Series
XIII

Mayor's Court records. Court
Quarter Sessions (Vol 10)
30-4-1794 – 28-11-1794

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At a General Court of Quarter Sessions of the Peace

Holden at the Town Hall in Fort St. George on Wednesday the Thirtieth day of April in the year of Our Lord One Thousand Seven hundred and ninety four

Present

The Honorable Sir Charles Oakeley Baronet President

and

Ernst William Kellsfield and George West all Esquires Justices assigned to keep the Peace and also Commissioners of Oyer and Terminer and General Gaol delivery for the Town of Madraspatnam Garrison of Fort Saint George and its Dependencies

The Court being duly formed the Sheriff returned his Precepts and the following Gentlemen are then sworn on the Grand Jury

The Honorable Basil Cochrane Foreman

Thomas Lawrie	Cecil Smith
Thomas Snodgrass	Joseph Smith
William Jones	Thomas Anstey
George Powney	Alexander Falconar
Charles Parker	James Brodie
George Pacey	Charles Harris
Henry Bowen	Daniel Crawford

The following Indictments are then delivered to the Grand Jury

The King against Charles Floyer for an assault with an intent to kill
The King against Paul Gould for Forgery
The King against Patrick Cunningham for Felony and Murder

Benjamin Roebuck being called to prosecute against Charles Floyer and not answering forfeits his Recognizance

A Bailiff being sworn to keep the Grand Jury, The Grand Jury retire

The Grand Jury return the Indictment The King against Charles Floyer endorsed Ignoramus

Charles Floyer is thereupon discharged by proclamation

Messieurs John White, John Wilkinson, George Pasley and Samuel Augustus Humphreys present Petitions for admission to practice as Solicitors in this Court Petitions read and granted

Stephen Popham sworn before Deputy Clerk of the Peace, takes the Oaths of Allegiance and Office as Clerk of the Peace

Robert Williams takes the Oaths of Allegiance and Office as Deputy Clerk of the Peace

The following Indictments are delivered to the Grand Jury

The King against James Nugent for Felony and Murder
The King against John Lamb for Felony
The King against Tondeny for Grand Larceny

The Grand Jury return into Court the following Indictments

The King against Paul Gould for Forgery endorsed a true Bill
The King against Tondeny for Grand Larceny endorsed a true Bill

30th April 1794.

The following Indictments are delivered to the Grand Jury.

The King against Puckersaib for Grand Larceny
The King against Thomas for Felony
The King against Vincen and Narsan for Grand Larceny
The King against Amachellum and Pamasawmy for Felony and Robbery
The King against George Annawbey and Monick Pemberton for Grand Larceny
The King against Charles Clayber for Felony and Murder
The King against John Mackenzie for Assault with an intent to kill
The King against Thomas Dignum, John Earl, John Innis and Michael Howard for Burglary
The King against Thomas Dignum for Larceny
The King against Thomas Dignum, John Earl, John Innis and Michael Howard for Larceny
The King against Daniel Nugent for Murder
The King against Jacob Smith and Alex Thompson for Murder

The Court is then adjourned until Tomorrow at Ten o'Clock in the Forenoon for continuing the present Sessions

Robert Williams
Deputy Clerk of the Peace

1st May 1794.

Adjourned Sessions — Thursday the first of May One thousand Seven hundred and Ninety four.

Present

The Honorable Sir Charles Oakeley Baronet, President
Ernst William Fallofield
and
George Westcott
Esquires, Justices.

The Court being duly opened, a Petition from Emanuel Samuel and one Gilbert Pickells for admission to practice as Solicitors at the Court of Requests presented — Petitions being read, The Court is pleased to make an Order that all Persons admitted as Att Mayor's Court shall be at Liberty to plead as Advocates in this Court.

Paul Gould is put to the Bar, and the Court proceeds upon his Trial.

He is then Arraigned as follows,

Clerk of the Peace — Paul Gould, hold up your Hand — You stand indicted by the name of Paul Gould late Serjeant a Majesty's seventy third Regiment of Foot and a subject of the said Lord the King, for that you as ninth day of June in the Year of Our Lord One thousand Seven hundred and ninety one at or day of August in the thirty second Year of the Reign of our Sovereign Lord George the Third of Great Britain, France and Ireland, Defender of the Faith and so forth with Force and Arms at in within the Jurisdiction of this Court, feloniously did falsely make, forge and counterfeit, and did cause and procure to be falsely made, forged and counterfeited, and did act and assist in the same in the name of B.G. Barbut Capt — and Paymaster of this said Majesty's said seventy third Regiment the Tenor of which said Receipt is as follows

Received of Oliver Colt Esqr the Sum of 30 Star Pagodas on my Account as Paymaster 73 Regt
By me
B.G. Barbut
Capt & Paymaster
73 Regt

Fort St George
8th Aug. 1792

Camp Office

Which said Receipt he the said Paul Gould afterwards to wit, on the said 8th with an intent to defraud Oliver Colt of the said Sum of thirty Star Pagodas Current Money of Madras or Twelve Pounds Sterling Money of Great Britain against the Form of the Statute in that Case made and provided and against the Peace of Our said Lord the King his Crown and Dignity day of August in the thirty second Year of the Reign of our said Lord the King at Madras aforesaid within the Jurisdiction of this Court falsely forged and counterfeited Acquittance or Receipt purporting Court signed by the said B.G. Barbut with Force and Arms feloniously did utter and publish as a true Receipt which said Receipt so as aforesaid falsely made and counterfeited is in the Words and Figures following

Received of Oliver Colt Esqr the Sum of 30 Star Pagodas on my Account as Paymaster 73 Regt
By me
B.G. Barbut
Capt & Paymaster
73 Regt

Fort St George
8th Aug. 1792

Camp Office

with an intent to defraud the said Oliver Colt of the said Sum of thirty Star Pagodas Current Money of

aforesaid or twelve Pounds Sterling Current Money of Great Britain, upon the said Paul Gould at the time of publishing of the said false, forged and counterfeited Acquittance or Receipt by you as aforesaid there and there well knowing the said Receipt to have been false, forged and counterfeited against the Form of the Statute in such Case made and provided, and against the peace of our said Lord the King, his Crown and Dignity. How say you, are you Guilty of the Forgery where of 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 following Gentlemen are then sworn on the Petit Jury, the Prisoner being first informed he might object to any of them as they came to the Book to be sworn, and before they were sworn

George Mynack Esquire Foreman

Joseph Grenhill	Peter Massey Captain
Richard Chase	William Boyle
Robert Hoffnie	Edward Jones
William John Chater	Thomas Hurst
William Fraser	Alexander Melvin

and William Meare

Clerk of the Peace — Gentlemen of the Jury, the Prisoner at the Bar and hearken unto his Cause. You shall know that he stands indicted by the name of Paul Gould a Serjeant in His Majesty's Seventy third Regiment of Foot (Here the Indictment is read as in the Arraignment) upon which Indictment he has been arraigned and thereunto hath pleaded not Guilty, and for his Trial hath put himself upon God and his Country, which Country you are, Your Charge is therefore to enquire whether he is Guilty of the Forgery where of he stands indicted or not Guilty, and hear your Evidence.

The Prisoner pleads in Bar of the Indictment that he is not a Serjeant.

The Court informs the Prisoner that if he stands to his Plea he must declare what he is.

The Prisoner refuses to state what he is, and thereupon the Court orders that the Trial goes on.

Frank Day, Sworn.

Clerk of the Peace — Relate what you know concerning the Forgery where of the Prisoner stands Indicted.

Answer — On the eighth of August One thousand seven hundred and ninety two between two and three O'Clock in the day Mr Oliver Coll presented me a Note (I mean that two Serjeants in the House of Balfour and Coll) signed W. Barbutt Captain 73 Regt for thirty Pagodas with the word Accept[ed] and the Initials W.C. (Receipt produced, Witness points to the name) Mr Coll enquired if it was Captain Barbutt's handwriting. I said I did not think it was but enquired of Mr Coll if the Initials were of his handwriting. He told me they were not and that it appeared to him to be a Forgery on the House. We then called the Cash Keeper and asked him who brought the Receipt for payment. He told me a Native who was then present and waiting for the Money and as he gave so indifferent an account how he came by the Note, he was detained. In four Minutes afterwards he said a Serjeant gave him the Receipt, and that he was in the Barracks. one or two of the Writers were then desired to go and bring the Serjeant, they returned and said he was coming. A few Minutes afterwards they said he was coming but when he saw a Carriage at the door he went back and turned round the Corner. I then signified to Mr Coll that if he would go in his Carriage the Man would probably return

return, upon which Mr Coll set away in his Carriage. I then desired the Cash Keeper to stay below and the Receipt, and if the Man came to bring him into the Office. The Cash Keeper then came into the Office with the Prisoner, and gave the Receipt into my hands. I then shewed the Prisoner the Receipt, and asked him what he wanted, He told me thirty Pagodas. I then told him it was unusual for Captains Barbutt to give Receipts he generally gave Orders on the House, and taxed him closely if he was certain it was Captain Barbutt's handwriting. He told me it was, he saw him write it in the Exchange Company's Coffee House in the presence of Lieutenant Rathbrand that the Money was for the purpose of paying fifteen Taylors who were making up Clothing for the seventy third Regiment, and that if I objected to the Note he would receive fifteen Pagodas then and call the next day for the rest, at the same time writing his name on a piece of Paper, Paul Gould. Being convinced in my own mind it was a Forgery on the House, I told Paul Gould to sit down, and ordered the Writers to look for a Letter from Captain Barbutt. Being convinced it was not Captain Barbutt's handwriting I had it to shew him.

Prisoner sworn.

Question, by the Jury — Did you ever see Captain Barbutt write?

Answer — Frequently.

Question — Did you ask the Prisoner if he was a Serjeant?

Answer — He told me he was a Serjeant, and wanted the Money to make up Clothing for the seventy third Regiment.

Question, by the Jury — Have you any reason to believe that the Receipt was the Prisoner's handwriting?

Answer — No.

Questions by the Prisoner

Question — Did I ask to receive fifteen Pagodas on account?

Answer — I perfectly recollect you did.

Question — Who was the person who was in the Office and not me?

Answer — The Native Dubash was the person who first presented the Receipt for payment, and the Prisoner came afterwards.

Cheanachilliam, sworn.

Clerk of the Peace — Relate what you know concerning the Forgery where of the Prisoner stands Indicted.

Answer — In the Month of August One thousand seven hundred and ninety two, or one thousand seven hundred and ninety three, about three in the afternoon, when I sent Cash Keeper in the House of Balfour and Coll, the Prisoner came and brought a Chit to Nagapah Chitty the Dubash, and asked for thirty Pagodas. Nagapah Chitty delivered it to the Shroff to order him to pay it. The Shroff brought it to me to pay the money, when I saw the Chit I saw Mr Coll's Signature was not true Signature, and said Mr Coll is gone to Garden, bitter call to morrow. The next Day at half past three O'Clock the Prisoner kept one Man to explain to him after Mr Coll gone to Garden. At half past three he came to me and demanded the Money. I told him why did you not come at ten or twelve O'Clock when Mr Oliver Coll was here, you and go back to Mr Day and if he order me to pay the Money I will pay it. Afterwards the Serjeant went away then Mr Day sent two or three People to look after me and brought the Prisoner to Mr Day. (Receipt produced and sworn to by Witness)

Question — How do you know the Prisoner was a Serjeant?

Answer — I afterwards understood so.

Question — Is this Captain Barbutt's Signature?

Answer — No it is not. I have many of his Signatures.

Question — Did you ever see him write?

Answer — No.

Questions by the Jury — Did the Prisoner first present the Receipt for payment?

Answer — Yes.

Question

Question — Was it aversent by a Native?
Answer — No.
Question — Do you know the Handwriting of the Prisoner?
Answer — No.
Question — Have you any reason to think the Receipt to be the hand writing of the Prisoner?
Answer — I have no reason to think so.
Question by the Court — When you first supposed the Note to be a Forgery and taxed the Prisoner with it what did he say?
Answer — The Prisoner was angry, he said it was Captain Barbets Signature, and Mr. Colthirsty will not pay it. I said there to him, come to morrow.
Question — Did the Prisoner appear alarmed?
Answer — No.
Question by the Jury — Did the Prisoner in your presence, ever say he had seen the Receipt signed by Captain Barbut in the Exchange Coffee House?
Answer — No.

The Prosecution is closed, and the Prisoner called upon for his Defence.

Prisoner's Defence.

Mr. Day says I came at two, the last Witness says half past three — I never demanded any Money of Mr. Day on it, nor ever did I tender that Note for payment, nor do I know anything of the Note nor hand writing. Mr. Day swears the Note was brought by a Native Dubash, — I know nothing of it, nor ever did I accept any to it. Mr. Day swears that I came in a Nankeen Jacket I know nothing of it, nor ever was I accustomed to it. Mr. Day swears that I came in a Nankeen Jacket and long Drawers. I never wore any such Clothes since I came to India. I totally deny every thing alledged against me, and am innocent of the Charge — I have been twenty Months in Confinement. I am not a Serjeant in the Seventy third Regiment.

The President observes to the Jury that Captain Barbut the principal Evidence, who might have substantiated the fact has not been called.

The Prisoner having closed his Defence the Petit Jury retire to consider on their Verdict, a Bailiff having been first sworn to keep them, and after a short time a Verdict being proclaimed they come into Court and answer unto their names.

Clerk of the Peace — Gentlemen of the Jury have you agreed of your Verdict?
Jury — Yes.
Clerk of the Peace — Who shall say for you?
Jury — Our Foreman.
Clerk of the Peace — How say you Gentlemen, is Paul Gould Guilty of the Forgery whereof he stands Indicted, or not Guilty?
Foreman — Not Guilty.

which being recorded

Clerk of the Peace — Gentlemen of the Jury, hearken unto your Verdict, as the Court hath recorded it. You say that Paul Gould is not Guilty of the Forgery whereof he stands Indicted, and so you say all?
Jury — Yes.

The Prisoner is thereupon discharged by Proclamation.

The

The Court then proceeds to the Trial of Jacob Smith and John Thompson.

The Prisoners are thereupon put to the Bar and Arraigned as follows.

Clerk of the Peace — Jacob Smith and John Thompson hold up your right hands.

You stand Indicted by the names of Jacob Smith and John Thompson Private in the third Battalion of European Infantry, in the Service of the United Company of Merchants of England trading to the East Indies, for that you not having the fear of God before your Eyes but being moved and seduced by the instigation of the Devil on the Twentieth day of August in the Year of the Reign of Our Sovereign Lord George the Third, now King of Great Britain, France and Ireland, Defender of the Faith and so forth, with Swords, Bayonets and Muskets all in the Jurisdiction of this Court and upon one John Walters in the peace of God and our said Lord the King then and there being feloniously wilfully and of your malice aforethought did make an Assault and that you the said Jacob Smith him the said John Walters with a certain Board or Plank of the value of Six Pence, which you the said Jacob Smith in your Right hand then and there had and held, did Beat and there Feloniously, wilfully and of your malice aforethought strike and wound, giving unto him the said John Walters on the head of him the said John Walters one mortal wound of the length of three Inches, of the breadth of half an Inch, and of the depth of one Inch, of which said mortal wound the aforesaid John Walters then and there instantly died. And that you the aforesaid John Thompson then and there Feloniously wilfully and of your malice aforethought was present, helping, aiding, abetting, comforting, assisting and maintaining the said Jacob Smith the Felony and Murder aforesaid in manner and form aforesaid to do and commit and so you the said Jacob Smith and John Thompson the said John Walters then and there in manner and form aforesaid, Feloniously wilfully and of your malice aforethought did kill and Murder against the peace of our said Lord the King His Crown and Dignity.

How say You are you Guilty of the Murder whereof you stand Indicted, or not Guilty?

Jacob Smith — Not Guilty.
John Thompson — Not Guilty.
Clerk of the Peace — How will you be tried?
Prisoners — By God and Our Country.
Clerk of the Peace — God send you a good deliverance.

The following Gentlemen are then Sworn on the Petty Jury the Prisoners first informed they might object to any of them as they came to the Book to be sworn, and before they were sworn.

George Lynch Esquire Foreman
Joseph Greenhill — Peter Mayerhoffer
Richard Chase — William Boggie
Robert Holme — Edmund Yates
William John Chester — Thomas Hurst
William Turner — Alexander McLean
and
William Hart

Clerk of the Peace — Gentlemen of the Jury look upon the Prisoners at the Bar, and hearken unto their Cause. You shall know that they stand indicted by the names of Jacob Smith and John Thompson Private in the third Battalion of European Infantry, where the Indictment is read as in the Arraignment — Upon which Indictment they have been Arraigned, and thereunto have pleaded Not Guilty and for their Trial have put themselves upon God and their Country, which Country you are. Your Charge is therefore to enquire whether they are Guilty of the Murder whereof they stand Indicted, or not

1st May 1794.

(8)

Not Guilty and I hear your Evidence.

Montague Cosby Lieutenant in the first Regiment of Native Cavalry Sworn.

Clerk of the Peace — Relate what you know concerning the Murder whereof the Prisoners stand Indicted.

Answer — Sometime in the middle of the day on the thirtieth August ninety three Solomon Frost Serjeant Major at Vellore brought me information that a Man had been found dead in one of the Soldiers Houses. I desired he would lead me to the Spot and when I arrived I found the deceased to be John Walters. On enquiring into the Circumstances of the Murder I received such information from Solomon Frost, and an old Woman's name but after was induced me to imagine that Jacob Smith and John Thompson were concerned in the Murder. I therefore caused them to be apprehended, and whilst leading them to the Main Guard Jacob Smith dropt a Basket which contained several pieces of foul Linen and other articles, and while he was occupied in collecting them together Solomon Frost took a purse from the Ground and put into my hands. On that purse was a drop or two or more of Blood. I asked Jacob Smith if the purse belonged to him, which he obstinately denied. Solomon Frost declared that he had seen the Purse fall from among the other Articles contained in the Basket. On diligent search in and about the House the only Weapon that had the appearance of being instrumental in the Murder was a piece of Plank which from being covered with Blood, and having hair fixed in between the Fibres, to my belief was the Instrument used to accomplish the death of John Walters. Jacob Smith appeared when I apprehended him to be intoxicated.

Question by the Jury — Was the deceased found dead in either of the Prisoners Houses?

Answer — I cannot say from my own knowledge, but was informed the deceased visited the House of the Prisoner Jacob Smith.

Question — Was Thompson with him at the time?

Answer — Thompson was with him.

Question — Did you see the deceased?

Answer — I did.

Question — Why do you suspect he was murdered?

Answer — From the Wounds which appeared in his Head, which were fresh and the Blood still running from them.

Question — What was the nature of the information you received from Frost and Loozapah?

Answer — Loozapah informed me that John Walters a short time previous to his death had gone out of the House of Jacob Smith and came to hers to ask for some Water, that after being satisfied he returned, and almost immediately on his return she heard a noise as if proceeding from a violent blow, a little after the Prisoners Thompson and Jacob Smith ran out of the House informing all whom they met that they had discovered a dead man. Solomon Frost informed me that the Deceased had been wounded in the Head, and on examination I could distinguish two Wounds there appeared to be more, which might have been occasioned by the nature of the fracture.

Question — Did you hear of any previous Quarrel between the Deceased and the Prisoners at the Bar?

Answer — none that I could depend upon.

Question — How long do you imagine the Deceased to have been dead previous to your seeing him?

Answer — I cannot tell.

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Solomon Frost, Garrison Serjeant Major at Vellore, Sworn.

Clerk of the Peace — Relate what you know concerning the Murder whereof the Prisoners stand Indicted.

Answer — On the thirtieth of August last between twelve and one Clock an European came to me and told me that a Man was dead of the name of John Walters, and was killed in the House of Jacob Smith. I then went and informed Lieutenant Cosby of it. Lieutenant Cosby came along with me and saw the deceased lying dead. Lieutenant Cosby desired me to look about to see if there was any Weapons near. I found a fork and a bit of a Board about two feet long, it was all bloody and on the edge the hair was hanging. Doctor Gahagan and Doctor Cunnie came and searched the wound. Afterwards the deceased was ordered to the Hospital, and then Lieutenant Cosby said let us take the Prisoner Smith to Main Guard. A Native Woman came out and said the two Prisoners were both together. Lieutenant Cosby then said let us take them both. We took them to the Main Guard. On the next day two Sepoys who desired I would take them home and write down what they had to say. They said they had heard the Prisoner Jacob Smith say he would be revenged of him, it was about a pair of Trowsers the Prisoner Jacob Smith had given the deceased to sell for which he was to have brought five Rupees and only gave him four. A few days afterwards one Smith, I think his name was Thomas Smith came to me and said he had heard the Prisoner Jacob Smith say he had committed the Murder. I got the Fort Adjutant to have it written down, one Jones wrote it. I then said come to the Main Guard let us hear what the Prisoners say. He soon did it was read the Prisoner Jacob Smith said "I am the Man that committed the Murder, and only me, — I hope you will get the other Prisoner released if possible."

Question — Do you know any thing of a Basket having fallen down?

Answer — Yes the Prisoner Smith was carrying a Basket under his Arm about an hour after the death of John Walters, the lid came off and fell a purse which was bloody. I took it up and shewed it to Lieutenant Cosby, and Smith denied its being his purse. Lieutenant Cosby ordered the Prisoner Smith to the Main Guard, at which time the Trowsers he had on were bloody; Lieutenant Cosby ordered that the Trowsers should be taken off and the Prisoner confined in the Main Guard.

Question by John Thompson — Was I not the Man who told you that Walters was dead?

Answer — I do not know who told me, I was just going to lie down when some one said that Walters was dead.

Question by the Jury — Was any one present in the House of John Walters besides you and Lieutenant Cosby?

Answer — No Europe whatever.

Question — Have you any reason to think that John Thompson was accessary to the Murder?

Answer — I believe he was not.

Question — Did you ever before see the person or the prisoner Jacob Smith or the deceased?

Answer — No.

Question — Was the Blood on the Trowsers Smith and was there much Blood?

Answer — About the size of a Shilling on the back part of each Trowser, and it was fresh.

Question — Did the Prisoner Jacob Smith appear to be intoxicated at that time?

Answer — I cannot say whether he was or not, Lieutenant Cosby said he thought he was.

Loozapah Sworn.

Clerk of the Peace — Relate what you know concerning the Murder whereof the Prisoners stand indicted.

Answer — I know the Prisoner Jacob Smith — The deceased John Walters and Jacob Smith lived in the same House — The European who is dead came to me to ask for Water — It was about ten Months ago I answered there

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there was no Water, and he went away to Lieut Hunters. A short time after I heard a noise I desired my Daughter to go and see what was the matter, the noise was as if some Pots had been broken; my Daughter answered it was not in our House; a short time after Jacob Smith came to me and desired me to go and see one European lying dead. I refused to go, several people went to see what was done; I also went to see.

Question. Did you not see the Prisoners come out of the House of John Waters?

Answer. I only saw Jacob Smith, and there was about an hour after John Waters had come to ask some for Water.

Question. What did you see at Waters's House?

Answer. I saw him lying dead, he appeared to have been wounded on the back of the Head.

Question. Where were you from the time the deceased came for Water to the time of his death?

Answer. In my own House.

Question. Did you see the Prisoner Smith carried to the Main Guard?

Answer. No.

Question. Did you see a piece of Board with any Blood on it?

Answer. I saw it when the Serjeant Major was there.

Question. How far is your House from that of the deceased?

Answer. The next door.

Question by the Prisoner Jacob Smith. Did you see me strike the Man?

Answer. No I did not.

Question by the Jury. Have you any reason to think the above Prisoner was concerned in the Murder of the deceased?

Answer. I do not know.

Henry Allan, 3d Battalion European Infantry, Sworn

Clerk of the Peace. Relate what you know concerning the Murder whereof the Prisoners stand Indicted.

Answer. I was discharged the General Hospital at Vellore the 18th August ninety three. The Prisoner John Thompson, John Ward and I were going to the Pagoda all together. Jacob Smith invited us to his House to sit down. Thompson sat down along side of him on the Pyol. Thompson had a pair of Trowsers on which he bought of the deceased. Smith asked him where he got them, Thompson said he bought them from Waters. Smith asked what he gave for them. Thompson answered five Fanams. Waters brought Smith four instead of five, Smith then said I will be revenged of John Waters. Jacob Smith told Thompson that Thompson was to give him two Fanams when he came out of the Hospital. Thompson answered that he would make no such bargain with the Man, he said if he had Money he would give it but he made no such bargain as that. between one and two o'Clock of the same day I was going towards the General Hospital. I met Jacob Smith close to the Main Guard the first word he said was "there is Waters dropt dead in the House."

Question. Do Waters and Jacob Smith live in the same House?

Answer. No.

Question. Did the deceased live in a House rented of Jacob Smith?

Answer. No.

James Smith, 3d Battalion European Infantry, Sworn

Clerk of the Peace. Relate what you know concerning the Murder whereof the Prisoners stand Indicted.

Answer. As I was walking at the Main Guard at Vellore, the seventh September last Jacob Smith asked me what

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what John Thompson was confined for. I told him on suspicion of murdering Waters. Jacob Smith went on his knees and declared to God that Thompson was as innocent of the Murder as I was, who was in the Hospital at the time; that he Smith was the Man who committed the Murder and none but himself.

Question. Was Jacob Smith sober when he told you so?

Answer. yes

John Carnie, Assistant Surgeon, Sworn.

Question. Did you attend John Waters and where and where?

Answer. I saw him on the thirtieth of August last when I went with Mr Gahagen Surgeon at Vellore to examine the Deceased.

Question. What was the cause of his death?

Answer. The Integuments of his Head were wounded in four different places, and each of those Wounds were accompanied with a distinct fracture of the Cranium, in two of them the Skull was beat in, and a small part of the Brain was discharged from one of them. the Wounds were fresh, and still bleeding. I believe those Wounds to be the cause of the death of John Waters.

Question. Did you see the piece of Plank?

Answer. Yes, it appeared bloody at one end, and Hair stuck in the Fibres of it.

Question by Jacob Smith. Was I not with you that Evening to get an Hospital Chit?

Answer. It was some time before I heard of the Man being murdered. Jacob Smith came to me with a Chit for him to go into the Hospital. I signed the Chit and some time afterwards I heard that Waters was murdered.

The Prosecution being closed the Prisoners are called upon for their Defence.

Jacob Smith's Defence.

I was coming in the Evening with Doctor Carnie when I heard the Man was dead.

John Thompson's Defence.

I was discharged on the thirtieth of August from the Hospital at Vellore, I came and went to the Officer who had me under the Guard, and he desired I would come at eleven o'Clock when he would do me the favour to let me go. I went to see a few Comrades that were left behind from those I went with. Allan and Ward, when we came to Jacob Smith's House where we three went in. Jacob Smith asked me from whom I bought the Trowsers. I told him I bought them from Waters he asked me what I gave for them. I told him I gave five fanams, and that I promised him two Pence when I came out of the Hospital. Jacob Smith said that Waters carried him only four fanams when I told Jacob Smith I would give a hundred Pence as soon as the Arrack God down was open from thence we all three went to the Pagoda where Allan and Ward were looking for me; the Gentlemen were paying the Arrack Lieutenant Haslewood gave me a Rupee for subsistance till the Pay came from the Presidency. From thence I went to the Hospital, I got my dinner with my Comrades. I staid there till two or three o'Clock and I took my Bedding and went to Jacob Smith's House, as he gave me Liberty to stay there till I could join my Regiment at Pondicherry. As I was coming by the Remont I heard the Gharry strike three. As I was coming to the House of Jacob

Jacob Smith, I saw Smith coming from his House with a Child from Mr Cunnie, when we both came up to the House of Jacob Smith, the Door was open, and I saw the deceased man lying on the broad of his back between the two Beds. I asked Jacob Smith if he knew anything of it, he declared he did not, with that I told Jacob Smith that we had better make an Alarm, else Gentlemen might suspect we did it. Jacob Smith then acquainted Adjutant Mealy and I went and acquainted Sergeant Major Frost. Mr Mealy was asleep, and Mr Corby came, and I and Sergeant Major Frost and Doctor Gahagen and some more Gentlemen came, when Mr Corby asked us how came the House, Jacob Smith answered he never did it, then Smith and I were made Prisoners and brought to the Main Guard at Vellore, where Jacob Smith and I had separate Apartments and not allowed to speak together. We had our hands and legs in Irons from thirtieth August to twentieth ensuing Month. About the thirtieth Lieutenant Corby came and asked me to confess the Murder, which I said I could not do, as I was as innocent as the Child unborn. On the second of October Colonel Collins asked me if I knew any thing about it, I said I did not.

