Matter —

Court — Was the Bayonet clean when you received it from the Seapoys?

Narrain — No — it was blooded about an Inch and a half up

Court — Do you know the name of the Surgeon who dressed your Uncle?

Narrain — No but he lives in the Fort

Enquiry being then made of the Principal Surgeon of the Settlement by whom the deceased was dressed and it appearing that he was dressed by Mr. Thomas Saunders — he is sent for and being duly Sworn deposeth as follows —

That on Saturday the 8th Ultimo about 2 o'Clock in the afternoon, he dressed a man who had been wounded in the right side with a sharp pointed Instrument the wound did not appear at all dangerous, nor did I dress it as such, the man did not complain at all, and seemed so well that I desired him the next day to come to the Hospital to be dressed I do not know his name, nor any of the Circumstances relative to his being wounded except that I saw a Bayonet which seemed to be very round and blunt

Mr. Charles Williams Surgeon who appears by attestation an Oath before the Coroner to have opened the body of the deceased being called and duly sworn deposeth that by order of Mr. Gilbert Basle he opened the body of one Pooliah in the 9th Ultimo at a Place called Butchers Place near the Bounds hedge in the Black town he appeared to have died of a wound in the Liver given as he judged from the appearance of the wound by a sharp flat Instrument that the Instrument entered the Body between the second and third Short Ribs and made a wound an Inch deep this is all I know of the matter —

Court — Did you see Pooliah before his Death

C Williams — I did not

Court — Do you think the Liver could have been so Wounded without occasioning Death?

C Williams — I do not think it could

The Prisoner being put upon his Defence has only to say for himself that the day after he was brought Prisoner, he found himself sober but knows nothing of what passed before, having been intoxicated in Company with some other Seapoys who came down with Colonel Smiths Army about that time —

The Petit Jury retire a Bailiff being first sworn to attend them —

The Grand Jury come into Court, and having answered to their Names deliver in a Bill of Indictment against Bommah for Felony endorsed Bella Vera.

A Verdict being proclaimed, the Petit Jury return into Court and answer to their Names —

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

Jury — Yes

Clerk of the Peace, Jury — Who shall speak for you?

Jury — Our Foreman

Clerk of the Peace, To the Jury — Shaick Gonsey hold up your Hand. Look upon the Prisoner — How say you? is he guilty of the Felony and Murder whereof he stands indicted or not Guilty?

Foreman — Guilty

Clerk of the Peace, — What Goods or Chattels, Lands, or Tenements, do you find he had at

at time of the Felony and Murder committed.

Jury. None

Clerk of the Peace. Gentlemen of the Jury hearken to your Verdict as the Court hath recorded it — you find that Shaick Gonsey is Guilty of the Felony and Murder whereof he stands indicted — and that he had no Goods or Chattels, Lands or Tenements at the time of the Felony & Murder committed, nor at any time since, and so you say all.

Jury — Yes.

Foreman — Altho' the Jury have found Shaick Gonsey guilty of the Felony and Murder whereof he stands indicted, they request the Court will be pleased to ~~command~~ recommend him to His Majesty for Mercy, as his Youth pleads greatly in his favor and it appears that his being intoxicated with Liquor was accidental as he was not addicted to it tho' it may have been the cause of his committing the rash action he has been convicted of.

The Court then adjourned to Wednesday the 3d May for containing the Sessions.

Wednesday the 3d May 1769

Justices Present as on Monday.

The Court being opened the Grand Jury came in and having answered to their Names deliver in a Bill of Indictm.t against Bommah for Felony indorsed Billa Vera

Bommah brought to the Bar.

Clerk of the Peace. Bommah hold up your hand — you stand indicted by the name of Bommah late of Madraspatnam Compradore for that about fourteen or fifteen months ago in the eighth Year of the Reign of our Sovereign Lord

Lord George the third now King of Great Britain &c.a by force and arms &c.a within the Town of Madraspatnam aforesaid two Bags containing a certain Gold Coin called Pagodas to the amount of one thousand more or less, a Watch, a Ring and Silver Ornament such as Women wear upon their Legs, all of the Value of four hundred and ten Pounds Sterling of the Goods and Chattels of Mr. James Hodges then and there being found feloniously did steal take and bear away against the Peace of our Sovereign Lord the King, his Crown and Dignity — How say you Bommah are you guilty of the Felony whereof you stand indicted or not Guilty.

Prisoner. Not Guilty

Clerk of the Peace. How will you be tried?

Prisoner. By God and my Country.

Clerk of the Peace. God send you a good Deliverance

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 and Death — If you will challenge them or any of them — your time is to speak unto them as they come to the Book to be sworn and before they are sworn.

The following Jury were then sworn the Prisoner declaring he had no Objection to any of them.

Mr. Andrew Ross
Mr. Thos. Pelling
Mr. Saml. Troutback
Mr. Christopher Macklin
Mr. Robert Churchill
Mr. William Harrison
Mr. Collin Fargus
Mr. Philip Reeffer
Mr. Edward Rylance
Mr. William Hanson
Mr. John Greenhuff
Mr. James Booth

Clerk of the Peace Gentlemen of the Jury look upon the Prisoner and hearken to his Cause you shall know that he stands indicted by the name of Bemmah late of Madraspatnam Compradore &c. / here the Indictment was again read as in the Arraignment / upon this Indictment he hath been arraigned and thereunto hath pleaded not Guilty and for his Tryal has put himself upon 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 or Chattels Lands or Tenements he had at the time of the Felony committed or at any time since. If you find him not Guilty, you are to enquire whether he fled for it — If you find that he fled for it — you are to enquire of his Goods or Chattels Lands or Tenements as if you had found him Guilty — If you find him not Guilty and that he did not fly for it, you are to say so and no more and hear your Evidence —

Charles Oakeley sworn —

Clerk of the Peace Do you know the Prisoner at the Bar

Ch.s Oakeley. I know him when he lived with Mr. Hodges about 16 or 17 Months ago.

Clerk of the Peace, Acquaint the Court with what you know of the Felony whereof he is accused.

Ch.s Oakeley. About 15 Months ago as precisely as I can remember Mr. Hodges acquainted me that nearly the Sum of One thousand Pagodas in Money besides a Watch and other Trinkets contained in an Escritoire were stolen from his apartments — and likewise before his departure from hence which was in July last informed me that he had unsuccessfully prosecuted such measures as appeared to him most eligible for the

recovery of the same — as his agent I thought incumbent upon me — desiring his absence to persevere in the Enquiry and accordingly desired my Servant Permaul to offer a handsome reward for the discovery of the Thief and also to be particularly attentive to the Conduct of those whom Mr. Hodges chiefly suspected — some time after he acquainted me that on promise of the Reward some people had intimated to him that a Compradore who was dismissed Mr. Hodges's Service, a short time before the Money was taken away, had from his extravagant manner of living, given much room suspicion — upon this information I procured an Officer from the Justice of Peace and desired Permaul to accompany him in order to search the Prisoner houses and obtain if possible further intelligence in this matter — On his return he told me that the Prisoner being urged to confess — did declare that one night he heard some people making a noise as tho' they were breaking open a Box and that when he approached the place from whence the Noise proceeded he — found they had left the Escritoire which he carried away — that he had lent about 400 Pag.s of the money to different people for which he produced Cadjan Bonds that he had then in his possession a small sum together with a great number of Ornaments worn by Black People all which at Permaul's desire he very readily delivered up —

The Prisoner being asked if he has any Questions to put to this Witness replies in the negative —

The Clerk of the Peace lays before the Court the following Letter addressed to him by Mess.rs Paul Benfield Andrew Rajendre and Thomas Marsden —

To Mr. William Martin Goodlad
Clerk of the Peace

Sir

Sir

We desire you to move the Court that as they have refused to admit Us to Bail, they will please to grant Us a Writ of Habeas Corpus agreeable to the Statute in such Cases provided, whereby wei may be released from the Common Prison before we enter into the Recognizance required of Us.

We are Sir

Your most humble Servants
Paul Benfield
Andrew Majendie
Tho. Marsden

Fort St. George
6 May 1769.

Upon the above application of Paul Benfield Andrew Majendie and Thomas Marsden, to be released from the common Prison by an Habeas Corpus, the Court do order the Sheriff to produce his Prisoners in open Court, that the Court may hear what they have to offer

Paupah called and sworn after the manner of the Gentoos

Clerk of the Peace: Do you know the Prisoners?

Paupah: Yes I have known him three years.

Clerk of the Peace: Acquaint the Court with what you know of the Felony whereof he is accused.

Paupah: In the month of November 1767 / at which time I served Mr. Hodges in Quality of a second Dubash / the Cook came to me one morning and desired me to take his Accounts — We both went into the room where the Escritoire containing the Accounts and money was always kept, but could not find it — We immediately acquainted our Master that it was missing and he went to Mr. Call who ordered all the Servants to be carried to the Pollygar — I was prisoner six Months, when my Master sent for me and asked me if I knew any thing of the Escritoire — I told him the Pollygar had tried every method for the Discovery of it but could find no Proof. he then desired me to go home — About three Months ago my Masters old Cook and a Peon came and told me that a Comprador who had served Mr. Hodges seemed to be very rich, lent and squandered away a great deal of money and that if I would lay hold of him I might perhaps hear something of the Escritoire — I desired them to go and enquire further and some days after they came and confirmed what they had said before — From thence I and my Brother Narrain of it and the Cook Peon and myself went to Mr. Oakeleys Dubash Permaul and gave him this information, also which he promised to communicate to Mr. Oakely he then left Us and returned about 8 o'Clock that night with Mr. James Bouchiers Peon — at 9 we all went to the Prisoners house wherein we found 25 Pag. some Joys and Bonds to the amount of 250 Pag. — We asked by what means he had got so much money and he said it was his own: and it being too late to examine further we sent him to the Pollygar next morning we ordered him to be brought to Permals House and threatened him if he would not confess the Truth — he then said that one night at 11 o'Clock he went to ease himself by the arrack Godown and hearing some body making a noise he called out whos there and receiving no answer he called again

again but to no purpose — that he got up and went where he heard the noise and saw two People run away, that he put his hand in the Escrutoire which they had left behind and found two Bags of money one small and the other large — a Watch a Ring and a Silver Ornament which Women weare on their Legs, all which he put in a Cloth and threw the Escrutoire into the water — he then went home and neat morning counted the money and found that one bag contained three and the other 700 Pagodas which he locked up in his Chest — that after he had remained 10 or 15 Days in Madrass, hearing that his father in Law was sick at Pondicherry he went thither and carried the things with him — that he staid with his father in Law three or four and that either ingoing or coming from Pondicherry he lost the Watch Ring and Joys whilest he was sleeping a Choultry — We asked him what he had done with the money and he gave Us an account of 781 Pag including Notes Joys &ca — We then sent him back to the Pollygar and Permols Servants & myself went to the People to whom he had lent money and collected upwards of 400 Pag. which we gave to Permal — 60 Pagodas were recovered from Choliapah — 50 from Mootoo Chetty and 200 from Pulliah and small sums from other People whose names I do not recollect.

Court — Did the Prisoner know where the Escrutoire was kept or did he ever see you take money out of it?

Paupah — Yes — the Escrutoire was in the same place when the Prisoner was in the Family and he has frequently seen me go to it when my master has had occasion for money.

Court — Was the Prisoner ever at your Masters house after he was dismissed his service.

Paupah — No I have seen him two or three times in the Fort Square but

but never in my Masters house.

The Prisoner being asked if he has any Questions to put to this Witness answers in the negative —

Paul Benfield Andrew Majendie and Thomas Marsden having been brought into Court by the Sheriff —

Paul Benfield doth acknowledge himself to be indebted unto our Sovereign Lord the King in the Sum of one thousand Pounds Sterling money of Great Britain

Andrew Majendie doth acknowledge himself to be indebted unto our Sovereign Lord the King in the Sum of one thousand Pounds Sterling money of Great Britain.

Thomas Marsden doth acknowledge himself to be indebted unto our Sovereign Lord the King in the Sum of one thousand Pounds Sterling money of Great Britain

Upon Condition that they and every of them do personally appear before his Majesty in his Royal Court at Westminster in the Term of St. Michael which will be in the year Our Lord one thousand seven hundred and seventy one — then and there to answer to an Information against them and ech of them for Contumacy and an obstruction of Justice in his Majestys Court of Session of the Peace Sessions of Oyer and Terminer & Sessions of Goal Delivery holden for the Town of Madraspatnam the 12th day of April in the ninth year of His Majestys Reign and in the year of our Lord one thousand seven hundred sixty nine, by refusing to give Verdict Yes or No on a Bill of Indictment against Shaick Gonsey Leapoy for Murder to which they and every

every of them heard Witnesses examined in open Court —

Taken and Acknowledge before the Court

The Court thinks it necessary here to remark that finding it impracticable from the Inhabitants of Madrass to continue forming Juries sufficient to punish the Concealements or Refractoriness of other Juries, they have found themselves under the necessity of proceeding by this Method of refusing the Decision on the Conduct of the present Grand Jury to the Court of Kings Bench in hopes that such a measure will be productive of the expected Effect and restore the due Course and Administration of Justice so contumaciously obstructed

Veera Permal called and Sworn after the manner of the Gentoos

Clerk of the Peace Do you know the Prisoner

Permaul Yes

Clerk of the Peace How long have you known

Permaul A few months only

Clerk of the Peace If you know any thing of the Felony whereof he is accused relate the same to the Court.

Permaul About 3 Months ago, Narrain Paupah the Cook and a Peon came to me and informed me that they suspected the Prisoner who formerly lived with Mr Hodges of having stolen the Escritoire with the money Joys &c which Mr Hodges missed some time before for that he was lending and squandering away a great deal of money. I went and acquainted Mr Oakely my Master therewith and he applied to a Justice of the Peace and procured a Peon with

with whom Paupah Narrain the Cook Peon and myself went to search the Prisoners House We seized him and then asked him what he had done with the money stolen from Mr Hodges's House — he said he knew nothing of it — in searching one of the holes in the Wall we found Cadjan Bonds for different Sums & 25 Pagodas in money some Joys as also a Quantity new and old Cloths in a Chest which we ordered to be locked up, but the money Joys and Bonds we carried with the Prisoner into the Street — It being late at Night, we could not come into the Fort to acquaint Mr Oakely of it nor carry him to a Justice — we therefore judged it most proper and accordingly took him to the Polygar, with whom he remained that night and the next Morning Paupah Narrain and the Cook brought him to my house when being again asked where the money was that he had stolen from Mr Hodges — he replied he had stolen nothing but that one night between 9 or 10 he went by the Arrack Godown to ease himself and hearing a noise he called out once or twice who's there, but receiving no answer he walked towards the place from whence the noise proceeded but found that the People had run away and left the Escritoire in which when he put his hand he found 2 Bags containing 900 and odd Pags a Watch a Ring and a Womans Joys — he threw the Escritoire into the River and took the money and Joys to his House and locked them up — after days after hearing that his father in Law or some other Relation was sick at Pondichery he went thither and staid some time, but that either in going or coming from thence he lost the Watch and some other things which he had put under his head, whilst he was sleeping in a Choultry — when I had heard this — I came and informed Mr Oakley of it and he desired the Man might be kept

in

in the Pollygar Custody till further orders — I afterward collected the money due to the Prisoner which amounted to upwards of 400 Pd besides Joys earrings and Bracelets belonging to the Prisoner which might be worth 60 Pags I received some of the money from one Cholia pah and 50 from one of the Chitty Cast a Doctor by trade and others whose names I do not recollect, there are still in his house some Cloths brought as he says with part of the money —

The Prisoner being asked if he has any Questions to put to the Witness replies in the Negative —

Annamally called and sworn after the manner of the Gentoos

Clerk of the Peace, Do you know the Prisoner

Annamally. Yes I have known him 10 Years

Clerk of the Peace Relate to the Court what you know of the Felony whereof he is accused.

Annamally. Mr Oakeley's Cook Petchen and I were talking together one day by the Mint and in the course of our Conversation I told him I had heard his former Master Mr Hodges had lost some money and that Bommah his late Comprodore was lending and receiving large Sums of money — the Cook made no reply and I went away — ten days after the Cook came to me and said the Dubash Paupah desired to see me — We both went to the Dubash and the Cook told him what I had said of Bommah the Dubash asked me if it were true and I replied in the affirmative —

Court Were you at Permals house with the Prisoner

Annamally No

Court Do you live near the Prisoner's house?

Annamally I live in the next Street and have heard him making demand of his money.

The Prisoner being asked if he has any Questions to put to this Witness replies in the Negative.

Petchen Cook called and sworn after the manner of the Parriars —

Clerk of the Peace, Do you know the Prisoner?

Petchan Yes he was my Master Mr Hodges's Comprodore 4 or 5 Months

Clerk of the Peace, Relate to the Court what you know of the Felony whereof he is accused.

Petchan One Morning about 8 o'Clock I told Paupah that my Master was indebted to me and he ordered me to bring my accounts into the House that I might be paid but when he came to look for the Escritoire which used to contain the accounts and Money he could find it no where and when he saw his Master he told him of the Loss — Mr Hodges immediately sent to a Justice of the Peace for two Peliars who carried all the Servants to the Pollygar 3 days after I came and dressed the Victuals as usual and my Master sent for all the Pallanquin Boys and procured a Conjurer who frightned them but could make no Discovery — another Conjurer was sent to Pedda Naigue but he was equally unsuccessful 7 or 8 Months after Mr Oakeley whom I then served was angry with me and I went and sat down by the Cookroom — a Boy came and asked me what was the matter — I replied nothing — he asked me

if my Master had got his money I said no – he then asked me if Bommah had not served my master and being answered in the affermative he said that Bommah lived very extravagantly and lent large sums of money – about 10 days after I mentioned this to Narrain Paupahs Brother and he desired that the Peon who told me might be brought to him – I accordingly carried the Peon to him and he confirmed what he had said before – Paupah desired him to make further Enquiry and six Weeks after he came and reported the same story which Paupah then related to Permol – Permol gave me a Chit for my Master and about 8 o'Clock at night I returned with the Justices Peon we went to the Prisoners and all but myself entered the house and found as I afterwards saw 25 Pag.s some Bonds and Cloaths – they read the Bonds some were for 30, 40, & 50 Pagodas all dated in the same year. they put the Cloaths in a Chest and brought away the Prisoner Joys Money and Bonds and shut up the house – We asked him how he came by the Money – he replied it was his own – he was then asked what trade he carried on – to which he made no answer but said that it was his own money We carried him to the Pollygars and brought him back next morning to Permols house and perswading him to tell the truth – he said he did not steal the Executors but that about 11 o'Clock one night he went to ease himself by the arrack Godown and hearing a noise he called out once or twice who's there but receiving no answer he walked towards the Place from whence the noise proceeded and some People ran away and left the Executors which when he he came to put his hand in he found two Bags containing upwards of 900 Pag.s a Watch a Ring and a Silver Ornament – that he threw the Executors into the River and carried the Contents to his own house that he leaving a few days after that his father in Law was sick at Condicherry he went thither and carried the money Joys Ring and Watch with him that he staid there three or four Months and then returned – that either in going or coming from thence he lost the Watch Ring and Ornament from under his head whilst he was asleep in a Choultry. –

The Prisoner being asked if he has any Questions to put to this Witness – replies in the Negative –

Narrain Dubash called and sworn after the manner of the Gentoos

Clerk of the Peace Did you live with Mr. Hodges

Narrain No

Clerk of the Peace Acquaint the Court with what you know of this affair

Narrain When the Prisoner was apprehended there was found upon him a Purse which I cannot take upon me to swear is mine but I believe it to be the same that I desired my Brother to lock up in Mr. Hodges's Executors –

Cholia pah Chief Peon to the Tobacco Farmer called and sworn

Clerk of the Peace Do you know the Prisoner

Cholia pah I lived at the upper Corner of the same Street with him 8 or 10 years –

Clerk of the Peace Did he ever lend you any money.

Cholia pah Yes I was indebted to one Cunda pah who used to be continually plaguing me for Payment – I asked many people to lend me money and at last the Prisoner who promised to let me have 65 Pagodas on bond – he lent it me at his own house about six or eight months ago

Court – Did you ever borrow Money of the Prisoner before No –

Cholcapah No

Court Of what Profession is the Prisoner

Cholcapah He is of the Cast that Sells Fish and used to go to Camp with salt fish

The Prisoner has no Question to put to this Witness

Kistnah Doss Companys Peon called & Sworn

Clerk of the Peace Do you know the Prisoner

Kistndoss Yes I have known and lived very near him these 10 Years

Clerk of the Peace Did you ever borrow money of him

Kistndoss Yes I borrowed 45 Pag.s 44 of which were upon Mortgage,

Court What reason had you imagine the Prisoner could furnish you with so large a Sum

Kistnadoss This year and a half past the Prisoner has appeared extraordinary well dressed and I thought he might have money and therefore asked him

The Prisoner has no Questions to put this Witness

The Prisoner having nothing to say in his Defence, the Chairman summd up the Evidence and the Petit Jury withdraw, a Bailiff being first sworn to attend them

The Grand Jury having signified by a Message that they are ready to wait upon the Court, they are called in having answered to their Names make the following Presentments

Madraspatnam ss

We the Grand Jury of the Town of Madraspatnam, Sworn to enquire for Our Sovereign Lord the King and the Body of the said Town being

being greatly and truly sensible of the many advantages arising to this Place by the gracious dispensation of his Majestys Royal Charter as it has conveyed with it Laws of England and prescribed the proper Method of putting those Laws in Execution

Do present that on taking into Consideration the Matters required of Us by this Court touching any Concealment which may have been made by the late Grand Jury, We do think ourselves under the necessity, first to observe that it appears to Us the unhappy Differences which have arisen between the Court an[illegible]ed Grand Jury proceeded or equally from the Grand Jury's having required that their Presentments should be read publickly in Court and the Courts hav.d refused to comply wherewith

This appearing to Us the original and sole Cause of differences, we cannot help expressing our Concern at our Inability to determine how far the late Grand Jury had a right to insist on what they required, or how far the Court were right in refusing to comply threwith — We must repeat our Concern at not being able to determine on this — an Inability proceeding from our Inexperience in the Law and the little means we have here from the want of proper Books to inform ourselves of it; for could We do so we are persuaded the Cause of difference would no longer subsist — Thus far it appears to us that the reading of a Presentment publickly cannot add to the weight thereof, for if the Presentment be filed and recorded and proper

Measures

measures taken by the Court to redress the Grievances complained of therein the Intention of making such presentments in the Opinion of this Grand Jury fully answered — With regard to the dismission of Grand Juries we must declare we think that while they have business before them which regards the Good of the Public, a Dismission is illegal and arbitracey how far the Dismission of the Grand Jury the 11th January last of which they Complain can bear this Construction we cannot take upon us to say as it does not appear to us that the said Grand Jury had any other Business (at least none other hath come to our Knowledge) that of insisting to have their Presentments read in Public Court, and We have already confessed our Inability to determine whether they had a right to insist on that — Thus much we think We may safely say that we cannot believe that the Court by the said dismission meant to enfringe the priveledges of the said Grand Jury or to impede the Administration of Justice, neither do we believe that the Grand Jury in requiring to have their presentments read in Public Court acted otherwise than they thought their Duty bound them to do — The Conduct of the late Grand Jury in not proceeding to find the Bill of Indictment conformably to the Orders is a Matter of so nice a nature and such as We think has never heretofore curred to the Consideration of any former Grand Juries in this Settlements that We cannot take upon Ourselves to say whether or not it comes under the Denomination of a Concealment —

Upon receiving the many Doubts and Difficulties which have arisen during this Sessions we humbly recommend and doubt not the least this Honble Court will take the most effectual Measures for Settling them in so clear a manner by procuring from Europe such Books and Instructions Instructions as may answer this purpose, or by any other means to this Honble Court may seem meet, that hereafter the Priveledges of Gand Jurys may be more precisely known and asserted and the Authority of the Court firmly maintained —

We the Grand Jury do further present that the Prison or common Goal of this place is insecure unhealthy and very inconvenient for the Reception of Prisoners it being in a very ruinous Condition and so small and Close as to endanger the Lives of His Majestys Subjects in this hot Climate and therebeing no means to keep the Criminals from the Debters —

J. M. Stone foreman

Wm Cranwell
James Call
Alexr Pringle
Willm Justice
Archd Stewart
Edward Waple
Thos Worsfold
John Turing
James West

John Sykes
Chs Bromley
James Johnson
Chs Edward Jones
Saml Scott
John Sulivan
Willm Carlile

The Chairman then Addressed himself to the Grand Jury as follows —

Gentlemen of the Grand Jury

The Court having considered of your Representation, I shall with great satisfaction give you Our Sentiments therein. I say our because I have Consulted my Brethren and find not a dissenting voice among them.

And first I have the pleasure to return you the Thanks of this Court for your impartial, moderate and

and form Conduct in restoring publick Justice to its due Course
when by the Obstinacy of one entire Grand Jury and the Contu-
=macy of three Members of another it had been retarded and seem
in danger of total Obstruction — Men who on such Occasions can
devert themselves of prejudice and Passion, who with Firmness
and equanemity will stand forth in the midst of faction to
attend to the proper Execution of their Trust, and restore to the
Magistracy that Respect which is due to the Kings Delegates;
they are the true Asserters of Liberty and such on this Occasion
you have shewn yourselves.

Altho. the Justicies in the Court of Sessions
as being a Court of Record are not obliged to give any reasons for the
Judgement in the Rules and Orders that they may make, yet in
consideration that notwithstanding some Doubts have arisen in
your minds you have postponed to the more immediate Bussiness
of the Sessions I will inform you of the Motives to the Conduct
of myself and associate Justices in Session with respect to the
presentments of Grand Juries.

The first Principal we assume is, that
render whatever Code men are to be governed, if a due respect to the
Magistracy be not supposed. Licentiousness will soon assume
the Place of Liberty and Violence supplant Right. Truely
sensible that on the proper Exertion of the just Rights and Spirit
of Grand Juries the Liberty's of the People Depend, with so much
the more Concern We have of Late seen that Spirit degenerate into
attempts to degrade the Magistracy of this Colony by Presentments
of matters no any wise tending to the Obstruction of Justice and in
many

many Instances not remediable in this Court — the Justice who
confined — Black accused of the Murder of — Pearn was charged
with not having taken the Depositions of Witnesses against the
said Black, now legally commanding him who in that very Session
and before the Presentment was made had been tried and acquitted
of the Murder after an Examination in Court of all the Witnesses
that knew any things of the matter, and some of whom had actually
been examined by the Justice on the Prisoner surrendering himself
and declaring the Circumstances attending the Fact — But supposing
the Justice had omitted some Formalities of the Law thro' the multi-
=plicity of Publick Business he was at that time engaged in, since
Justice took its Course, the Presentment appeared trivial and Captious,
and above all the pertinaciously insisting of the Grand Jury that such
a Presentments should be publickly read manifestly had a direct
Tendency (and apparently no other than) to enculcate in the
ignorant People an Opinion that the Magistrates neglected the
Laws to the endangering the Peace of the Settlement. sometimes
the matter has been vexatious and nugatory, as many Instances
shew, that Stands on the Records of this Court, Which too plainly
demonstrate that whatever the real Intention of some late Grand
Juries might have been, whether proceeding from heated Imagination
hender Conscience, or Zeal for Reformation, the mode in which they
have chose to recommend that Reformation, has had too much the
appearance of Design to degrade the Magistracy and Government and
has indeed too well succeed — since during this very Session a Paper
in the Country Language has been found hide to a Tree in this Town
reflecting on Government and on this Court for its Decision in

the

the Cause of Mr. Turing thro' so strictly proceeded in according to Law —

These Gentlemen were our reasons for refusing to read publickly in Court, Papers Conveying Reflections on the Magistracy and Government and in this we are authorised by the Usage and Practice (as we are informed and believed of the Courts in England where the Presentments of the Grand Juries are received filed lodged or recorded (or whatever be the proper Term (so introduced and deposited with the Court, as that Proceedings may be afterwards had thereon in like manner here the Presentments of the Grand Jury have been received entered on the Records of the Court and the Court hath been free and open for all Persons, to whom it might concern to proceed thereon in Course of Law — But altho' the Court hath resolved not to read to the Public any such Papers as have a manifest Tendency to lessen in the Minds of the People, that respect which they owe to his Majesty's Court of Record, to the Delegates of his authority, and to the Company's Government, they will most readily cause to be read all such as tend to the good of the Colony to the Support of Magistracy and to the Peace, safety and Protection of the People, reserving hinceever to themselves to judge of the Propriety a Impropriety of reading such Papers and to determine accordingly — And as that which you have now presented is couch'd in Terms to which there can be no Exception, the Court will order it to be read. The said Presentment was then publickly read and the Grand Jury acquainting the Court, that they have no further Business, they are dismissed with thanks for their Services —

Miss.rs Thomas Powney, Alexander Davidson Francis Jourdan, Gedeon Firth and William Harcourt Torriano who were on the 12th Ultimo fined by the Court for non attendance on the Grand Jury after being duly summoned, having made proper Submission, their fines are remitted.

A verdict being proclaimed the Jury returned into Court and answered to their Names —

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

Jury — Yes —

Clerk of the Peace — Bommah hold up your hand.