The Prisoners having closed their Defence, the Petit Jury retire to consider on their Verdict, a Bailiff being sworn to take care of them, and after a short time a Verdict being proclaimed they come into Court and answer unto their names.

Clerk of the Peace — Gentlemen of the Jury have you agreed upon your Verdict?

Jury — Yes.

Clerk of the Peace — Who shall say for you?

Jury — Our Foreman.

Clerk of the Peace — How say you Gentlemen are Jacob Smith and John Thompson Guilty of the Murder they stand Indicted or Not Guilty?

Foreman — Jacob Smith Guilty and John Thompson Not Guilty.

which being recorded.

Clerk of the Peace — Gentlemen of the Jury hearken unto your Verdict as the Court hath recorded it. You say that Jacob Smith is Guilty of the Murder whereof he stands Indicted, and that John Thompson is Not Guilty, and so you say all?

Jury — Yes.

The Prisoner Jacob Smith is then ordered remanded to Prison, and John Thompson discharged by Proclamation.

A Bill of Indictment, The King against John Law for Felony is delivered to the Grand Jury.

The Court is then Adjourned till Nine O'Clock tomorrow the Second Instant for continuing the present Sessions.

Richard Williams
Deputy Clerk of the Peace

The Court Adjourned Sessions.

Friday the Second of May One thousand Seven hundred and ninety four.

Present.

The Honorable Sir Charles Oakeley Baronet — President.

Ernest George [illegible] Esqrs. and William Fallofield and Westcott Esqrs. — Justices.

The Court being duly opened proceed to the Trial of Jondaroy.

The Prisoner is then upon put to the Bar, and arraigned as follows.

Clerk of the Peace — Jondaroy holden up your hand you stand Indicted by the name of Jondaroy an Native Inhabitant of the Town of Madras, for that you at Madras aforesaid, within the Jurisdictions of this Court, in the twenty Third year of the Reign of our Sovereign Lord George the Third now King of Great Britain, France and Ireland, Defender of the Faith and so forth, with Force and Arms at Madras aforesaid, on the second day of May in the thirty third year of the Reign of our said Lord the King aforesaid, within the Jurisdictions aforesaid, four Silver Spoons of the value of twenty Pillings, of Plate and Goods and Chattels of one Raul Bose then and there being found, feloniously did steal, take and carry away against the Peace of our said Lord the King, his Crown and Dignity. How say you Prisoner are you Guilty of the Grand Larceny 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 merry Deliverance.

The Prisoner being sworn, and before Harvard.

The Petit Jury are then called over, and the following Gentlemen are sworn first informed he might object to any of them as they came to the Book to be sworn.

Mr. William Purser Foreman
Middleton Macgee
John Wright
James Sutherland
John Reynolds
Richard Ashton

Clerk of the Peace — Gentlemen of the Jury hearken unto your Verdict as the Court hath recorded it. You say that Jondaroy stands Indicted by the name of Jondaroy an Native Inhabitant of the Town of Madras, (here the Indictment was read as in the Arraignment) Upon which Indictment he hath been Arraigned and thereunto hath pleaded Not Guilty, and for his Trial hath put himself upon God and his Country, which Country you are, you are Charged therefore to enquire whether he is Guilty of the Felony and Larceny whereof he stands Indicted or Not Guilty, or Guilty of the Felony and Larceny only, or Guilty of the Larceny only, and to no other Answer.

1st May 1794

Jacob Smith, I saw Smith coming from his House with a Chest from Mr Currie, when we both came up by the House of Jacob Smith, the Door was open, and I saw the deceased man lying on the broad of his back between the two Pipes. I asked Jacob Smith if he knew anything of it. he declared he did not, with that I told Jacob Smith that we had better make an Alarm, else Gentlemen might suspect we did it. Jacob Smith then acquainted Adjutant Mealy and I went and acquainted Serjeant Major Frost. Mr Mealy was asleep, and Mr Cosby came, and I and Serjeant Major Frost and Doctor Gahagen and some more Gentlemen came, when Mr Cosby asked who owned the House, Jacob Smith answered he owned it, then Smith and I were made Prisoners and brought to the Main Guard at Vellore, where Jacob Smith and I had separate Apartments, and not allowed to speak together. We had our hands tied behind us from thirtieth August to twentieth ensuing Month. About the thirtieth Lieutenant Cosby came and asked me to confess the Murder, which I said I could not do, as I was as innocent as the Child unborn. On the second of October Colonel Collins asked me if I knew any thing about it, I said I did not.

The Prisoners having closed their Defence, the Petit Jury retire to consider on their Verdict, a Bailiff having been first sworn to keep them, and after a short time a Verdict being proclaimed they come into Court and answer unto their names.

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

Jury — yes

Clerk of the Peace — Who shall say for you?

Foreman — Jacob Smith Guilty and John Thompson not Guilty.

which being recorded.

Clerk of the Peace — How say you Gentlemen are Jacob Smith and John Thompson Guilty of the Murder they stand Indicted or Not Guilty?

Foreman — Jacob Smith Guilty and John Thompson not Guilty.

Clerk of the Peace — Gentlemen of the Jury hearken unto your Verdict as the Court hath recorded it. You say that Jacob Smith is Guilty of the Murder whereof he stands Indicted, and that John Thompson is not Guilty and so you say all?

Jury — yes.

The Prisoner Jacob Smith is then pronounced to Prison, and John Thompson discharged by Proclamation.

A Bill of Indictment, The King against John Law for Felony is delivered to the Grand Jury.

The Court is then Adjourned till Nine o'Clock tomorrow the second Instant for continuing the present Sessions.

Wm Williams
Deputy Clerk of the Peace

2nd May 1794

2nd Ma 2 May 1794

At the Court of Adjourned Sessions of Oyer and Terminer and Gaol Delivery for the Territory of Fort St George, held at Madras, in and for the Division of Choultry Plain, on Friday the Second of May One thousand Seven hundred and ninety four.

Present

The Honorable Sir Charles Oakeley Baronet — President.
William Fallofield and Edward Webbe Medlicott Esquires — Justices.

The Court being duly opened proceeded to the Trial of Jondevoy.

The Prisoner is thereupon put to the Bar and arraigned as follows,

Clerk of the Peace — Jondevoy hold up your hand. You stand indicted by the name of Jondevoy an Native Inhabitant of the Town of Madras, for that you at Madras aforesaid within the Jurisdiction of the Court, on the twenty second day of May in the thirty third Year of the Reign of our Sovereign Lord George the Third now King of Great Britain, France and Ireland, Defender of the Faith and so forth, with Force and Arms at Madras aforesaid, and within the Jurisdiction aforesaid, four Silver Spoons of the value of twenty Shillings, of the Goods and Chattels of one Paul Bose then and there being found, feloniously did steal, take and carry away against the peace of our said Lord the King his Crown and Dignity. How say you are you Guilty of the Felony and Larceny 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 speedy and good Deliverance

The Prisoner has leave to challenge peremptorily Twenty of the Jury as they come to the Book to be sworn and before they were sworn.

The Petit Jury are then called over, and the following Gentlemen are sworn.

Names

Mr William Purser Foreman.

Robert Henderson
Middleton Macgee
Hugh Gordon
John Wright
Edward Clark
James Sutherland
Edward Peter
John Reynolds
John Bent
Richard Ashton
Edward Hubbard
Marcus Armstrong

Major

Clerk of the Peace — Gentlemen of the Jury look upon the Prisoner and hearken unto his Cause. You shall know that he is indicted by the name of Jondevoy a Native Inhabitant of the Town of Madras &c. &c. the Indictment as you have already heard read as also the Arraignment of the Prisoner at the Bar, who upon his Arraignment for this Fact hath put himself upon God and his Country which Country you are, you are to enquire whether he is Guilty of the Felony and Larceny whereof he stands Indicted or Not Guilty, and hearken your Evidence.

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Vencoo Sworn.

Question — Are you Servant to Paul Bose?
Answer — I am, and was in his Service in May One thousand seven hundred and ninety three — some time ago the Prisoner stole four Silver Spoons, three pieces of Manderchief, one Palampore, and four knives and forks and four Plates, one Comb, the Property of Paul Bose, from the Pallankeen Godown — I should know the Spoons if I was to see them — Four Silver Spoons produced and he knows them to be his Master's Paul Bose by the Mark on them —

Question — by the Jury — How do you know the Prisoner stole them
Answer — I brought the Prisoner to my Master's House to A pint me, and on my Masters calling me I went to him, and on my return to the Godown the Prisoner was not there, and I missed the Spoons — I immediately went to the Prisoners House, who was not there, but I found his Father, and insisting on his producing his Son he took me to the Mathematic Village, where I found the Prisoner with the four Silver Spoons and other things in his possession

Question — When your Master called you did you see any one besides the Prisoner in the Godown?
Answer — No one.

Paul Bose Sworn.

Question — Did you lose any Silver Spoons, and when?
Answer — About eleven Months ago I lost four Table Spoons those now produced I believe to be my Property they were in the charge of Vencoo, who told me [illegible] with Sunday in an hour or two, and the Spoons them, after whom he went immediately and returned with Sunday in an hour or two, and the Spoons wrapped up in a Cloth nearly in the same manner they now appear before the Court — I cannot positively swear that the Prisoner was the Man, he was then dressed as a Malabar, but the more I look at him, the more I am induced to believe the Prisoner to be the Person who was that day bought by my Servant with the Spoons.

Vencoo called again — sworn — examined in Court.

Question — How was the Prisoner dressed on the day the Spoons were taken?
Answer — He was dressed in a pair of Trowsers and a Handkerchief on his Head, and a piece of old Cloth under his Arm.

Prisoner — [illegible] he has nothing to say.

The Prisoner being [illegible] Guilty or not Guilty he has nothing to say.

The Court then ordered the Clerk of the Peace to record their Verdict, a Bailiff having been first sworn to keep them, and after a short time a Verdict being found they came into Court and answered unto their names —

Clerk of the Peace — Gentlemen of the Jury have you agreed of your Verdict?
Jury — Yes
Clerk of the Peace — Who shall say for you?
Jury — Our Foreman
Clerk of the Peace — How say you did you find the Prisoner at the Bar Guilty of the Grand Larceny whereof he stands Indicted, or Not Guilty?
Foreman — Not Guilty. — which being recorded.
Clerk of the Peace — Gentlemen of the Jury hearken unto your Verdict as the Court hath recorded it. You say that you find Not Guilty of the Grand Larceny whereof he stands Indicted, and so you say all?
Jury — yes.

The Prisoner is thereupon discharged by Proclamation.

The Property taken on the Prisoner, delivered to Paul Bose, he having claimed them as his own.

The Court then proceeded to the Trial of George Fenaughty and Morice Pemberton the Witnesses

The Prisoners are put to the Bar and Arraigned as follows

Clerk of the Peace — George Fenaughty and Morice Pemberton, hold up your right hands — You stand Indicted by the names of George Fenaughty and Morice Pemberton Privates in the second Battalion of Europe Infantry for that you the twenty seventh day of March in the thirty fourth year of the Reign of our Sovereign Lord George the Third now King of Great Britain France and Ireland Defender of the Faith and so forth with Force and Arms at Calcutta aforesaid in the Jurisdiction of this Court, one Gold Watch of the value of twenty Shillings, and one Silver mounted Case of Mathematical Instruments of the value of twenty Shillings, and one Silver Tea Spoon of the value of two Shillings and five Pence of the Goods and Chattels of Major George Hall, in the Office of the said George Hall then and there being found, then and there privately and felariously did steal, take, and carry away, against the peace of our said Lord the King his Crown and Dignity.

How say you, are you Guilty of the Grand Larceny whereof you stand Indicted or Not Guilty?

George Fenaughty — Not Guilty
Morice Pemberton — Not Guilty.
Clerk of the Peace — How will you be tried?
Prisoners — By God and our Country.
Clerk of the Peace — God send you a good Deliverance

Prisoners being first informed by me of the Challenge of them as they came to the Book to be sworn and before they are Sworn.

Mr William Turner	Foreman
Robert Henderson	Middleton Macgee
Hugh Gordon	John Wright
Charles Hely	James Sutherland
Edward Bent	John Reynolds
John Lord	Richard Ashton

and

Hamed Armstrong

Clerk of the Peace — Gentlemen of the Jury look upon the Prisoners and hearken unto their Cause — You shall know that they stand Indicted by the names of George Fenaughty and Morice Pemberton Privates in the second Battalion of Europe Infantry &c. &c. &c. the Indictment is read as in the Arraignment upon which Indictment they have been Arraigned, and thereunto have pleaded Not Guilty, and for their Trial have put themselves upon God and their Country, which Country you are, Your Charge is therefore to enquire whether they are Guilty of the Grand Larceny whereof they stand Indicted, or Not Guilty and hear your Evidence.

Major George Hall Sworn.

Clerk of the Peace — Relate what you know concerning the Grand Larceny whereof the Prisoners stand Indicted.
Answer — In the Night of the twenty seventh of March or on the Morning of the twenty eighth as Regimental Sword of the first Battalion of Artillery, Copper mounted and Gilt, a Case of Mathematical Instruments mounted with Silver, inclosed in a Shagreen Case, mounted also in Silver the Outer mounting [illegible] of

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of a Sword Scabbard belonging to a Regimental Sword of Colonel Sydenham, and a Silver Tea Spoon. It appeared afterwards that the Sword which had been taken from my Office in the Arsenal had been afterwards taken into the open Arches of the Arsenal, and the Blade broken from the Hilt and left behind. the Lid of the Case of the Mathematical Instruments said have been broken from the Hinge and left in the same place: One of the legs of the Octor Scale was Ivory mounted in Silver had been broken off and left in the Arsenal. On appearing before the Justice I produced the Articles found in the Arsenal: at the same time two Soldiers of the second Battalion Cornwall Infantry had the remaining part of the Octor and also a pair of small Compasses mounted in Silver, which I believe to be part of the Case of Instruments I had lost, these Articles I left with the Justice. the remaining part of the Articles were brought to the Justice by some Soldiers of the same Regiment about five days afterwards, who said they found them in the Necessary of the King's Barracks, and said they had found them in a hole there covered with a Brick.

The Hilt of the Sword, Case of Instruments, and Spoon produced and sworn to by the Witness.

Question, by the Jury — Was the Office broken open?

Answer — I found that the Staple had been forced off and that the Door had been wrenched. I also found all the Implements which had been used to break open the Door.

Question — Who found the remaining things in the Arsenal?

Answer — Serjeant Greygoose, and he brought them to me.

Serjeant Anthony French of the 2nd Battalion Limpeans Infantry sworn.

Question — Did you apprehend Fenaughty?

Answer — On the thirteenth March I apprehended George Fenaughty on the Information of Michael Howard, and went to his Quarters and found on his Bullet at his Head the Fingers of a Heller, a Gilt Ring, and a Screw, which I heard was the property of Major George Hall. (Papers produced to Witness who swears to them.)

Question by Fenaughty — How do you know it was my Bullet?

Answer — His Comrades shewed me his Bed and the Bullet was on it.

Major George Hall called again into Court, and the Property sworn to by Anthony French to have been found on Fenaughty's Bullet shewn to him, who swears to a part thereof being his property.

The Prosecution is closed, and the Prisoners are called upon for their Defence and George Fenaughty makes his Defence as follows.

George Fenaughty's Defence

I was lying on my Bed, and that Property was stolen to me by Michael Howard, who said he found them on the Bastion, he sent for the things and desired to send them, or to have anything to do with them, as they were any property he been made a Compliment against me and got me confined.

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The following Bills of Indictment are delivered to the Grand Jury, the Witnesses having been first sworn to give Evidence to the Grand Jury thereupon respectively.

The King against Alexander Macpherson, for Murder.
The King against John Holland, for an Assault and Battery.
The King against John Holland, for a Libel.
The King against John Holland, for a Libel.
The King against Richepan and Mariah, for Felony and Robbery.
The King against Rouverde Croze, for an Assault.

Gregorio Mercer Calder sworn as Interpreter to the Grand Jury on the above Indictment of Rouverde Croze.

The King against William Wilson, Roger Weene and Thomas Grenell, and Dean Mahoked and Corinne Cait, for a Conspiracy against Philip Mayne.)

Richard Barrett, a Witness produced and sworn on the part of the Prisoner.

Question by the President — Do you recollect having seen the Prisoner Fenaughty laying upon his Bed in the Barracks when Michael Howard brought some things to him?

Answer — I recollect having seen Howard give the Prisoner Fenaughty a small bundle, between seven and eight Clock of the Morning of the twenty ninth of March, the Prisoner was then upon his Bed, Howard said he found the Bundle on the Bastion.

Question by the Jury — For what purpose did Howard give the Bundle to Fenaughty, as you heard?

Answer — I don't know.

The Petit Jury then retire to consider on their Verdict a Bailiff having been first sworn to keep them, and after a short time a Verdict being proclaimed they come into Court and answer unto their names.

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

Jury — Yes.

Clerk of the Peace — Who shall say for You?

Jury — Our Foreman.

Clerk of the Peace — How say You, are George Fenaughty and Morice Pemberton Guilty of the Grand Larceny whereof they stand indicted or Not Guilty?

Foreman — Not Guilty.

which being recorded.

Clerk of the Peace — Gentlemen of the Jury hearken unto your Verdict as the Court hath recorded it. — You say that George Fenaughty and Morice Pemberton are Not Guilty of the Grand Larceny whereof they stand indicted, and so you say all?

Jury — Yes.

The Prisoners are thereupon discharged by Proclamation.

The Court then proceeds to the Trial of Chanten Mayber (and as he does not understand English, John Leonard Beggle is sworn as Interpreter of the German Language.

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The Prisoner is thereupon put to the Bar and arraigned as follows -

Clk of the Peace — Charles Mayber, hold up your right Hand.

You stand indicted by the name of Charles Mayber a Private in the first Battalion of European Infantry, for that you, not having the fear of God before your Eyes but being moved and seduced by the instigation of the Devil, on the Seventh day of March in the thirty fourth Year of the Reign of our Sovereign Lord George the Third, now King of Great Britain, France, and Ireland, Defender of the Faith &c. and so forth, with force and Arms, at Vellore within the Jurisdiction of this Court, in and upon one Frederick Smith in the Peace of God and our said Lord the King, then and there being, feloniously wilfully, and of your Malice aforethought, did make an Assault; - and that You, the said Charles Mayber, with both your hands the said Frederick Smith to and against the Ground, then and there, feloniously, wilfully, and of your malice aforethought did cast and throw; and the said Frederick Smith, so upon the Ground lying, You, the said Charles Mayber, with both your hands aforesaid, the said Frederick Smith, in and upon the Head, Stomach, Back, and Sides of him the said Frederick Smith, then and there, feloniously, wilfully, and of your malice aforethought, did strike, beat, and kick; - giving to the said Frederick Smith, as well by the casting and throwing of him, the said Frederick Smith, on the Ground aforesaid, as also by striking and beating the said Frederick Smith in and upon the Head, Stomach, Back and Sides, of him, the said Frederick Smith, with both the hands of you the said Charles Mayber, in manner aforesaid, several mortal Bruises; - of which said several mortal bruises the said Frederick Smith, then and there, languished, and languishing did live for the space of a Quarter of an hour, and then died; - and so you, the said Charles Mayber the said Frederick Smith, in manner and form aforesaid, feloniously, wilfully, and of your malice aforethought, did kill and murder against the Peace of our said Lord the King, his Crown and Dignity.

Clk of the Peace — How say you, are you guilty of the Felony and Murder whereof you stand indicted, or not guilty?

Prisoner — Not guilty

Clk of the Peace — How will you be tried?

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Prisoner — By God and my Country -

Clerk of the Peace — God send you a good deliverance.

The following Gentlemen are then sworn on the Petit Jury, the Prisoner being first informed he might object to any of them as they came to the Book to be sworn, and before they were sworn.

Joseph Greenhill Eyre, Foreman
Richard Chase
William John Chase
William Bogge
Edward Jones
Alexander Melvin
William Moore
Charles Hely
Edward Bent
John Card
William Purser
and
James Sutherland

Clerk of the Peace — Gentlemen of the Jury, look upon the Prisoner and hearken unto his Cause. You shall know that he stands indicted by the name of Charles Mayber a Private in the first Battalion of European Infantry (here the Indictment is read as in the Arraignment) upon which Indictment he hath been arraigned and thereunto hath pleaded not guilty, and for his Trial hath put himself upon God and his Country, which Country you are; - Your Charge is therefore to enquire whether he is guilty of the Felony and Murder whereof he stands indicted or not guilty - and hear your Evidence -

Frederick Osterhold first Battalion of European Infant Sworn.

Clerk of the Peace — Do you know what occasioned the death of Frederick Smith?

Answer — On the seventh of March last between the hours of two and three, in Vellore, I was going towards the Barracks, and thirty yards from Charles Mayber's House, I heard a disturbance and looked round, and saw Frederick Smith lying on the step of the Door, with his Face to the Ground: Frederick Smith made two Attempts to rise, but Charles Mayber would not let him; - he took him by the hair of his head with one hand, and beat him about his neck with the other, and about his Face and Eyes, and asked him in German if he had

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enough – No answer was made – A few minutes after, Charles Mayber took hold
of Frederick Smith and took him into his house – Frederick Smith had a
Wound over the left Eye – and lived only ten minutes. – Frederick Smith and the
Prisoner lived in the same house where this happened – Mathew Woodyer who lived
next door came immediately after I did, in consequence of hearing the noise – the
deceased groaned a little – Charles Mayber and Mathew Woodyer carried the
deceased into the House.

Question. – – – – Did the Prisoner shew any remorse, or as if he had been sorry for what had happened?

Answer – – – – He did not: – all I recollect was, that he was saying something of the deceased having made a disturbance in the House; – I do not recollect what in particular he said.

Question – – – – Do you know, or did you hear of any previous quarrel between the Prisoner and the deceased?

Answer – – – – No.

Question – – – – Did the Prisoner offer to bring Water, or get any assistance for the deceased?

Answer – – – – No; – but Woodyer called for Water, which Mayber's Wife brought; as she was present, and had been to have the Prisoner away from the deceased.

Question by the Court. At any time while the Prisoner was beating the deceased had he any Instrument in his hand?

Answer – – – – He had not any Instrument.

Questions by the Prisoner. Were you present and did you see me kill the deceased?

Answer – – – – I did not see him kill him, but I saw him beat the deceased about his Neck, Face and Eyes.

Mathew Woodyer, first Battalion European Infantry, sworn.

Question – – – – Do you know the Prisoner at the Bar, and did you know Frederick Smith deceased?

Answer – – – – I know the Prisoner, and I knew the deceased Frederick Smith by Sight.

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Question – Do you know how Frederick Smith came by his Death?

Answer – On the seventh of March last I was lying in my own house at Vellore, about two or three in the afternoon I heard a disturbance – when I went to the door and saw the Prisoner lay hold of Frederick Smith's Hair with one hand and beat him with the other; – I called to him three or four different times to leave off, but whether he understood me or not I cannot tell; – he is a German; – I ran out and pushed him away, and laid hold of the deceased with my two Arms; – I took him close to the door to prevent him being seen. – Some – about two minutes after Mayber asked me to help Frederick Smith into the House, and he laid him down on a Cumlie, and put a Pillow under his Head; – Frederick Smith bled much about the Temples, Nose, and Ears; – I got some water, which the Prisoners Girl brought; and washed the face of the deceased; – he lay down for the space of ten or twelve minutes, and then died – I went instantly to Captain Tolfrey and told him, and he came down with me, and overhauled the Corpse, and sent for a Doctor.

Question by the Court. Had the Prisoner any Stick or other weapon in his Hand?

Answer – – – – He had not.

Question by the Jury – When you first came, was the deceased standing up, or lying down?

Answer – – – – He was sitting down, and supported by the Prisoner, who held him by the hair of the Head with one hand, while he beat him with the other.

Question by the Court – How many blows did he give him while you were there?

Answer. – – – – Three or four; – I stopt him as soon as I came; – he would have gone on if I had not stopped him; – the whole lasted three or four minutes; – I stopt him as soon as I could.

Question by the Jury – Do you think the deceased came by his death by any thing that passed in your presence?

Answer – – – – I cannot safely say – he died by the Blows.

Question by the Court – Did you see the deceased that day previous to the time of this disturbance?

Answer – – – – In the morning I saw them together; they appeared to be friendly; – the

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was no appearance of a Quarrel.

estion by the Jury — Did the Prisoner say anything to the deceased while in the act of beating him?

swer. — He said a few words in German, which I did not understand; — Several People came, but I did not perceive any body in particular at the time, as I was attending to the Corpse.

estion by the Prisoner — Did you see the Prisoner kill the deceased Frederick Smith?

swer — I saw the Prisoner ill-use the deceased, and saw him strike the deceased several times, and the deceased died soon afterwards.

William Colhoun a pistant Surgeon, Sworn.

estion — Did you know Frederick Smith and the cause of his Death?

Answer — I only knew him by being sent for to examine his body, which happened about two hours after his Death which prevents me from being able to speak positively as to the cause thereof; — It might have been an Apoplexy, or occasioned by drunkenness; I was informed he was drunk at the time. —

Question — — — Were there any marks of violence on the deceased? —

Answer — — — — — There was a small cut over his right Eye; — there was some blood on his temple, but no cut there; — there was some appearance of Blood from one Ear; — his face was livid in several places; — and when the Skull was opened, a good deal of Blood issued forth, which is a common symptom of an Apoplectic fit; — the Brain was a good deal discoloured with Blood; — all this may have been occasioned by Blows, or by an attempt to strangle the deceased; — there were no marks of fingers on his throat.

Prosecution closed.

Prisoner's Defence —

In the morning of the Seventh of March at Eleven O'Clock, I and the deceased eat our Breakfast; — I then mounted the Guard — and

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making a noise with a Portuguese Woman close to my house — when I went to my own House and said nothing — Then Smith came to my house, and said he would go to the Barracks to look out for a place for himself, for he wanted from the House — I gave no Answer; — and at twelve O'Clock I went to the Guard being the Hour of my Duty — and when I was at my Post, my Woman came and told me Smith was come to the Barracks; — I answered very well; at two O'Clock, I came from my Post to my house, and then the deceased came my house, and asked for a Blanket which was under my care; which I folded up and gave to him — thereupon the deceased asked me for the Week's Mess money, to which I observed that I did not know how much he had given to my Woman; — I then ordered my Woman to return what she had; — then upon my Woman asked, why will you go away? You have used me and my Children ill — the deceased answered in very indecent Language, and my Girl left the House, being affronted; — I then asked the deceased why he used my Girl ill, — she is mine, and not yours — thereupon the deceased said "Villain, what is that to you? come out and I will fight with you" — upon which I said I am on Service to day, but if you will come to morrow, I will go out with you; — the deceased refused to — and then struck me in the face, and took me by the Waistcoat from the House; — whereupon I found it necessary to defend myself, and soon after the deceased appearing in a fit, I went myself to bring a person to let him Blood, and when the man came Smith was dead; — on which I was much afflicted — I then went with Woodyer to Captain Tolfrey, and informed him what had happened, and at that moment I was ordered into confinement by the Captain — I have not any Witnesses to the above, but request that Serjeants Shaw and Shaltz may be called to my Character.

Henry Shaw, Serjeant in the second Battalion of European Infantry sworn on the part of the Prisoner

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Question ——— How long have you known the Prisoner and what Character has he borne?

Answer ——— I have known him Six Years: he has always borne a good Character, and was not quarrelsome.

Charles Sharlip, Serjeant-Major of the Governor's Body Guard, Sworn on the part of the Prisoner.

Question ——— How long have you known the Prisoner, and what Character has he borne?

Answer ——— I have known him since he was a Child of five Years old;— my Parents and his were near neighbours;— he was always a very good man, and lived with the deceased Frederick Smith, as if they were Brothers; the Prisoner was not quarrelsome;— we were brought up at the same School.