To the Jury — Look upon the Prisoner how say you is he guilty of the Felony whereof he stands indicted or not Guilty —

Jury — Guilty —

Clerk of y.e Peace — What Goods or Chattels, Lands or Tenements do you find he had at the time of the Felony committed

Jury — None

Clerk of the Peace — Gentlemen of the Jury hearken to your Verdict as the Court hath recorded — You find that Bommah is Guilty of the Felony whereof he stands indicted and that he had no Goods or Chattels Lands or Tenements at the time of the Felony committed nor at any time since and so you say all

Jury — Yes —

The Business of this session being entirely finished the Petit Jury are Dismissed with thanks for their Services — and the Court —

Court adjourns to Wednesday the 12th July next for holding another Sessions. —

Cur

Town of Madraspatnam ss

At a General Quarter Sessions 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 12th day of July in the Ninth 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 soforth and in the year of our Lord One thousand seven hundred and sixty Nine Before Charles Bourchier Josias DuPré and John Call Esqrs and others their Sociates Justices of our Sovereign Lord the King and Commissioners of Oyer & Terminer and Goal delivery for the said Town and the Districts thereof on which day the said Sessions was by the said Justices Adjourned to Wednesday the 4th 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 said Court shall then and there consider of

Wednesday the 12th July 1769

Justices Present

Charles Bourchier Esqr Chairman

Josias DuPré
John Call
John Andrews
Samuel Ardley
George Stratton
James Bourchier
John Whitehill
} Esqrs

The Court being called the Grand Jury Sworn on both Commissions

were

Edward Stracey Esqr Foreman

Edward Monckton	Archbold Steward
Charles Jones	John Turing
Charles Bromley	James West
James Johnson	Thomas Pelling
Samuel Scott	Samuel Troutback
John Sulivan	Henry Crawford
William Carlisle	John Sprat
Alexander Pringle	Thomas Orton

A Bailiff being sworn to attend them the Grand Jury withdrew after a little while a Paper was sent in them in the following Words

Madraspatnam Ss 9th G 3d

The Jury are allowed untill Friday the 14th of July at 12 o Clock in the Forenoon to return such Bills of Indictment as shall be delivered to them and to prepare such other Business as to them shall appear Necessary &c Cur

The Coroner delivers in two Inquests by him taken Vizt

One taken the 5th day of May in the Black Town upon the Body of Samuel Garside — Virdict Visitation of God & Excess of Liquor

One taken the 15th day of May in the Black Town upon the Body of Veeraya an Old Woman — Virdict Lunacy

One of the Grand Jury came into Court to see the following Witnesses Sworn on a Bill of Indictment against Vencatasha Dubash

John Debonaire
Rama Kistnah

An Interpreter was then Sworn to interpret between the Grand Jury and such Witnesses as should be called before them during the present Sessions

William Stevens presented by the Grand Jury the last and preceding Sessions surrenders himself to take his Trial and the Sheriff is charged with him

After sometime the Grand Jury came into Court and having answered to their Names present a Bill of Indictment against Venkatasha endorsed Billa Vera

Venkatasha brought to the Bar & arraigned as follows

Clerk of the Peace Venkatasha hold up your hand — you stand indicted by the name of Venkatasha of Madraspatnam Dubash for that on the first day of March in the Ninth year of the reign of our Sovereign Lord George the Third now King of Great Britain &c. By force & Arms within the Town of Madraspatnam aforesaid two hundred and seventy pieces of coined Gold called Star Pagodas of the Value of One hundred Pounds and four Ounces of Seed Pearls of the Value of three Pounds the Property of Mr John Debonaire then and there being found in the dwelling house of the said John Debonaire feloniously you did Steal take and bear away against the Peace of our Sovereign Lord the King his Crown and Dignity How say you Venkatasha are you Guilty of the Felony whereof you stand indicted or not Guilty

Prisoner Guilty

The Chairman then addresses himself to the Prisoner at the Bar and acquaints him with the Consequence of his pleading Guilty and that as by the Nature of the English Law no one is under a Necessity of condemning himself, he has it in his Power still to deny the Crime laid to his charge if he thinks he can clear himself thereof but he persists in declaring himself to be Guilty

Which

Which being recorded the Prisoner is taken from the Bar

The Grand Jury came into Court and having answered to their Names delivered a Bill of Indictment against William Stevens indorsed

Billa Vera

William Stevens brought to the Bar & arraigned as follows

Clerk of the Peace — William Stevens hold up your hand — You stand indicted by the name of William Stevens late of Masulipatam Engineer in the Service of the United Company of Merchants of England trading to the East Indias on the 8th day of April in the Eighth year of the reign of our Sovereign Lord George the Third now King of Great Britain &c. by Force and Arms &c. in and upon Wondy Ommiah, Lascar in the Peace of God and of our Sovereign Lord the King in a Boat on the River of Masulipatam then and there being feloniously Voluntarily and of your Malice aforethought did make an Assault and with a certain Rope or Cord of the Value of one Penny the said Wondy Ommiah did beat and Strike by means of which said beating and Striking the said Wondy Ommiah out of the said Boat into the River of Masulipatam aforesaid did fall, and then and there was suffocated and drowned; and that you the said William Stevens the said Wondy Ommiah feloniously voluntarily and of your Malice aforethought did Kill and Murder against the Peace of our Sovereign Lord the King his Crown and Dignity

How say you William Stevens are you Guilty of the Murder whereof you stand indicted or not Guilty

Prisoner — Not Guilty

Clerk of the Peace — How will you be tryed

Prisoner — By God and my Country

Clerk of the Peace — God send you a good deliverance

You

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 the Book to be Sworn and before they are Sworn —

The following Jury were then sworn the Prisoner declaring he had no objection to any of them —

Mr. Andrew Ross	Mr. Thomas Chambers
Mr. Philip Pesser	Mr. Thomas Willingham
Mr. Christo. Macklin	Mr. William Harrison
Mr. Robert Smith	Mr. Daniel Cryer
Mr. Edward Raylance	Mr. Simon Hammon
Mr. John Perring	Mr. Henry Rogers

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 William Stevens late of Masulipatam Engineer &c. as these the Indictment was again read as in the Arraignment upon this Indictment he has been arraigned and has thereunto pleaded not Guilty and for his Tryal has put himself upon God and his Country which Country you are your Charge is to enquire whether he is Guilty of the Murder whereof he stands indicted or not Guilty, if you find him Guilty you are to enquire what Goods or Chattels Lands or Tenements he had at the time of the Murder committed or at any time since if you find him not Guilty you are to inquire whether he fled for it if you find that he fled for it you are to inquire of his Goods and Chattels Lands or Tenements as if you had found him Guilty if you find him not Guilty and that he did not fly for it You are to say so and no more and hear Your Evidence —

The

The Prosecutors bound to appear and prosecute on behalf of our Sovereign Lord the King, are then called—

Crier — Thomas Madge Captain of Infantry in the Honble East India Company's Service, come forth and prosecute against William Stevens or you for feit your Recognizance—

Boyapah Reddy Cyapah of the Town of Masulipatam Lascar come forth and prosecute against William Stevens or you for feit your Recognizance—

Tirmaula Muggah of the Town of Masulipatam Lascar come forth and prosecute against William Stevens or you for feit your Recognizance—

Goddam Narsia of the Town of Masulipatam Peon, come forth and prosecute against William Stevens or you for feit your Recognizance—

Thuckur Mahomed of the Town of Masulipatam Barber, come forth and prosecute against William Stevens or You for feit you Recognizance—

Thomas Madge only appearing and the default of the rest being recorded—

Thomas Madge duly Sworn

Clerk of the Peace — Do you know the Prisoner at the Bar

Thomas Madge — Yes

Clerk of the Peace — How long have you known him

Thomas Madge — Since the Year 1763—

Clerk of the Peace — If you know any thing of the Murder whereof he stands accused relate the same to the Court

Thomas Madge — On or about the 8th April 1768 — I went with the Prisoner in a Boat to the Fishermans I stand near Masulipatam to look at a Vessel there building — We returned about 5 or 6 in the after noon

afternoon to Masulipatam — the Boat which carried Us was very leaky and out of repair for which reason the Prisoner proposed returning on a Boat which lay near the Place belonging to Hidayat Ally Cawn to which I consented — on getting into the Boat We found She was defecient in Sails and I believe there were no Oars in her, but they were supplied from our Boat — We proceeded to about fifty Yards from the place We left, at which time, the Wind being rather high and the Lascars appearing very unhandy about managing the Sails and not attending to the directions which the Prisoner who was Steering gave them — he went forward as I imagine to assist them in handling the Sails or little after he went forward I happened to be looking at some Vessels which were astern and shortly after I perceived a black Man floating in the Water who called out very loudly for Assistance — As the Lascars on board the Boat informed me that he could not Swim I desired the Prisoner to endeavour to bring the Boat to and take him up, which he endeavoured as the Wind blew fresh and the Tide was running out it could not be done by Us so expeditiously as it might by a Sangaree which was close under our Stern I therefore called out to 2 People who were in the Sangaree as did Prisoner to go to the Mans Assistance which they did and I saw the Man still floating on the Water when the Sangaree to appearance was close to him — as We could not as I imagine bring the Boat to We run her on shore on the opposite side — on the Boat running a Shore the Prisoner and I desired the Lascars repeatedly to go and assist the Sangaree People if necessary which they would not comply with till after repeated orders when one of them landed and run down the shore till he came opposite the Sangaree The rest of Us proceeded to Masulipatam when the

Boat—

Boat was likewise dispatched to his Assistance — As the Channel of the River is so narrow and the Sanguine appeared so close I never imagined the Man was drowned, till the Boat returned with that report — I saw the Prisoner strike one of the Lascars and no more who I recognized when I made my Deposition — Some of Witnesses deposed before Mr Smith at Masulipatam that the deceased was stunned by the Blow he had received but the first thing which struck my Attention was his making a Noice I know nothing further of the Matter

Court — Was the Man drowned the same who was struck by the Prisoner

Thos Madge He was not the same that I saw the Prisoner strike

Court — Had the Boat much Motion at the time the Accident happened

Thos Madge She had great Motion

Court — Do you know in what part of the Boat the Man was at the time he fell into the River

Thos Madge I have been informed that he was standing on the Gunwall

Court — Did you see the Body of the deceased

Thos Madge I did

Court — Had it any Marks of Violence on it

Thos Madge I could not discover any

Court — How broad do you think the River was where the deceased tumbled in

Thos Madge The deep part of the River was not more than six Yards wide

Court to the Prisoner } Have you any Questions to put to this Witness

Prisoner Was not the Body examined by a Surgeon in your presence

Thos Madge Yes

Prisoner Were there any Marks of Violence found on it

Thos Madge The Surgeon said there were none

The

The Prisoner having no further Questions to put Proclamation is again made for the Prosecutors to appear, but without Effect and the Prisoner having nothing further to offer the Jury without withdrawing give their Verdict — Not Guilty

The Sheriff is ordered to set the Prisoner at Liberty

The Grand Jury came into Court and having no further Business to offer they as well as the Petit Jury were dismissed

Venkatasha brought to the Bar

Chairman You Venkatasha have been indicted for Felony concious of your Guilt you confessed your Crime it is my Duty in consequence thereof to Pronounce Sentence against you according to Law which is

That you Venkatasha shall go to the Place from whence you came from thence to the Place of Execution and there you shall be hanged by the Neck untill your Body is dead and God have Mercy on your Soul

The Court then adjourned to Wednesday the Fourth day of October next ensuing at Eight of the Clock in the forenoon for holding another Sessions

J P Carr

Town of Madraspatnam 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 Madraspatnam at the Town Hall of the said Town on Wednesday the 4th day of October in the Ninth 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 soforth and in the Year of our Lord One thousand seven hundred and sixty Nine Before Charles Bourchier Josias DuPré and Warren Hastings Esqrs and others their Associates 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 Session was by the said Justices adjourned untill Thursday the 5th day of the said Instant October 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 Tenth day of Jany 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 sd Court shall then and there consider of

Wednesday the 4th October 1769

Justices Present

Charles Bourchier Esqr Chairman

Josias DuPré
Warren Hastings
John Call
George Stratton
James Bourchier
John Whitepill
George Mackay
} Esqrs

The Court being called the Grand Jury sworn on both Commissions were

Edward Stracey Esqr Foreman

Peter Mariette	Thomas Pelling
John Debonaire	George Westcott
Thomas Powney	Robert D Munro
Reynold Adams	John Perring
Arthur Cuthbert	Josiah Meynard
Francis Jourdan	Gideon Firth
Alexr Davidson	Charles Oakley
John Sulivan	James Taylor
Samuel Troutback	John Turing

A Bailiff being sworn to attend them the Grand Jury withdrew after a little while a Paper was sent in them in the following Words

Madraspatnam ss. 9th G 3d

The Jury are allowed untill Friday the 6th day of October at 6 Clock in the Afternoon to return such Bills of Indictment as shall be delivered to them and to prepare such other Business as to them shall appear Necessary

P. Cur

The Coroner delivers in two Inquests by him taken Vizt

One taken the 25th day of September in St Thomé upon the Body of Verragah Verdict Wilfull murder Against Geraldo Gonsalves.

One taken the 28th September at the Main Guard of Fort St George upon the Body of Cuttacarah Verdict Accedental death.

One of the Grand Jury came into Court to see the following Witnesses Sworn to give Evedence to the Grand Jury on two Bills of Indictment One Against Tondavaroy and another against Geraldo Gonsalves for Murder Vizt

Patrick Ryan
George Pucher
Tondavar Moorty } Sworn on a Bill of Indictment against Tondavaroy

Coopah
Collendie } Sworn on D.o against Geraldo Gonsalves

An Interpreter was then Sworn to interpret between the Grand Jury and such Witnesses as should be called before them during the present Sessions.

After sometime the Grand Jury came into Court and having answered their Names present a Bill of Indictment against Tondavaroy for Murder endorsed Billa Vera.

Tondavaroy brought to the Bar and arraigned as follows.

Clerk of the Peace Tondavaroy hold up your hand — You stand indicted by the name of Tondavaroy of Madraspatnam Pallatheen Boy for that on the 27.th day of September in the ninth year of the reign of our Sovereign Lord George the Third now King of Great Britain &c.a by force and Arms &c.a in and upon Cuttacarah a Horse keeper in the Peace of God and of our Sovereign Lord the King at or near Saint Georges Gate in the Town of Fort Saint George then and there being feloniously voluntarily and of your Malice aforethought did make an Assault and with a certain Weapon called Fire Stick of the Value of one farthing which you the said Tondavaroy in your hand then and there had the said Cuttacara did beat and Strike of which beating and striking the said Cuttacarah instantly died and that you the said Tondavaroy the said Cuttacara feloniously Voluntarily and of your Malice aforethought did Kill & Murder against the Peace of our Sovereign Lord the King his Crown and Dignity

How say you Tondavaroy are you Guilty of the Murder whereof you stand indicted or not Guilty

Prisoner Not Guilty

Clerk of the Peace How will you be tried

Prisoner By God and my Country

Clerk of the Peace God send you a good deliverance

The Chief Justice then explained to the Prisoner the Nature of Tryals by Juries and acquainted him he was at Liberty to chuse whether he would have a Jury of twelve English men or of six English Men and six of his own Country men: the Prisoner chussing to be tryed by a Jury of twelve Englishmen

Clerk of the Peace You the Prisoner at the Bar These Good men whom you shall now call 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 are called to be Sworn and before they are Sworn.

The following Jury was then Sworn the Prisoner declaring he had no Objection to any of them.