The Prisoner having closed his Defence, the Petit Jury retire to consider on their Verdict, a Bailiff having been first sworn to keep them, and after a short time a Verdict being proclaimed, they come into Court and answer unto their names.

(The Grand Jury return into Court the following Indictments

The King against Alexander Macpherson for Murder endorsed, A true Bill.

The King against Howard Crooze for an Assault, endorsed, A true Bill.

The King against William Wilson, Roger Warne, and Thomas Gurnell, and Dean Mahomed, and Currim Saib for a conspiracy, endorsed, A true Bill.

The King against John Holland, for an Assault and Battery, endorsed, A true Bill.

The King against John Holland, for a Libel, endorsed, A true Bill.)

2nd May 1794

The King against John Holland, for a Libel, endorsed, A true Bill.

The King against John Holland, for a Libel.

endorsed, A true Bill.

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

Jury ——— Yes.

Clerk of the Peace. — Who shall say for you?

Jury ——— Our Foreman.

Clerk of the Peace. — How say you, Is Charles Mayber guilty of the Felony and 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 unto your Verdict, as the Court hath recorded it;— You say that Charles Mayber is not Guilty of the Felony and Murder whereof he stands indicted, but guilty of Manslaughter;— and so you say all?

Jury ——— Yes.

The Prisoner is thereupon remanded to Prison.

The Court is then adjourned till nine O'Clock to-morrow the third Instant for continuing the present Sessions.

Robert Williams
Deputy Clerk of the Peace

3rd May 1794.

Adjourned Sessions. — Third May one Thousand seven Hundred and Ninety four.
Present —

The Honourable Sir Charles Oakeley Baronet, President,

Ernst William Fallofield
and
George Westcott — } Esquires,

Justices.

The Court being duly opened, proceeds to the trial of Alexander Macpherson.

The Prisoner is thereupon put to the Bar, and arraigned as follows.

Alexander Macpherson, hold up your right Hand! —

Clerk of the Peace — You stand indicted by the name of Alexander Macpherson of Amboor, on the Coast of Coromandel in the East Indies, a Captain in the Service of the United Company of Merchants of England trading to the East Indies, for that you, not having the fear of God before your Eyes, but being moved and seduced by the Instigation of the Devil, on the Second day of January in the Thirty fourth Year of the reign of our Sovereign Lord George the Third, now King of Great Britain, France, and Ireland, Defender of the Faith, and so forth, at Amboor aforesaid, within the Jurisdiction of this Court, in and upon one Dawson Logan, in the Peace of God, and our said Lord the King, then and there being, feloniously, wilfully, and of your Malice aforethought, did make an Assault; and that you, the said Alexander Macpherson, a certain Pistol of the Value of five Shillings, then and there charged with Gunpowder and one leaden Bullet, which Pistol, you the said Alexander Macpherson, in your right Hand, then and there had and held,

held, to, against, and upon the said Dawson Logan, then and there, feloniously, wilfully, and of your malice aforethought, did shoot and discharge; — and you, the said Alexander Macpherson, with the leaden Bullet aforesaid, out of the aforesaid Pistol aforesaid, then and there, by force of the Gunpowder shot and sent forth as aforesaid, in and upon the right side of him the said Dawson Logan, then and there, with the leaden Bullet aforesaid, out of the Pistol aforesaid, by you the said Alexander Macpherson, so as aforesaid shot, discharged and sent forth, him the said Dawson Logan, then and there, feloniously, wilfully, and of your malice aforethought, did strike, penetrate, and wound, giving to the said Dawson Logan, then and there, with the leaden Bullet aforesaid, so as aforesaid shot, discharged, and sent forth out of the Pistol aforesaid, by you the said Alexander Macpherson, in and upon the right side of him the said Dawson Logan, and through the Body of him the said Dawson Logan, one mortal wound of the depth of twelve Inches and of the breadth of half an Inch; — of which said mortal wound, the aforesaid Dawson Logan, then and there, languishing and languishing did live; — on which said second day of January in the said thirty fourth Year of the Reign of our said now Lord the King, the said Dawson Logan at Amboor aforesaid, within the Jurisdiction aforesaid, of the said mortal wound died; — and so you the said Alexander Macpherson, the said Dawson Logan, then and there, in manner and form aforesaid, feloniously, wilfully, and of your malice aforethought, did kill and murder; — against the Peace of our said Lord the King, his Crown, and Dignity.

Now say you; — 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 following

3d May 1794

The following Gentlemen are then sworn on the Petit Jury, the Prisoner being first informed he might object to any of them as they came to the Book to be sworn, and before they were sworn;

George Wyneh Esquire, Foreman

Joseph Greenhill	James Sutherland
Richard Chase	William Boggie
Robert Holme	Edward Jones
William John Chase	Thomas Hurst
William Fraser	Alexander Melvin

and

William Moore

Clerk of the Peace — Gentlemen of the Jury, look upon the Prisoner, and hearken unto his Cause: — You shall know, that he stands indicted by the name of Alexander Macpherson of Amboor on the Coast of Coromandel in the East Indies, a Captain in the Service of the United Company of Merchants of England trading to the East Indies (here the Indictment is read as in the Arraignment) upon which Indictment he hath been arraigned, and thereunto hath pleaded not guilty, and for his Trial hath put himself upon God and his Country, which Country you are; — Your Charge is therefore to enquire whether he is guilty of the Murder whereof he stands indicted, or not guilty, and hear your Evidence.

John Macpherson, Lieutenant in the 59th Battalion sworn

Clerk of the Peace — Relate what you know concerning the Murder whereof the Prisoner stands indicted!

Answer — I was at Amboor in January last, and heard that Dawson Logan died in consequence of a Quarrel which happened between Dawson Logan and the Prisoner

Prisoner at the Bar; — I was not present at the time of the Death of Dawson Logan, I only heard it from report.

Question — Relate what you know of the dispute between the Prisoner and the deceased,

Answer — On the second of January last, a dispute happened between them about Tyger they had been hunting that morning, and the deceased denied it was Tyger, and that he had heard so from the Black people; — the Prisoner asked if he thought that what the Black people said was more true than what the Gentlemen present said; — after that a conversation followed, the particulars of which I do not recollect; — the deceased left the room immediately, and the next morning I heard that they had gone out, and that Dawson Logan was killed.

Question by the Court — How long were you in the Battalion?

Answer — Two years.

Question — Upon what terms were the Prisoner and the deceased?

Answer — They were on very good terms.

Question — Did the deceased shew any disposition to quarrel with Captain Macpherson?

Answer — Yes; he did.

Question — Did Captain Macpherson strive to avoid quarrelling?

Answer — Yes; he did.

Prosecution closed.

The Prisoner submits his Case to the Court.

The Petit Jury retire to consider on their Verdict, a Bailiff having been first sworn to keep them, and after a short time, a Verdict being proclaimed they come into Court and answer to their names.

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

Jury — Yes.

Clerk of the Peace — Who shall say for you?

Jury — Our Foreman.

Clerk of the Peace — How say you Gentlemen, Is Alexander Macpherson Guilty of the Murder whereof he stands indicted, or not Guilty?

Foreman — Not Guilty.

Which being recorded —

Clerk of the Peace — Gentlemen of the Jury, hearken unto your Verdict as the Court hath recorded it! — You say, that Alexander Macpherson is not guilty of the Murder whereof he stands indicted; — and so you say all?

Jury — Yes.

The Prisoner is thereupon discharged by Proclamation. —

The Court then proceeds to the trial of Daniel Nugent.

The Prisoner is thereupon put to the Bar, and arraigned as follows

Clerk of the Peace — Daniel Nugent hold up your right Hand!

You stand indicted by the name of Daniel Nugent — ting to the in the fourth Battalion of European Infantry, in the Service t) upon Company of Merchants of England trading to the East-Indies, eaded not sidency of Fort Saint George, for that you not having the fear of ntry, which Eyes, but being moved and seduced by the instigation of the devil uilty of the tenth day of March in the thirtyfourth year of the Reign of our idence Lord George the Third, now King of Great Britain, France, an Defender of the Faith, and so forth, with Force and Arms, at h Battalion sworn the Jurisdiction of this Court, in and upon a certain Person as oner stand the said certain Person in the Peace of God, and of our said Lord and there being, feloniously, wilfully, and of your malice afo logan died a make an assault; — and that you, the said Daniel Nugent, nd the or Gun of the Value of ten Shillings, then and there charged wit Prisoner

and one leaden Bullet, which Musket or Gun, you, the said Daniel Nugent, in both your hands, then and there had and held, against and upon the said Person unknown, then and there, feloniously, wilfully, and of your malice aforethought did shoot and discharge; — and that you, the said Daniel Nugent with the leaden Bullet aforesaid, out of the Musket or Gun aforesaid, then there by the force of the Gunpowder shot and sent forth as aforesaid, the aforesaid Person unknown, in and upon the Belly of him the said Person unknown, near the Navel and through the Back of him the said Person unknown, there, with the leaden Bullet aforesaid, out of the Musket or Gun aforesaid, you, the said Daniel Nugent, so as aforesaid shot, discharged, and sent forth feloniously, wilfully, and of your malice aforethought did strike, penetrate and wound; — giving to the said Person unknown, then and there, with the leaden Bullet aforesaid, so aforesaid shot discharged, and sent forth out of the Gun aforesaid by you, the said Daniel Nugent, in and upon the Belly of him the said Person unknown near the Navel and through the Back of him the said Person unknown, one Mortal Wound of the depth of twelve Inches and of the Breadth of one Inch; — of which said mortal Wound, the aforesaid Person unknown from the said fourteenth day of March, in the Year aforesaid, until the fifteenth day of the same Month in the Year aforesaid, at Ellore aforesaid, within the Jurisdiction aforesaid, did languish, and languishing did live; — on which fifteenth day of March in the Year aforesaid, the said Person unknown, at Ellore aforesaid, within the Jurisdiction aforesaid, of the said mortal Wound died; — And so you, the said Daniel Nugent, the said Person unknown, in manner and form aforesaid feloniously, wilfully, and of your malice aforethought did kill and murder, against the Peace of our said Lord the King, his Crown and Dignity,

How say you; — are you guilty of the murder whereof you stand indicted, or not Guilty?

Clerk

3rd May 1794

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 following Gentlemen are then sworn on the Petit Jury, the Prisoner being first informed he might object to any of them as they came to the Book to be sworn, and before they were sworn:

George Wynch, Esquire, Foreman.

Joseph Greenhill	James Sutherland
Richard Chase	William Boggie
Robert Holme	Edward Jones
William Johnbhater	Thomas Hurst
William Fraser	Alexander Melvin

and

William Moore

Clerk of the Peace — Gentlemen of the Jury, look upon the Prisoner and hearken unto his cause; — you shall know that he stands indicted by the name of Daniel Nugent a Private in the fourth Battalion of European Infantry, in the Service of the United Company of Merchants of England trading to the East-Indies, under their Presidency of Fort Saint George (Here the Indictment is read as in the Arraignment) upon which Indictment he hath been arraigned and thereunto hath pleaded not Guilty, and for his trial hath put himself upon God and his Country; which Country you are; Your Charge is therefore to enquire whether he is Guilty of the Murder whereof he stands indicted or not Guilty; — and hear your Evidence.

James Cooper, Corporal of the fourth Battalion

3rd May 1794.

Clerk of the Peace — Relate what you know concerning the Murder whereof the Prisoner stands indicted. —

Answer. ——— On the fourteenth of March last I mounted the Main Guard at Ellore; about twenty Minutes after Eleven at night of the same day, the Prisoner at the Bar was brought to the Main Guard by order of Lieutenant Gyrick, and ordered into Irons for killing a Man while he was a Centry at the Gate Guard; at the same time he was put into Irons Mr. Fleming the Surgeon asked him how he came to shoot this Man, to which he answered, he would shoot every Black-fellow who should come and abuse him on his Post; — Mr. Fleming asked in what manner he abused him; — on which the Prisoner said he called him Barawar, and threw dirt at him; — a short time after the Prisoner was put into Irons, he said he did not care about it, — he should see his Cousin at

Question. ——— Did you see his Firelock — and did it appear lately discharged? —

Answer ——— I saw a Firelock which had lately been discharged, but was informed by the Corporal of the Guard, that it was not the Prisoners.

Question by the Jury. Who abused the Prisoner while on duty?

Answer. ——— The deceased.

Question ——— Are there any Orders which forbid you from suffering yourselves to be insulted or abused while on Duty?

Answer ——— Not to my knowledge; — I never received such orders.

Question by the Court. — Do you know the name of the Person who was killed?

Answer ——— No.

Ally Cawn, Sepoy in the Eleventh Battalion, sworn.

Clerk of the Peace — Relate what you know concerning the Murder whereof the Prisoner stands indicted. —

Answer ——— While I was Centry, and the Prisoner also Centry near me, at Ellore, Eleven

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Eleven at night some time ago, a native was passing by; the Prisoner challenged him, saying "Who is there?" after that some words passed between them, and the Prisoner shot the Native, and he fell down; the Ball went through his Body, and he died next Morning; the Prisoner was then taken to the Main Guard.

stion — Did you see the Prisoner shoot the deceased?

swer — I heard the Report, and turned about and saw the deceased fall, and I said that the Prisoners Musket was discharged.

estion — Is it customary to have your Piece loaded when you are Sentry?

nswer — It is not customary.

Question — Can you tell why the Prisoner had his Piece loaded?

nswer — I do not know.

uestion — Did you hear the deceased abuse the Prisoner? or did you see him throw dirt at him?

swer — I neither saw nor heard; I do not know what passed between them.

uestion — How far were you from the Prisoner?

Answer — About fifteen Paces.

Question — Did you hear the deceased use the Word Barawar, or any other abusive word?

Answer — No.

Question — Were you nigh enough to hear them?

Answer — I was near enough to hear; I did not understand them; I did not hear the word Burawar spoken.

Question — Was your Piece loaded?

Answer — No.

Question — Did you hear the Prisoner challenge the deceased? And how many times did he challenge him before the deceased gave an Answer?

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Answer — He challenged the deceased once.

Question — Did you see the Prisoner load his Piece? or did you hear any Noise, as of ramming down the Cartridge?

Answer — I did not.

Question — After the Fire did you examine the Piece, so as to know it had been late discharged?

Answer — I did not examine it.

Question — How then did you know it was the Prisoner's Musket which went off?

Answer — We were both on duty so near each other, that I knew by the Report that it was the Prisoner's Musket.

Question — Was there any other Sentry so near at hand that it might have been he

Answer — There was no other Sentry below but the Prisoner and myself; the others were over the Gate; the Havildar Mahommed Cawn was sitting near the Place.

Question — Did the words which passed between the Prisoner and the deceased appear to have been spoken in Anger?

Answer — I did not understand, and therefore cannot tell.

Question — Were the Arms of the Guard examined previous to their going on duty?

Answer — They were examined at Sunset.

Question — Was the Prisoner's Piece or any other, then loaded?

Answer — None.

Question — Might not some Person from over the Gate, where the deceased fell, have shot him, as well as the Prisoner?

Answer — The Prisoner shot him.

Question — Did you see the Prisoner shoot him?

Answer — I saw him shoot him.

3d May 1794.

Questions by the Prisoner.

Question ——— Were you not twenty Paces from me?

Answer ——— I did not keep any Account; — it may have been twenty.

Question ——— Were you not leaning on your Firelock, with your hands across, and your head down when you heard the report of a Firelock?

Answer ——— No; — I was walking about at that time, with my Firelock on my shoulder.

Question ——— Did you not go into your own Guard-room immediately after the report?

Answer ——— No.

Question ——— Did you not cry out "Sentry. Sentry. — on hearing the report of the firelock?

Answer ——— I did not.

Question ——— Was it a Moonlight night, when this happened? —

Answer ——— Yes; — it was.

Question ——— Did you see the Prisoner present his Piece? or how, or in what manner did you know that the Prisoner shot the deceased?

Answer ——— I did not see him present his Piece; — If I had I should have seized him instantly.

Question by the Court — Did you see any Fire or Smoke from the Prisoner's piece?

Answer ——— There was a cross road there, which prevented my seeing that.

Question ——— Then how could you see the Prisoner shoot the deceased?

Answer ——— I was inside the Gate; — the Prisoner was outside; — I heard a Quarrel between them, — and afterwards, the report of the Musket, and the deceased fell.

Question ——— Did the Prisoner, or the deceased, appear to have been in a passion? —

Answer ——— I did not observe that.

Mahomed Cawn, Havildar in the Eleventh Battalion,

3d May 1794 —

Question ——— Where were you on the fourteenth of March last? —

Answer ——— I do not recollect the time exactly but about two months ago when I was my Co[mpany] Havildar and with six Seapoys composed the Gate Guard at Ellore, as stand the Prisoner was on Guard also, about Eleven O'Clock at night, the Prison turn was out, and he awoke another man to relieve him, when the man he told the Prisoner something and went away; — the Prisoner then inst[ead] of remaining where he ought, came out; — half an hour after, a Taylor (native) happened to pass that way through the Gate; — I do not know Taylor's name, — the Prisoner challenged him, saying "who is that?" Man answered "a Taylor" — The Prisoner said "go to hell" — the Tay then went back about twenty Paces, and while he stood there a Quarrel pened between them, and then I saw the Prisoner discharge his Musk but I did not know before that it was loaded; — I immediately made a Report to the Corporal, who ordered me to go and look at the deceased; — saw the Man had been shot through the Navel; — afterwards Lieutena Gerrick, the Officer of the Main Guard took my declaration in writing. This is all I know.

Question by the Jury — Did you see the Prisoner shoot the deceased?

Answer ——— I did not see him.

Question ——— Then how do you know it was the Prisoner?

Answer ——— I heard the report; — I did not see the Prisoner fire, but saw the man fall

Question ——— Were any other Sentries near the place?

Answer ——— The rest of the Guard were asleep, except Ally Cawn and the Prisoner.

Question ——— Did you examine the Musket of the Prisoner after the deceased fell?

Answer ——— No; — I did not receive any Orders to do so.

Question ——— Were any Sentries over the Gate?

Answer ——— One; — a Native.

3rd May 1794

Questions by the Prisoner.

uestion – – – – – Were you not twenty Paces from me?

nswer – – – – – I did not keep any Account; – it may have been twenty.

estion – – – – – Were you not leaning on your Firelock, with your hands across, and your head down when you heard the report of a Firelock?

swer – – – – – No; – I was walking about at that time, with my Firelock on my shoulder.

estion – – – – Did you not go into your own Guard-room immediately after the report?

swer – – – – – No.

estion – – – – – Did you not cry out "Sentry! Sentry!" on hearing the report of the firelock?

nswer – – – – I did not.

Was it a Moonlight night when this happened?

Answer – – – – Yes; – it was.

estion – – – – Did you see the Prisoner present his Piece? or how, or in what manner did you know that the Prisoner shot the deceased?

Answer – – – – I did not see him present his Piece; – If I had I should have seized him instantly.

Question by the Court – Did you see any Fire or Smoke from the Prisoner's piece?

Answer – – – – There was a cross road then, which prevented my seeing that.

Question – – – Then how could you see the Prisoner shoot the deceased?

Answer – – – – I was inside the Gate; – the Prisoner was outside; – I heard a Quarrel between them; – and afterwards, the report of the Musket, and the deceased fell.

Question – – – – Did the Prisoner, or the deceased, appear to have been in a passion? –

Answer – – – – I did not observe that.

Mahomed Cawn, Havildar in the Eleventh Battalion,

3rd May 1794

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he told the Prisoner something and went away; – the Prisoner then insinuat
of remaining where he ought, came out; – half an hour after, a Taylor (a Eleve
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Taylor's name; – the Prisoner challenged him, saying "who is that?"
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then went back about twenty Paces, and while he stood there a Quarrel h an
pened between them, and then I saw the Prisoner discharge his Musk
but I did not know before that it was loaded; – I immediately made a
Report to the Corporal, who ordered me to go and look at the deceased; –
saw the Man had been shot through the Navel; – afterwards Lieutena
Gerrick, the Officer of the Main Guard took my declaration in writing;
This is all I know.

Question by the Jury – Did you see the Prisoner shoot the deceased?

Answer – – – – – I did not see him.

Question – – – – Then how do you know it was the Prisoner?

Answer – – – – – I heard the report; – I did not see the Prisoner fire, but saw the man fall

Question – – – – Were any other Sentries near the place?

Answer – – – – – The rest of the Guard were asleep, except Ally Cawn and the Prisoner.

Question – – – – Did you examine the Musket of the Prisoner after the deceased fell?

Answer – – – – No; – I did not receive any Order to do so.

Question – – – – Were any Sentries over the Gate?

Answer – – – – One; – a Native.

3rd May 1794

Question — — — — Might not he have shot the deceased?

Answer — — — — The Prisoner fired.

Question — — — Did you hear the deceased give any abusive Language to the Prisoner, or see the deceased throw dirt at him?

Answer — — — No; — I neither heard any abusive Language, nor saw the deceased throw any dirt at the Prisoner.

Question — — — — Of what nature was the Quarrel?

Answer — — — — I did not observe any Quarrel.

Question — — — — How often did the Prisoner challenge the deceased? —

Answer — — — — Only once.

Question — — — — Did you see the Prisoner present his Piece at the deceased?

Answer — — — — No; — I only saw after it was discharged.

Question — — — — Then, if you did not see, how did you know that the Prisoner shot the deceased?

Answer — — — — There was no other but this Man; — of course he must have fired —

Question — — — — Was not Ally Cawn there?

Answer — — — — Yes.

Question — — — — Might not he have shot him? — and how does he know he did not?

Answer — — — — Ally Cawn was within the Gate, and he was out of the Gate.

Questions by the Prisoner.

Question — — — — Where were you when you heard the report of the piece?

Answer — — — — I was about ten Paces distant from the Prisoner.

Question — — — — Did you examine our Firelocks — Ally Cawn's and mine to see which was discharged?

Answer — — — — I had no orders to examine the European's Piece; — I did not examine Ally Cawn's Musket, but was near enough to see it was clear.

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Question — — — — — How do you know the Shot was from my Piece? might not some other man have discharged his piece?

Answer — — — — — There was no other but the Prisoner.

The following Indictments are delivered to the Grand Jury —

The King against Alexander Wallis, for an Assault —

John Godfrey, and Richard Sparrow being called to prosecute, against Alexander Wallis, and not answering forfeit their Recognizances.

The King against Benjamin Roebuck, Barry Close, and George Forbes, for Murder, with an Inquest

The King against Francois, for Burglary —

Thomas Flear, Corporal of the fourth Battalion of European Infantry, sworn.

Question — — — — — Were you present when the Prisoner was put in Irons? for what was he confined and when?

Answer — — — — — On the fourteenth of March he was put in Irons for shooting a Black Man; — I heard he shot him when Centinel at the Gate.

Question — — — — When he was put in Irons, did Doctor Fleming ask him any Questions — and what Answer did he give?

Answer — — — — Doctor Fleming asked him why he shot that man; — the Prisoner answered he abused him and called him Barawar; — that he had challenged the deceased three or four times, and he made no Answer; — as the deceased got nigher the Prisoner, he asked him why he did not answer; — why he stopt, and did not come in or go out; — "I suppose you have some Arrack and

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"afraid to come in" — the deceased said 'No, I have not Arrack; — I am not afraid "to come in" — and called him Barrawar — the Prisoner struck at him with the back of his piece, and he went back and picked up a Stone, and threw at him; the Prisoner said 'if I cannot come after you, I will send after you" — and he primed and loaded his piece, and shot him; — the Prisoner told Doctor Fleming he would shoot again; — he would shoot any black fellow; — a Rajah, Devil, or Doctor Faustus! — the Prisoner said, he thought it was very hard to be abused by an European or a Black fellow, when he was Sentinel —

Question — — — — Did you examine the Prisoner's Piece?

Answer — — — — I did, the next morning; — Lieutenant Gerrick sent me for the Piece; — it was not the Prisoner's piece that he fired with; — he took up the Piece of some other man on Guard.

(The Grand Jury return into Court the following Indictments, —

The King against Packersaib, for Grand Larceny,

Endorsed, A true Bill: —

The King against Patcheyapah, and Mootiah, for Felony and Robbery,

Endorsed, A true Bill against Patcheyapah; not found against Mootiah.

The King against Benjamin Roebuck, Barry Close and George Fortes, for Murder. —

Endorsed A true Bill: —)

Thomas Wakefield, Serjeant in the fourth Battalion of European Infantry, sworn.

Question — — — — Were you on Duty at Ellore on the fourteenth of March, when the Prisoner was put in Irons? —

Answer — — — — I was; — he was put in Irons for shooting a black Man.

Question

3rd May 1794 —

Question — — — — Did any conversation pass between Doctor Fleming and the Prisoner at the Bar?

Answer — — — — Yes; — Doctor Fleming asked, why he shot the man, — he answered by Blood would shoot him again if he had been a Rajah; — I went on Duty, stand which prevented my hearing any more.

The Prosecution is then closed.

Prisoner's Defence.

I was planted Sentinel at nine O'Clock, with Orders to challe all comers and goers, and not to let any man bread any disturbance near my post; — to let no strange Baggage come in; — nor any strange Officer without acquainting the Corporal of the Guard; — about ten minutes past Eleven at night a Black man was coming towards the Gate; I chall lenged him, "Who comes there" three times; — he kept advancing towards the Gate without answering, and when he came within six paces of the gate he stood still; — I went to put him off my post, and told him, that if he would not go away, or come in I would knock him down; — I suppose you have Liquor, and are afraid to come in at the Gate, but I shall overhaul you" he replied, and called me a Barrowar Bugger, and I run forward to knock him down with my Piece; and he run back and picked up a Stone, and threw it at me, and it struck me on the left side; — I dropt my Piece, drew a charge and run after him; — I was afraid to go too far from my Post; — I turned about, and he took up another Stone, and struck me on the Calf of the Leg; — I told him I would blow his Brains out if he would not go out of that; — and he spit at me, and told me, that if I offered to shoot him I would be flogged for it; — I primed and loaded my Piece; — and as I brought it up, he threw another Stone, and struck the Butt end of my Piece, and was near knocking it out of my hand; — he called me several more [illegible] and took up another

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Stone, and being enraged at him, I took up my Piece, and shot him: — if I had not done so, he certainly would have dashed out my Brains with Stones.

Samuel Armstrong, Corporal of the fourth Battalion of European Infantry, sworn on the part of the Prisoner.

How long have you known the Prisoner, and what Character has he born?

I have known him two Years, and he has an extreme good Character.

The Prisoner having closed his Defence, the Petit Jury retire to consider on their Verdict, a Bailiff having been first sworn to keep them, and after a short time a Verdict being proclaimed, they come into Court and answer unto their names.

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

Jury — Yes.

Clerk of the Peace — Who shall say for you?

Jury — Our Foreman.

Clerk of the Peace — How say you Gentlemen, is Daniel Nugent 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 unto your Verdict, as the Court hath recorded it! — You say, that Daniel Nugent is not guilty of the Murder whereof he stands indicted, but guilty of Manslaughter; — and so you say all?

Jury — Yes.

The Prisoner is thereupon remanded to Prison.

The Court is then adjourned till Nine O'Clock on Monday the fifth Instant, for continuing the present Sessions.

Robert Williams
Deputy Clerk of the Peace

To Question

3d May 1794

Fifth of May, One thousand, seven Hundred and Ninety-four

Present

The Honourable Sir Charles Oakeley, Baronet, President;

Ernst William Falkofield
and
George Westcott
} Esquires

Justices

The Court being duly opened proceeds to the trial of

Benjamin Roebuck,
Barry Close
and
George Forbes.