Mr. Andrew Ross	Mr. Christr. Macklin
Mr. Charles Bromley	Mr. Edward Raylance
Mr. William Carlisle	Mr. William Harrison
Mr. John Sykes	Mr. Daniel Cryer
Mr. Phillip Reffley	Mr. Thomas Willingham
Mr. Thomas Chambers	Mr. Henry Rogers

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 Tondavaroy of Madraspatnam Pallatheen Boy for that on the 27.th day of September &c.a as in the Indictment was again read as in the Arraignment Upon this Indictment he has been

Arraigned

arraigned and has Pleaded not Guilty and for his Tryal has put him-
self upon God and his Country, which Country you are, your charge is
to enquire whether he is Guilty of the Murder whereof he stands indict-
ed or not Guilty, if you find him Guilty you are to enquire what
Goods or Chattels Lands or Tenements he had at the time of the Mur-
der committed or at any time since, if you find him not Guilty you
are to enquire whether he fled for it if you find that he fled for it you
are to enquire of his Goods and Chattels Lands and Tenements as
if you had found him Guilty, if you find him not Guilty and that
he did not fly for it you are to say so and no more and hear your
Evidence

Patrick Ryan being called and Sworn

Clerk of the Peace — Do you know the Prisoner at the Bar

Patrick Ryan — I have seen him before

Clerk of the Peace — You have been in Court and heard what the Prisoner is accused of relate to the Court what you know concerning that Matter

Patrick Ryan — On the 27th. or 28th of September I was Centry at St. George's Gate between 5 or 6 O'Clock in the Afternoon I heard high Words between two Black men but could not understand what they said I saw the Prisoner have a Fire brand in his hand and give the Man a Blow on the Side — the Man was running away when the Prisoner gave him another Blow across the Stomach — he made a Noise putting his hand on his Mouth and then fell down — the Prisoner was going but returned and gave the deceased a third Blow across the Loins — I was relieved just afterwards and went to the Man about 20 Yards from where I stood Centry and found he was dead — the Naick of the Guard took the Prisoner and sent him to the Main Guard — this is all I know of the Matter

The said Fire stick being produced is known by the Witness to be the same with which the Prisoner struck the deceased

Court — Do you know the Cause of the Quarrell

Patrick Ryan — I do not know

The foregoing Evidence being interpreted to the Prisoner he is asked whether he has any Questions to put to this Witness and replies in the Negative, and that he did not see the Witness at the time of the Action

One of the Grand Jury came into Court to see William Gordon Sworn to give Evidence to the Grand Jury on a Bill of Indictment against Geraldo Gonsalves

After a little time the Grand Jury came into Court and having Answered to their Names present a Bill of Indictement against Geraldo Gonsalves for Murder endorsed Billa Vera

The Court proceed to the Tryal of Pondavary

George Tucker being called and Sworn

Clerk of the Peace — Do you know the Prisoner at the Bar

George Tucker — I have seen him before

Clerk of the Peace — You have been in Court and heard what the Prisoner is accused of relate to the Court what you know concerning that Matter

George Tucker — On the 27th of last month I saw the Prisoner and deceased they had high Words and the Prisoner took up a Fire stick in Saint George Gate Guard Room and struck the deceased on the Back and Side and as the Prisoner was making off another Blow on the Breast the deceased then fell down and made a Noise — the Prisoner left him about four Paces and then returned and give him another Blow on the Back — the Naick of the Guard took him Prisoner saying he had killed the deceased — he carryed him to the Main Guard I went to the Place where the deceased lay about 20 Yards off

Gill

felt his hand and found that his Pulse was gone – this is all I know of the Matter

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

Prisoner None

Jondava Mooty – a Nauch being called and Sworn

Clerk of the Peace Do you know the Prisoner at the Bar

Jondava Mooty I have seen him before

Clerk of the Peace You have been in Court and heard what the Prisoner is accused of relate to the Court what you know concerning that Matter

Jondava Mooty I saw the Prisoner when I was at Saint George Gate Guard about 12 O'Clock I think eight days ago – the Prisoner struck the deceased three times before he fell and gave him one Blow afterwards – This is all I know

The Stick being produced, is known by the Witness to be the same with which the Prisoner struck the deceased –

Jondava Mooty I do not, I was not near enough to hear what passed between them –

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

Prisoner – None

Patrick Ryan being again called and Questioned whether any one was near the Prisoner and deceased at the time of the Accident happened declares that two Seapoys were on the Guard Bed but that no one was nearer than the Guard Room

All the Witnesses being examined the Prisoner is asked if he has any defence to make, to which he replied he had and proceeded as follows

Prisoner – The deceased was my Brother his Father and Mother of the deceased died about 20 Years ago when he was young and I took him under my Care – He was not married but had entered into an Engagement and keeping a Woman at the same time and never came near my House for which reason I was angry with him and blamed him for not assisting in the Maintainance of the Family – he told me it was true I had brought him but he had no further Business with me in high Words if you dont take further Notice of me I shall not take further Notice of you – I replied is this the manner in which you treat me after bringing you up, and taking a Fire Stick I beat the deceased – he was my own Brother I had no intention to kill him and might have done it privately if I had any Intention – I was very angry with and therefore beat him – The head of the Cast knows of the ill behaviour of my Brother and I desire he may be called and Questioned relative to the Right of the head of the Family to punish –

Mootoo being called and Sworn

Clerk of the Peace – Do you know the Prisoner at the Bar

Mootoo – I live in the same Country

Clerk of the Peace – Do you know the deceased

Mootoo – Yes he was Brother to the Prisoner

Court – Do you know of any disputes between them

Mootoo – No, I never had any Complaints from any of their Family or heard of their disputes –

Being then Questioned relate to the Right of the head of the Family to punish the others, he says that by their Law, the Father being dead the Elder Brother becomes Father of the Family and has right to punish. and the same is confirmed by several other Depositions –

All the Witnesses being examined and the Prisoner having no further Defence to make, the Chairman summond up the Evidence to the Jury and an Officer being Sworn to keep them they withdrew and after sometime a Verdict being proclaimed the Jury came into Court were then called over and Answered 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 the Peace — Look upon the Prisoner at the Bar, How say you is he Guilty of the Murder whereof he stands indicted or not Guilty

Foreman — Not Guilty of Murder but Guilty of Manslaughter

Which being recorded —

Clerk of the Peace — Gentlemen of the Jury hearken to your Verdict as the Court hath recorded it. You say that Pondavaroy is not Guilty of Murder but Guilty of Manslaughter whereof he stands indicted and so you say all —

Jury — Yes

The Prisoner is taken from the Bar. The Court then adjourned till Thursday the Fifth day of October Instant at Eight of the Clock in the forenoon for continuing the Session

Thursday the 5th October 1769

Justices Present

Charles Bourchier Esqr Chairman

Josias DuPré — Warren Hastings
John Call — Samuel Ardley
George Stratton — John Whitehill
George Mackay

The Court being called Geraldo Gonsalves against whom The Grand Jury present a Bill of Indictment yesterday, being brought to the Bar and Arraigned as follows.

Clerk of the Peace — You Geraldo Gonsalves hold up your hand — You stand indicted by the name of Geraldo Gonsalves of Madraspatnam Writer on the 21st day of September in the Ninth year of the reign of our Sovereign Lord George the Third now King of Great Britain &c.a by Force and Arms in and upon Veiraguvah a Grass Cutter in the Peace of God and of our Sovereign Lord the King on the road between St. Thome and

and Trevamoor then and there being feloniously Voluntarily and of your Malice aforethought did make an Assault and with a certain Instrument made of Wood and Iron and load with Powder and Ball called a Gun of the Value of twenty Shillings the said Veiraguvah in the Right Side did Shoot and Wound of which said Shooting and Wounding the said Veiraguvah languished and Died — And that you the said Giraldo Gonsalves the said Veiraguvah feloniously Voluntarily and of your Malice aforethought did Kill and Murder against the Peace of our Sovereign Lord the King his Crown and Dignity — How say you Geraldo Gonsalves are you Guilty of the Murder whereof you stand indicted or not Guilty —

Prisoner — Not Guilty

Clerk of the Peace — How will you be tried

Prisoner — By God and my Country

Clerk of the Peace — God send you a good Deliverance

The Chief Justice then explained to the Prisoner the Nature of Tryals by Juries and acquainted him he was at Liberty to chuse whether he would have a Jury of twelve English men or of Six English men and Six of his own Country men, and the Prisoner chusing to be tryed by a Jury of Six English Men and Six of his own Country Men

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 are called to be Sworn and before they are Sworn —

The following Jury was then Sworn the Prisoner declaring he had no Objection to any of them

Mr. Andrew Ross	Mr. Antonio de Souza
Mr. Charles Bromley	Mr. Simon Fonceca
Mr. William Carlisle	Mr. Francis Blaney
Mr. John Sykes	Mr. Pascal Maddox
Mr. Phillip Peyer	Mr. Simon Lopes
Mr. Thomas Chambers	Mr. John Bruen

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 Giraldo Gonsalves of Madraspatnam Writer for that on the 24th day of September &c. (Then the Indictment was again read as in the Arraignment) If upon this Indictment he has been arraigned and has pleaded not Guilty and for his Tryal has put himself upon God and his Country, which Country you are, your charge is to enquire whether he is Guilty of the Murder whereof he stands indicted or not Guilty. If you find him Guilty you are to enquire what Goods or Chattels Lands or Tenements he had at the time of the Murder committed or at any time since. If you find him not Guilty you are to inquire whether he fled for it. If you find that he fled for it you are to inquire of his Goods and Chattels Lands and Tenements as if you had found him Guilty. If you find him not Guilty and that he did not fly for it you are to say so and no more and hear your Evidence

Mr George Stratton one of His Majestys Justices now on the Bench informs the Court That the deceased Veeraguvah was brought to him at 2 o'Clock the 25th in the afternoon and that having no Brahmin to administer the Oath to him he could take only his bare Information, as Interpreted to him by his Dubash — which Information was frequently repeated in the same Words as now delivered in

The Town of Madraspatnam ss

The Information of Veeraguvah of the Town of Madraspatnam Grass Cutter taken before me George Stratton Esqr One of His Majesty's Justices of the Peace for the said Town

This Information saith That this morning being in Company with some others on the road to Triuvamoor he was desired to give them a Song — That not long after he was Giraldo Gonsalves who called out to him not to Sing in which he desisted — That the said Giraldo Gonsalves then threw Stones at him — on which this Informant said to him Sawrah why do you throw Stones at me? Giraldo Gonsalves then came up to this Informant and giving him a blow with his Fist asked him his reasons for calling his Names and directly after retreating a few paces he levelled a Firelock he had in his hand and shot this Informant on his Side and Breast

Taken the 25th day of September in the Ninth year of the reign of King George the Third and in the Year of our Lord 1769 Before me
Geo Stratton

Coopah Grass cutter called and sworn after the manner of the Parias

Clerk of the Peace — Do you know the Prisoner at the Bar

Coopah — I have seen him before

Clerk of the Peace — If you know any thing of the Murder whereof he stand accused acquaint the Court with the same

Coopah — I went to cut Grass at Triuvamoor 12 days since one Veeraguvah the deceased a head Grass cutter was on a Bullock singing — We saw the Prisoner and some People in a Choultry the Prisoner and two others came across the Road — the Prisoner in an Angry manner asked why he was Singing — the deceased replied Sing for my Pleasure what is that to you? — the Prisoner said in Malabars Rascal dont Sing — the deceased said I will sing no more I will go my way — As the deceased going away the Prisoner went up and took hold of the Bullocks Leg to stop it the Deceased's Son asked the Prisoner why he stopped the Bullock the Prisoner struck him twice in the Face and kicked him — then struck the Bullock with the Butt End of a Fowling Piece which he had in his Hand — We went further on about four Fathoms from the Place. The Deceased turned and looked at the Bullock and found it bleeding — He then said to me We had better go to the Nabob and complain as We gave the Prisoner no Provocation — We accordingly

accordingly turnd and as We were coming back the Prisoner and two or three more of his Company crossed the Road again — the Prisoner asked the Deceased where are you going — to my Master said the deceased who is he replied the Prisoner — the Nabob said the Deceased I will shoot you Rascal said the Prisoner calling him something in Portiguecese which he did not understand — Another Portiguese came behind him and hinderd him from Shooting on which the Prisoner moved with him a little from that Place about 2 Fathoms The Portiguecese left him and the Prisoner turnd about and shot the Deceased and then run away with his Gun in his hand

Court — At what distance was the Prisoner from the Deceased at the time he shot him

Coopah — About two Fathoms

Court — What became of the other Portiguecese

Coopah — They went away with the Prisoner

Court — What happened after the Deceased fell

Coopah — Some others and myself cried out and upon the Noise 2 Tallians and about ten Country People came who went after the Prisoner and took him and his Companions at a Custom house belonging to the Beetle Farmer — I staid with the Deceased —

Court — How did you understand what the Prisoner said?

Coopah — I was interpreted by another Portiguecese

Court — Should you know the Managain

Coopah — Yes

Jury — What kind of a Song was it that the Deceased was singing?

Coopah — A very good Song

Jury — Was you present when the Gun was fired

Coopah — Yes I was very near the deceased

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

Prisoner — None

Collindee

Collindee called and Sworn

Clerk of the Peace — Do you know the Prisoner at the Bar

Collindee — I have seen him before

Clerk of the Peace — If you know any thing of the Murder whereof he stands accused acquaint the Court with the same —

Collindee — I saw the Prisoner twelve days ago when he shot the Deceased my Cousin I was going to Trivamoor for Grass from Saint Thome with the Deceased and four or five others — the Deceased was on a Bullock singing — there were three Portiguecese People in a Choultry at Trivamore who came out and asked in Malabars what he was singing for — and the Prisoner said in Malabars you must not sing — the Deceased said to the Prisoner, We are going along I am singing, what business have you with it — The Prisoner said do you who are a Parriar speak to me with that familiarity and then struck the Son of the deceased and told them to get along — he then took hold of the Bullocks Leg — the Boy said why do you take hold of the Bullocks Leg — then the Prisoner beat the Boy again and struck the Bullock with the But End of his Piece — We then went four fathoms further on and deceased perceiving the Bullock bleeding said to the rest of us We had better go and Complain to our Master the Prisoner has beat my Son and the Bullock till he bleeds what signifies our going for Grass — the Prisoner and his Company went into the Choultry but seeing us returning came again out and asked where are you going to? the deceased said We are going home quietly — why are you going home said the Prisoner? You have beat us and our Bullock replied the Deceased We are going back to Complain to our Master — who is he? the Young Nabob —

Court — Was this all spoken in Malabar

Collindee — Yes —

Clerk

Clerk of the Peace Proceed

Collindee The Prisoner said you went so far on your way are you come back to beat Us — the Deceased replied you are all Gentlemen and Sons why should We beat you — the Prisoner while they were talking presented his fowling Piece and one of the Portuguese said to the Prisoner why are you going to shoot him and prevented his shooting by taking hold of his Arm and the fowling Piece — then went about a Fathom from him and the Prisoner shot the deceased who then fell to the Ground the Prisoner and his Companions run away — I stayed with the deceased at first and then left Cospah with him and went with two Pallears and followed the Prisoner to the Puttle Mettoo took him and Brought him back to the Place where the deceased was —

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

Prisoner to Collinde Was you Present

Collindee Yes

Prisoner to Collinde Did you see the Gun fired by me

Collindee Yes

Court to Collinde How was the Firelock held at the time it went off

Collindee The Prisoner held it as if he had an Intention to shoot the Deceased

Rangah called and Sworn

Clerk of the Peace Do you know the Prisoner at the Bar

Rangah I have seen him before

Clerk of the Peace If you know any thing of the Murder whereof he stands accused acquaint the Court with the same —

Rangah I was going from Saint Thome to Trevanoor with one Veeragavah deceased who was on a Bullock singing, and some others I saw the Portuguese People in a Choultry — from whence they came forth and the Prisoner said to the deceased why do you sing upon which the deceased left off — the Prisoner then took hold of the Bullock by the Leg to stop him and the deceased Son asked him why he did so upon which the Prisoner beat the Son — and then struck the Bullock with the Butt End of his Gun — We went on about 2 Fathoms and the deceased observing the Bullock bleed — said he meaning the Prisoner has beat the Boy and the Bullock why should we go on? We came back and as We were coming the Portuguese again came down from the Choultry and the Prisoner asked where We are going to and Malabar the Deceased said to the Nabob — the Prisoner then kicked the deceased twice and beat the Boy again — the other Portuguese told the Prisoner he must not do so and the Prisoner then said he would shoot him and then went a little way from him and shot the deceased — upon this We cried out and the Prisoner and his Company run away — the Country People Caught him —

Court to Prisoner Have you any Questions to ask this Witness

Prisoner to Rangah How was the Firelock held at the time it went off

Rangah The Prisoner pointed his Gun and said I will shoot you I will shoot you and then fired —

Vavaden called and Sworn deposeth to the same Effect as Rangah

All the Witnesses being now examined the Prisoner is asked whether he had any further Defence to make, who answered that he had and proceeded as follows —

Prisoner I had no Intention to kill the Man or to hurt him nor had I any connection with him or seen him before the Accident happened — it was mere Accident — the Witnesses who were with me will prove that it was so and those Witnesses who have been examined were not present when the Accident happened they were coming after with Sticks — I hope the Court will call my Witnesses who I flatter myself will prove my Innocence to the Satisfaction of the Court and Jury

Joseph

Joseph de Rozario called and Sworn

Clerk of the Peace — Do you know Prisoner at the Bar

Rozario — I has know the Prisoner a long time

Clerk of the Peace — You have been in Court and heard what the Prisoner is accused of relate to the Court what you know concerning that Matter

Rozario — On Sunday before last the Prisoner my self and one Sylvester were at Breakfast in a Choultry at Tewamoor — in a little time some Women with two men and a Boy passed along, after them came the deceased on the Bullock — he (the deceased) was a little merry and was singing an indecent Song — the Prisoner said why do you sing this indecent Song dont you know there are People in the Choultry — the Deceased gave ill Languge to the Prisoner calling him Tisle — on receiving this Languge the Prisoner clubbed his Piece and with the Butt End beat the Bullock — the deceased went away — I has not recollect any body being with him but a Boy and of that even I am not certain — in about an hour the deceased returned in Company with the Women and some People who had gone before — when these People were coming one Sylvester being in a Peal saw them first Sylvester the Prisoner and my self went to meet them — I asked the Deceased in Malabar why they came back — he said he was going to Madras — I then said to the Prisoner they mean not to do us any harm they are going to Madras, let us return to the Choultry — first Sylvester next and the Prisoner last — when I was within twenty Paces of the Choultry I heard a Piece go off — when I turned round the Prisoner had passed Sylvester and was close to me I asked him what was that Firing — nothing at all say he — the Prisoner had his Firelock on his Shoulder — the Prisoner passed by me and going some few saw the Deceased on the Ground and the Women round the Body — I then saw the Deceased was wounded — I saw the Prisoner flying and immediately run after him — We went to about as far as St. George Gate from thence and were then taken —

Court — Did you hear any Conversation between the Prisoner and the deceased before the Firing

Rozario — No

Court — Proceed

Rozario — We were carried to a Choultry where some Gentlemen were who asked the Prisoner what has the Matter the Prisoner said he could not very well tell but he believed some Accident had happened among them and he told one of the Gentlemen that he was going to shoot at some Game and shot the Man

Court — Was there any Tree or Bushes near the Place

Rozario — There was a large Tree near where the Deceased fell

Court — Did the Prisoner speak to the Deceased when you found him in the Choultry to meet the Company that you say coming

Rozario — No

Court — What happened afterwards

Rozario — After being taken We came together to Madras and as We were coming I asked the Prisoner how it happened — the Prisoner said he did not know — I repeatedly asked the same Question and the Prisoner replied it was an Accident he did not know how it happened —

Court — Was the Deceased walking or on a Bullock when he was shot

Rozario — He was walking when We went to meet him

Prisoner to Rozario — When they came back had they any Sticks in their hands

Rozario — They had and when they went by before

Sylvester Meanas called and Sworn

Clerk of the Peace — Do you know the Prisoner at the Bar

Meanas — I has know him a long time

Clerk of the Peace — You have been in Court and heard what the Prisoner is accused

of relate to the Court what you know concerning that Matter

Means I Were in a Choultry at breakfast in Trevamoor and there pas-
sed by a Man on a Bullock with a Boy singing indecent Song
The Prisoner spoke to the Deceased I know not what but soon
after I saw the Prisoner beat the Bullock with the Butt End
of his Musket The Deceased and his Company and went
away and returned in about an hour and an half as they
were coming I discovered them first the deceased a Boy two
Men and two or three Women I acquainted the Prisoner and
Rozario and went to them and asked them where they were
going the said to the Nabob upon hearing this We returned
to the Choultry Rozario first I next and the Prisoner last
when near the Choultry I heard a report of a Gun Rozario
turnd and asked what was the Matter and while he was
speaking the Prisoner fired All We run away and were
taken and brought to a Garden to some Gentlemen

Coopah being again called and asked if he can see
in Court the Man who presented the Piece he
first seeing points out Sylvester

Collindee being afterwards called also points out
Sylvester as does Rangah

Mr William Gordon Surgeon duly Sworn deposes
as follows

On Sunday night about 12 o Clock being at Mr Paul's
Mr Pasley desired me to go down and see a Woman said to be
brought wounded I went down and found Mr Briggs exa-
ining the Body of a Wounded Man not a Woman as at first re-
ported I asked what he thought of the Wound he said the Man
was in a dieing State that the Wound appeared to him Mor-
tal I then examined the Wound which was under the left

Breast it appeared a Gun Shot Wound by Small Shot and
burnt with the Explosion of Powder a great deal of congealed
Blood issued from the Wound and the Ball of the Shot appeared
to be lodged in the Circumference of three Inches Mr Briggs
said nothing could be done for him as he could not be expected
to live above half an hour

The Prisoner having no further Defence to make
the Chairman summed up the Evidence to the Jury and an
Officer being Sworn to keep them they withdrew and after
some time a Verdict being proclaimed the Jury came into
Court were there called over and answered 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 for you

Jury Our Foreman

Clerk of the Peace Look upon the Prisoner at the Bar how say you is he Guilty
of the Murder whereof he stands indicted or not Guilty

Foreman Guilty

Which being recorded

Clerk of the Peace Gentlemen of the Jury hearken to your Verdict as the Court hath
recorded it you say that Geraldo Gonsalves is Guilty of the Mur-
der whereof he stands indicted and so you say all

Jury..... Yes

The Grand Jury came into Court and having no further
Business to offer they as well as the Petty Jury were dismissed
and the Prisoner convicted this Day soon called up to hear
Sentence in Manner following

Geraldo Gonsalves

Clerk of the Peace You Geraldo Gonsalves hold up your hand You stand here
convicted of Murder what can you now say for yourself why

the Court should not proceed to give Judgemint of death aga-
inst you as the Law directs—

Chairman That you Garaldo Gonsalves shall go to the Place from-
whince you came and from thence to the Place of Execution
and there you shall be hanged by the Neck untill your
Body is dead and God have Mercy on your Soul—

Tondavaroy brought to the Bar—

Clerk of the Peace You Tondavaroy hold up your hand—you stand there con-
victed of Manslaughter what can you now say for your-
self why the Court should not proceed to give Judgement a-
gainst you as the Law directs—

Chairman That you Tondavaroy shall be burnt in the Brawny pa
of your left hand with a Hot Iron having the Mark of
the Letter F. Which Sentence was executed in open Court

The Court then adjourned to Wednesday the
Tenth day of January next ensuing at Eight of the Cloc
in the forenoon for holding another Sessions—

J. Court

Town of Madraspatnam Ss

At a General Quarter Sessions 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 Hall of the said Town on Wednesday the Tenth day of January in the Tenth 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 One thousand Seven hundred and seventy Before Charles Bourchier Josias Du Pré and Warren Hastings Esqrs and other their Societes 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 by the said Justices adjourned over unto Wednesday the Eleventh day of April next ensuing to be holden 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 10th January 1770

Justices Present

Charles Bourchier Esqr Chairman
Josias Du Pré
Warren Hastings
Samuel Ardley
George Stratton
James Bourchier
Henry Brooke
George Mackay
} Esqrs

The

The Court being called the Grand Jury Sworn on both Commissions were

Francis Jourdan Esqr Foreman

Messrs.	Peter Mariette Messrs	John Debonaire
	Reynold Adams	Arthur Cuthbert
	Thomas Pelling	Samuel Troutback
	George Westcott	R. D. Munro
	Charles Jones	John Perring
	Josiah Maynard	Gideon Firth
	James Taylor	John Turing
	James West	John Sulivan

An Officer being Sworn to attend them they withdrew and after a little while a Paper was sent into the Grand Jury in the following Words

Madraspatnam ss 10th G. 3d

The Jury are allowed intill to Friday the 13 January instant at 12 oClock in the Forenoon to return such Bills of Indictment as shall be delivered to them and to perform such other Business as to them shall appear Necessary

By Court

An Interpreter being Sworn to Interpret between the Grand Jury and such Witnesses as should be called before them during the present Sessions

One of the Grand Jury comes into Court to see the Witnesses Sworn on a Bill of Indictment against Soames Bargeman of Cuddalore Serjeant Murder which being done he returns and after some time their whole Body came into Court and having answered to their Names present it indorsed Ignoramus

The Court then adjourned to Wednesday the 11th day of April next ensuing at Eight of the Clock in the forenoon for holding another Sessions

Town of Madraspatnam ss

At a General Quarter Sessions of the Peace Sessions of Oyer and Terminer and Goal Delivery of Our Sovereign Lord the King held for the Town of Madraspatnam at the Town Hall of the said Town on Wednesday the Eleventh day of April in the Tenth 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 soforth and in the year of Our Lord one thousand seven hundred and seventy Before Josias DuPré Warren Hastings & Samuel Ardley Esqrs and others their Sociates 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 by the said Justices adjourned over unto Wednesday the Eleventh 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

Wednesday the 11th April 1770

Justices Present

Josias DuPre Esqr. Chairman

Warren Hastings
Samuel Ardley
George Stratton
Richard Brickenden
George Mackay
} Esqrs

The Court being called the Grand Jury Sworn on both Commissions were,

Francis Jourdan Esqr. Foreman

Messrs. Peter Mariette	Messrs. John Debonaire
Thomas Powney	Arthur Cuthbert
John Holland	Alexr. Davidson
Thomas Pelling	John Turing
James Taylor	John Sulivan
George Savage	William Petrie
R. D. Munro	Alexr. Pringle

An Officer being Sworn to attend them they withdrew and after a little while a Paper was sent into the Grand Jury in the follo[illegible] Words

Madraspatnam Ss. 10th G. 3d

The Jury are allowed untill Friday the 13th d[illegible] of April instant at 12 o'Clock in the Forenoon to return such Bill of Indictment as shall be delivered to them and to prep[illegible] such other Business as to them shall appear necessary

P Cur.

The Coroner delivers in two Inquests by him taken Vizt.

One on the Body of Thomas Quarteman a Pensioner taken from a Well near Choultry Plain the 5th April — Verdict accidental death

One on the Body of Vencatachellum a Boy taken out of the River near the Bridge leading to the Black Town the 9th April — Verdict Accidental Death

One of the Grand Jury comes into Court to see the following Witnesses Sworn on a Bill of Indictment against Gabriel Rodrigues for Felony

Thomas
Maria da Cruz
David Lewis
Cundapah Conicoply
Saravanah Conicoply

The Grand Jury came into Court and answered to their Names and deliver in a Bill of Indictment against Gabriel Rodrigues for Felony indorsed Billa Vera

Gabriel Rodrigues brought to the Bar and arraigned as follows

[illegible]erk of the Peace Gabriel Rodrigues hold up your hand — You stand indicted by the name of Gabriel Rodrigues of Madraspatnam Servant on or about the first day of December in the Tenth Year of the reign of Our Sovereign Lord George the Third now King of Great Britain &ca by Force & Arms within the Town of Madraspatnam aforesaid One Silver Watch & one Diamond

Ring

Being on or about the Twenty fourth day of the said Month two Bottles of Wine called Claret, two Bottles of Wine called Madeira, two Bottles of Oil all of the Value of Fifty Pound of the Goods and Chattles of Mr. Andrew Ross of Madraspatnam aforesaid out of the dwelling house of the said Andrew Ross you did Steal take and bear away against the Peace of Our Sovereign Lord the King his Crown and Dignity —

Clerk of the Peace How say you Gabriel Rodrigues are you Guilty of the Felony whereof you stand indicted or not Guilty —

Prisoner Guilty —

The Chairman then addresses himself to the Prisoner at the Bar and acquaints him with the Consequence of his pleading Guilty and that as by the Nature of the English Law no one is under a necessity of Condemning himself, he has it in his power still to deny the Crime laid to his charge if he thinks he can clear himself thereof, but he persist in declaring himself to be Guilty

The Grand Jury came into Court and having no more Business for this Session were dismissed.

Clerk of the Peace Gabriel Rodrigues — you stand here convicted of Felony by your own confession what can you now say for yourself why the Court should not proceed to pronounce the Sentence against you according to Law

The Prisoner being nothing to Offer

Chairman You Gabriel Rodrigues shall go to the place from whence you came and from thence to the place of Execution where you shall shall be hanged by the Neck untill your Body is dead and God have mercy on your Soul —

The Court then adjourned to Wednesday the 11th day of July next ensuing at Eight of the Clock in the Forenoon for holding another Sessions —

J. Carr

Town of Madraspatnam ss

At a General Quarter Sessions the Peace Session 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 11th July in the Tenth 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 one thousand seven hundred seventy, Before Josias Dupre Warren Hastings & Samuel Ardley Esqrs and others their Associates 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 Session was by the said Justices adjourned untill Thursday the 12th day of the said Instant July 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 3d day of October next ensuing to be held at the Town

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 11th July 1770

Justices present

Josias Du Pre Esqr. Chairman

Warren Hastings
Samuel Ardley
John Smith
George Stratton
Henry Brooke
Richard Brickenden
George Mackay
} Esqrs

The Court called the Grand Jury Sworn on both Commissioners were —

Francis Jourdan Esqr. Foreman

Messrs. Peter Mariette	Messrs. John Debonaire
Thomas Powney	John Holland
George Smith	Thomas Pelling
John Turing	James Taylor
George Savage	William Petrie
William Dollas	Alexr. Pringle
James Johnson	John Perring

An Officer being Sworn to attend them they withdraw and after a little while a Paper was sent into the Grand Jury in the words —

Madraspatnam Ss 10th G. 3d

The Jury are allowed untill Friday the 3d July Instant at 12 o'Clock in the forenoon to return such a Bill of Indictment as shall be delivered to them and to prepare such other Business as to them shall appear necessary —

J Cur

The Coroner delivers in Five Inquests by him taken Vizt

One on the Body of Sybe Ibrahim Muckeraebu an Arabian taken at St. Thomé the 12th May — Virdict Wilfull Murder against Ahamed Lome Sumeean Arabian

One on the Body of Hugh Devine a Soldier taken in the Barracks of Fort St George the 24th May — Virdict Vesitation of God and excess of Liquor

One on the Body of a Pottaminey Woman named Paupahavera taken from a Well near Kistnamanaig's Tank the 19th June Virdict Felo de Se —

One on the Body of Herrib a Fakeer taken from a well at St. Thomé the 23d June — Virdict Accidental Death —

One on the Body of Irsha a Malabar taken near Abdul Bob Cawn Gardens in Black Town of Madrashatnam the 9th July Virdict Wilfull Murder against Mustacrawn a Moorman —

An Interpreter being Sworn to Interpret between the Grand Jury and such Witnesses as should be called before them during the present Sessions —

One of the Grand Jury comes into Court to see the following Evidences Sworn on two Bills of Indictment for a Rape —

— One against Bellingham Christian the other against Richard Scudder.