The Prisoners are thereupon put to the Bar, and arraign as follows:

Clerk of the Peace — Benjamin Roebuck, Barry Close, and George Forbes, hold up your hands;

You stand indicted, by the names of Benjamin Roebuck, a Senior Merchant in the Service of the United Company of Merchants of England trading to the East-Indies, under their Presidency of Fort Saint George, within the Jurisdiction of this Court; Barry Close, Lieutenant Colonel in the Military Service of the United Company aforesaid, under their Presidency aforesaid, and within the Jurisdiction aforesaid; and George Forbes, Lieutenant in the Military Service aforesaid, within the Jurisdiction aforesaid; not having the fear of God before your Eyes, but being moved and seduced by the Instigation of the Devil, on the first

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of May in the Thirty fourth Year of the Reign of our Sovereign Lord George the Third, now King of Great Britain, France, and Ireland, Defender of the Faith, and so forth, in a certain enclosure near Pursheswank within the Jurisdiction aforesaid, in and upon one Charles Floyer in the Peace of God and our said Lord the King then and there being, feloniously wilfully, and of your malice aforethought, did make an Assault; — and that you, the said Benjamin Roebuck, a certain Pistol of the Value of five Shillings then and there charged with Gunpowder and one leaden Bullet, which Pistol, you, the said Benjamin Roebuck in your right hand, then and there had and held, to, against, and upon the said Charles Floyer then and there feloniously, wilfully, and of your malice aforethought did shoot and discharge; — and that you, the said Benjamin Roebuck with the leaden Bullet aforesaid, out of the Pistol aforesaid, then and there by the force of the Gunpowder shot and sent forth, as aforesaid, the aforesaid Charles Floyer, in and upon the right side of him the said Charles Floyer, then and there with the leaden Bullet aforesaid, out of the Pistol aforesaid by you the said Benjamin Roebuck so as aforesaid shot discharged and sent forth, out of the Pistol aforesaid, by you, the said Benjamin Roebuck, in and upon the said right side of him the said Charles Floyer, one mortal Wound of the of the depth of four Inches, and of the breadth of half an Inch, of which said mortal Wound the aforesaid Charles Floyer, then and there, instantly died; and that you the aforesaid Barry Close and George Forbes then and there feloniously, wilfully, and of your malice aforethought, were present, aiding, helping, abetting, comforting, assisting, and maintaining the said Benjamin Roebuck the felony and Murder aforesaid, in manner and form aforesaid to do and commit, — and so, you the said Benjamin Roebuck, Barry Close and George Forbes, the said Charles Floyer, then

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and there, in manner and form aforesaid, feloniously, wilfully, and of your malice aforethought, did kill and murder, against the Peace of our said Lord the King, his Crown and dignity; —

How say you; — are you guilty of the murder whereof you stand indicted, or not Guilty?

Benjamin Roebuck — Not guilty.

Barry Close — — Not guilty.

George Forbes — — — Not guilty.

Clerk of the Peace — How will you be tried?

Prisoners — — — — By God and our Country.

Clerk of the Peace — God send you a good deliverance.

The following Gentlemen are then called and sworn on the Petit-Jury, the Prisoners being first informed they might object to any of them as they come to the Book to be sworn, and before they were sworn.

George Wyneh Esquire

Joseph Greenhill	Alexander Melvin
Richard Chase	William Moore
Robert Holme	challenged by the Prisoners
William John Chater	Charles Hely
William Fraser	Edward Bent
Edward Jones	William Purser

and

Middleton Machee

Clerk of the Peace — Gentlemen of the Jury look upon the Prisoners and hearken unto their Ca[se] — they stand indicted by the name

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of Benjamin Roebuck, a Senior Merchant in the Service of the United Company of Merchants of England trading to the East Indies, under their Presidency of Fort Saint George, within the Jurisdiction of this Court, Barry Close Lieutenant-Colonel in the Military Service of the United Company of Merchants aforesaid, under their Presidency aforesaid, and within the Jurisdiction aforesaid, and George Forbes Lieutenant in the Military Service aforesaid, and within the Jurisdiction aforesaid, (Here the Indictment is read as in the Arraignment) upon which Indictment they have been arraigned, and thereunto have pleaded not guilty, and for their Trial have put themselves upon God and their Country, which Country you are: — Your Charge is therefore to enquire whether they are guilty of the Murder whereof they stand indicted or not guilty; — and hear your Evidence.

The Cryer makes Proclamation for Informers to come forth, — and none appearing: —

The Petit Jury retire with the Indictment, and the Inquisition returned by the Coroner, a Bailiff having been first sworn to keep them, and after a short time a Verdict being proclaimed they came into Court and answer unto their names.

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

Jury — — — — Yes

Clerk of the Peace — Who shall say for you?

Jury — — — — Our Foreman

Clerk of the Peace — How say you; — are Benjamin Roebuck, Barry Close, and George Forbes, guilty of the Murder whereof they stand indicted, or not guilty?

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Clerk of the Peace — Gentlemen of the Jury, hearken unto your Verdict as the Co recorded is — You say that Benjamin Roebuck, Barry Clos George Forbes are not guilty of the murder whereof they stand — and so you say all?

Jury — — — — Yes

* Here the Grand Jury come into Court and answer to their names: and deliver in a presentment for which see the proceedings of the last day of this Sessions. —

* The Prisoners are thereupon discharged by Proclamatio

The Court then proceeds to the Trial of Arnachillum Ramasawmy.

The Prisoners are put to the Bar and arraigned as follo

Clerk of the Peace — Arnachillum and Ramasawmy, hold up your right Han

You stand indicted by the names of Arnachillum a sawmy both of Madras Inhabitants, for that you on the thi day of January in the thirty-fourth Year of the Reign of our So of the Lord George the Third, now King of Great Britain, France an ence! — You shall know that the Jurisdiction of this Court, in the dwelling of you the said Arnachillum there situate, in and upon one Tu in the Peace of God and our said Lord the King, then and there feloniously did make an Assault; — and her, the said Tungu bodily Fear and danger of her life in the said dwelling house there feloniously did put; — and one Gold neck-chain of the Val six Pounds, of the Goods and Chattels of the said Tungum fr Person, and against the Will of the said Tungum, in the dwell aforesaid, then and there, violently and feloniously, did steal, tak

away, against the Peace of our said Lord the King, his Crown and Dignity.

How say you; – are you guilty of the Felony and Robbery wherof you stand indicted, or not guilty?

Jawing – Not guilty.

Arnachillum being Dumb, the Court order a Jury to enquire whether he be so from Malice or the Visitation of God.

The following Native Jury are then sworn for that purpose –

Punnapaukum Arnaghery, Moodelly, Foreman.
Ravoo Arnachillum, Moodelly.
Pauvoloo Vencatasha Pillah.
Moorchouse Poorna Pillah
Annah, Pillah.
Prannary Terovengadah, Moodelly.
Ramalingah, Pillah.
Veerasawny, Pillah.
Seemauvaram Yagapah, Moodelly.
and
Parumbadum Mootah, Pillah.

The following persons are then sworn to give Evidence to the above Inquest,

Marreapan, Moodelly.
Paupah, Chitty.
Permaul.
and
Venceatachellum.

Clerk
Jur
Clerk.
Jur
Clerk

The Jury then retire, and in a short time after deliver their Verdict, Mute and silent by the Act of God. –

Chadumbrum is then sworn to explain between the Court and the Prisoner Arnachillum.

Arnachillum – Not guilty.
Clerk of the Peace – How will you be tried?
Prisoners – By God and our Country.
Clerk of the Peace – God send you a good deliverance.

The following Persons are then sworn on the Petit Jury; the Prisoners being first informed that they might object to any of them as they came to the Book to be sworn and before they were sworn.

George Wynch, Esquire, Foreman
Joseph Greenhill — William John Chater
William Fraser — Edward Jones
William Purser
Punnapauchum Arnapherry, Moodeliar.
Pauvola Venatasha, Pillah.
Moorhouse Poonapillah.
Ramalinga Pillah
Lydapecan Tingaroy, Moodeliar
and
Venatachillah Pillah.

Clerk.

5th May 1794.

Clerk of the Peace — Gentlemen of the Jury, look upon the Prisoners, and harken unto their Cause! —

You shall know that they stand indicted by the names of Arnachellum and Ramasawmy both of Madras Inhabitants (here the Indictments read as in the Arraignment) upon which Indictment they have been arraigned, and thereunto have pleaded not guilty, and for their Trial have put themselves upon God and their Country, which Country you are; — your Charge is therefore to enquire whether they are guilty of the Felony and Robbery whereof they stand indicted or not guilty — and hear your Evidence! —

Tungum, a Female Child of Eight Years, sworn.

Question — — — — Did you receive any Joys upon your Body, and what Joys?

Answer — — — — Several Joys upon my hands, neck, and legs, and among the rest a gold chain on my neck, a Coral Bracelet on her hand, a pair of Gold Joys called Vankee on her Arms, and a Gold head-dress called Jonapilla Coopee Couchee, and a Chandraharum and Silver Joys for her feet called Padagum Tundy; — The Gold chain from my Neck was taken from me by Arnachillum by force; I cried, and Arnachillum put his hand on my Mouth, and took me away; and then he took the Gold Chain from me and gave it to his Brother Ramasawmy, who took it into a Chamber; I did not observe that Ramasawmy was by when Arnachillum first took me up, but I saw him follow us, and he was by when Arnachillum took the Chain from me; — my Relations Moodoo-kistnah and Appoo, both came and knocked at the door; Arnachillum opened the door, when I cried and came to the Entry, and Moodoo kistnah took

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took me up & delivered me to my Father who had just then come up, who took me away — but the Gold chain was not delivered up —

Question by the Jury — what conversation had you with your Father before you came here, and what did he desire you to say —

Answer — no Conversation whatever

Question — did you ask for the Necklace before your Father took you away —

Answer — no

Question — did you tell your Father you had lost your Necklace —

Answer — Yes and he told me the Government would get it for me —

Question — at what time did this happen —

Answer — between eight and ten in the morning

Question — at what distance is your Fathers house from the Prisoners —

Answer — about half a Mile —

Question — Is it a Street or a Public Road —

Answer — a Street —

Question — did you call out for assistance —

Answer — I cried out at first and then my mouth was stopt —

Question — did you see any body you knew on the Road —

Answer — I saw a Woman Lingiah, and cried out and Lingiah went to my Fathers House —

Question — did Arnachellum tie any Tally round your Neck before the chain was taken away —

Answer — no. —

Question — did any of your Relations or Neighbours know that you had worn the Gold Neck Chain for these four or five months past —

Answer — I have not worn it for these four months but only on that day it being pungal feast day —

Questions by the Prisoners

Question — how long ago did it happen

Answer — three or four months past —

Question — you said you were at your Fathers House when Arnachellum took you away is it true or not

Answer — Yes

Question — How long were you in the Prisoners House —

Answer — about half an hour

Question — whom did you see there

Answer — no one but the two Prisoners

Question — Before she left the house did any person come

Answer — no one that I observed —

Question — had you any Ear rings

Answer — I had on the Ear Rings I now wear

Question — did you ever wear the Gold Chain before the day in question

Answer — never —

Question — did you ever before see the Chain in the Possession of your Father, Mother or any one of the Family

Answer — In the Possession of my Father —

Question — since the Prisoners commenced have you been tutored and by whom what you should say to day —

Answ

Answer — never have but have told the truth as matters happened —
Question — what do you mean by a Month —
Answer — about thirty days.

Narrain Moodelly Sworn

Question — Have you a Daughter her name and Age
Answer — Tongamah about seven Years Old —
Question — Did your Daughter lately lose a Gold chain
Answer — On second January last being Pongal day in the morning at seven Oclock I dressed my Daughter with the Gold chain and other Jewels, and went out, and about twelve Oclock at noon when I returned a report was made to me that Arnachellum had taken away my Daughter I immediately went to Arnachellum's House before I reached it I met my Daughter near nineappahs house which is next door on the East side to the Prisoners she was brought to me by Moodeliartsamb who delivered my Daughter to me, when I examined her Neck but could not find the Gold chain, I asked my Daughter, who said Arnachellum took away. I then returned with my Daughter to my house. —
Question — did you not go to arnachellums house to try and get the Joy: —
Answer — no, because I was certain of getting the Joy if I complained to the Government. —
Question — did any thing pass between you and your Daughter near the house
Answer — I asked my daughter where the Gold chain was who said that Arnachellum took away —
Question — what for was your Daughter taken away by the Prisoner
Answer — I did not know the occasion —
Question — did any Relationship subsist between you and the Prisoners
Answer — The Prisoner Arnachellum is my Aunts son —
Question — did the Prisoner Arnachellum ever ask you to give your Daughter in marriage —
Answer — nothing passed on that head —

Questions by the Prisoners

Question — do not both the Prisoners stand in the same degree of Relationship to you —
Answer — both the Prisoners are the sons of my Mothers Elder Sister I am the adopted son of my Mother —
Question — What cast are you
Answer — Cholias Vellalah Cast —
Question — are the Prisoners of the same Cast —
Answer — Yes —
Question — Is it usual according to your Cast for the Prisoner Arnachellum on preference to any other person to demand your daughter in Marriage —
Answer — It is not usual. —
Question — after your Daughter was given to you by Moodeliartsamb did you go into the house of Narrain Modelliar —
Answer — No —
Question — did not your daughter tell you that the marriage Tally had been tied on by one of the Prisoners
Answer — No —
Question — did you ever demand the Gold chain of Arnachellum from that period to the present —
Answer — No —

Question

Question — did you ever demand of the Jester —
Answer — I made a Complaint to Mr Edwin who referred it to Arbitration —
Question — did you sign any Penalty Bond —
Answer — I have signed a Penalty —
Question — was it referred to Arbitration
Answer — It was —
Question — was any Award ordered and made —
Answer — none, because the arbitrators would not admit the Prisoners declaration because the declaration stated about the Marriage and not the Gold chain whereas the Complaint was made about the Gold chain —
Question — have you ever since got the Gold chain —
Answer — never —
Question — tho' your Daughter ever visit the Prisoners house —
Answer — Four or three Years ago when the Eldest Brother and all the Family were at home she made a visit to the Prisoners —

Moodeo Reitnaik Sworn

Question — do you know any thing of Tongum being taken away by either of the Prisoners at the Bar —
Answer — On the thirteenth January at the Feast called Pongal Coiluvarmy, Tongum's Grandmother told me that Arnachellum had taken Tongum to his house when I went to that place I took some People and immediately went to the Town Adjutant and brought two Sepoys without Firelocks I entered into the house and Tongum came near the entry and I brought her away, I saw the Father Narrain Moodelly near to Arnachellums house and gave Tongum into his hands — Appayoo whom I met on the Street told her Father and the had lost a Gold chain, Appayoo just Arnachellum with the charge of the Sepoys who took him away. —
Question by the Jury — Are you related to Tongum or the Prisoner or on what account were you there —
Answer — I am related to the Parties, I came there on consequence I have for the Family —
Question — was the Report brought to your own house or did you go to Tongamah's to know it —
Answer — the Report was brought to my own house —
Question — did you go for the Sepoys of your own will or were you sent —
Answer — of my own will —
Question — did you see the Tally on Tongums neck when you delivered her to her Father —
Answer — no —
Question — did you hear any thing of it —
Answer — no —

Questions by the Prisoner

Question — did you see Tongums Mother that morning —
Answer — no —
Question — are you or the Employ of Narrain Modelly —
Answer — no —
Question — do your receive any monthly pay —
Answer — no —
Question — did you see Arunachellum the other Prisoner at that time —
Answer — no —

Appeavoo Sworn

Question — did you see Narrain Moodelly drop his daughter Tungum lately with a gold chain of sixteen and where
Answer — I did about four months ago at Narrain Moodelly's House —
Question — What became of the Gold Chain afterwards —
Answer — I heard on the Street that Tungum was taken away by the Prince Arnachellum, and went to Arnach-
ellums House and quarter of an hour after Moodoo Kistnah came with Sepoys and I and Moodoo Kistnah
knocked at the door of Arnachellums house and came out and Tungum came to the entry and
Moodoo Kistnah took her up and brought her into the Street and delivered her to her Father Narrain
Moodelly who took her away, her Father asked for the Gold Chain she said that Arnachellum had
taken it away, then the Father said the Gentlemen will get it, Arnachellum gave trouble to
the two Sepoys who came first then Moodoo Kistnah went and brought three Sepoys and took
Arnachellum Prisoner to the Town adjutants house —

Question — whose Property was the Gold chain —
Answer — Narrain Moodelly's
Question — by the Jury — did you see the Tally on the Girls neck —
Answer — no — but about fifteen days afterwards when I came to Mr Chases I heard that the Tally had
been tied —

Questions by the Prisoner —

Question — are you in the service of Narrain Moodelly —
Answer — no
Question — did you ever see the Gold chain on Tungum on any day before —
Answer — no — I never saw it on her before that day when it was put on it being Pungal day —
I live in the house where Tungum lives —
Question — had you ever seen that Joy before and where
Answer — no
Question — Is the Chain the Property of Narrain Moodelly or whom else —
Answer — I saw it taken by Narrain Moodelly from a chest in his house and put on his daughters Neck —
Question — when you were at Arnachellums house were many People there —
Answer — there was a Crowd —
Question — was Tungums Mother there —
Answer — no —

Lingatchetty sworn

Question — do you know Tungum Daughter of Narrain Moodelly —
Answer — I do not know, but I saw the Prince Arnachellum take a Girl away and she cried — I cannot say
how long ago but it was a Chaval Feast day —
Question — If Tungum was shewn to you would you know her —
Answer — Yes — (the Child produced and she points at her)
Question — how long have you known the Child —
Answer — I knew her ten or eight days before the thing happened I live in the Street Back of the house where
Tungum lives —

Prosecution closed

Call Chinnapah sworn on the Part of the Prisoner

Question — did you ever see Tungum go into the house of the Prisoner and how long ago —
Answer — I did not — till the time of the last Pungal when she was brought away by Ramasawmy who
took her into his house and shut the door — soon after ten or fifteen People of Tungum's Family
came there Arnachellum prevented them from entering the house, then the ten or fifteen

People

People came to Nainapahs House the Neighbours house on the East side and told them that Tungum
was taken away — you are neighbours you must assist in bringing her back and told that unless you as-
sist we will bring a Ladder go over the house and bring the Girl away Ninapah called Arnachellum and
asked why you bring this Girl, he answered that she was demanded by his Brother in Marriage and refus'd
therefore Arnachellum Brought her away, Ninapah asked if the Girl is alone or any one with her, Arnachel-
lum said my Brother Ramasawmy is with her and no other — he explained it by motion or signal — Then
Ninapah and five or twelve People went upstairs to know what passed there — there were necessary
ceremonies for the Wedding going on Ramasawmy stood in the Hall — only an Old woman with
him — Ninapah asked from upstairs why do you bring that Girl away — Ramasawmy said she
Daughter of my Father in Law and that she was by me when demanded in marriage — and that
he is entitled to have her in marriage and therefore he brought her and tied a Tally, Rama-
sawmy was asked again where the Girl is, he answered she is in the Hall and shewed
his hand that the mark might be seen thereon which distinguishes that there is a Tally
Ninapah and others came down and told Tungums Family, have patience I will bring the
Girl to you — If you go into the house there will be a quarrel, then Ninapah desired Arna-
chellum to go with me and bring the Girl observing that by keeping the Girl in the House
there will be a quarrel — Arnachellum asked Ninapah if he would be answerable for the
Girl he promised he would then Arnachellum brought the Girl — then Ninapah knocked at the door
and Ramasawmy opened it, Arnachellum took the Girl up and brought her to Ninapahs
House — Tungums Mother took the Girl and cried — when Ninapah and Narrapah bid
her not to cry — the Mother asked the daughter what was done with you in the House as
after you were brought into the House — Arnachellum took me up and delivered me
to Ramasawmy and desired him to convey her to his house afterwards the door was shut
and a Tally tied to her neck — after some ceremonies her mother cried and tore the Tally
from her neck — Arnachellum said I have brought this Girl by your desire, now if you
attempt to take off the Tally which has cost me so much pains I will make Trouble
Ninapah told the Mother do not untie the Tally here, take the Daughter to your
own house and then untie it — if you do it here Arnachellum will make Trouble
— Then her Mother attempted twice or thrice to cut off and was prevented by Ninapah
and other People there — In the mean time Sepoys came —

Question — did you see the Tally cut off and by whom
Answer — I did not see the Tally untied —
Question — where did you first see Tungum that morning —
Answer — I saw her when first she was brought by Ramasawmy
Question — did Arnachellum or Ramasawmy take her into the house —
Answer — Ramasawmy —
Question — did Arnachellum enter the house with him
Answer — no he was in the Street and prevented People from coming —
Question — was the child crying or the room as if she had been forced —
Answer — she was crying and appeared to have been forced —
Question — had she the Gold chain on her neck —
Answer — I did not take notice of it —
Question — did you hear the conversation your self between Ninapah and Ramasawmy or was
it related by others —
Question — by the Jury — how do you know that Tungum went to the Prisoners house about four Years
ago to know the Tally put on —
Answer — I did not know — I heard it afterwards —

Qu

Question — Is it not Customary among the Natives of this Country to have their doors open and their Friends with them when they go thro the Ceremony of putting on the Tally —

Answer — Yes the Custom to have the doors open and their Friends and Relations with them

Question — have you ever heard that it is the Custom to put the Tally on that day —

Answer — Not Customary —

Questions by the Prisoner

Question — Is there any thing in their Law contrary thereto

Answer — I do not Know —

Question — Is it usual to put on the Tally against the Will of Parent and Child —

Answer — not Customary

Question — do you Know Tungum

Answer — I Know her —

Question — did you ever see Tungum at the house of the Prisoners — and how long ago —

Answer — I saw her on the Pongal day — the day of her Marriage —

Question — had Tungum or Gold Necklace —

Answer — I did not see — but I was there till the Tally was tied —

Question — were you there when Tungum was brought into the house — and who brought her in —

Answer — I was — Ramasawmy and a Cooly brought her in —

Question — did the Cooly —

Answer — he staid a little time and then went away —

Question — were you present in the house the whole time Tungum was in the house —

Answer — Yes and Tungum was all the time in my sight —

Question — did you see the Prisoner or either of them take a Gold chain from Tungum's Neck —

Answer — neither of them took one Arnachellum did not come into the house —

Question — Relate the Circumstances of tying the Tally —

Answer — The Tally was tied to Tungum's neck by Ramasawmy —

Question — how long did Tungum remain in the house —

Answer — an hour or two, and all her Parents were standing in the street

Question — did you hear any conversation between Nineapah and Ramasawmy —

Answer — no Only Knew that the Girl was taken to Nineapahs house —

Question — do you Know Tungum's Mother and did you see her that day —

Answer — she Knocked at Ramasawmys door —

Defence — The Prisoner having no other Witnesses to produce on their behalf or any thing further to make — The Petit Jury retire to consider on their verdict a Bailiff having been sworn to Keep them, and after a short time a Verdict being proclaimed they

Clerk of the Peace — Gentlemen of the Jury answer unto their names —

Jury — yes —

Clerk of the Peace — who shall say for you — have you agreed of your Verdict

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Jury — Our Foreman

Clerk of the Peace — How say you are Arnachellum and Ramasawmy Guilty of the Felony and Robbery whereof they stand Indicted or not Guilty

Foreman — Not Guilty

The Clerk sums Records

Clerk of the Peace — Gentlemen of the Jury hearken unto your Verdict as the Court hath recorded it you say that Arnachellum and Ramasawmy are not Guilty of the Felony and Robbery whereof they stand Indicted, and so you say all —

Jury — Yes

The Prisoners are thereupon discharged by Proclamation —

John Holland is brought into Court and surrendered by his Bail — He is then put to the Bar and arraigned as follows —

Clerk of the Peace — John Holland hold up your right hand —

You stand Indicted by the name of John Holland a Lieutenant in the service of the united company of Merchants of England trading to the East Indies under their Presidency of Fort Saint George at Madraspatnam within the Jurisdiction of this Court being a person of a Wicked and desperate disposition and maliciously designing and intending Emanuel Samuel to beat wound and ill treat on the Nineteenth day of November in the thirty fourth Year of the Reign of our Sovereign Lord George the third now King of Great Britain France and Ireland defender of the faith and so forth with force and arms at Madraspatnam aforesaid within the Jurisdiction aforesaid on and upon the said Emanuel Samuel in the Peace of God and our said Lord the King then and there being, violently did make an assault, and him the said Emanuel Samuel, then and there did beat wound and ill treat so that his life was greatly despaired of, and that you the said John Holland with your left hand the said Emanuel Samuel then and there unlawfully violently and maliciously did strike to the great pain and detriment of the said Emanuel Samuel and that you the said John Holland other wrongs to the said Emanuel Samuel then and there violently and maliciously did to the great damage and terror of the said Emanuel Samuel to the evil example of all others in the like case offending and against the Peace of our said Lord the King his Crown and Dignity —

How say you are you Guilty of the assault and Battery whereof you stand indicted or not Guilty —

Prisoner — not Guilty —

The Prisoner by his Solicitor Mr James Stuart Hall prays the Court that the trial may be postponed until the next Sessions — Prayer Granted —

Clerk of the Peace — You stand indicted by the name of John Holland a Lieutenant in the service of the united Company of merchants of England trading to the East Indies under their Presidency of Fort Saint George being a Person of evil name, fame and dishonest Conversation on the twenty first day of November in the thirty fourth Year of the Reign

Our Soveign Lord George the Third now King of Great Britain France and Ireland defender of the faith and soforth and divers other days and times before at Madras aforesaid and within the Jurisdiction of this Court wickedly contriving and intending one Emanuel Samuel to deprive of his good name Fame and Credit and him the said Emanuel Samuel to bring to the greatest hatred, Scandal, Contempt and Infamy with all the Liege Subjects of our said Lord the King; and such contrivance intention and Practice to compleat perfect and render effectual, you the said John Holland on the said twenty first day of November in the Year aforesaid at Madras aforesaid and within the Jurisdiction aforesaid a certain false, scandalous and libellous writing against the said Emanuel Samuel falsely, maliciously and scandalously did frame and make, and in the name of you the said John Holland then and there did cause the same to be written and Published in manner following — "Mr Samuel attorney" (meaning the said Emanuel Samuel)" having insulted me" (meaning that the said Emanuel Samuel had insulted you the said John Holland)" and refused to give me" (meaning yourself the said John Holland) "Satisfaction" I think it incumbent upon me thus publickly to make known my Opinion of his Conduct" (meaning the Conduct of the said Emanuel Samuel)" I (meaning yourself the said John Holland)" think he" (meaning the said Emanuel Samuel) "has acted like an infamous Coward and a detestable Pattroon" (meaning that the said Emanuel Samuel was a Coward and a Pattroon)" subscribed "John Holland Lieutenant" (meaning yourself the said John Holland) and bearing date Madras twenty first november one thousand seven hundred and ninety three — and that you the said John Holland with intention to scandalize the said Emanuel Samuel and to bring him to Contempt the said false, malicious and scandalous libellous writings or as aforesaid framed and made afterwards to wit on the said twenty first day of november in the Year aforesaid and divers other days and times then aforesaid at Madras aforesaid within the Jurisdiction aforesaid to divers subjects of our said Lord the King then and there present falsely, maliciously and scandalously did deliver and cause to be delivered to the great Scandal, Infamy and damage of the said Emanuel Samuel to the evil example of all others in the like case offending and against the Peace of our said Lord the King his Crown and Dignity —

How say you are you Guilty of the Libel for which you stand indicted or not Guilty —

Prisoner — not Guilty

The Prisoner by his Solicitor prays that the trial may be postponed until the next Sessions Prayer Granted —