Andichey — Grass Cutter
Jauney — Water Woman
Columby — Cooks Boy
} Sworn after the manner of the Panel

The Court then adjourned till Thursday the 12th day of this Instant July at Eight of the Clock in the Forenoon for continuing the Sessions —

Thursday the 12th July 1770

Justices present as Yesterday —

The Court being called the Grand Jury came into Court and having Answered to their Names deliver two Bills of Indictments — The one against Bellingham Christian for a Rape endorsed Ignoramus — The other against Richard Scudder for a Rape endorsed Billa Vera —

The Court then proceeded to the Tryal of Richard Scudder who was brought to the Bar and arraigned as follows

Clerk of the Peace — You Richard Scudder hold up your hand — you stand indicted by the name of Richard Scudder of Fort St George Inhabitant for that you not having the fear of God before your Eyes but being moved and seduced by the Instigation of the Devil the Fourth day of June in the Tenth year of the Reign of Our Sovereign Lord George the third now King of Great Britain &c. with Force and Arms in Fort St George aforesaid in and upon one Andichey Grass Cutting Woman in the Peace of God and of our said Lord the King then and there being Violently and feloniously you did make an Assault and her the said Andichey against the Will of her the said Andichey then and there feloniously you did ravish and Carnally Know against the Peace of Our Sovereign Lord the King his Crown and Dignity —

How say you Richard Scudder are you Guilty of the Rape whereof you stand indicted or not Guilty —

Prisoner — Not Guilty

Clerk of the Peace — How will you be tryed

Prisoner — By God and my Country

Clerk of the Peace — God send you a good Deliverance

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 and Death if you will challenge them or any of them, your time is to speak unto them as they come to the Book to be Sworn and before they are Sworn, the Prisoner declaring he had no Objection to any of them —

Mr. Charles Bromly	Mr. John Sykes
Mr. Philip Reeser	Mr. Thomas Chambers
Mr. Robt. Williamson	Mr. Christopher Macklin
Mr. David Young	Mr. William Harrison
Mr. Edward Rylance	Mr. Alexr. Mitchell
Mr. John Jackson	Mr. Simon Kaminor

Clerk of the Peace — Gentlemen of the Jury look upon the Prisoner at the Bar and —

and hearken to his Cause — You shall know that he stands indicted by the Name of Richard Leudder of Fort St George Inhabitant /here the Indictment was again read as in the Arraignment/ upon this Indictment he has been Arraigned and has thereunto pleaded not Guilty, and for his Tryal has put himself upon God and his Country which Country you are, Your charge is to enquire whether he is Guilty of the Rape whereof he stands indicted or not Guilty, if you find him Guilty, you are to enquire what Goods or Chattels Lands or Tenements he had at the time of the Rape committed or at any time since, if you find him not Guilty, you are to enquire whether he fled for it if you find that he fled for it you are to enquire of his Goods and Chattels Lands or Tenements as if you had found him Guilty — If you find him not Guilty and that he did not fly for it — You are to say so and no more, and hear your Evidence —

Andichey being called & sworn after the manner of the Parriare —

Clerk of the Peace — Do you know the Prisoner at the Bar —

Andichey — Yes I have known the Prisoner about two Months having carried Grass to his Master, about a Month and four days ago I brought Grass to my Masters and having put it down, I went to the Pay to demand my Wages for the proceeding months — The Prisoner offered me some Arrack which I refused to drink alledging that I was married and my Husband would beat me for it

Court — Where did this happen —

Andichey — At the Door of the Butlers Godown

Court — proceed

Andichey — The Prisoner called me Fool told me there was no body near and that I might drink it, I put down the Arrack and turned about to go away, when he took hold of my hand, I pulled it away cried out and went to some Distance — he then lifted me from the Ground and carried me into the Godown / I crying out loud / he then quitted me, turned about and shut & locked the Door upon which I cried out very loud and then he beat me —

Court — Is there any Window in the Godown

Andichey — Yes but it was shout

Court — Did you struggle with the Prisoner

Andichey — I was affraid being a Woman and the Prisoner a European so that I remained quit, he then threw me upon the Ground and got upon me and put a cloth to my Mouth

Court — Where did the Prisoner throw you Down

Andichey — The Prisoner first threw me down & then shut the Door

Court — Did you lay still while the Prisoner shut the Door

Andichey — I got up crying out loud, he then threw me down again and stoped my mouth with a cloth —

Court — Did you not struggle —

Andichey — No I was affraid —

Court — Go on

Andichey — The Prisoner lifted my Legs upon his Shoulders —

Court

Court — Why did you not resist

Andichey — I was affraid having been beat at first, had it been one of my own Cast I could have resisted — I came from the Godown and went to the Cook room crying softly — The Prisoner went to his Masters Room and called me — I went to some Distance, and Complained to my Master who was standing at his Door with the Prisoner, that the Prisoner when I came to demand my pay had behaved ill to me & forced me —

Court — What Language did you speak in

Andichey — I spoke in Malabar, they made no Answer, but the Butler said in presence of his Master that he would give me one or two fanams

Court — What happened afterwards

Andichey — The Master gave me a Blow with a Rattan, I then went out the Street

Court — Where was you standing when the Master beat you, and where was he standing,

Andichey — Within the passage

Court — At what time did the Butler take you up and carry you into the Godown

Andichey — I heard the Clock Strike Seven in the Evening when the Butler was offering me the Arrack

Court — Had the Prisoner ever laid with you before?

Andichey — No

Court — Did you never receive any Money from him

Andichey — No

Court — Did the Prisoner introduce his private parts into yours —

Andichey — He did enter my body

P.t to Andichey — Where did I get the Arrack from

Andichey — As soon as I asked for my Pay, the Prisoner went into his Masters house and got the Arrack

Prisoner — Was there any body who saw this

Andichey — a Water woman and Cooly were in the Cook room, no body was present and saw it

Prisoner — How do you know they were in the Cook Room

Andichey — I saw them there when I carried Grass to put it in the Cook Room —

Court to the Prisoner, Have you any further Questions to put to her —

Prisoner — None

Coloundy a Cooly being called and Sworn after the manner of the Parreira —

Clerk of the Peace — Do you know the Prisoner at the Bar

Coloundy — Yes

Clerk of the Peace — Relate to the Court what you know of the matter he stands accused of

Coloundy — Some time in last month Andichey the Grass Cutter brought Grass at 6 o'Clock in the Evening untied the Bundle carried the good Grass to the Korichepar and the Bottom of the Bundle to the Cook

Cook Room and told me and the Water woman that a month and few days were elapsed and she was going to demand her Pay she went away, I was standing by the Well, the Prisoner was standing near the Steps of the Butlery Godown, and took up a Stone and threw it at me upon which, I went to the Cook Room but soon came out again, The Prisoner promised to give the Grass Cutters Pay, and told her to come to him, the Grass Cutter replied that She was a married Woman and could not come into the House, he took her by the hand and tried to pull her into the Room, but she pulled her hand away, he than took her up and carried her into the Butlers Godown —

Court — How did he carry her in

Columdy — He took hold of her Arm with both hands and pulled her in, I went to his Masters Door and stood there, he soon came out again in about a Malabar Hour (20 Minutes)

Court — Did she make any Noise or Struggle when he took hold of her Arm

Columdy — She cryed out

Court — Did you hear any Noise when they were in the Godown

Columdy — I heard a crying and some Noise

Court — At what Distance

Columdy — About 8 or 10 yards, She was crying when she came out but said nothing, a Water Woman was with me when the Prisoner went to his Masters house, and she staid with me till they came out of the Godown and then went away Audichey came out by herself and a Frenchman came out

took hold of her Clout and carried her into another Godown — Nothing happened after her coming out of the Godown before the Frenchman took her, I was present all the time but never saw my Master.

Court to Prisoner — Have you any Questions to ask this Witness

Prisoner — None

Fanny a Water Woman being called and Sworn after the manner of the Parriars

Clerk of the Peace — Do you know the Prisoner at the Bar —

Fanny — Yes I have known him about 2 Months

Clerk of the Peace — Relate to the Court what you know of the Matter

Fanny — A Grass Cutter brought Grass at 6 in the Evening about 2 Months ago, the Prisoner was then in the Godown, the Grass Cutter went and asked him for her Pay, the Prisoner called her and said — come here and I will give you your Pay the Prisoner took her by the hand and pulled her, She pulled his hand away he then took her by the Clout and pulled her into the Godown

Court — Did she make any Noise

Fanny — Some

Court — Did she make any Noise after she was pulled into the Godown

Fanny — I stood in the Cook Room, but did not hear any Noise, the Prisoner came out of the Godown and afterwards the Grass Cutter came out crying, to the Arch of the Cook room where the Prisoner was — The Prisoner went to his Masters Door and the Grass Cutter went near him her Master came out and beat her with

with a Rattan

Court — Do you think you should have heard a Noise if there had been any in the Godown

Fanny — Yes, I think I should

Court — Did the Grass Cutter make any Complaints after coming out of Godown

Fanny — No

Court to Prisoner — Have you any Questions to ask this Witness

Prisoner — None

The Evidence for the Prosecution being closed the Prisoner is put upon his Defence — he continues to deny the fact, and desires to call upon this Witnesses

Lieut. Farmer Foley being duely Sworn deposes

That the Prisoner is his Servant, that the day on which the fact is alledged against him, He the Deponent came home at 4 & Staid till 8, that he heard no Noise of consiquence during the time, the Prisoner was not absent from him above Fifteen Minutes at a time, about Seven, the Prisoner came to him, & said the Grass Cutter wanted her Wages, he ordered her to come in the Morning, and the while making a Noise he ordered her to Kicked out, there was neither Arrack or Wine in the House, Punch was called for, and none in the House, he had not seen the Grass Cutter for three Weeks in his Room before —

Lieut. Geo. Hodson being duely Sworn deposes

That from Mr. Foleys Room, from Retreat Beating to Twenty Minutes past Seven, the Prisoner was not absent above 14 Minutes he heard no Noise during the time and thinks no Noise could have been made in the Godown without his hearing of it

Mr. William Phillips being duely Sworn deposes —

That at Mr. Foleys Room a little before Seven he saw the Grass Cutter crying, the Prisoner said it was for her Wages his things were in the Godown, his Servant went frequently backwards and forwards to the Godown; he heard no Noise and thinks the Prisoner was not absent from the Room any considerable time between Seven and Eight

Mr. Billingham Christian being duely Sworn deposes —

That from four till half past six, he was not absent above two minutes till half past Seven, then went out with the Hair dresser and returned with him; staid with Mr. Foley till they all went to the Ball together — he does not think the Prisoner was ten Minutes out of his Company, He did not hear any Noise

All the Witnesses having been examined and the Prisoner having finished his Defence, the Chairman Summed up the Evidence to the Jury, and a Bailiff being Sworn to attend them they withdrew, and in about an hour

a Virdict being proclaimed, the Jury returned into Court and answered to their Names —

Clerk of the Peace, Gentlemen of the Jury are you agreed of your Virdict

Jury Yes

Clerk of the Peace Who shall say for you

Jury Our Foreman

Clerk of the Peace Richard Scudder hold up your hand

Do. to the Jury Look upon the Prisoner at the Bar, How say you? is he Guilty of the Rape whereof he stands indicted or not Guilty

Foreman Not Guilty

Clerk of the Peace Did he fly for it

Foreman No

Clerk of the Peace, Gentlemen of the Jury hearken to your Virdict, as the Court hath recorded it — You find that Richard Scudder is not Guilty of the Rape whereof he stands indicted and that he did not fly for it, and so you say all —

Jury Yes

The Prisoner Richard Scudder was then relea

The Grand Jury come into Court and having a to their Names make the following presentments and are dis with Thanks for their Service —

Madraspatam Ss

We the Grand Jury of the Town of Madraspat Sworn to enquire for Our Sovereign Lord the King for the Body said Town being justly and truly sensible of the many advanti ar

arising to this place by the gracious Dispensation of his Majesty's Royal Charter as it has conveyed with it the Laws of England and prescribed the proper methods of putting these Laws into Execution

Do therefore present that it hath come to the Knowledge of this Grand Jury that on Wednesday the Eleventh day of the present month of July in the Year of Our Lord One thousand seven hundred and Seventy, a Man whose Name is unknown to this grand Jury was carried by a Military Force from this Town of Madraspatnam and within the Districts of the said Town of Madraspatnam was hanged by the Neck until he was dead, without any legal Trial whatsoever, which is contrary to Law, and against the peace of Our Sovereign Lord the King his Crown and dignity.

Town Hall
Madraspatnam
12th July 1770.