He is then arraigned on the following Indictment —

George the third by the Grace of God of Great Britain France and Ireland King defender of the faith &c. to the Sheriffs of Madras in the East Indies and to the Coroners of the said Town and to every of them greeting — You shall indicted by the name of John Holland a Lieutenant of the united Company of Merchants of England trading to the East Indies in the

this Presidency of Fort Saint George being a Person of evil name Fame and disturbed conversation on the twenty second day of November in the thirty fourth year of the Reign of our Soveign Lord George the third now King of Great Britain France and Ireland defender of the faith and soforth and divers other days and times before at Madraspatnam and within the Jurisdiction of this Court wickedly contriving and intending one Emanuel Samuel to deprive of his good name fame and credit and him the said Emanuel Samuel to bring to the greatest hatred, scandal, contempt and infamy with all the liege subjects of our said Lord the King and such contrivance, invention and practice to compleat perfect and render effectual you the said John Holland on the said twenty second day of November in the Year aforesaid at Madras aforesaid and within the Jurisdiction aforesaid a certain false scandalous and libellous writing against the said Emanuel Samuel falsely maliciously and scandalously did frame and make and in the name of you the said John Holland then and there did cause to be written and published in the form of a hand Bill, in the manner following "I (meaning yourself the said John Holland)" have perused Mr Samuels address to the Publick (meaning the address of the said Emanuel Samuel) which ought to be answered with a Horse whip, I shall however condescend to give my opinion of it in a few words" — It (meaning the said address of the said Emanuel Samuel)" is Cowardice appealing to Pity and endeavouring to make use of the cloak of the Law to cover Pusillanimity" — "Honestus" (meaning the said Emanuel Samuel)" may be any thing a Gentleman —" subscribed "John Holland (meaning yourself the said John Holland) dated Madras the twenty second day of november one thousand seven hundred and ninety three and that you the said John Holland with intention to scandalize the said Emanuel Samuel and to bring him to contempt the said false, malicious and scandalous libellous writings or as aforesaid framed and made afterwards to wit on the said twenty second day of november in the Year aforesaid and divers other days and times then aforesaid at Madras aforesaid and within the Jurisdiction aforesaid to divers subjects of our said Lord the King then and there present falsely maliciously and scandalously did deliver and cause to be delivered to the great scandal infamy and damage of the said Emanuel Samuel to the evil Example of all others in the like case offending and against the Peace of our said Lord the King his Crown and Dignity —

How say you are you guilty of the Libel for which 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 Prisoner By his Solicitor Mr James Stewart Hall prays the Court that the trial may be Postponed until the next Sessions — Prayer granted —

The Prisoner then enters into Recognizances himself in forty Pounds and Stewart Hall and Samuel Augustus Humphreys in twenty Pounds each —

The Prisoner is thereupon delivered into the Custody of his Bail until the next Sessions —

The Court is then adjourned to wednesday the seventh Instant at the eight

May the Seventh One Thousand Seven hundred and ninety five

Mudyah (against whom the Indictment is brought as Ignoramus) is discharged by the Grand Jury duly sworn

Proclamation — And Packeyapah is put to the Bar and arraigned as follows —

Clerk of the Peace — Packeyapah hold up your Right hand —

You stand indicted by the name of Packeyapah a native Inhabitant of the Town of Madras for that you on the fifth day of March in the thirty fourth year of the Reign of our Sovereign Lord George the Third now King of Great Britain France and Ireland defender of the faith and so forth with force and arms at Madras aforesaid with in the Jurisdiction of this Court in the dwelling house of one Ruxedoss there situate in and upon one Paupah a native Girl of the said Town of Madras in the Peace of God and our said Lord the King then and there being feloniously did make an assault and her the said Paupah in bodily fear and danger of her life in the said Dwelling house there and there feloniously did steal and one neck Joy of the value of five Shillings and one Ear Joy of the value of five Shillings of the goods chattels and Monies of the said Paupah from the Person and against the Will of her the said Paupah in the dwelling house aforesaid there and there violently and felon[illegible] did take and carry away against the Peace of our said Lord the King his Crown and Dignity —

How say you are you guilty of the Felony and Robbery 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 following Persons are then sworn the Petit Jury the Person having ben informed he might object to any of them as they came to the Book to be sworn and before they were sworn —

William Brewer Foreman	Pumapunkum Annagary Moodelly
Robert Henderson	Pauvoola Vencatasha Pillay
Hugh Gordon	Moorthouse Bonapillah
Charles Hely	Ramalinga Pillah
Edward Bent	Sydaporam Teagary Moodelly
John Card	Venatachilla Pillah

Gentlemen of the Jury look upon the Prisoner and hearken unto his cause - you shall know that he stands Indicted by the name of Packeyapah a Native Inhabitant of the Town of Madras / how the Indictment is read as in the arraignment / upon which Indictment he hath ben arraigned and thereunto hath pleaded not Guilty and for his Trial hath put himself upon God and his Country which Country you are upon your charge this day sworn to enquire whether he is guilty of the Felony and Robbery whereof he stands indicted or not Guilty and hear your Evidence —

Pauapah Sworn

Question — where do you live

Answer — I live in the house of Vencatachellah Pillah my Father in law about two months ago when her Parents and she in her Father in Laws house the Prisoner came to the house about seven o'Clock in the Evening and told her, her Grandmother sent for her - her Grandmother was sitting in the entry at the time I refused to come, the request was repeated - I did not answer to it Then Packeyapah took me by force and I called my Mother - Packeyapah brought me into the entry when I cried loud and he shut my mouth with his hands - when in the entry I cried aloud as my Grandmother laid hold of me - Packeyapah pushed my Grandmother into the street with ten Persons crowded there - I was much afraid Packeyapah threw me into the street took me up again and carried me into a Brahmins house next door and left me in the entry and I saw a crowd of People there, thence Packeyapah carried me into the Hall where were many People there - Packeyapah tried to tie the Matrimonial Tally on my neck I refused several times but at last he tied it by force and told me to put on a new cloth which he brought, The street door was shut at that time - Packeyapah then stabbed me with a Knife in the forehead - and the Blood ran from the wound and my cloth was Packeyapah then snatched my Ear and neck Joys from me and said that if any one attempted to take off the Tally he would Kill them he then went away thro' the Back door (Joys shewn and acknowledged by the Witness) —

Questions by the Jury

Question — Did Packeyapah commit any other violence besides the cut in the forehead —

Answer — none

Question — Are those Joys your own

Answer — They are

Question — had you frequently worn them before that day

Answer — frequently —

Question — what became of you after the Prisoner went away

Answer — While I was crying in the entry a stout man whom I could not distinguish as it was dark took me into the street where my Mother was who took me home —

Question — was any one present when the Tally was tied and the Joys taken from you and was there a light —

Answer — There were many People and there was a light —

Question — were any persons present in the Hall when you received the wound and do you know any of them —

Answer — There were several but I do not know one of them —

Pearce

7th May 1794

Question — Hast you ever any Conversation with the Prisoner before this day —
Answer — no —
Question — did you Know him
Answer — Yes —
Question — was the new Cloth put on and did you carry it away
Answer — I put it on and carried it away —
Question — where did Packeyapah live
Answer — In the Family —
Question — was any Brahmin present in the house to which the Prisoner carried you —
Answer — no Brahmin except the House Brahmin —
Question — was the Brahmin present when the Tally was tied —
Answer — no he was in the Back Yard —
Question — To whose house were you carried —
Answer — I do not Know —
Question — what Relation is Packeyapah to you
Answer — no Relation —
Question — Is the Prisoner of the same Cast —
Answer — of the same Cast —

Questions on behalf of the Prisoner by Mr James Stuart Hall —

Question — Where is the Cloth on which the Poloo ran (Cloth produced) —
Question — how long since the wound was given —
Answer — two Months —

Observations by Mr James Stuart Hall to the Jury on the appearance of the Witnesses Forehead, stating that the Mark in question is from a hurt received several Years ago —

Question — by the Jury — Did they use any Trumpet or Tomtom —
Answer — a sort of Tabor —
Question — How many Years did the Prisoner live in the house —
Answer — I heard he lived in the house before I was born —
Question — here he lived there ever since and eat and drank there —
Answer — Yes —
Question — did he sleep there —
Answer — sometime sleep there and sometime out —
Question — did the Prisoner's Family live in the house — or he only
Answer — he only —

Questions by Mr James Stuart Hall —

Question — who Educated the Prisoner —
Answer — He was not Educated in the House —
Question — did the Prisoner never speak to you nor you to him during the time he lived in the house
Answer — no —

Questions —

7th May 1794

Question by the Jury — do you mean that he never spoke to you at all or that he never spoke to you on the subject of Marrying you —
Answer — He never spoke to me on any Subject —

Questions by Mr James Stuart Hall —

Question — Do you Know Vencatachellum —
Answer — I do —
Question — what Relation is he to the Prisoner or to you —
Answer — I do not Know how he is related to the Prisoner — he is my Father in Law —
Question — did you never hear that the Prisoner was related to Vencatachellum or your own Father in Law —
Answer — The Prisoner is my Father's Father in Laws son —
Question — How came you by those Joys —
Answer — My Father gave them to me —
Question — when the Prisoner took the Joys did he take them with a view to Keep them or merely in contemplation of a Marriage with you —
Answer — I do not Know —
Question — did you not declare you received the mark in your forehead by striking against a door frame —

Vencatachellah Pillah Sworn

Question — do you Know the Prisoner at the Bar —
Answer — Yes —
Question — In whose house does he live —
Answer — In mine
Question — how long
Answer — about ten Years
Question — Is he related to you
Answer — no —
Question — Is he any Relation to Paupah
Answer — He is Paupah's Father's Father in Laws son —
Question — does Paupah live in your house
Answer — yes —
Question — how Old is she —
Answer — about eleven Years —
Question — do you Know of Paupah's being taken from your house by the Prisoner at the Bar —
Answer — I heard so —
Question — did you find Paupah in any Persons house and whose, and when —
Answer — I saw Paupah in my Opposite Neighbour's house Venatachellah on the fifth of march two Months ago —
Question — In what situation did you find her —

Answer — I found her bleeding her forehead cut and she said that she had been ill used by Pachayapah —

(Paupah produced.)

Question — Look at the wound in the Childs forehead —

Answer — I see it, it is the same wound I saw Bleeding that Night —

Question — when you saw her last before seeing her at Vencatachillahs house had she the neck & Ear Joys

Answer — Yes —

Question — had she them on then

Answer — no but she told me that Pachayapah had Robbed her of them —

Question — did you see the Joys on the Prisner —

Answer — I asked for them when he was taken by the Taliyars — he said his people had them — the Taliyars brought his People and then I saw them —

(Joys produced and the witness knows them)

Question — by the Jury — is it customary when a marriage Ceremony takes place to take off the Joys —

Answer — I have heard it is

Questions — by Mr James Stuart Hall are you married

Answer — Yes —

Question — when you tied on the Tally did you not take off the Joys —

Answer — no

Question — were they not taken off at any time during the marriage Ceremony —

Answer — not in my Marriage —

Question — what Relation is Paupahs Fathers Father in Law to Paupahs Father —

Answer — I do not Know —

Question — During the ten years the Prisoner lived in the house did he ever speak to Paupah —

Answer — I did not see him speak

Question — was not the Prisoner left under your care by his deceased Father —

Answer — never

Question — was not the house in which you live the Property of the Prisoners Father —

Answer — it is my own House —

Permaul Naick Sworn —

Question — what are you

Answer — the Poliger of Verlasaravakum Village —

Question — where did you see the Prisner —

Answer — In the village — which is about six miles from Madras —

Question — was the Prisner in Custody and of whom —

Answer — of the Justices Taliars —

Question — How long ago —

Answer — about three months ago

Question — do you Know for what he was in Custody —

Answer — I heard he had married a Girl —

Question

Question — did you hear nothing of a Robbing —

Answer — I heard the Prisner had taken some Joys I asked him what he had done with them — he said Grand Father had got them — that he had given them to him Pachayapahs Brother in Law Mr Pillahs brought them the next day and gave them to me — (Joys produced and sworn to) I gave the Joys to the Taliyar —

Questions by Mr James Stuart Hall — did you not understand at that those Joys were taken on consequence of a Marriage Ceremony performed —

Answer — I heard so —

Question — Is it not the Custom when a Marriage Ceremony is performed to take off the Jewels —

Answer — the People in the Country used to say so —

Question — did not the Prisoner readily give them up — when asked for them

Answer — Yes

Ramdoss Sworn

Question — do you live in the same street with Vencatachillah Pillahs —

Answer — I live in a house of Vencatachillahs Pillahs for Rent in the opposite house in the same street —

Question — do you Know the Child Paupah —

Answer — Yes

Question — did you see her on the fifth of march and at what time —

Answer — an hour after Sun set —

Question — did you observe any Joys about her —

Answer — Yes

Question — would you Know them

Answer — Yes (Joys produced and acknowledged)

Question — In whose house did you see them

Answer — in my own house —

Question — upon what occasion did the child come into your house — and who brought her —

Answer — I did not observe her crying — she was in the Hall — and quiet —

Question — who brought her into the house —

Answer — Pachayapah —

Question — were any threats used by any Person and whom against you —

Answer — Pachayapah came into my house with several People and the women who were in the h — were frightened and went away by the back door — I was informed that somebody had taken away some Joys from Paupah —

Question — did you observe those Joys on the Girl —

Answer — I observed a Crowd of People and as soon as Paupah came in I saw her — I saw Paupah a new Cloth on and a Matrimonial mark on her neck and a wound in her forehead bleeding at that time — there was a Talon and Country Music playing in the Street near my door at this time —

Questions by Mr James Stuart Hall

Question — when you saw the matrimonial knot on Paupah and she in the hands of the Prisoner did she ask you to relieve her from that situation —

Answer — she did not — I was afraid myself and went out by the back door —

Question — by the Court — what made you go away —

Answer

Answer — I was afraid as there was a Crowd in the house lest they would beat me, so I went away - they did not threaten me -

Question — Is it not usual at marriage Ceremony to use Tom Tom -

Answer — It is in my Country - but I do not Know whether it is the Custom in this Place -

Question — do you teach the Son or any of the Family of Vencatachellum -

Answer — Yes, I am Schoolmaster, I teach Vencatachellah Pillah's Son and Parish Tomby Pillah's Son -

Question — do you not therefore live Rent free in Vencatachellah Pillah's House -

Answer — Before I taught the Children I paid Rent, since then, not any -

Ninnoo Sworn -

Question — do you live in the house of Vencatachellah Pillah -

Answer — Yes -

Question — was Paupah taken out of the house at any time and when by the Prisoner -

Answer — about two months ago -

Question — was it by force or did she consent

Answer — by force -

Question — had she any neck and Ear Joys at the time

Answer — Yes - Prisoner admits the Joys being taken from Paupah by the Prisoner -

Question by the Jury - at whose house do you live -

Answer — I live in Vencatachellah's House behind Vencatachellah's -

Question — by Mr James Stuart Hall - did not the Prisoner live in the same house -

Answer — he lives in the same house and comes there once in two or three or ten days -

Question — by the Jury - did you ever see the Prisoner and Paupah have any conversation together -

Answer — no

Question — was Paupah kept so secluded as not to Keep Company with the Prisoner -

Answer — no -

Question — by Mr James Stuart Hall - how long as the Prisoner lived in the house -

Answer — ten Years since Packeyapah lives with Periah Tomby Pillah the Childs Father -

Question — Are you sure that Packeyapah never spoke to Paupah during these ten Years -

Answer — no - If he wanted to eat his Rice there were people enough to give him -

Question — what Relation is the Prisoner to Paupah -

Answer — none -

Question — Is there no Relationship between the Father of Paupah and the Prisoner -

Answer — Paupah's Father's Maternal Uncles Son -

Question — by the Jury - when the Child returned to the house did you observe any wound on the Child's forhead or any Blood on her clothes -

Answer — there was a wound on her Forhead and Blood on her clothes -

Question — by Mr James Stuart Hall - what Relation are you to the Prisoner -

Answer —

Prosecution closed -

Rungapen Sworn on the Part of the Prisoner

Question — are you a Neighbour to Vencatachellah -

Answer — I live in the house behind Vencatachellah's -

Question — have you not been accustomed to go to Vencatachellah's house -

Answer — some times not often -

Question — have you not seen the Prisoner and Paupah often together

Answer — Yes, often, in the Street and in the house -

Question — have you not often seen them converse together

Answer — I saw them near the Polach Toom Gate - the Prisoner was going before and Paupah following they were talking together -

Question by Mr John Wilkinson -

Question — have you seen them several times speaking -

Answer — I have seen them often, but never to speak - except that day -

Pallayah Sworn

Question — Are you a Neighbour of Vencatachellah Pillah -

Answer — Yes -

Question — do you recollect Paupah with a wound Bleeding on her forhead and how long ago -

Answer — after the marriage Ceremony about three months ago the Girl was asked how she came by the wound on her forehead - she said she hurt it against a door frame -

Question — by the Jury - To what cast do you belong -

Answer — To Cachey apah and Vencatachellah Pillah's Cast -

Question — by Mr John Wilkinson - did the Girl say it was the Door frame or did you hear it from any

Answer — the Girl said so herself in the presence of me, and several women -

Yagapen Sworn -

Question — Are you a Neighbour of Vencatachellah Pillah -

Answer — Yes -

Question — do you recollect Paupah with a wound bleeding on the forehead and how long since -

Answer — I did not see it - I heard it about three Months ago -

Question — how did Paupah come by that wound -

Answer — the women in the street said it was done by a door frame -

Question — did you ever see Paupah and the Prisoner converse together -

Answer — several times -

Question — did you not hear the Father of Paupah declare he would give Paupah in marriage to the

Answer — the Father declared his intentions to give his daughter in marriage to Packeyapah and to of me to give him advice for his better conduct -

Question — by Mr John Wilkinson - In what house did you hear Paupah and the Prisoner converse -

Answer — In my own house - when Packeyapah and I were conversing together Paupah came to ask

Question — when did Paupah's Father tell you he meant to marry his daughter to Packeyapah -

Answer — two or three different times when we were coming to the Fort - about two or three Years ago

Periatomby Sworn - (the last Witness forsworn) -

Question — do you know Yagapen and are you on intimate Terms -

Answer — I know him - he and the Prisoner are intimate - I am not intimate with him

Question — have you ever told Yagapen that you intended to marry your daughter to the Prisoner

Answer — no never

Question — did Yagapen often visit at your house -

Answer — some times he used to call on particular Ceremonies days -

7th May 1794

Questions by Mr James Hurd Hall

Question — did you never speak to any other Person about giving your daughter in marriage to the Prisoner —
Answer — some People had recommended to me to give my Daughter in marriage to the Prisoner In answer I replied as the Prisoner bore so bad a Character - I never did say I would give my Daughter in Marriage to the Prisoner —
Question — what Relation is the Prisoner to you —
Answer — the Son of my Maternal Uncle —
Question — did the Prisoners Father deliver the Prisoner to you to be brought up and educated by you -
Answer — after the Prisoners Father died his Uncle brought him during the Famine and delivered him to be brought up this happened about fifteen Years ago —
Question — did you not receive one fifth of the Prisoners Father's Estate that you might marry your Daughter to the Prisoner —
Answer — not a doodie —
Question — who Educated and brought up the Prisoner and afterwards married him off —
Answer — I was in the Prisoners Father's Family about seateen Years - I provided some money myself and the Prisoner's Father's Family provided some also and performed my marriage —
Question — who Educated you -
Answer — The Grand Mother to me and also to the Prisoner —

Questions by the Jury

Question — Look at the Jewels shewn you [illegible] Know them and to whom do they belong —
Answer — they belong to Paupah —
Question — How did Paupah come by them
Answer — I gave them —
Question — do you not consider all the Property of Paupah your child as your own —
Answer — as my own —
Question — then do you not consider those Joys as your own Property —
Answer — I consider them as mine —

Questions by Mr John Millenson -

Question — If your child was going to be married could you consider yourself entitled to resume those Joys you had once given to her —
Answer — I would not take them back —
Question — did you give those Joys to the Girl —
Answer — I gave them —
Question — have you ever taken them back
Answer — never -
Question — are they now her Property -
Answer — they are —

Cooty Sworn

Question — are you a neighbour of Vencatachellah Pillah
Answer — I am —
Question — have you ever heard the Prisoner and Paupah converse together and when and w
Answer — Yes in Vencatachellah Pillahs own house -
Question — did you not hear Paupah's Father declare that he would give Paupah in marr to the Prisoner —

Answer — I heard when Paupah's Father was speaking on the house he intended to give his daughter to Pushyapah —
Question — did Paupah ever declare what was the occasion of the wound on her Forehead —
Answer — the women said it was the door frame hurt her forehead
Question — are you Servant to Vencatachellah Pillahs —
Answer — Yes -
Question — was it understood in Vencatachellah Pillah's Family that the child came by the hurt on her forhe from a door Frame —
Answer — I did not hear from the Family - I heard from women on the street —
Question — did you not hear Paupah's Father declare that he would give his Daughter in Marriage to the Prisoner —
Answer — Yes —
Question — did Vencatachellah Pillah desire you to sign a Declaration relative to the marriage to the tying on the Tally and taking off the Joys —
Answer — Yes —
Question — did you refuse to do so and what were your Reasons —
Answer — I was not there at the time they spoke to my son and took my name and went away —

Vencatachellum Sworn

Question — are you next door neighbour of Vencatachellah Pillah —
Answer — I am opposite neighbour -
Question — did you hear Paupah account for the wound she received on her forhead - what did she say and how did she get it -
Answer — when the Girl was brought to the house the women asked her how she came by the wound on her forehead she answered that the door frame hurt her —
Question — did you never hear Paupah's Father declare that he would give his daughter in marriage to the Prisoner —
Answer — I did not hear —
Question — was not a declaration brought to you to sign relative to the Tally and Joys of Paupah -
Answer — next day the declaration was brought -
Question — by whom -
Answer — by the Father of the Girl —
Question — were you desired to sign it
Answer — Yes —
Question — did not the man threaten to confine you if you did not sign it —
Answer — that day Perumah Sooty Pillah went away and the next day the Bailiffs Peon came to call me and that is the word which was left at my house —
Question — did they threaten you if you did not sign it
Answer — not me I was not in the house at all -

Question by Mr John Millenson —

Question — did you read the declaration
Answer — I did not -

Prisoner

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Terovengeadum Sworn

Question — did the Father of Paupah ever tell you he intended to marry his Daughter to the Prisner — and if so relate the Particulars —

Answer — I live in Morgadum Village at a league distant — Paupah's Father Periama Pillah came to me and said he intends to give his daughter in Marriage to the Prisner — and desired me to give my Daughter to the Prisner's Brother — I said I was not able to defray the charges of Performing the Ceremonies —

Question what Reason did he give for desiring you to give your Daughter to the Prisner's Brother —

Answer — Periah Tomby Pillah said Cashyapah lives with me — I intended to give my daughter in marriage to him but I cannot do it, till Cashyapah's Elder Brother is married —

The Prisoner having closed his Defence the Petit Jury retire to consider on their verdict a Bailiff having been first sworn to keep them and after a short time, a Verdict being Proclaimed them come into Court and answer each their names —

Clerk of the Peace — Gentlemen of the Jury have you agreed of your verdict —

Jury — Yes —

Clerk of the Peace — who shall say for you

Jury — Our Forman —

Clerk of the Peace — How say you is Cashyapah Guilty of the Felony and Robbery whereof stands indicted or not Guilty —

Forman — not Guilty

which being Recorded —

Clerk of the Peace — Gentlemen of the Jury hearken unto your Verdict as the Court hath Recorded it — you say that Cashyapah is not Guilty of the Felony and Robbery whereof he stands indicted, and so you say all —

Jury — Yes

The Prisoner is thereupon discharged by Proclamation —

The Joys having been sworn to belong to Paupah the Court direct that the same be accordingly restored to Paupah —

The Court then Proceeds to the Trial of Packeravaib —

The Prisoner is thereupon sent to the Bar and arraigned as follows —

Clerk —

7th May 1794

Clerk of the Peace — Packeravaib hold up your Right hand —

You stand indicted by the name of Packeravaib a Native Inhabitant of the Town of Madras for that you on the twenty ninth day of October in the thirty fourth Year of the Reign of our Sovereign Lord George the third now King of Great Britain France and Ireland defender of the Faith and so forth with Force and arms at Madras aforesaid within the Jurisdiction of this Court one Shawl of the value of five Pounds and one stripping Gown of the value of ten Shillings of the goods and chattels of John Mitford Esquire and one Gold headed cane of the value of eight Shillings of the goods and chattels of James Ball Esquire then and there being found feloniously did steal take and carry away against the Peace of our said Lord the King his Crown and Dignity —

How say you are you guilty of the Grand Larceny 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 following Persons are then sworn on the Petit Jury the Prisoner being first Informed he might object to any of them as they came to the Book to be sworn and before they were sworn —

William Benser Forman	Canjee Said
Robert Henderson —	Shaick Meerah Moulon Said
Hugh Gordon —	Mahomed Ibram Said —
Charles Hely —	Meer Said —
Edward Bent	Myle Meeralubby Mastry
John Card —	and —
	Shaick Sudoon Mastry —

Gentlemen of the Jury look upon the Prisner and hearken unto his cause you shall know that he stands indicted by the name of Packeravaib a Native Inhabitant of the Town of Madras (here the indictment is read over the arraignment) upon which Indictment he hath been arraigned and thereunto hath Pleaded not Guilty and for his Trial hath put himself upon God and his Country which Country you are your charge is therefore to enquire whether he is guilty of the Grand Larceny whereof he stands indicted or not Guilty and hear your evidence —

Clerk of the Peace — Gopaul Mayor Court Interpreter sworn — Go, and tell what you know concerning the Grand Larceny whereof the Prisner stands indicted —

Answer —

8. May 1794

Eighth of May one thousand seven hundred and ninety four

Present

The Honorable Sir Charles Oakeley Baronet President

Ernst William Fullofield
and
George Westcott
} Esquires

Justices

The Court being duly opened a Commission signed by Sir Robert Chambers Chief Justice of the supreme Court in Bengal appointing certain Justices under an act of Parliament read by order of the court as follows—

George the Third by the grace of God of Great Britain France and Ireland King defender of the faith and so forth To our trusty and well beloved George Mynb, Thomas Lewin and Theodore Forbes of Madras Esquires, John Gammell Masulepatam Esquire, John Chenmer of Vizagapatam Esquire, William Gordon of Ga Esquire, William Harcourt Torriano of Nagore Esquire and John Hemsworthy of Bu Esquire—

Whereas in and by an act made and enacted in our Parliament Westminster in the thirty third Year of our Reign and intitled an act for con the East India Company for a further term the Possession of the Britis in India together with their exclusive trade under certain limitations Establishing further Regulations for the Government of the said Te the better administration of Justice within the same for appropri ures the Revenues and Profits of the said Company and for enac for the good order and Government of the Towns of Calcutta Bombay. It is for certain Reasons and Considerations there things enacted that it shall and may be lawful to & in council of Fort William in Bengal for the time be from time to time erected under the seal of ever them in the names of us our heirs and Successors Justice of our said Court which said Commissio by the said act authorized and required from ti warrant from the said Governor General in Counc nominate and appoint such and so many of t

recorded

the Court directed

scribe—

be sent to the Bar and

Clerk—

8. May 1794

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said United Company or other British Inhabitants as the said Governor General in Council shall think properly qualified to act as Justices of the Peace within and for the said Town of Madras and Presidency of Fort St George and the Places thereto subordinate and that such persons shall according to the tenor of the Respective Commissions wherein they shall be so nominated and appointed also by virtue thereof two of the said act have full power and authority to act as Justices of the Peace according to the tenor of the same Commissions wherein they shall be respectively named or two for the said Town of Madras and Presidency of Fort St. George and the places thereto subordinate And Whereas the Governor General in Counc now being has or shall by a certain Order and warrant by the said Governor General and council duly made and to the Chief Justice and other Justices of the said Supreme Court directed and subscribed with the name and under the seal of Sir John Shore Baronet now Governor General and also subscribed with the names and under the seals of Sir Robert Abercromby Knight of the most Honorable order of the Bath, Peter Speke and William Cowper Esquires now being Councellors of and for the Presidency of Fort William in Bengal authorized and required you being respectively Covenanted Servants of the said united Company or British Inhabitants of the said Town of Madras and Presidency of Fort St. George and the places subordinate thereto or some or one of them to be nominated and appointed Justices of the Peace for and within the said Town of Madras and Presidency of Fort St. George and the places subordinate thereto according to Provisions in the said act for that purpose expressed and contained Now Know ye that we have accordingly assigned you and by these presents do accordingly assign You and every of you jointly and severally our Justices to Keep our Peace within the said Town of Madras and Presidency of Fort St George and the places subordinate thereto and to Keep and cause to be Kept all Ordinances and statutes made for the good of our Peace and for the conservation of the same, and the quiet Rule and Government of our subjects and people in all and every the articles thereof within the said Town of Madras and Presidency of Fort St. George and the places thereto subordinate (as well within Liberties as without) according to the force form and effect of the same and to chastise and punish all persons offending against the form of those Ordinances or Statutes or any of them within the said Town of Madras and Presidency of Fort St George and places subordinate thereto as according to the form of those ordinances Statutes shall be fit to be done and to cause to come before you or any of you such persons who shall threaten any of our people touching their persons burning their houses to find sufficient security for the Peace and for their good-

Justices of the Peace

Clerk of the Peace — How say you are you Guilty of the Grand Larceny whereof you stand indicted or not Guilty

Veneco — not Guilty

Narsoo — not Guilty

Clerk of the Peace — How will you be Tried

Prisoners — by God and our Country

Clerk of the Peace — God send you a good deliverance —

The Prisoners having agreed to be tried by Europeans — The following Gentlemen are then sworn on the Petit Jury the Prisoners being first informed they might reject to any of them as they came to the Book to be sworn and before they were sworn —

William John Chester Foreman

William Baggie
Alexander Melvin
William Moore
Charles Kely
Edward Reed
John Eard
Richard Ashton
Daniel Reid
Marcus Armstrong
James Munro —

John Sandover Sherman

Clerk of the Peace — Gentlemen of the Jury look upon the Prisoners and hearken unto their cause you shall know that they stand indicted by the names of Veneco and Narsoo both native & Inhabitants of the Town of Madras (then the Indictment is read as in the arraignment) upon which Indictment they have been arraigned and thereunto have pleaded not guilty and for their Tryal have put themselves upon God and their Country which Country you are your charge is therefore to enquire whether they are Guilty of the Grand Larceny whereof they stand indicted or not Guilty and hear your Evidence —

Narsoo antiking Born Sworn

Clerk of the Peace — Relate what you know concerning the Grand Larceny whereof the Prisoners stand indicted —

Answer — That when I was watching the Bankshalls of the late Mr. Miguel Johannes about one or two Oclock in the Morning about a month ago the two Prisoners at the Bar with six others were sitting on the Planks and afterwards took one of them away and went with it as far as the china Bazar I and another Born Coolaqueen went after them and struck them with a piece of stick when they threw down the Timber and one of the Men run away — We apprehended only two who are the Prisoners at the Bar — we are now in the employ of Mr. Samuel who acts for the Estate of Mr. Miguel —

Question by the Jury — did you see the Prisoners in the act of carrying away the Timber —

Answer — Eight were carrying it away the Prisoners were two of them —

Question — had you any Conversation with the Prisoners before they took away the Timber —

Answer — no —

Question —

Question — did the Prisoners see the two Watching Men —

Answer — I do not know —

Question by the Court — did you see the Prisoners take up the Timber —

Answer — Yes —

Questions by the Jury —

Question — might not the men be employed by other People to carry timber away and have taken this Plank by mistake —

Answer — I do not know —

Question — why did you let the Prisoners take the Timber so far —

Answer — we suffered them to take so far that we might apprehend the thief —

Question — had the other Men any conversation with you when they took up the Timber —

Answer — we reported to other Bankshall People the Men were coming to steal Timber that they might be ready to apprehend the thieves —

Question — did any other Bankshall People go along with you —

Answer — we first apprehended the thief then they came to us —

Question — by the Court — had you ever lost any Timber before —

Answer — Peices of Timber had been lost before which the Polygar promised to get again if he could some twelve months before — some six Months — and some three Months — their Beam Plank principally —

Questions by the Jury —

Question — Can you swear to the Plank —

Answer — It was taken from the Timber of My Master

Question — was there any other Timber near this Plank

Answer — Miguels Timber was separate —

Question — was it the Plank or Planks they had which they took away —

Answer — no —

Coolaqueen Sworn —

Question — In whose service are you and what is your Occupation —

Answer — I am a watching Coolaqueen in Collin Chitty's Bankshall —

Question — Is there any Timber near it which belongs to the late Mr. Miguel —

Answer — Yes in the next Bankshall —

Question — was any of it stolen and by whom —

Answer — Yes — a Beam Plank was taken away by several People about two Months ago about two oclock in the morning — a Mun Light morning — they came and sat on the Plank and took one away they took the same they sat on as far as the Cloth Godown when Narsoo and I apprehended two Men the rest ran away afterwards several People came I can swear to the Prisoners being two of the men who took away the Timber —

Questions by the Jury —

Question — where did you take the Prisoners —

Answer — when they were carrying the Timber away and struck the men with a piece of stick they set the Timber fall and then we took two of the men —

Question —

Question — why did you not take them up at first —

Answer — we were afraid to go alone so we consulted with them and then went after them in the mean time they took the Timber so far —

Question — did the People go with you

Answer — no, we went and after we Apprehended them, the others came up —

Question — did you follow the Prisoners so close as not to lose sight of them —

Answer — we were so close as to be always in sight —

Question — heard you and the other Men any conversation when they were taking the Timber —

Answer — we had — we perceived the People taking away the Timber so we agreed to speak to them — and gather together — in the mean time they were carrying away the Timber —

Question — did you and the other Men conceal yourselves or do you think the Prisoners saw you —

Answer — they could not see us —

Rangasawgee Sworn —

Question — do you know any thing about the Prisoners at the Bar stealing any Timber belonging to your Master —

Answer — no —

Question — was you never informed that any Timber was stolen from your Master —

Answer — a Man by the name of Navoo about two months ago informed me that one of the Timbers belonging to My Master Mr Samuel the Executor of Miguel Johannes deceased was stolen, that two of the Thieves were apprehended of which I informed my Master who sent the Prisoners to the Justices —

Question — In what Capacity do you serve Mr Samuel —

Answer — In the Management of the Estate of the late Miguel Johannes —

Question — did the Men tell you how many Persons had taken [illegible] er —

Answer — ten or twelve Persons were Carrying it away —

Question — did you Examine the [illegible] that had be[illegible]

Answer — I did —

Question — when you saw the Timber did you know it to [illegible]

Answer — I did —

Question — by what mark

Answer — by the mark of M J

Question — was that the same mark that Miguel Johannes usually put upon his Timber —

Answer — It was —

Question — Is there any more Timber at the Bankshall with the same mark upon it belonging to any other person —

Answer — I have not seen any other —

Question — where was the Timber when you first saw it —

Answer — a little distance from the place were it usually lay —

Question — did you ever sell any Timber belonging to the Estate of Miguel Johannes to either of the Prisoners —

Answer — no —

[illegible] id and then whether they a[illegible] and hear your [illegible] of the Prison[illegible] [illegible] ate of Miguel Johannes

Prosecution

Prosecution closed

Prisoners called on for their Defence, Venoo and Navoo — about twelve O'Clock when I was sleeping in the China Bazar a man called Crosby — we asked where we were to go — he said to carry a plank — we asked where the Plank lay — he answered near the sea side — we then asked where we were to carry it — he said to John Bernard's garden and the man promised us two fanams each we then took up the Plank as far as the Cloth godown and our employer was by us — at this place the Watching Men apprehended us — the other men and the man who employed us ran away we were then kept till next morning and brought before the Justice —

The Prisoners having closed their Defence the Petit Jury retire to consider on their verdict a Bailiff having been first sworn to keep them and after a short time a verdict being Proclaimed they came into court and Answer unto their names —

Clerk of the Peace — Gentlemen of the Jury have you agreed of your verdict —

Jury — yes

Clerk of the Peace — who shall say for you

Jury — Our Freeman —

Clerk of the Peace — how say you are Venoo and Navoo Guilty of the Grand Larceny whereof they stand Indicted or not Guilty —

Freeman — Guilty of Petty Larceny

which being recorded —

Clerk of the Peace — Gentlemen of the Jury hearken unto your Verdict as the Court hath recorded it — you say that Venoo and Navoo are Guilty of Petit Larceny and so you say all —

Jury — Yes —

The Prisoners are thereupon Remanded to Prison

The Court then proceeds to the Trial of Chowry Mootoo —

The Prisoner is thereupon put to the Bar and arraigned as follows —

Clerk of the Peace — Chowry Mootoo hold up your Right hand —

You stand Indicted by the name of Chowry Mootoo a native Inhabitant of the Indies of Madras for that you on the ninth day of March in the thirty fourth Year of the Reign of our sovereign Lord George the third now King of Great Britain France and Ireland defender of the Faith and so forth and four Miles in the night of the same day with force and arms at Madras aforesaid within the Jurisdiction of this Court the dwelling house of James Robertson there situate feloniously and Burglariously did Break and enter with an Intent the goods and chattels of the said James Robertson in the said Dwelling house there and there being then and there feloniously and Burglariously to steal

steal take carry away against the Peace of our said Lord the King his Crown and Dignity —

How say you are you Guilty of the Burglary with an Intent to steal whereof you stand Indicted or not Guilty —

Prisonr — not Guilty —

Clerk of the Peace — how will you be Tried

Prisonr — by God and My Country —

Clerk of the Peace — God send you a good Deliverance

The Prisonr being informed of his Privilege chooses a Jury half European and half Native —

The following Persons are then sworn on the Petit Jury the Prisonr being first informed he might Objects to any of them as they came to the Book to be sworn and before they were sworn —

William John Chater Foreman
William Boggie —
Alexander Melvin
William Morre
Charles Wely —
Edward Bent —
Punnapauckum Arnagary Modelly
Pauvala Vencatasha Pillay —
Moorhouse Punnapillay
Dalmalinga Pillay
Sydaupooram Tagarey Modelly
Veeracanny Pillay —

Clerk of the Peace — Gentlemen of the Jury look upon the Prisonr and hearken unto his Cause you shall know that he stands Indicted by the name of Chowry Mootoo a native Inhabitant of the Town of Madras (here the Indictment is read as in the arraignment) upon which Indictment he hath been arraigned and thereunto hath Pleaded not guilty and for his Trial hath put himself upon God and his Country which Country you are; your charge is therefore to enquire whether he is guilty of the Burglary with an Intent to Steal whereof he stands Indicted or not guilty and hear your Evidence —

Mootoo a Sepoy Sworn

Clerk of the Peace — Relate what you know concerning the Burglary with intent to steal whereof the Prisonr stands Indicted —

Answer — I am stationed as a Guard at Mr Turings house at Vepery where Captain Robertson lives about two Months ago when I was Sentry about three O'Clock in the morning the Prisonr came from out of the house and I called him to come near me — he sat down and as I knew him to be a Thief having stole some thing at Captain Tapper's house I kept him till day Break and told Captain Robertson he was a Thief — and desired him to flog him — but Captain Robertson ordered him to the Justices — I did not find any thing on him —

Sotchamah a Sepoy Sworn

Clerk of the Peace — Relate what you know concerning the Burglary with intent to steal whereof the Prisonr stands indicted —

Answer — I am stationed at Mr Turings House — Mootoo relieved me about two months ago and I saw the Prisoner in his Custody who said he was a Thief and that he saw him come out of the House — I did not however see him come out of the House —

Prosecution closed

Prisoners Defence

I went to ask for some Fire and coming near the Sentry he took me Prisonr —

The Prisonr having closed his defence the Petit Jury retire to consider on their verdict a Bailiff having been first sworn to keep them and after a short time a Verdict being proclaimed they come into Court and answer unto their names —

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

Jury — Yes —

Clerk of the Peace — who shall say for you

Jury — Our Foreman

Clerk of the Peace — How say you is Chowry Mootoo Guilty of the Burglary with an intent to steal whereof he stands indicted or not Guilty —

Foreman — not Guilty —

which being recorded —

Clerk of the Peace — Gentlemen of the Jury hearken unto your Verdict as the Court hath recorded it — you say that Chowry Mootoo is not Guilty of the Burglary with an intent to steal whereof he stands indicted and so you say all —

Jury — Yes

The Prisonr is thereupon discharged by proclamation —

The Court then Proceeds to the Trial of Thomas

The Prisonr is put to the Bar and arraigned as follows —

Clerk of the Peace — Thomas hold up your Right hand —

You stand indicted by the name of Thomas late a Portuguese Inhabitant of the Town of Madras within the Jurisdiction of this Court for that you on the thirty first day of December in the thirty fourth Year of the Reign of our sovereign Lord George the third now King of Great Britain France and Ireland defender of the faith and so forth with force and arms at Madras aforesaid

a period within the Jurisdiction aforesaid one diamond Ring of the value of five Pounds and one Cross set with Pearls, Rubies and Garnets of the value of three Pound Sterling one String of Pearls of the value of two Pound sterling and certain Ear Rings or Joys of the value of three Pound Sterling of the goods and Chattels of one Jacob Munas in the shop of him the said Jacob Munas then and there being found then and there feloniously and felonously did steal take and carry away against the Peace of our said Lord the King his Crown and Dignity —

Now say you 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.

The following Gentlemen are then sworn on the Petit Jury — the Prisoner being first informed he might object to any of them as they came to the Book to be sworn and before they were sworn —

William John Chater Foreman —

Alexander Melvin
William Moore
Edward Bent
John Card
William Pearce —
Robert Henderson
Hugh Gordon
John Wright
James Sutherland
John Reynold —

and

Richard Ashton

Clerk of the Peace — Gentlemen of the Jury look upon the Prisoner and hearken unto his cause — you shall know that he stands indicted by the name of Thomas late a Portuguese Inhabitant of the Town of Madras within the Jurisdiction of this Court (here the Indictment is read as in the arraignment) upon which indictment he hath been arraigned and thereunto hath pleaded not Guilty and for his Trial hath put himself upon God and his Country which Country you are your charge is therefore to enquire whether he is guilty of the Felony where he stands indicted or not Guilty and hear your evidence —

Gregorio Marcar Calder sworn as Interpreter to a witness on Behalf of the King —

Jacob Munas sworn —

Clerk of the Peace — Relate what you know concerning the Felony whereof the Prisoner stands Indicted —

Answer —

Answer — The first of January last when I opened my shop about seven O'Clock in the morning the window was broken I Lost in the Room an Escritore under which were two sheets Boxes containing two pair of Buckles one pair whereof was Gold another Brickbeck eight pair Gold Buttons two Brickbeck breast Pins one Diamond Ring one Emerald Ring one Ruby Cross one Cross with false stones one Pair of Ladys Ear Rings Emerald two Pair of false stone Ear Rings one Cross with Pearls one pair of Brickbeck Bracelets one Brickbeck Manilla Ring two Gold Rings with false Stones one Buckle with Pearls Two watch Tombacks Gold one pair of Ladys Ear Rings of Pearls one Brickbeck Ring eight Pieces of Silver —

In the Morning I inspected the Escritore and two Boxes and informed the Polygar thereof on the seventh of January a Man brought a Diamond Ring to sell which was one of those I lost Shivington asked where he found it he answered another Man gave it to me to sell and then carried the man to the Polygar and that man said another man gave it to him to sell the Polygar brought him his name is Miguel and on being asked where he got it he said from the Prisoner in whose house he found it when Drunk Miguel said he saw an empty Box and one pair of Ear Rings and a Cross which the Prisoner sold, Miguel said that he Thomas and a Boy sold them and also the Ring to Shivaram Man, who lived at Sheveram so I sent two Men and when he was brought I delivered him over to the Polygar and complained to the Justice —

(A Diamond Ring and a Cross produced which he says are his — two Emeralds were also shewn but those he could not swear to)

Questions by the Prisoner

Question — By what mark do you know these things —

Answer — no mark except that I know them to be mine and part of the Property I lost on the first of January —

Question — might there not be other Rings and Crosses similar to these —

Answer — there may be but I know these to be mine — I know the manner of them —

Question — were those things found upon the Prisoner —

Answer — no —

Question — did you not desire the Polygar to tie up the Prisoner to a Tree and flog him and was he not flogged —

Answer — no I only desired to get my things the Polygar did flog him but I did not Order —

Question — did you never see the Prisoner before he was in the Polygar's Custody —

Answer — no

Abraham Miguel Sworn —

Question — do you know these things and when did you see them first —

Answer — I gave the Ring in the hands of the Prisoner about twice three Months ago I took it from the Prisoner when he was in liquor and offered it for sale —

Cheyttoo

Cheythoo Mahomed sworn –

Question – did you ever see the Ring and Cross now produced –

Answer – I did not see the Ring and Cross – but I saw the two Emeralds which the Prisoner offered to sell for four Pagodas –

Mary Anne sworn –

Question – Look at this Cross and with whom did you see it –

Answer – about two Months ago the Prisoner gave me the Cross which he said he got from the Cook, The Prisoner gave me also three pieces of Silver which I melted down –

Question – by the Jury – what did you give for the Cross –

Answer – One Pagoda –

Question by the Prisoner

Question – To whom did you deliver this Cross

Answer – I gave it to the Armenian –

The Petit Jury retire to consider on their verdict a Bailiff having been first sworn to keep them and after a short time a Verdict being Condemned they come into Court and answer unto their names –

Clerk of the Peace – Gentlemen of the Jury have you agreed of your Verdict –

Jury – Yes

Clerk of the Peace – who shall say for you

Jury – Our Foreman –

Clerk of the Peace – how say you is Thomas guilty of the Felony whereof he stands indicted or not Guilty –

Foreman – not Guilty

which being Recorded

Clerk of the Peace – Gentlemen of the Jury hearken unto your Verdict as the Court hath recorded it You say that Thomas is not Guilty of the Felony whereof he stands indicted and so you say all –

Jury – Yes

The Prisoner is thereupon discharged by Proclamation

The Ring and Cross ordered by the Court to be restored to the Armenian the Emeralds to Cheythoo Mahomed and the Silver to Mary Anne –

The Court then proceeds to the Trial of John Mackenzie –

The Prisoner is put to the Bar and arraigned as follows –

Clerk of the Peace – John Mackenzie hold up your Right hand

You stand indicted by the name of John Mackenzie late of Vellore a Corporal in the first Battalion of European Infantry in the Service of the united company of Merchants of England trading to the East Indies under their Presidency of Fort Saint George for that you on the ninth day of March in

in the thirty fourth Year of the Reign of our Sovereign Lord George the third now King of Great Britain France and Ireland defender of the Faith and soforth with force and Arms at Vellore aforesaid within the Jurisdiction of this Court with a Sword Beyond which you the said John Mackenzie on your Right hand then and there had and held on and upon one William Gallavan in the Peace of God and our said Lord the King then and there being did make an assault with an Intent him the said William Gallavan then and there feloniously wilfully and of your Malice aforethought to Kill and Murder and other wrongs to the said William Gallavan then and there did to the Great Damage of the said William Gallavan and against the Peace of our said Lord the King his Crown and Dignity –

And you further stand Indicted by the name of John Mackenzie for that you on the said ninth day of March in the thirty fourth year of the Reign of Our Sovereign Lord George the Third now King of Great Britain France and Ireland defender of the faith and soforth with force and Arms at Vellore aforesaid within the Jurisdiction aforesaid in and upon the said William Gallavan in the Peace of God and our said Lord the King then and there being did make an assault and him the said William Gallavan then and there did beat wound and Ill treat so that his life was greatly despaired of and other wrongs to the said William Gallavan then and there did to the Great damage of the said William Gallavan and against the Peace of our said Lord the King his Crown and Dignity –

How say you are you Guilty of the assault with an intent to Kill 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 following Gentlemen are then sworn on the Petit Jury the Prisoner being first informed he might object to any of them as they came to the Book to be sworn and before they were sworn –

William John Chester Foreman

Alexander Melvin	Robert Henderson
William Moore	Hugh Gordon
Edward Bent	John Wright
John Card	James Sutherland
William Turner	John Reynolds –

and

Richard Ashton

Clerk of the Peace – Gentlemen of the Jury look upon the Prisoner and hearken unto his cause you shall hear

Know that he stands Indicted by the name of John Mackenzie late of Vellore a Corporal in the first Battalion of European Infantry in the service of the United Company of Merchants of England trading to the East Indies under their Presidency of Fort Saint George (here the Indictment is read as in the arraignment) upon which Indictment he hath been arraigned and thereunto hath pleaded not guilty and for his trial hath put himself upon God and his Country which Country you are your charge is therefore to enquire whether he is guilty of the assault with an Intent to kill whereof he stands indicted or not guilty — and hear your Evidence.

William Gallawan Corporal in the first Regiment of European Infantry. Sworn —

Clerk of the Peace — Relate what you Know concerning the assault with an intent to Kill whereof the Prisoner stands indicted —

Answer — On the sixth of March last at Vellore after Parade was over I was walking with Richard Donaldson and Mackenzie the Prisoner met us and said — I was the man he was looking for — I asked him what he wanted — he said he wanted to step up to my house — I said he might — as we were going along he said his Wife was at my house (he is married to my daughter in Law) I told him I supposed she was with her Mother and I thought no harm in that — On coming to the Yard his wife and her Mother were there a little time after I went into the house to undress myself and then returned to the Yard. when I perceived the Prisoner and his wife were gone — a little afterwards I observed the Prisoner often come into the Yard with his hands round his body and asked me if his Wife was there, I said she was not — he said it was better for me to find her — I repeated that she was not there and then walked out into the street — The Prisoner followed me and said he would have my life and put his hand under his coat and drew out his Bayonet, I immediately ran away — there were two Men in the front and I cried out to them for assistance — Benjamin Andrews and Richard Birch and I seized hold of Richard Birch when the Prisoner came up and stabbed me with the Bayonet in the back clapping one of his legs between us in order to separate us — when Richard Birch and myself and the Prisoner fell — I got up as soon as I could and drew the Bayonet from my Back and went to Doctor Mc Mahon the Surgeon to have my back dressed — I there saw Serjeant Kirby and delivered the Bayonet to him — I never gave the Prisoner any Provocation nor had we had any Quarrel —

Question by the Court — was the Prisoner sober —

Answer — He had been drinking he never did any thing amiss when he was sober —

sober.

The Prisoner not having any questions to put to the Witness, he retires and

Benjamin Andrews Private in the first Regiment of European Infantry sworn —

Question — did you see the Prisoner make any attack and strike on William Gallawan —

Answer — On the sixth of March last between six and seven in the evening. I saw the Prisoner, William Gallawan and Richard Birch on the ground together and Corporal Gallawan wrestling much to take a Bayonet out of the Prisoners hands I held the Prisoner while Gallawan took the Bayonet and made an Escape to the Barracks — Gallawan was wounded with the Bayonet by the Prisoner — I saw the Prisoner run the Bayonet into him —

Question — by the Jury — who took the Bayonet out —

Answer — Corporal Gallawan took it out —

Question by the Court — How long have you known the Prisoner and what Character has he borne —

Answer — four Years — he has always had a good Character —

Question — by the Jury — did the Prisoner appear in Liquor —

Answer — I cannot rightly say —

The Prisoner having no questions to put **Richard Birch** a Private in the first Regiment of European Infantry — Sworn

Question — did you see the Prisoner assault William Gallawan and when and where —

Answer — In Vellore about a month and twenty four days ago about six O'Clock or a little after I saw Corporal Gallawan and the Prisoner talking together and I walked on a little after Gallawan called out for assistance and when I stopped the Prisoner was up with us and his Bayonet in Gallawans back — the Prisoner tried to separate us and we all fell together — Gallawan took the Bayonet from his Back and ran away — the Prisoner did not say any thing — I did not perceive any Provocation I have known the Prisoner two Years and he has always borne a good Character —

Question by the Jury — did you see the wound —

Answer — no —

Question — did the Prisoner appear drunk —

Answer — He was in Liquor —

The Prisoner having no Question to put **William Isbiby** Serjeant in the first Battalion of European Infantry — Sworn —

Question — Relate what you know concerning the Assault whereof the Prisoner at the Bar stands Indicted —

Answer — I saw Gallawan the Evening of the sixth of March with a Bayonet in his hand at Doctor Mc Mahons where I had taken the Prisoner the Bayonet was bloody at the Point — the Prisoner was questioned why he stabbed Gallawan and he answered that he was sorry he did not stab him to the heart — I never heard of any Previous Quarrel I have known the Prisoner two Years and he always bore a

a good Character - he was drunk when I took him Prisoner -

The Prisoner not having any Questions to put Richard Donaldson a Private in the first Regiment of European Infantry Sworn -

Question - Relate what you know concerning the Assault with an intent to kill whereof the Prisoner at the Bar stands Indicted -

Answer - Between five and six in the afternoon on the 20th of march last Corporal Gallavan invited me to his house - the Prisoner met us in the way and told Gallavan that he wanted to go to his house - Gallavan said he was welcome at any time - the Prisoner said you have any wife in your house - Gallavan said she was not there when he went to Parade - if she was there then it was more than he knew - after the Prisoner had had a few words with Gallavan he left his house and I left it immediately after - about half an hour or more afterwards Gallavan came down to the Barracks wounded as he informed me in the side towards the back - I bring the orderly Corporal - I was ordered to take Gallavan to the Surgeon - I remained at the doctors - till the wound which appeared fresh and very small was dressed - The Prisoner was brought to doctor Mc Mahans Quarters, Doctor Mc Mahan asked the Prisoner why he had stabbed Corporal Gallavan - he answered he was sorry he had not stabbed him to the heart -

The Prisoner was certainly in Liquor I have known the Prisoner four Years, all which time we were in the same Corps and I never knew any thing against the Prisoner till the present unhappy accident - I never heard of any cause of quarrel between the Prisoner and Gallavan I have heard from many men in the Battalion that the Prisoner has frequently expressed his sorrow for the accident -

Question by Prisoner - the Prisoner was my Wife in Gallavans house when we went there - she was actually there - and I saw her come out and secret herself in a neighbouring house - I do not know why she secreted herself -

Question by the Bench - you said that after a few words between the Prisoner and Gallavan you went away - what were those words -

Answer - The Prisoner insisted his wife was there - and Gallavan said she was not in the course of their wrangling together the Prisoners wife escaped from Gallavans house and secreted herself in her neighbours house -

Question by Prisoner - did the Prisoner follow his wife out -

he did not see her escape -

2 Wit

Question - was Gallavans Wife there -

Answer - Yes they were both there -

Prosecution closed

Prisoners Defence

I went to Gallavans house to enquire for my wife and Gallavan denied her to me - I know well he designedly concealed my Wife to take her to an Officer which My Wife gave me to understand before and after I was Prisoner he never allowed her to come nigh me - In regard to taking his life away it was neither my intention nor disposition - whether it was a Bayonet or any other weapon on my part I know not - I did it in a Passion and did not know what I was about nor do I remember saying any thing to Doctor Mc Mahan - I considered I had a right to protect my wife -

The Prisoner having closed his defence the Petit Jury retire to consider on their Verdict a Bailiff having been first sworn to keep them and after a short time a verdict being Proclaimed they come into Court and answer unto their names -

Clerk of the Peace - Gentlemen of the Jury have you agreed of your Verdict

Jury - Yes

Clerk of the Peace - who shall say for you

Jury - Our Foreman -

Clerk of the Peace - How say you is John Mackenzie guilty of the Assault with an Intent to kill whereof he stands Indicted or not Guilty -

Foreman - Guilty of the Assault but not with an Intent to Kill -

which being Recorded

Clerk of the Peace - Gentlemen of the Jury hearken unto your Verdict as the Court hath recorded it - you say that John Mackenzie is guilty of the Assault but not with an Intent to kill and so you say all -

Jury - Yes -

The Prisoner is thereupon remanded to Prison

The Court is then adjourned till tomorrow

the ninth Instant for continuing the Present Sessions -

Robert Williams
Deputy Clerk of the Peace

* When the Grand Jury come into Court and Answer unto their names and deliver in a presentment for which see the Proceedings of the last day of this Sessions -

9 May

Friday 6th May 1794

Present

The Honorable Sir Charles Cadogan Barnet President

Ernst William Tattersfield } Esquires
and
George Westcott }

Justices

The Court being duly opened proceeds to the Trial of Francois

The Prisoner is thereupon sent to the Bar and arraigned as follows —

Clerk of the Peace — Francois hold up your Right hand —

You stand Indicted by the name of Francois of Madras Native for that on the twenty eighth day of april in the thirty third Year of the Reign of our sovereign Lord George the third now King of Great Britain France and Ireland defender of the Faith and so forth about the hour of twelve in the night of the same day with force and Arms at Madras aforesaid within the Jurisdiction of this Court the dwelling house of Stephen Popham there situate feloniously and burglariously did Break and enter and one Gold watch of the value of twenty Pounds — one diamond Ring of the value of twenty Pounds and ten Razors of the value of five shillings of the goods and chattels of the said Stephen Popham in the same dwelling house then and there feloniously and burglariously did steal take and carry away against the Peace of our said Lord the King his Crown and Dignity