Francis Jourdan Esqr. Foreman

Messrs. Peter Mariette	Messrs. John Debonaire
Thomas Cowney	John Holland
George Smith	Thomas Pelling
John Turing	James Taylor
George Savage	William Petrie
William Dallas	Alexr. Pringle
James Johnson	John Perring

The Court then adjourned to Wednesday the 3d. day of October next ensuing at Eight of the Clock in the Forenoon for holding another Sessions —

P Cur

Town of Madraspatnam Ss

At a General Quarter Sessions of the Peace Sessions of Oyer and Termener 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 third day of October in the in the Tenth year of the Reign of Our Soveriegn 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 One thousand seven hundred and seventy Before Josias DuPré Warren Hastings, and Samuel Ardley Esqrs and others their Sociates Justices of Our Sovereign Lord the King and Commission of Oyer and Termener and Goal delivery for the said Town and the Districts thereof on which day the said Sessions was by the said Jus adjourned to Wednesday the Ninth day of January next insuing to be held at the Town Hall of the said Town at Eight of the Clock in Forenoon of the same day to do further as the said Court shall then and there consider of

Wednesday the 3d October 1770

Justices present

Josias DuPre Esqr Chairman
Warren Hastings
Samuel Ardley
John Smith
George Starttor
Henry Brooke
Richard Brickenden
George Mackay
} Esqrs

The

The Court being called the Grand Jury sworn on both Commissions were

Francis Jourdan Esqr Foreman

An Officer being sworn to attend them they withdrew and after a little while a Paper was sent into the Grand Jury in the following Words

Madraspatnam Ss 10th G. 3d

The Jury are allowed untill Friday the 5th day of October at 12 Clock in the Forenoon to return such Bill of Indictment as shall be delivered to them and to prepare such other Business as to them shall appear necessary

J Curr

One of the Grand Jury comes into Court to see the following Witnesses Sworn on a Bill of Indictment against Francis for an Assault

Anjica
Maria } Sworn on the holy Evangelists

The Grand Jury came into Court and answered to their Names and Deliver in a Bills of Indictment against Francis for an Assault indorsed Billa Vera

Francis brought to the Bar and arraigned as follows

Clerk of the Peace Francis hold up your hand — you stand indicted by the Name of Francis of the Town of Madraspatnam Portuguese on the Seventh day of August in the Tenth year of the Reign of Our Sovereign Lord George now King of Great Britain &ca with Force and Arms &ca in the Black Town in and upon one Angica a Portuguese Woman in the Peace of God and Our said Lord the King then and there being did make an Assault and her the said Angica then and there did beat wound and willy treat so that her Life was greatly despaired of and other wrongs did do to the said Angica To her great Damage and against his Majestys

Majestys Peace his Crown and Dignity —

How say you Francis are you Guilty of an Assault whereof you stand indicted or not Guilty —

Prisoner — Not Guilty —

Clerk of the Peace How will you be tryed

Prisoner — By God and my Country.

Clerk of the Peace God send you a good deliverance —

The Chief Justice then explained to the Prisoner the Nature of Tryals by Juries and acquainted him he was not liberty to chuse whether he would have a Jury of Twelves Englishmen or Six English Men and six of his own Country Men, the Prisoner chusing to be tried by a Jury of

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 are called to be Sworn and before they are Sworn

The following Jury was then Sworn the Prisoner declaring he had no Objection to any of them

Clerk of the Peace Gentlemen of the Jury look upon the Prisoner at the Bar &c.

Anjica being called and Sworn

Clerk of the Peace Do you know the Prisoner at the Bar?

Anjica — No I do not

Court — Did you ever see him before?

Anjica — I never saw the Prisoner till the day of the Assault I had been to bring some fish, and was returning, when near a Lane, the Prisoner took hold of me and stabbed me with a Knife in the Back —

Court Do you know the Knife if you see it again

Anjica — Yes, the Knife being shewn to her She declares it to be the same —

Court — Are you sure that the Prisoner was the man

Anjica — I am sure,

Court — Did you say or do any thing to the Prisoner

Anjica — No I did not

Court — Had any words passed between you?

Anjica — None

Court — Was the Prisoner Sober or Drunk?

Anjica — He was in Liquor

Court — Did he make any stay after he struck you?

Anjica — No, he ran away immediately after

Court — Was any one present when he struck you?

Anjica — No one.

Clerk of the Prisoner Have you any Questions to this Witness

Prisoner — I have none —

Maria —

Maria being called & Sworn

Clerk of the Peace — Do you know the Prisoner at the Bar

Maria — No I do not

Clerk of the Peace — Relate to the Court what you know of the Matter, he stands accused of

Maria — The Prisoner came to Mrs Tatoos about three Months ago as I think, and after enquiring for the Owner and refusing to go away, the People of the House turned him out — he run away, there were four or five Woman standing with me, the Prisoner came back, took me by the hand, and asked me to marry him, which I refused the Prisoner asked if I did not see his Knife — I said no, the Prisoner wanted to go into the House, but I desiring the other Woman to go in, and shut the Door, they did, and the Prisoner then wanted to stab me, but some Seapoys being near, prevented it

Court — At what time was this —

Maria — This was a most eight o'clock of the same day that he stabbed the other Woman

Court — Where was the other Woman

Maria — The other Woman had passed by just before, and the Prisoner run after the Woman —

Court — Do you know the Knife if you see it again

Maria — Yes

The Knife being shewn to her, she declares that it is the same as the Prisoner had in his hand.

Court to the Prisoner — Have you any Questions to ask this Witness —

Prisoner — None,

All the Witnesses being now examined, the Prisoner is asked whether he had any further Defence to make, who answered that he had and proceeded as follows —

Prisoner — I came on shore, got drunk, and did not know what I did —

Clerk of the Peace — Gentlemen of the Jury are you agreed on your Verdict —

Jury — Yes —

Clerk of the Peace — Who shall say for you,

Jury — Our Foreman

Clerk of the Peace — Look upon the Prisoner at the Bar, How say you, is he Guilty of an Assault whereof he stands indicted or not Guilty

Foreman — Guilty of an Assault

Clerk of the Peace — Gentlemen of the Jury hearken to your Verdict as the Court hath recorded it — You say that Francis is Guilty of an Assault whereof he stands indicted and so you say all —

Jury — Yes —

Clerk of the Peace — You Francis hold up your hand — You stand here convicted of an Assault what can you now say for yourself why the Court should not proceed to give Judgement against you as the Law directs —

Prisoner — I have nothing further to say —

Chairman — You Francis have been indicted for an Assault and upon your Tryal your Jury have found you Guilty, nothing now remains for me but to pronounce sentence on you as the Law Directs which is that you Francis shall go to the place from whence

whence you came, and at a convenient time to the West Coast of Sumatra, there and there to continue for the Term of 14 years

The Court then adjourned to Wednesday the 9th day of January next insuing at Eight of the Clock in the forenoon for holding another Sessions

J. Carr

Town of Madraspatnam

At a General Quarter Sessions 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 9th day of January in the Eleventh 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 One thousand seven hundred and Seventy one Before Josias Dupre Warren Hastings and Samuel Ardley Esqrs and others their Socios 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 by the said Justices Adjourned to Wednesday the 10th 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 9th January 1771

Justices Present

Josias Dupre Esqr Chairman

Warren Hastings
Samuel Ardley
John Smith
George Stratton
Henry Brooke
Richd Brickenden
John Whitehill
George Mackay

} Esqrs

The Court being called the Grand Jury Sworn on both Commission were

John Hollond Esqr. Foreman

Peter Mariette
Reynold Adams
Chanles Smith
Edward Monckton
John Turing
George Savage
William Light
Alexander Pringle

Thomas Powney
Arthur Cuthbert
Francis Jourdan
George Smith
John Sulivan
William Petrie
Wm. Hamilton
Chs. Edward Jones

An Officer being Sworn to attend them the Grand Jury withdrew After alittle while a Paper was sent in them in the following Wor

Madraspatnam Ss

W G 3d

The Grand Jury are allowed untill Friday the of January at 12 Clock in the Forenoon to return such Bill of Indictment as shall be delivered to them and to prepare such other Business as to them shall appear Necessary

Vt Cur

After sometime the Grand Jury came into Court and deliver the following Presentment

Madraspatnam Ss

We the Grand Jury of the Town of Madraspatnam Sworn to enquire for the Body of the said Town, being justly and truly Sensible of the many advantages arising to this place by the

Gracions

Gracions Despensation of the Royal Charter, as it has conveyed With it the Lows of England and prescribed the methods of putting those Laws into Execution

Do therefore present to this Honorable Court that they have great reason to believe that two Presoners under Sentence of Death, one of them named Poonambalum condemned at the Sessions of October One thousand seven hundred and Sixty and another whose name We cannot learn, by reason that the records of this Honble Court, for the years One thousand seven hundred and Sixty six and One thousand seven hundred and Sixty seven are Messing, have not been executed conformably to their Sentence, but have escaped from Jail, their Names not being included in the List of Prisoners now delivered by the Sheriff into this Honble Court

And Do further present the Clerk of the Peace for a neglect of his Duty, in not having the Records of this Honble Court in readiness to lay before them when called for

All which matters and things are contrary to the Peace of our Sovereign Lord the King, his Crown and Dignity

Edward Monkton
George Smith
John Turing
John Sulivan
George Savage
William Petree
William Light

John Hollond
Peter Mariette
Thomas Powney
Reynold Adams
Arthur Cuthbert
Charles Smith
Francis Jourdan

William Hamelton
Alexander Pringle
Charles Edd. Jones

Being asked if they have any further Business and answering in the Negative they are dismissed —

upon taking into Consideration the Foregoing presentment, it does not appear to the Court what the Grand Jury understand by the Records which they say are messing — If they understand the original Bills of Indictment, Presentments &c.a or other original Papers delivered in and filed in this Court, the Clerk of the Peace informs the Court that they remain filed in his Office and recourse may be had to them at any Time — he further informs the Court that the Minutes of Trials for the Years 1766 & 1767 are only Messing and were at he believes sent to England by mistake but the Court cannot consider those Minutes or any other Minutes taken in Court as Records, and therefore cannot come under that Description The Minutes are made for the Information of the Court of Directors & for the Guidance of the Court and not as legal Accords, subject to the Inspection of every one

With respect to the Presentment against a Sheriff or Sheriffs for the supposed Escape of two Prisoners under Sentence of Death the Clerk of the Peace is ordered to proceed therein as the Law directs —

The Sheriff is directed to make due Returns of All Precepts & Warrants in to this Court to be filed with the other Proceedings and constantly to deliver to the Court the Schedule of Presoners received from his Predecessor.

Besides the Trials, a Book is ordered to be kept containing merely the conclusive Transactions of the Court and all Orders passed by them.

The Court having finished the Business this Session adjourn to Wednesday the 10th April next for holding another.

Ex Cur

Town of Madraspatnam Ss

At a General Quarter Sessions 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 10th April in the Eleventh 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 & so forth and in the year of our Lord One thousand seven hundred & seventy one Before Josias Dupre Warren Hastings and Samuel Ardley Esqrs. and others their Socrates 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 by the said Justices Adjourned to Wednesday the 10th 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 10th April 1771

Justices Present

Josias Dupre Esqr. Chairman

Warren Hastings
Samuel Ardley
John Smith
George Stratton
Henry Brooke
John Whitehill
George Mackay
} Esqrs

The Court being called the Grand Jury Sworn in both Commissions were

John Holland Esqr. Foreman

Peter Marrette	Thomas Powney
Arthur Cuthbert	William Cuming
Edward Monckton	George Smith
John Turing	James Taylor
George Savage	William Petrie
William Light	Wm. Hamilton
Alexanr. Pringle	John Huddleston
Chs. Edw. Jones	Eyles Irwine

a Bailiff being sworn to attend them they withdrew and after some Time one of the Members came into Court to see the following Witnesses sworn on Bill of Indictment against Peter Hanson for Felony.

Janwaered de Savia Pereira
Venkatasha Dubash
Swamy — Do
Narrinnolla — Sharoff
Pundawny — Cook

He then with drew and the Grand Jury some time after come into Court and present a Bill of Indictment against Peter Hanson for Felony endorsed Billa vera.

Peter Hanson is then brought to the Bar and arraigned as follows.

Clerk of the Peace Peter Hanson hold up your Hand — You Stand indicted by the Name of Peter Hanson late of Madraspatnam Carpenter for that on Sunday the 13 day of January in the eleventh year of the Reign of our Sovereign Lord George the third now King of Great Britain &c. by Force of Arms &c. within the Black Town of Madraspatnum aforesaid, one pair of Gold Bracelets, One pair of Small Gold Earrings set with Garnets with three small Pearls to each, one Silver Box made in the Shape of a Violin, one Silver Snuff Box gilt, one pair of Stone Shoe Buckles, one pair of Silver Knee Buckles, one Stone Breast Buckles, one pair of gold Sleeve Buttons one pair of Stone Sleeve Buttons, one red Agate Stone, one Silver Tweezer Case, one Small Silver Egg & a Seal Set in Pench beck, all of the Value of five Pounds Sterling of the Goods & Chattels of Captain John Francis Varalle then there being found in the Dwelling House of the said John Francis Varalle feloniously you did Steal take and bear away against the Peace of our Sovereign Lord the King, his Crown & Dignity.

Clerk of the Peace How say you Peter Hanson, Are you guilty of this Felony Whereof you Stand indicted or not guilty.

Prisoner — Not Guilty.

Clerk of the peace How will you be tried

Prisoner - By God & my Country

Clerk of the Peace God send you a good Deliverance

Clerk of the Peace You the Prisoner at the Bar. these good men whom you Shall hear called & personally do appear, are to pass between our Sovereign Lord the King & you upon the Trial of your Life & Death. If you will challenge any of them, your time is to speak unto them as they come to the Book to be sworn & before they are Sworn.

The following Jury was then sworn the Prisoner declaring he had no Objection to Any of them.

Messrs. Andrew Ross — Messrs. Wm. Cranswell
John Sykes — Daniel Shaw

Messrs. Henry Dupuy — Messrs. William Carlile
Edward Rylance — William Harreson
Daniel Cryer — David young
William Burton — Simon Hammon

Clerke of the peace Gentlemen of the Jury look upon the Prisoner & hearken and to his Cause. You shall know that he stands indicted by the Name of Petr Hanson &c. (here the Indictment was again read as in the Arraignment) Upon this Indictment he has been arraigned and has pleaded not Guilty, & for his Trial hath put himself upon God & 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 or Chattels, Lands, or Tenements he had at the Time of the Felony committed or at any time since - if you find him not guilty you are to enquire whether he fled for it - if you find that he fled for it - you are to enquire of his Goods & Chattels Lands and Tenements as if you had found him Guilty - if you find him not guilty and that he did not fly for it, you are to say so & no more & hear your Evidence,

John Francis DeVarille called & sworn upon the holy Evangelist

The Witness being shewn the several Articles mentioned in the Indictment says that they are his Property and further deposeth as follows

That 12th or 13th of January last about 1 or 2 O'clock in the Morning, hearing a Noise upon his Terras, he got up throw upon the Door & went upon the Terras that he passed through the Hall where his Bureau was & saw nothing that about 6 or 7 O'clock he found his Bureau had been broke open & upon examining it, he found that the Wood above the Key hole had been

Cut with an Intent as he believed to introduce an Instrument to depress the Lock which had been pushed in - that in the middle of the Bureau were two little folding Doors which had been forced open - that he had money in the Bureau in private Drawers & finding that was not taken away he did not suspect his own Servants - that there were also in the first of the large Drawers, Joys to the Amount of 200 Pags which remained untouched - that the things now produced were in a small Drawer in the Cabinet of the Bureau and that a magnifying Glass & a teveyer Case were left in the Beereau -

Court — Did you suspect any Particular Person

Depenent - I did not know whom to suspect, until one Doogood told me he had some Suspecion of the Prisoner - I acquainted my Dubash of it, who said it must be so. My Dubash went to the Prisoners house and on returning said the Prisoners Wife shewed the Joys to him - I then Applied and Obtained a Search Warrant

Court - Had the Prisoner ever been at your house before the Robbery.

Deponent - I have often sun him there & used to lend him Money to serve him - he has seen me take money out of the Bureau and I remember he was at my house the night the Robbery was committed -

John Robinson who served the Search warrant was then called & sworn. —

Clerk of the Peace Do you know the Prisoner?

Deponent - Yes I have known him about a year

Clerk of the Peace Did you serve a Warrant for searching the Prisoners house -

Depenent - Yes - I dont exactly remember the Time, but I went to the Prisoner house, Where I found his Wife, Mother in law & some Carpenters at Wak - the Prisoner was not at house I asked his wife if she knew of the things which I had got an Account of, naming some of them - she said No.

One of the Grand Jury comes into Court to see Cunno sworn upon a Bill of Indictment against Comerapah for Felony.

John Robinson then continued his deposition as follows

I asked her for the Key of the Chest, opened it & Searched the Coathes In one of the Pockets of a Pair of Bruches, I found the Boxes Buckles Breast Buckle & three Agate Stones, tweegues Case & Egg which are now produced. I delivered them to the Justice of Peace who ordered me the next morning to go aboard Ships for the Prisoner - I did so, & found him in a Vessel belonging to Captain Ware & brought him ashore - I carried him to the Justice, who directed him to be taken to the Black town to some Hawkers whom the Prisoner said on his Examination he had bought the things of - I found some of the Hawkers and the Prisoner desired he might be carried back to the Fort as it was endless to look for Hawkers. that he Was then committed - Two days after Mr Harrison's Dubash asked me if all the things were found and on my Answering in the Negative told me that some things were offerd to him by the Prisoner for Sale, which he refus= ing the Prisoner Asked him to raise Money upon them - that he told him he would, & Accordingly raised Money from a Shroff he then carried me to the Shroff who delivered to me to Bracelets Which are now produced - The Prisoners Cook Boy delivered the Earrings & told the Justice that the Prisoner had pledge them to him.

The Prisoner being asked if he has any Question to ask this Witness says that he has not.

Swamy - called & Sworn

Clerk of the Peace — Do you know the Prisoner

Depenent — Yes I have known him 3 or 4 Months. On the 13th January the Prisoner brought me some Gelo Bracelets and asked to pawn them. - / / the Bracelets being shewn to him he says they are same. / I said I had no Money. He then desired me to pawn them to some= body else & he would allow Interest - he said they belonged to his Wife - I carried them to a Shroff & pawned them for 4 Pagodas which I gave to the Prisoner - I heard afterwards that the Prisoner was taken into Custody for Steeling them - I then told the Constable what had passed between the Prisoner & me carried him to the Shroff & saw him deliver the Bracelets up to the Constable -

The Prisoner being asked & having no Question to put to this Witness, Narsimoolo Shroff is called & sworn -

Clerk of the Peace — Do you know the Prisoner

Depenent - No

Clerk of the Peace — Do you know Sawmy the last Witness

Depenent - Yes.

Clerk of the Peace — Did he ever Pawn any thing to you

Depenent - On the 13th January he pawned some gold things to me for 4 Pagodas. the money was to have been paid in 10 days with Interest. but I have not yet received it - Swamy brought me to the Constable and I delivered the Bracelets to him - / being shewn the Bracelets he says they are the same that were pawned to him /

The Prisoner having no Questions to ask this Witness. Pundaroy the Cook Boy is called & Sworn.

Clerk of the Peace — Do you know the Prisoner.

Depenent - Yes - he was my Master - I served him one Month & half before he was taken - he gave me a pair of Earings to pawn for 1 Pag. / being shewn the Earrings he says they are the same / I pawned them for 25 Fanams and paid them to the Prisoner About the 8th January - 20 days after he went onboard Ship. Returning home one day after Dinner I heard the Constable had been in Search of my Master for having Stolen some Jewels I asked my Mistress if She had any Earrings - she said no - The next Day I redeemed the Joys & gave them to the Constable.

The Prisoner has no Questions to ask the Witness.

Clerk of the Peace — Do you know Prisoner — Vencataska Dubash called & Sworn.

Depenent - I have have known him about 10 Months

Clerk of the Peace — What do you know of the Robbery which he is accused of.

Deponent - On the 13th January in the morning I went to my Masters house about 6 o'clock - at 7 my master awaked I gave me a small Key to examine whether his money was gone or not - the Money was there - I saw the Jevels now produced & many more in Mr. Varailles Bureau before he complained of being robbed.

The Prisoner having no Questions to put to this witness he is asked what he has to say in his Defence.

Prisoner - On the 27th January a Hawker offerd me some Silver things for Sale, also some Silver Spurs - We did not agree about the Price he then - Shewed me a Silver Snuff Box gett within, which I bought for Pgs. 1 24 - he then shewed me a Silver Tweezer Case which had an L marked which I declining to purchase, he offered to pawn the Stone Shoe buckles, Breast Buckles the silver tweezer Case the red agate & two Mocoa Stones, If I would lend him 2 Pags. he promised to come the next day to redeem them, but has neglected to do it ever since The Gold Bracelets & Earings I think are the same which I bought for a Girl I kept at Masulipatan I pawned the Bracelets lately to a Dubash of Mr. Harrison and the Earings I gave to my Cook Boy to pawn or sell for a Pagoda.

The Grand Jury come into Court I having answered to their Names present two Bills of Indictment against Comrapah for Felony indorsed Billa vera - They then Withdraw.

The Prisoner being asked if he has any Witness to produce in Support of his Defence or any Persons to give him a Character he calls upon Mr. Whitehill to declare what he knows of him - Mr. Whitehill declares that whilst he served him which was about 2 years he behaved very well.

The Prisoner having no more Witnesses to call upon in his Behalf the Chairman summ'd up the Evidence to the Jury, and they withdrew Leaving a Bailiff -

Sworn to keep them. After sometime they returned into Court and answered 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 the Peace Look upon the Prisoner at the Bar - Is he guilty of the Felony whereof he stands indicted or not Guilty -

Foreman. Guilty. to the value of thirty nine Shillings

Clerk of the Peace What Goods or Chattels, Lands or Tenements do you find he had.

Foreman - None

Which being recorded

Clerk of the Peace - Gentlemen of the Jury hearken to your Verdict as the Court hath recorded it. You find that Peter Hanson is guilty of the Felony whereof he stands indicted. to the value of thirty nine Shillings and that he had no Goods or Chattels, lands or Tenements at the Time of the Felony committed nor at any time since, and so you say all -

Jury - Yes

The Prisoner was then taken from the Bar - and Comrapah set up.

Clerk of the Peace Comrapah hold up your hand &c. You stand indicted by the Name of Comrapah tale of Tandavour in the Districts of Madraspatnum for that on the 12th Day of November in the Eleventh year of the Reign of our Sovereign Lord George the third now King of Great Britain &c. by Force & arms &c. within the Black Town of Madraspatnum aforesaid one pair of Coral Bracelets with Gold Beads - One Necklace with Coral & Gold Beads with a square piece of Gold hanging at the End, two Hair strings with Gold Knobs having a small Ruby to each, one pair of Men's Gold Earings with small Rubies in the Middle - one pair of Women's Gold Earings, one Hair Joy with Coral Beads and a few Gold ones interspersed, eight - Womens Silver Rings for Toes, Two Gold Rings for Womens Fingers, Two Silver Rings for Womens Fingers. two Gold

Joys

Joyp for the Forchead - one pair of Mens Earrings - In ready Cash five Pagos Viz.t four in gold and one in Fanams one Gold Necklace two Womens Cloths and a Piece of Muggadoty all of the Value of thirty Pounds Sterling of the Goods & Chattels of one Mootia Comrapah Dabash then & there being found in the Dwelling house of the said Mootia Comrapah felonously you did take steal & bear away against the Peace of our Soveraign Lord the King his Crown & Dignity — How say you Comrapah are you guilty of this Felony whereof you stand indicted or not guilty.

Prisoner - Guilty

The Chairman then informs him that if he persists in this answer he will encur the Penalty due to Capital Crimes upon the clearist Proof of guilt - that he had therefore better put himself upon his Trial in hopes that some favorable Circumstances may arise upon it to lessen the Crime but he still containing to plead Guilty, is ordered to be taken from the Bar.

The Grand Jury come into Court and make the following Presentment which is publickly read

Madraspatnam ss.

We the Grand Jury of the Town of Madraspatnam sworn to enquire for the Body of the said Town. being justly & truely Sensible of the many Advantages arising to this Place by the gracious Dispensation of the Royal Charter as it has conveyed with it the Laws of England & prescribed the Method of putting those Laws into Execution.

Do therefore Present to this Honble Court that from the Voluntary confession of Comrapah taken before Peter Smith Esq.r one of his Majesty's Justices of the Peace of this Town &c.a it doth appear that the Persons specified under the Name of Polygars

Polygars People have feloniously taken away Some Joyp belonging to the Mother in law of the said Comrapah together with a Bill of Sale of her house and have likewise recovered twenty Seven Pagodas which were due to him the saide Comrapah from different People.

All which Matters & things are contrary to the Peace of our Sovereign Lord the King his Crown and Dignity -

George Savage	John Hollond
Wm. Petree	Peter Marcette
Wm. Light	Thom.s Powney
Wm. Hamilton	Arth.r Cuthbert
Alex.r Pringle	Will.m Cuming
I. Hudleston	Edw.d Monckton
Chas. E. Jones	George Smith
Eyles Irwin	John Turing
	James Taylor

The Grand Jury having no further Business to offer they as well as the Petty Jury were dismissed and the Prisoners convicted this Sessions called up to their Sentence in manner following -

Peter Hanson brought to the Bar

Clerk of the Peace - You Peter Hanson hold up your Hand - you stand here convicted of Felony what can you now say for yourself why the Court should not proceed to give Judgement against you as the Law directs -

Chairman - That you Peter Hanson shall be burnt in the Brawny part of your left hand with a Hot Iron having the Mark of the Letter F. Which Sentence was executed in Open Court

Comrapah brought to the Bar

Clerk of the Peace - you Comrapah hold up your Hand - you stand here convicted of Felony & Robbery what can you now say for yourself why the Court

should

should not proceed to give Judgement of death against you as the Law directs

Chairman That you Comrapah shall go to to the place from whence you came and from thence to the place of Execution and there you shall be hange by the Neck untill your Body is dead and God have mercy on your Soul

The Court then adjourned to Wednesday the Second day of October next ensuing at Eight of the Clock in the forenoon for holding another Sessions

By Court

Town of Madrasapatnam ss

At a General Quarter Sessions of the Peace & Sessions of Oyer and Terminer and Goal delivery of our Sovereign Lord the King holden for the Town of Madrasapatnam at the Town Hall of the said Town on Wednesday the Tenth day of July in the Eleventh 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 One thousand seven hundred and seventy One

Before Josias Dupre. Warren Hastings & Samuel Ardley Esqrs and other their Sociates Justices of the Peace of our Sovereign Lord the King and Commissioners of Oyer and Terminer and Goal delivery for the Town and districts there of on which day the said Sessions was by the said Justices adjourned over unto Wednesday the Second 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 said Court shall then and there consider of

Wednesday the 10th July 1771

Justices present

Josias Dupre Esqr Chairman
Warren Hastings
Samuel Ardley
John Smith
George Stratton
Henry Brooke
John Whitehill
George Mackay
} Esqrs

The Court being called the Grand Jury sworn on both Commissions were

John Hollond Esqr. Foreman

Messrs. Thomas Powney	Messrs. Arthur Cuthbert
George Smith	Edwd. Monckton
John Turing	James Taylor
George Savage	William Petrie
William Light	Wm. Hamilton
James Call	Charles Jones

The Charge being given the Grand Jury withdrew and an Officer is Sworn to attend them

The Corner delivers in an Inquest taken by him on the Body of Coropah in the Great Bazar, the 20th day of June - Verdict Accidental Death

The Grand Jury came into Court being called over answerd to their Names and having nothing to offer are dismessed

The Court then Adjourned to Wednesday the 2d. day of October next ensuing at Eight of the Clock in the Forenoon for holding another Sessions

Vt Cur

Town of Madraspatnam ss

At a General Quarter Sessions 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 Second of October in the Eleventh 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 One thousand seven hundred and seventy one Before Josias Dupre, Warren Hastings & Samuel Ardley Esqrs. and others their Sociates Justices of the Peace of our Sovereign Lord the King and Commissioners of Oyer & Terminer and Goal delivery for the said Town and Districts there of on which day the said Sessions was by the said Justices adjourned over unto Wednesday the Eighth of January 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 2d. October 1771

Justices Present

Warren Hastings Esqr. Chairman

Samuel Ardley
John Smith
George Stratton
Henry Brooke
John Whitehill
George Mackay
} Esqrs

The Court being called the Grand Jury Sworn on both Commissions were

John Hollond Esqr Foreman

Messrs Thomas Powney
Reynold Adams
Frances Jourdan
Gorge Smith
Eduard Monckton
Cotton B Dent
James Taylor
James Hodges

Messrs George Savage
John Ross
Alexander Pringle
John Hudleston
James Call
Eyles Irwin
George Vroctor
William Duff

The Charge being given the Grand Jury withdrew and an Officer was Sworn to attend them — The Court being opened, the Clerk of the Peace takes the following Oath — I Charles Oakley do Swear that I have and will duely and truely recorde very proceeding & order of the Sessions in such manner and Form as appertaineth to the Office of Clerk of the Peace to do, to the best of my Skill and Knowledge, so help me God

The Oath of Allegiance & Office is administered to George Andrew Ram as Corner in the following Manner

I George Andrew Ram do sincerely promise and Swear that I will be faithfull and Allegiance to his Majesty King George — I George Andrew Ram do Swear that I will duely and truely execute the Office of Corner in such manner and Form as appertaineth thereto to the best of my Shell and Knowledge, So help me God

Messrs Edward Stracy & John Macpherson John Turing and John Sulivan not attending upon the Grand Jury are fined by the Court in the Sum of Forty Shillings each

The Grand Jury came into Court and deliver the following Presentment which a read publickly in Court

Madraspatnam

Madraspatnamss

We the Grand Jury of the Town of Madraspatnam Sworn to enquire for the Body of the said Town, being justly and truly sensible of the many advantages arising to this place by the Gracious Despensation of the Royal Charter, as it has conveyed with it the Laws of England and prescribed the Methods of putting those Laws into Execution —

Do therefore present to this Honble Court that it has come to the Knowledge of this Grand Jury, that sometime in the month of August last, a certain Boats Crew, or a part of them did feloniously steal or rob a certain Sum of Money belonging to one of the Officers of the Ship Talbot then in this Road, and that the said Boats Crew or any of them have not been taken into the Sheriffs Custody or brought to a Trial as the Law directs.

And do further present that it has also come to the Knowledge of this Grand Jury that sometime in the month of July last an Assault and Battery was committed on the Person of John Stewart near Cuddalore by a Party of Seapoys, said to have been ordered by George Dawson Esqr Chief of Cuddalore to bring back the said John Stewart, and they the said Seapoys, or some of them, did fire and discharge their Musquets, and did wound the said John Stewart, and forcibly carried him back to Cuddalore

All which Matter and things are contrary to the Peace of our Sovereign Lord the King his Crown and Dignity

John Ross
Alexr Pringle
John Hudleston
James Call
Eyles Irwin
George Procter
William Duff

Edward Monckton
C B Dent
James Taylor
James Hodges
George Savage

John Hollond
Thomas Powney
Reynold Adams
Frances Jourdean
George Smith

The Court then adjourned to Wednesday
the ~~Second~~ eighth day of January next ensuing at Eight of the
Clock in the forenoon for holding another Session

D Clerk