How say you are you guilty of the Burglary 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 following Gentlemen are then sworn on the Petit Jury the Prisoner being first informed he might object to any of them as they came to the Book to be sworn and before they are sworn —

Joseph Greenhill Freeman
Richard Chase
William John Chester
William Moore
Charles Hely
William Beggie
Edward Bent
Edward Jones
John Card
Alexander Melvin
William Bonner
James Sutherland

Clerk of the Peace — Gentlemen of the Jury Look upon the Prisoner and hearken unto his Cause — you shall know that he stands Indicted by the name of Francois of Madras native (here the Indictment is read as in the arraignment) Upon this Indictment he hath been arraigned and thereunto hath pleaded not Guilty and for his trial hath put himself upon God and his Country which Country you are your charge is therefore to enquire whether he is Guilty of the Burglary whereof he stands Indicted or not Guilty and hear your Evidence —

Stephen Popham Sworn

Questions by Mr. Robert Williams the Deputy Clerk of the Peace (who officiates in this Trial in the Room of Mr. Stephen Popham he being called upon as a Witness against the Prisoner)

Question — Relate what you know concerning the Robbery whereof the Prisoner stands Indicted —

Answer — On the twenty eighth April one thousand seven hundred and ninety three about twelve O'Clock at night I was awakened by a noise which I thought might have been Mr. Robert Williams returning home as he lived at my house at that time soon afterwards however I heard the call of Boy, Boy, on knowing that it was not the voice of Robert Williams I sat up in my Bed to hear who it might be and immediately afterwards a little Boy ran under the Bed — I asked him what was the matter he said there was a Man with a Knife then coming up stairs, almost at the same Instant the noise was very violent and it appeared that the Person must have been drunk as he seemed to roll from one side of the stairs to the other — Immediately afterwards my Butler Moscaty took me violently by the hand and desired me to go down stairs as there was a Person in the next Room with a drawn Sword, I went down stairs and seeing some sepoys at the door I desired them to go up and seize the man he was seized and a Watch, a Ring with hair set round with Brilliants and a Cypher S. P. in it and some Razors were found upon him — I desired the Sepoys to take them I gave my information soon afterwards —

Question — do you know the Watch and the Ring and the seals now produced to you

Answer — I know them all to be my own —

Question — Is the Prisoner the Person on whom the Watch Ring and Seals were found —

Answer — I cannot tell he was dressed at that time in the uniform of a native Trooper —

I think it my duty to inform the Court that Major John Colyn Tonyn in whose service the Prisoner then was repeatedly by letter and personally gave me the good Character of the Prisoner who had lived several Years in his service and that as he did not want for any thing he was persuaded he must have committed this intemperate act in consequence of being intoxicated — I believe one of the Justices on the Bench will give a similar Character of him — and I beg further to impress upon the Court that by the Rolling manner in which he came up stairs I believed he was drunk — I recollect also my Butler said a Drunken man is here with a drawn sword —

Question —

Question — — did it appear that he broke into the House —

Answer — — no — I believe the street doors of the house or one of them were open — Servants were in expectation of Mr Williams's return he had supped the Mount that night —

Question — — was the watch taken from your Bed Room —

Answer — — I do not know I left it in my Bed Room —

Question — — did you see the Prisoner with a Knife or sword in his hand —

Answer — — no — the sepoys had taken it from him —

Question — — where was the Prisoner taken when the sepoys had seized him —

Answer — to the Guard in Polaik Tank —

Question — — did the Prisoner break open the house to obtain admittance or did he enter at the doors —

Answer — — I verily believe he did not break open the House —

The Prisoner being asked if he had any thing to ask the Witness says he has not —

Abdul Cauder Sworn

Question — — do you know the Prisoner at the Bar —

Answer — — Yes —

Question — — do you know any thing about the Prisoner's Robbing Mr Popham's House —

Answer — — Yes

Question — — how long ago —

Answer — — twenty eighth of April one thousand seven hundred and ninety three about twelve O'clock at night when I was sleeping (my Master Mr Ross Williams was gone to the Mount) — the Prisoner came into the house and was standing on the Pyall of the street Mr Popham's Butler Vincaty came and waked me — I and other Servants came and were standing near the Prisoner — and the Prisoner said if any one wishes to speak to me, come near and speak to me — I then asked the Prisoner what he would do to the Person who went near him, he said, I will cut him as I now cut the steps —

Question — — was the Prisoner drunk at the time —

Answer — — Yes —

Question — — did you see the Prisoner go up stairs —

Answer — — Yes — he went up stairs with a drawn Sword — I and all the servants followed the Prisoner up stairs — who threatened us all on which we concealed —

concealed ourselves — I had myself secured my Master's Cot in the next Room to Mr — Popham who was then sleeping — but immediately after awakened and came down stairs —

Question — — did you see any Sepoys there —

Answer — — I directly called the Sepoys who were then going their Round — and told them there is a Man with a drawn Sword here — The Sepoys came near the door — and Mr Popham went below stairs and asked the servants who had followed him down stairs who was the Person with the drawn sword above — Mr Popham desired the Sepoys to go up stairs and apprehend the man — the Sepoys replied they had no orders to go into the House — then Mr Popham ordered the Butler to go to the Subadar and bring him — the Subadar and Jemadar came and ordered the Sepoys to go up and apprehend the man which they did and caught him on the stairs — and took the Sword from his hand and made him Prisoner —

Question — — were there any stolen goods found upon him —

Answer — — I saw a Watch in the hands of the Prisoner which the Subadar took and gave me, I carried it to Mr Popham who desired me to return it to the Subadar —

Question — — How was the Prisoner dressed at that time —

Answer — — like a Trooper —

Question — — Are you certain the Prisoner is the same man on whom the Watch was found.

Answer — — Yes —

Question — — did you know the Prisoner before —

Answer — — I knew him at Major Tonyn's house —

Question — — what dress did the Prisoner usually wear —

Answer — — I do not Recollect —

Question — — did you ever see the Prisoner wear the same dress before —

Answer — — no —

Question — — How did you know the Prisoner was Major Tonyn's Servant —

Answer — — Mr Popham's Servants informed me so —

The Prisoner has no Questions to put —

Ramalle Sworn

Question — — do you know the Prisoner —

Answer — — Yes —

Question — — do you know any thing about the Prisoner Robbing your Master —

Answer — — I do not —

Question — — do you know if the Prisoner did at any time break into your Master's House —

Answer — — I do not Know but some time last Year I and other servants of Mr Popham were

were Sleeping about twelve Oclock at night in the Month of april Instanty the Butler waked me and told me there was a Man Making a noise at the door and desired me to order him away the Man was then Knocking at the side of the door which was bolted, one side of the door was bolted the other Open. the other door was not fastened as Mr Robert Williams was expected home, ~~Lord & the Prisoner~~, I went to the Prisoner, desired him go away and pushed him when the Prisoner beat me and I fell down and cried out aloud - the Butler then told me to come into the house - when I was going the Prisoner pursued me with a drawn sword the Prisoner beat the steps at the time and said I will cut you as I am now cutting the steps, I Jumped over the Byall and the Prisoner followed me -

Question - - - did the Prisoner then strike you -

Answer - - - - no - I then went and hid myself in a Palankeen some time afterwards my Master came below stairs - I then came out from my concealment when the sepoys were directed to go up stairs and apprehend the Prisoner - the sepoys replied we have no orders - the subadar was then sent for and Mr Popham told him to send the sepoys up stairs to apprehend the Prisoner - which they did the Butler and others said the Prisoner had stolen a watch -

Question by the Jury - how did the Prisoner beat you -

Answer - - with his hand -

Question - - did you see the watch taken from the Prisoner -

Answer - - I did not see it taken from the Prisoner but I saw it afterwards with the sepoy who said it had been taken from the Prisoner -

Question - - Are you certain the Prisoner at the Bar is the same Person that came into the house and struck you -

Answer - - Yes -

Jemadar Saib Subadar of the twentieth Battalion Native Infantry sworn -

Question - have you ever before seen the Prisoner at the Bar

Answer - I have -

Question - - do you know any thing about the Prisoner having broke open Mr Popham's House and stolen any goods -

Answer - - I do - in the month of april one thousand seven hundred and ninety three I was Subadar of the Black Prison Guard at Ten Oclock at night I sent the

the sepoys to go their Round and about twelve Oclock when they were coming near to Mr Popham's House, I heard they were directed to go and apprehend a Man with a drawn sword in Mr Popham's house - the havildar replied they had no Order to go into the house but if the Man came out they would then apprehend him some body then told the sepoys they had permission to go into the house - the Havildar said he would ask the Subadars Permission - the havildar then came with one of Mr Popham's Servants to me who informed me of the circumstances as above stated - I then said if they had permission of the owner of the house they might go up stairs and apprehend the Man - I also sent a Jemedar a havildar and four sepoys in the mean time another servant of Mr Popham's came and said the sepoys still objected to go up stairs unless they had my permission, I then went with a rung, and saw Mr Popham standing below stairs I asked him where the Man was he made no Answer but pointed up stairs - I then went up stairs and found that the sepoys who had first arrived at the house had apprehended the Prisoner - I saw at the time a Drawn sword in the hands of the Jemedar and asked him if that sword had been taken from the Prisoner, he answered Yes they then brought the Prisoner near the door of the Hall and the Servants told me the Prisoner had something in his hands I ordered the Jemedar to see what he had in his hands the Jemedar then examined and found on the Prisoner two Razors a Watch a piece of Lead and some soap. in the mean time Mr Popham came near to us and desired me to carry the Prisoner away I then shewed to Mr Popham the watch and other things that had been found on the Prisoner Mr Popham asked who took them from the Prisoner I answered we have taken them and I was ordered by Mr Popham to keep them - I then took the Prisoner and confined him in the Guard -

Question - - - did the Prisoner appear intoxicated at the time he was apprehended -

Answer - - - very much drunk -

Question - - - How was the Prisoner dressed -

Answer - - - like a Trooper -

The watch being produced to the Witness he says he knows it to be the same that was found on and taken from the Prisoner -

The Witness then further deposes that at one Oclock about an hour afterwards one of Mr Popham's Servants came and told the havildar to examine the Prisoner if he had a Ring about him - the Havildar examined the Prisoner and found the Ring on the Prisoner's Finger -

The -

The Ring being produced to them he says he knows it to be the same that was then found on the Prisoner —

Question - - - - do you know the Chain and Seals to be the same that were on the watch at the Time the Prisoner was apprehended —

Answer - - - Ido —

The Prisoner having no questions to put the Prosecution is then closed —

The Prisoner being put upon his Defence he says that he was very Drunk at the time —

Mr Justice Fellfield begs to state to the Bench and the Jury - that he knew the Prisoner at the Bar fourteen Years ago in the service of the late Mr Grey he lived with Mr Grey until the time of his death - about four Years ago he frequently heard Mr Grey say he was an excellent Servant and of approved fidelity, after Mr Grey's death he served a Gentleman at Trichinopoly who also declared he found him to be a good and faithful Servant —

The Petit Jury retire to consider on their Verdict a Bailiff having been first sworn to keep them and after a short time a Verdict being Proclaimed they come into Court and answer unto their names —

Clerk of the Peace - - Gentlemen of the Jury have you agreed of your Verdict

Jury - - - - - - Yes —

Clerk of the Peace - - who shall say for you

Jury - - - - - - Our Foreman —

Clerk of the Peace - - How say you is Francois Guilty of the Burglary whereof he stands Indicted or not Guilty —

Foreman - - - - not Guilty —

which being Recorded —

Clerk of the Peace - - Gentlemen of the Jury hearken unto your Verdict as the Court hath Recorded it — you say that Francois is not Guilty of the Burglary whereof he stands Indicted - and so you say all —

Jury - - - - - Yes —

The Prisoner is thereupon discharged by Proclamation —

The watch, Chain and Seals and a Ring set Round with Brilliants having been shown to be the property of Mr Stephen Popham the Court doth direct that the same be accordingly restored to Mr Stephen Popham

The Court then proceeds to the Trial of Thomas Dignum, John Earl, John Innis and Michael Howard for Burglary —

The —

The Prisoners are then put to the Bar and arraigned as follows —

Clerk of the Peace - - Thomas Dignum, John Earl, John Innes and Michael Howard hold ye your right Hands —

You stand Indicted by the names of Thomas Dignum, John Earl, John Innes and Michael Howard Privates in the second Battalion of European Infantry for that you on the twenty ninth day of March in the thirty fourth Year of the Reign of our Sovereign Lord George the third now King of Great Britain France and Ireland defender of the faith and so forth between the hours of three and four in the night of the same day with force and arms at Madras aforesaid the dwelling house of Carapet Mooral Cawse there situate feloniously and Burglariously did Break and enter and one Silver Soorpoose of the value of twenty Shillings of the Goods and chattels of the said Carapet Mooral Cawse in the same dwelling House then and there being feloniously and Burglariously did steal take and carry away against the Peace of Our said Lord the King His Crown and Dignity —

Clerk of the Peace - - How say you Thomas Dignum, John Earl, John Innis and Michael Howard are you Guilty of the Burglary whereof you stand Indicted or not Guilty —

Thomas Dignum - not Guilty

John Earl - - - - not Guilty

John Innis - - - not Guilty

Michael Howard - not Guilty

Clerk of the Peace - How will you be Tried

Prisoners - - - By God and our Country

Clerk of the Peace - God send you a good deliverance —

The following Gentlemen are then sworn on the Petit Jury - the Prisoners being first informed they might object to any of them as they came to the Book to be sworn and before they were sworn —

Joseph Greenhill Foreman

Richard Chase	William Moore
William John Chater	Charles Tilly
William Boggie	Edward Bent
Edward Jones	John Card
Alexander Nelson	William Burver

and

James Sutherland

Clerk

Gentlemen of the Jury look upon the Prisoners and hearken unto their Cause you shall know that they stand Indicted by the names of Thomas Dignum, John Earl Innes and Michael Howard Rivales in the second Battalion of European Infantry for the Indictment is read as in the arraignment upon this and for they have been arraigned and thereunto have pleaded not Guilty which Country have put themselves upon God and their Country Guilty of the Burglarpeir charge it therefore to enquire whether they or your Evidence — & they stand Indicted or not Guilty — care hear

Grig Muncar Calder Sworn as Interpreter of the Armenian Language —

Carapet Lawn Sworn

Question — did you lose a Silver Teaspoone and when an

Answer — On Sunday the twenty ninth of march last we and how —

I was awakened by a noise and opened the [illegible] three or four O'Clock in the [illegible] weather — when I opened the door I saw four men [illegible] my house to see what [illegible] money — another for Liquor — I answered of them asked for thing and retired into the Room — they again asked for I had not any such I observed it was not a Punch House — One of them had a dy water money See Pistol (he points to Dignum) When I saw the Pistol I went another had a Something to defend myself — but on seeing them follow me the Room to get Wifes Bed Room I stopped at the door — a second time the it was my the Pistol when I caught the Pistol in my hand and cried man pursued Keeper for help and when the Prisoners heard the noise they to the house away — my Slave said he saw one of them took the purpose of the Hooker which was on the Window — near my house is the Goal — and when the men ran away I called to the Sepoys who came and took the Prisoners and secured them —

(Purpose produces and sworn to also to the Pistol which he says was the one the Prisoner Dignum presented to him and swears positively to him) —

Question by the Jury — do you speak English —

Answer — I understood a few words —

Question — Then how do you know that the Prisoners asked for water — Brandy — Money &c —

Answer — Brandy is the same in Armenian and as to water and money I knew these words —

Question —

Question — you said it was so dark you could not distinguish who had the stick — how then could you say who presented the Pistol? —

Answer — when I made a noise the Boy brought a candle and I saw the Prisoner —

Question — how could you distinguish the man with the Pistol if you could not the one who had the stick —

Answer — two of the men stood near the door — two Cumerin and one of them who had the Knife in his hand took the candle from the Table I know the man who had the pistol as I took him by the hand and answers together some minutes —

Question — when you saw the Prisoners at the door did you not endeavour to shut it and did the Prisoners force their way? —

Answer — they did not force their way —

Question — after you refused the Prisoners Brandy and water and retired into your Room did you shut the door, or order it to be Shut —

Answer — I did not order the door to be Shut —

Question — did the man who had the Pistol threaten your life or abuse you

Answer — no he only presented the Pistol

Question — how do you know these are the same men who were in your house —

Answer — I do not know any one, except him who had the Pistol —

Question — was the Pistol loaded

Answer — no —

Question by — Thomas Dignum. was I not one of the men who had the Pistol — you will not some other Prisoners —

Answer — You are the man —

Question by the Jury — at what distance from the house were they apprehended —

Answer — about twenty Fathom —

Question — did you ever lose sight of the four Prisoners from the time they were in or at your house to the time they were taken —

Answer — they never were out of my sight to the time they were taken Prisoners

Question — are the Prisoners at the Bar the same four men who were apprehended near your house —

Answer — they were the same four men who were in my house —

Question — did you follow them from the inner part of the house to the street door so as to know they were the same Persons —

Answer — I followed them so far as to know the two Men in the house were two of them who were taken —

Question — where did you stand when they were apprehended and did you see the Sepoys apprehend them

Answer — I was in the street and saw the Sepoys apprehend them —

Question — how many were apprehended

Answer — four —

Question by Thomas Dignum — were we not in the Black Town Gentd when you came up with a little Boy and a Lantern and accused me of taking your Property —

Answer

Answer - - - when I went to the Guard I asked the Sepoy for my Property

Question by the Jury How long after the Prisoners were apprehended did you go to the Guard -

Answer - - - at the same time -

Question by Thomas Dignum - when you came to assist us at the Guard did I not snatch the Property from the Sepoys hand -

Answer - - - Yes -

The Prisoners having no Questions to put, Runjapen Sepoy

is Sworn -

Question - - - did you apprehend the Prisoners at the Bar and when and where -

Answer - - - Last month I apprehended the Prisoners near the debtors Goal - as some Persons from an Armenians house came and Complained they had robbed the house and were running away Ramen was the other Sepoy there was also the Guard Havildar and naigue (Cawapel Mooral Cauon) when to the Sepoy met he says he is the man who Complained and that he came to the Guard at the same time the Prisoners were apprehended. Suppose produced and Sworn to as taken from the Prisoners - but he cannot Swear to the men a Pistol was also taken from them and each of them had a Stick -)

The Prisoners having no Questions to put to the witness

Ramen is called and Sworn -

Question - - - did you apprehend the Prisoners and when and where

Answer - - - about a months ago when I was Sentry at the debtors Goal with Runjapen the Armenians Cried out they were Robbed and the men were Running away. I and Muhomed Hufeen apprehended the Prisoners the Armenian came behind just at the time, Cawapel Mooral Cauon produced. the witness says it is the same man - The Prisoners had a Pistol Suppose and Stick all produced and Sworn to - the Suppose he swears was in John Earls hand but he held it so fast that endeavouring to get it from him he broke the Chain - Dignum had the Pistol. John Innis the stick -

Question - - was there any light in the Guard Room -

Answer - - It was moon light -

Question - - did you take the Property in the Guard Room or Street

Answer - - In the Street near the Guard

Question - - did the Prisoners make any Resistance

Answer - - no

Question by Thomas Dignum to Cawapel Mooral Cauon - was it moon light -

Answer

Answer - - - it was dark

The Prosecution is closed

The Prisoners are put upon their defence

Thomas Dignums Defence — The Sepoy says it was Moon Light the Armenian says it was dark - I had not the Pistol -

John Earl - - - I am Innocent -

John Innis - - - I am Innocent -

Michael Howard - - - I am Innocent -

The Prisoners having closed their defence the Petit Jury retire to Consider on their verdict a Bailiff having been first sworn to keep them and after a Short time a Verdict being proclaimed they came into Court and answer unto their names -

Clerk of the Peace - - - Gentlemen of the Jury have you agreed of your Verdict

Jury - - - Yes

Clerk of the Peace - - - who shall say for you

Jury - - - Our Foreman

Clerk of the Peace - - - how say you are Thomas Dignum, John Earl, John Innis and Michael Howard Guilty of the Burglary whereof they stand Indicted or not Guilty -

Foreman - - - not Guilty - which being recorded

Clerk of the Peace - - - Gentlemen of the Jury hearken unto your Verdict as the Court hath recorded it you say that Thomas Dignum John Earl, John Innis and Michael Howard are not Guilty of the Burglary whereof they stand Indicted and so you say all -

Jury - - - Yes

The Prisoners are remanded to prison to be tried on a further Indictment

The Court then proceeds to the trial of John Lewis

The Prisoner is thereupon put to the Bar and arraigned as follows -

Clerk of the Peace - - - John Lewis hold up your Right hand

You stand Indicted by the name of John Lewis a private in the Second Battalion of European Infantry in the service of the united Company of Merchants of England trading to the East Indies under their Presidency of Fort Saint George within the Jurisdiction of this Court for that you on the fifth day of October in the Thirty Second Year of the Reign of our Sovereign Lord George the third now King of Great Britain France and Ireland defender of the Faith and so forth with force and Arms at Fort Saint George aforesaid within the Jurisdiction aforesaid one Gold Bracelet Locket of the value of three Pounds of the goods and Chattels of one Daniel Vandewaart in the Shop of him the said Daniel Vandewaart then and there being found then and there privately and feloniously did Steal take and Convey away against the Peace of our said Lord the King his Crown and Dignity - how say you are you Guilty of the Felony whereof you stand Indicted or not Guilty -

Prisoner - - - not Guilty

Clerk

1044

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 following Gentlemen were then Sworn on the Petit Jury the Prisoner being first Informed he might Object to any of them as they came to the Book to be Sworn and before they were Sworn -

Robert Henderson Foreman

Hugh Gordon
John Wright
John Reynolds
Richard Ashton
Daniel Read
Marcus Armstrong
James Brown
James Munro
John Lenham
John Standivin Sherman

and

William Rose

Clerk of the Peace - Gentlemen of the Jury look upon the Prisoner and hearken unto his Cause you shall Know that he stands Indicted by the name of John Law a Private in the second Battalion of European Infantry in the service of the united Company of Merchants of England trading to the East Indies under their Presidency at Fort Saint George within the Limits of this Court (here the Indictment is Read as in the arraignment) upon this Indictment he hath been arraigned and thereunto hath pleaded not guilty and for his trial hath put himself upon God and his Country which Country you are, your Charge is therefore to enquire whether he is guilty of the Felony whereof he stands Indicted or not guilty and hear your Evidence -

Daniel Vandenwart Sworn

Clerk of the Peace - - Relate what you Know concerning the Felony whereof the Prisoner at the Bar stands Indicted -

Answer - - - - I Keep a Shop in the Fort about two Years ago On coming into the Fort in the morning I was informed by my Peon that my Shop was Robbed of Sundry Effects the value of which is about six hundred Pagodas and among the Rest of a Gold Bracelet of the value of eight Pagodas which Lieutenant Bose Shewed to me and said it was found on the Prisoner -

(Bracelet produced and acknowledged)

Question by the Jury - did you find the shop was broken open

Answer - - - - Yes, the back door -

Question by the Prisoner - have you any mark by which you can distinguish the Bracelet -

Answer - - - no, but I Know it to be mine as there was not any of this same Pattern in the Fort -

Question - - - are there not other Shop Keepers who import similar Articles -

Answer - - - there may be, but I never saw such an Article in any of the Shops -

Paul Bose Sworn

Question - - - did you ever see this Bracelet before and in whose Possession -

Answer - - - I saw it before - it was brought to me by Miles the Serjeant Major of the Regiment who said he took it from the Prisoner -

Miles

Miles Miles Serjeant Major in the second Battalion of European Infantry Sworn -

Clerk of the Peace - - - Relate what you Know concerning the Felony whereof the Prisoner stands Indicted -

Answer - - - - - On the twenty second of October one thousand seven hundred and ninety two between the hours of seven and nine John Law came to me when I was walking in the Barrack Yard and said there was a Reward for taking the Person who had broken the Godown which had been broken last - and said he was the Person who broke it open, that he would wish to be taken up for it and sent to Goal - I warned him of what he was saying and told him that if he persisted I as Serjeant Major must report it - he said he did not care - for by reason of his Family at home and his other Troubles in this Country he had rather die than live - I again warned him but he said he thought it better to be taken up and hanged than to be guilty of Suicide - I then observed that if he wished to persist it was better to have another witness and with his consent called Serjeant Bradshaw before whom he confessed the same thing - I then told him that was not sufficient Evidence - if he chose to deny - he then said he would bring an Article to prove it and brought a piece of a Bracelet which is the same now shewn to me - Mr Close marked it that I might know it again and the marks are now on it -

We then went to a small Room of Robert Bradshaw's and the Prisoner repeated the same before Serjeant Hegeley and Corporal Jackson - I then went and reported to the adjutant who had the Prisoner confined -

Question by the Prisoner - Have you any Reason to think I committed that Robbery -

Answer - - - I have no Reason to think so -

Question by the Court - - How long have you Known the Prisoner and what Character has he borne -

Answer - - - - - I have Known him three or four Years - I never Knew any thing dishonest of him -

Robert Bradshaw Serjeant in the second Battalion of European Infantry - Sworn -

Question - - - - - do you Know of the Prisoner having committed any Robbery some time ago -

Answer - - - - - I Know nothing beyond his confession to me -

Question - - - - - was he drunk when he made the confession -

Answer - - - - - I cannot say he was drunk - nor was he sober -

Question by the Court - - - how long have you Known the Prisoner and what character has he borne

Answer - - - - I have Known him about four Years, he was in my Mess eighteen Months of the time. I never Knew him Guilty of any dishonesty -

The Prosecution is closed and the Prisoner not having any thing to urge in his defence -

The Petit Jury retire to consider on their verdict a Bailiff having been first sworn to keep them and after a short time arrived Being proclaimed they came into court and answer unto their names -

Clerk of the Peace - - Gentlemen of the Jury have you agreed of your verdict -

Jury - - - - - Yes -

Clerk of the Peace - - who shall say for you

Jury - - - - - Our Foreman -

Clerk

Clerk of the Peace - - - - Now say you is John Law guilty of the Felony whereof he stands Indicted and Guilty -

Foreman - - - - - - not Guilty

which being recorded -

Clerk of the Peace - - - - Gentlemen of the Jury hearken unto your Verdict as the Court hath recorded it - you say that John Law is not Guilty of the Felony whereof he stands Indicted - and so you say all -

Jury - - - - Yes -

The Prisoner is thereupon discharged by Proclamation

The Court then proceeds to the Trial of Flower de Croose -

The Prisoner is put to the Bar and arraigned as follows -

Clerk of the Peace - - - Flower de Croose hold up your Right hand -

You stand Indicted by the name of Flower de Croose of Madras within the Jurisdiction of this Court Summer for that you on the thirtieth day of March in the thirty fourth Year of the Reign of our sovereign Lord George the third now King of Great Britain France and Ireland defender of the faith and soforth with force and arms at Madras aforesaid within the Jurisdiction aforesaid in and upon one Amil Seth in the peace of God and our said Lord the King then and there being - did make an Assault and him the said Amil Seth then and there did beat and ill treat and other wrongs to the said Amel Seth then and there did to the Great Damage of the said Amil Seth and against the Peace of our said Lord the King his Crown and Dignity -

How say you are you Guilty of the assault 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 following Gentlemen are then sworn on the Petit Jury the Prisoner being first Informed he might object to any of them as they came to the Book to be sworn and before they were Sworn -

William John Chater Foreman

Alexander Milvin
William Moore
Edward Bent
John Card
William Purver
Robert Hinderum
Hugh Gordon
John Wright
James Sutherland
and John Reynolds -
Richard Ashton

Clerk of the Peace - - - Gentlemen of the Jury look upon the Prisoner and hearken unto his cause - you shall know that he stands indicted by the name of Flower de Croose of Madras within the Jurisdiction of this Court Summer (Here the Indictment is read as in the arraignment) upon this Indictment he hath been arraigned and thereunto hath pleaded not Guilty and for his Trial hath put himself upon God and his Country - which country you are your charge is therefore to enquire whether he is guilty of the assault whereof he stands indicted or not Guilty - and hear your Evidence -

The -

The following Persons namely Amil Seth Emanuel Anthony, Anthony and Baman having been severally bound by Recognizance to appear and prosecute against the Prisoner are now called over by their names and none appearing or answering their Recognizance are respectively forfeited and no others coming forward to give Evidence against the Prisoner - The Jury then without Retiring from Court endorse their Verdict Indictment not Guilty - and the Prisoner is accordingly discharged by Proclamation -

The Court then proceeds to the Trial of Patrick Cunningham

The Prisoner is put to the Bar and arraigned as follows -

Clerk of the Peace - - - - Patrick Cunningham hold up your Right Hand -

You stand Indicted by the name of Patrick Cunningham late of Mailaiyaubad on the Coast of Commandel in the East Indies a Private in his Majesty's second Regiment of foot - for that you not having the Fear of God before your eyes but being moved and seduced by the Instigation of the Devil on the fourth day of August in the thirty second Year of the Reign of our sovereign Lord George the third now King of Great Britain France and Ireland defender of the faith and soforth at Mailaiyaubad aforesaid within the Jurisdiction of this Court, in and upon one James Murray in the Peace of God and our said Lord the King then and there being feloniously wilfully and of your Malice aforethought did make an Assault and that you the said Patrick Cunningham a Certain Gun of the value of five shillings then and there charged with Gun Powder and one Leaden Bullet, which Gun you the said Patrick Cunningham in both your hands then and there had and held to, against and upon the said James Murray then and there feloniously wilfully and of your malice aforethought did shoot and discharge, and that you the said Patrick Cunningham with the Leaden Bullet aforesaid, out of the Gun aforesaid then and there by the force of the Gun Powder shot and sent forth as aforesaid, the aforesaid James Murray in and upon the left Arm of him the said James Murray and through the Body of him the said James Murray then and there with the Leaden Bullet aforesaid out of the Gun aforesaid, by you the said Patrick Cunningham so as aforesaid shot, discharged and sent forth, feloniously Wilfully and of your Malice aforethought did strike penetrate and wound giving to the said James Murray then and there with the Leaden Bullet aforesaid, so as aforesaid shot, discharged, and sent forth out of the Gun aforesaid by you the said Patrick Cunningham in and upon the left arm of him the said James Murray and through the Body of him the said James Murray one mortal wound of the depth of twelve Inches and of the Breadth of one Inch of which said Mortal wound the aforesaid James Murray then and there instantly died, and so you the said Patrick Cunningham the said James Murray then and there in manner and form aforesaid feloniously wilfully and of your Malice aforethought did kill and Murder against the Peace of our said Lord the King his Crown and Dignity -

How say you are you Guilty of the Felony and Murder wherein you stand Indicted or not Guilty —

Prisnr - - - not Guilty -

Clerk of the Peace - - How will you be Tried

Prisnr - - - By God and my Country -

Clerk of the Peace - God send you a good deliverance -

The following Gentlemen were then Sworn on the Petit Jury the Prisnr being first informed he might object to any of them as they came to the Book to be Sworn and before they were Sworn —

William John Charles Foreman

Alexander Melvin
William Moore
Edward Bent
John Caird
William Carver
Robert Henderson
Hugh Gordon
John Wright
James Sutherland
John Reynolds —

and

Richard Abbott

Clerk of the Peace - - Gentlemen of the Jury look upon the Prisnr and hearken unto his Cause which you shall know that he stands Indicted by the name of Patrick Cunningham late of Maulavaurbad on the Coast of Coromandel in the East Indies a Private in His Majesty's Seventy second Regiment of Foot (here the Indictment is read as in the Arraignment) upon this Indictment he hath been arraigned and thereunto hath Pleaded not guilty and for his Trial hath put himself upon God and his Country which Country you are - your charge therefore is to enquire whether he is guilty of the Felony and Murder wherein he stands Indicted or not Guilty - and hear your Evidence —

Robert Mac Neil, Serjeant in his Majesty's Seventy Second Regiment of Foot - Sworn —

Clerk of the Peace - - - Relate what you know concerning the Felony and Murder wherein the Prisnr at the Bar stands Indicted —

Answer - - - - - about five O'Clock in the afternoon on the fourth of August one thousand seven hundred and ninety two - as I was sitting in my Hut along with Corporal James Murray - the Prisnr came with a Loaded Musket and fired at James Murray and killed him on the spot, he did not utter more than "I am gone" I seized the firelock and carried the Prisnr to the Barrack Guard - the Prisnr did not say aword before he fired, I do not know if any Previous quarrel - the Prisnr was intoxicated by Liquor —

Question

Question by the Jury - - did he seem sorry for what he had done -

Answer - - - - - as I was carrying him to the Barrack Guard he said I have killed one Man - I wonder have killed you but you are too good —

The Prisnr not having any Questions to put -

Thomas Kettle Private in His Majesty's Seventy second Regiment of Foot, Sworn —

Clerk of the Peace - - - Relate what you know concerning the Felony and Murder wherein the Prisnr stands Indicted

Answer - - - - - I was present when the Prisnr discharged his Piece at Corporal James Murray on the fourth of August one thousand seven hundred and ninety two at five O'Clock in the afternoon - Murray fell instantly and died without uttering more than the words "I am agone Man" I was within the space of five Yards and not a word Passed between them - the Prisnr appeared in Liquor - Murray was on the Out in the Verranda - I was standing in the Doorway —

John Mackintosh, Private in his Majesty's Seventy second Regiment of Foot, Sworn —

Clerk of the Peace - - - Relate what you Know concerning the Murder wherein the Prisnr stands Indicted -

Answer - - - - - I was discovering with Corporal James Murray [illegible] the Window with his fire-lock and fixed Bayonet - I was two steps from the door when the Prisnr fired his Piece - and James Murray said "I am gone" and died Instantly - the Prisnr was in Liquor - nothing Passed between them that I Know —

Question by the Jury - - did he present his Piece -

Answer - - - yes -

Prosecution closed

Prisoners Defence read as follows

My Lords and Gent.n of the Jury It is with the utmost humility & respect that I most earnestly implore the services & humane considerations of this Hon.ble Court & Jury, & flatter myself when duly considered by impartial Europeans it will be deemed accidental & not wilfull — — —

It was on the 3. day of august 1792 that I was in a manner Insane through the excess of Liquor & in respect to the unfortunate deceased whatever might happen either by word or deed during the whole of that fatal day - I am totally unacquainted with, It is with difference to this Hon.ble Court & Jury that I inform them that the deceased nor I were not the least at variance with each other But on as good terms as mankind is in General - how I came by the Piece that was loaded is entirely a Mystery to me —

My Lords and Gentlemen of the Jury It is with difference to this Hon.ble Court & Jury that without taking up too

much of your time positively apost that I had not the least intent concerning the accident that I stand indicted for – nor ever have the least recollection of its happening, so hope that my long Confinement may be considered, which is from the 3d of august 1792 being the whole of that time in Irons – which is the whole I have to say, therefore trust to your Clemency –

Patrick Cunningham –

James Alexander Stewart – Corporal in His Majestys Seventy second Regiment – Sworn on the Part of the Prisoner –

Question – – – – How long have you known the Prisoner and what Character bears he borne –

Answer – – – – Never out of the same Company therefore cannot speak of his Character –

The Petit Jury retire to consider on their verdict a Bailiff having been first sworn to keep them and after a short time a Verdict being proclaimed they come into Court and answer unto 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 Forman –

Clerk of the Peace – How say you is Patrick Cunningham guilty of the Felony and Murder whereof he stands indicted or not Guilty –

Forman – – – **Guilty** –

which being recorded –

Clerk of the Peace – Gentlemen of the Jury hearken unto your Verdict as the Court hath recorded it – you say that Patrick Cunningham is Guilty of the Felony and Murder whereof he stands indicted and so you say all –

Jury – – – – Yes –

The Prisoner is thereupon remanded into the custody of the Sheriff –

The following Indictments are delivered to the Grand Jury –

The King against – James Nugent – for Felony and Murder –

The King against – Thomas Lyons – for Felony and Murder –

The Grand Jury return the following Indictments –

The King against – Thomas Dignum, John Earl, John Innis and Michael Howard – for Larceny endorsed a true Bill –

The King against – Thomas Dignum for Larceny – endorsed a true Bill –

The Court then Proceeds to the Trial of the said Thomas Dignum, John Earl John Innis and Michael Howard – for Larceny –

The Prisoners are thereupon put to the Bar and arraigned as follows –

Clerk of the Peace – – Thomas Dignum – John Earl, John Innis, and Michael Howard hold up your Right hands

You Stand Indicted by the names of Thomas Dignum John Earl, John Innis and Michael Howard Privates in the second battalion of

European Infantry for that you on the twenty ninth day of March in the thirty fourth Year of the Reign of our Sovereign Lord George the third now King of great Britain France and Ireland defender of the Faith and soforth with force and Armes at Madras within the Jurisdiction of this Court one hundred and fifty of the silver Coin called Fanams and eight hundred of the Copper Coin called Doodies of the Current money of Madras and one silver finger Ring of the value of one Shilling and one silver Toe Ring of the value of one Shilling the goods and chattels of the said Armagnum then and there being found feloniously did steal, take and carry away against the Peace of our said Lord the King his Crown and Dignity –

How say you, are you Guilty of the Larceny whereof you stand Indicted or not Guilty –

Thomas Dignum – not Guilty

John Earl – – – not Guilty

John Innis – – – not Guilty

Michael Howard – not Guilty

Clerk of the Peace – how will you be Tried

Prisoners – – by God and our Country

Clerk of the Peace – God send you a good deliverance –

The following Gentlemen are then sworn on the Petit Jury the Prisoner being first Informed they might objects to any of them as they came to the Book to be sworn and before they took Book –

William John Chater Forman

Alexander Melvin
William Moore
Edward Bent
John Card
William Burser
and
Robert Henderson
Hugh Gordon
John Wright
James Smithsland
John Reynolds –
Richard Ashton –

Clerk of the Peace – – – Gentlemen of the Jury look upon the Prisoners and hearken unto their Cause – you shall hear that they stand Indicted by the names of Thomas Dignum, John Earl, John Innis and Michael Howard Privates in the second Battalion of European Infantry (here the Indictment is read as in the arraignment) upon this Indictment they have been arraigned and thereunto have pleaded not Guilty and for their Trial have put themselves upon God and their Country which Country you are – your charge therefore is to enquire whether they are Guilty of the Larceny whereof they stand Indicted or not Guilty – and hear your Evidence –

Armagnum Sworn

Clerk of the Peace – Relate what you know concerning the Larceny whereof the Prisoners stand Indicted –

Answer – – – about forty five days ago I was sleeping in my Bottegue and about two O'Clock in the morning four People came and opened the door and came into my Bottegue and had me with a Pistol and asked me to give Pagodas and fanams – I said I had no money – they then took one hundred fanams worth of doodies and one hundred and fifty fanams – they then Beat me again to give money – I said them was no more you have taken all – they took a Silver Ring from my Finger and another from my Toe and my Ear Jewels – they then Beat me again – put me inside the Bottegue and went away – I do not understand English but I know the words they spoke give money – give Pagodas – I cannot swear to

any one of the Prisoners at the Bar - I saw them before the Justices I have no Reason to suspect that the Prisoners Robbed me - except that I kept one half of the Pistol and the other half was brought with the Prisoners before the Justices - I also found a Hat which is the same now brought into Court -

Question by the Jury - - - Where did you take the money from -

Answer - - - - - from the Boutique -

Abdull Cawder Sworn

Question - - - - when did you apprehend the Prisoners at the Bar and where -

Answer - - - last Month -

Question - - - did you find the stock and lock of a Pistol on them -

Answer - - - - Yes the same now in Court -

Question - - - - where did you see the rest of the Pistol

Answer - - - at Mr Metcalfs House - I do not know who brought it there -

Question - - - - from whom did you take the stock and Lock of the Pistol -

Answer - - - From Dignum -

Prosecution Closed

Prisoners Defence

We are Innocent -

The Petit Jury retire to consider on their verdict & Bailiff having first been sworn to keep them a third time a Verdict being brought and answer unto their names -

Proclamation - - - Whereupon they come into

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 - - How say you are, Thomas Dignum John Earl, John Innis and Michael Howard Guilty of the Larceny whereof they stand Indicted or not Guilty -

Foreman - - - not Guilty -

which being recorded

Clerk of the Peace - - Gentlemen of the Jury hearken unto your verdict as the Court hath recorded it - you say that Thomas Dignum John Earl, John Innis and Michael Howard are not Guilty of the Larceny whereof they stand indicted and so you say all -

Jury - - - - - Yes -

John Earl, John Innis and Michael Howard are then discharged by Proclamation -

and the Court Proceeds to the Trial of the said Thomas Dignum for Larceny &c -

The Prisoner is then arraigned as follows -

Clerk of the Peace - - Thomas Dignum hold up your right hand -

You stand Indicted by the name of Thomas Dignum Private in the second Battalion of European Infantry - for that you on the twenty seventh day of March in the thirty fourth Year of the Reign of our Sovereign Lord George the third now King of Great Britain France and Ireland Defender of the Faith and so forth with force and arms at Madras within the Jurisdiction of this Court one Brace of Pistols of the value of ten Shillings of the Goods and Chattels of Thomas Greygoose then and there feloniously did steal take and carry away against the Peace of our said Lord the King his Crown and Dignity -

How say you are you Guilty of the larceny 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 following Gentlemen are then sworn on the Petit Jury the Prisoner being first informed he might object to any of them as they came to the Book to be sworn and before they were sworn -

William John Chater Foreman

Alexander Melvin	Robert Henderson
William Moore -	Hugh Gordon -
Edward Bent	John Wright
John Card -	James Sutherland
William Brown	John Reynolds

and

Richard Ashton

Clerk of the Peace - - - - Gentlemen of the Jury look upon the Prisoner and hearken unto his Cause - you shall know that he stands Indicted by the name of Thomas Dignum Private in the second Battalion of European Infantry - (here the Indictment is read as in the arraignment) upon this Indictment he hath been arraigned and thereunto hath pleaded not Guilty and for his Trial hath put himself upon God and his Country - which Country you are - your Charge therefore is to enquire whether he is Guilty of the Larceny whereof he stands indicted or not Guilty - and hear your evidence -

William Mead Sworn

Clerk of the Peace - - Relate what you know concerning the Larceny whereof the Prisoner at the Bar stands Indicted -

Answer - - - - about seven or eight months previous to the twenty seventh of March last I received a Brace of Pistols from Serjeant Thomas Greygoose Brass barrelled and Brass mounted which I kept in my Possession till the twenty seventh of March last in the store Chest in the Arsenal - on which day about three O'Clock I locked them up in the store Chest - On the morning of the twenty eighth of March I came to the Arsenal and found the Chest broken Open and the Pistols missing likewise a small Escritore broken open and thirty four Fanams taken out - I do not know who took them - they were found on the Prisoner -

Thomas Greygoose Sworn

Question - - - - - did you give a brace of Pistols lately into the charge of William Mead -

Answer - - - - I did - (Pistols produced and known) they were not broken when I gave them to Mead - the last time I saw them was at the Justices, the thirty first of March last -

Abdul Cawder Sworn

Question - - did you find either of those Pistols on the Prisoner -

Answer -

Answer — The Prisoner gave me this broken piece of Pistol about last month —

Prosecution Closed

John Earl Sworn on the Part of the Prisoner —

Question by the Prisoner — Were you not walking with me Round the Pumpers when I found the stock and lock of a Pistol and a Cutlass Pistol —

Answer — Yes —

The Petit Jury retire to consider on their Verdict a Bailiff having been first sworn to keep them and after a short time a Verdict being Proclaimed they came into Court and answer to their names —

Clerk of the Peace — Gentlemen of the Jury have you agreed of your verdict —

Jury — Yes

Clerk of the Peace — who shall say for you

Jury — Our Foreman —

Clerk of the Peace — how say you is Thomas Dignum Guilty of the Larceny whereof he stands indicted or not Guilty —

Foreman — not Guilty

which being Recorded —

Clerk of the Peace — Gentlemen of the Jury hearken unto your Verdict as the Court hath recorded it — you say that Thomas Dignum is not Guilty of the Larceny whereof he stands Indicted and so you say all —

Jury — Yes —

Thomas Dignum is thereupon discharged by Proclamation —

The Court then Proceeds to the Trial of James Nugent —

The Prisoner is put to the Bar and arraigned as follows —

Clerk of the Peace — James Nugent hold up your Right hand —

You stand Indicted by the name of James Nugent late of Armee a Private in the fourth Battalion of European Infantry in the service of the united Company of Merchants of England trading to the East Indies — for that you not having the Fear of God before your eyes but being moved and seduced by the Instigation of the Devil on the seventeenth day of August in the thirty second Year of the Reign of our sovereign Lord George the third now King of Great Britain France and Ireland defender of the Faith and so forth at Armee aforesaid within the Jurisdiction of this Court, in and upon one Cundiah a Havildar in the sixteenth Battalion of native Infantry in the service of the said United Company in the Peace of God and our said Lord the King then and there being feloniously wilfully and of your malice aforethought did make an Assault and that you the said James Nugent a certain Musket or Gun of the value of five Shillings then and there charged with Gun Powder and one leaden Bullet — which Gun you the said James Nugent in both your hands then and there had and held to against and upon the said Cundiah then and there feloniously wilfully and of your malice aforethought did shoot and discharge and that you the said James Nugent with the leaden Bullet aforesaid out of the Musket aforesaid then and there by force of the Gun Powder shot and sent forth as aforesaid — the aforesaid Cundiah in and upon

Breast of him the said Cundiah then and there with the leaden bullet aforesaid out of the Musket aforesaid by you the said James Nugent so as aforesaid shot discharged and sent forth, feloniously wilfully and of your Malice aforethought did strike pierce and wound giving to the said Cundiah then and there with the leaden bullet aforesaid so as aforesaid shot discharged and sent forth out of the musket aforesaid by you the said James Nugent in and upon the said Breast of him the said Cundiah one mortal wound of the depth of six Inches and of the Breadth of one Inch — of which said Mortal wound the aforesaid Cundiah then and there long ill and languishing did live for the space of half an hour and then died and so you the said James Nugent the said Cundiah then and there in manner and form aforesaid feloniously wilfully and of your Malice aforethought did kill and Murder — against the Peace of our said Lord the King his — Crown and Dignity —

How say you 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

The following Gentlemen were then sworn on the Petit Jury the Prisoner having been first informed he might Object to any of them as they came to the Book to be sworn and before they were sworn —

William John Chaters Foreman

Alexander Melvin	Robert Henderson
William Moore	Hugh Gordon
Edward Bent	John Wright
John Card	James Sutherland
William Purser	John Reynolds

and

Richard Ashton

Clerk of the Peace — Gentlemen of the Jury look upon the Prisoner and hearken unto his cause — you shall know that he stands indicted by the name of James Nugent late of Armee a Private in the fourth Battalion of European Infantry in the service of the United Company of Merchants of England trading to the East Indies (here the Indictment is read as in the Arraignment) Upon this Indictment

he hath been arraigned and thereunto hath pleaded not guilty and for his trial hath put himself upon God and his Country which Country you are your charge therefore is to enquire whether he is guilty of the Felony and Murder whereof he stands Indicted or not guilty - and hear your Evidence -

Joseph Tyrack and Mauick Hamed (bound to appear to give Evidence against the Prisoner) are then called and not appearing or answering unto their names their Recognizances are forfeited - and no one else coming forward to Prosecute against the Prisoner -

The Petit Jury without retiring from Court endorse their verdict on the Indictment not Guilty -

The Prisoner is thereupon discharged by Proclamation -

The Court then Proceeds to the Trial of Thomas Lyons for Felony and Murder

The Prisoner is accordingly put to the Bar and arraigned as follows

Clerk of the Peace - Thomas Lyons hold up your Right hand -

You stand Indicted by the name of Thomas Lyons late of Warriore in the Coast of Coromandel in the East Indies in the first Battalion of European Infantry in the service of the united Company of Merchants of England trading to the East Indies; for that you not having the Fear of God before your Eyes but being moved and seduced by the Instigation of the Devil on the twelfth day of July in the thirty third Year of the Reign of our Sovereign Lord George the third now King of Great Britain France and Ireland defender of the faith and so forth with force and arms at Warriore aforesaid within the Jurisdiction aforesaid in and upon one Bett in the Peace of God and our said Lord the King then and there being feloniously wilfully and of your malice aforethought did make an assault and that you the said Thomas Lyons a Certain Musket or Gun of the value of five Shillings then and there charged with Gun Powder and one leaden Bullet which Gun you the said Thomas Lyons in both your hands then and there had and held to against and upon the said Bett then and there feloniously wilfully and of your Malice aforethought did shoot and discharge and that you the said Thomas Lyons with the Leaden Bullet aforesaid out of the Gun aforesaid then and there by force of the Gun Powder shot discharged and sent forth as aforesaid the aforesaid Bett in and upon the Eye of her the said Bett then and there with the leaden Bullet aforesaid out of the Gun aforesaid by you the said Thomas Lyons so as aforesaid shot discharged and sent forth feloniously wilfully and of your Malice aforethought did strike Penetrate and wound giving to the

the said Bett then and there with the leaden Bullet aforesaid so as aforesaid shot discharged and sent forth out of the Gun aforesaid by you the said Thomas Lyons in and upon the Eye of her the said Bett one mortal wound of the depth of [illegible] Inches and of the breadth of one Inch of which said mortal wound the aforesaid Bett then and there instantly died and so you the said Thomas Lyons the said Bett then and there in manner and form aforesaid feloniously wilfully and of your malice aforethought did kill and murder against the Peace of our said Lord the King his Crown and Dignity -

How say you 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

The following Gentlemen are then Sworn on the Petit Jury the Prisoner being first Informed he might Object to any of them as they came to the Book to be Sworn and before they were Sworn - -

William John Chater Foreman

Alexander Melvin
William Moore
Edward Bent
John Card
William Dewsey
Richard Ashton
Robert Henderson
Hugh Gordon
John Wright
James Sutherland
John Reynolds

Clerk of the Peace - - Gentlemen of the Jury Look upon the Prisoner and hearken unto his Cause you shall Know that he stands Indicted by the name of Thomas Lyons late of Warriore on the Coast of Coromandel in the East Indies within the Jurisdiction of this Court a Private in the first Battalion of European Infantry in the service of the united Company of Merchants of England trading to the East Indies (here the Indictment is read as in the arraignment) upon this Indictment he hath been arraigned and thereunto hath pleaded not guilty and for his Trial hath put himself upon God and his Country which Country you are your charge therefore is to enquire whether he is guilty of the Felony and murder whereof he stands indicted or not guilty and hear your Evidence -

Thomas Brown and Gabriel Camden (bound to appear and give Evidence against the Prisoner) are then called and not appearing or answering unto their names their Recognizances are forfeited - and no other persons coming forward to prosecute the Prisoner

The Petit Jury without retiring endorse their Verdict on the Indictment not Guilty And the Prisoner Thomas Lyons is thereupon discharged by proclamation -

The Court then adjourns till to morrow the tenth Instant for continuing the present Sessions -

Robert Williams
Deputy Clerk of the Peace

Saturday

Saturday the tenth of May one thousand Seven hundred and ninety four —

Present

The Honorable Sir Charles Oakeley Baronet President

and

Ernst William Tailofield
and
George Westcott ... } Esquires. Justices

The Court being duly Opened

Jacob Smith is then put to the Bar to receive Judgment.

Clerk of the Peace ... Jacob Smith hold up your hand you stand here convicted of Felony and Murder what can you say for yourself why the Court should not proceed to give Judgment of death against you as the Laws directs —

Sentence of death was then passed on Jacob Smith by the Chairman as follows —

You shall go to the place from whence you came and from thence to the place of Execution and there you shall be hung by the neck until your body is dead and the Lord have mercy on your Soul —

Jacob Smith is then taken from the Bar

Patrick Cunningham is put to the Bar

Clerk of the Peace ... Patrick Cunningham hold up your hand you stand here convicted of Felony and Murder what can you say for yourself why the Court should not proceed to give Judgement of death against you as the Laws directs —

The Chairman then proceeded to pass sentence of death on Patrick Cunningham as follows —

You shall go to the Place from whence you came and from thence to the place of Execution and there you shall be hung by the Neck until your Body is dead and the Lord have mercy on your Soul —

Patrick Cunningham is then taken from the Bar —

Daniel Mugent being put to the Bar

Clerk of the Peace ... Daniel Mugent hold up your hand you stand here Convicted of Manslaughter what can you say for yourself why the Court should not proceed to give Judgment against you as the Laws directs —

Chairman ... You Daniel Mugent shall be imprisoned for the space of three Months and pay a fine to the King of five Pagodas and remain in Prison until your fine be paid —

Daniel Mugent is then taken from the Bar.

Charles Mayber put to the bar —

Clerk of the Peace ... Charles Mayber hold up your hand you stand here Convicted of Manslaughter what can you say for yourself why the Court should not proceed to give Judgment against you as the Laws directs —

Chairman ... You Charles Mayber shall be imprisoned for the space of one month and pay a fine to the King of five Pagodas and Remain in prison until your fine be paid —

Charles Mayber is then taken from the Bar

John Mackenzie put to the bar —

Clerk of the Peace ... John Mackenzie hold up your hand you stand here convicted of an Assault what can you say for

Chairman ... Yourself why the Court should not proceed to give Judgment against you as the Laws directs —

You John Mackenzie shall be imprisoned for the space of one month and pay a fine to the King of five Pagodas and Remain in Prison until your fine be paid —

John Mackenzie taken from the Bar

(and Vancoo and Mansoo are then put to the Bar —

Clerk of the Peace ... Vancoo and Mansoo hold up your hands you stand here convicted of Grand Larceny what can you say for

yourselves why the Court should not proceed to give Judgment against you as the Laws directs —

Chairman ... You Vancoo and Mansoo shall be publickly whipped on your backs in the publick Bazar on Thursday next the fifteenth Instant between the hours of ten and twelve in the forenoon and then be discharged —

The Prisoners are then taken from the Bar

The following Petition of Philip Maynes read and filed

Filed in Court 10th May 1794 JC C.P.

To the honorable Sir Charles Oakeley Baronet President and the Rest of the Justices of the Quarter Sessions in and for the Town of Madraspatnam —

The humble Petition of Philip Maynes of Madraspatnam —

Sheweth

That your Petitioner Caused an Indictment to be presented to the Grand Jury of this present Quarter Sessions against William Wilson Roger Wanne and Thomas Spunell Officers in the Military Service of the honorable the East India Company and also against Cornet Seal and Lieut. Mackenzie now or late in the said Military Service and all which said defendants respectively reside within the Jurisdiction of this honorable Court —

That the said Bill of Indictment was found a true Bill of Indictment for a Conspiracy against all the said Defendants and that they nor either of them has applied to this honorable Court to demur to plead or traverse the said Indictment —

That your Petitioner is advised that it was not competent for him to procure any measures to enforce the Personal attendance of the said Defendants at this present Quarter Sessions previous to the said Bill of Indictment being found against them —

That the witnesses for the prosecution of the said Indictment mostly reside at a great distance from Madras some of them at least five hundred Miles and others at distances not much inferior —

That your Petitioner as the Real Prosecutor of the said Indictment is apprehensive that he shall not be able to procure the attendance of many of the said witnesses whose Evidence is very material and without the benefit thereof your Petitioner is advised he cannot safely proceed to the Trial of the said Indictment —

That the subject of the said Indictment has existed for near five Years during which your Petitioner has suffered considerable injury and unmerited disgrace in his Character profession and fortune and that no delay is imputable to your Petitioner relative to the Prosecution of the said Indictment —

Your Petitioner therefore humbly prays this honorable Court will order the usual Process or Warrant to issue against all the said defendants requiring them to appear on or before a day and within a Reasonable time as this said Quarter Sessions, and for that purpose your Petitioner further humbly prays that this honorable Court will be pleased to make such adjournment of this present Quarter Sessions as may enable your Petitioner to prosecute the said Defendants on the said Indictment to Effect —

And your Petitioner shall ever pray &c —

J. A. Humphreys
Solicitor for the Petitioner

Ordered that a Warrant issue against William Wilson, Roger Wanne, Thomas Spunell Dan Mahoney and Lowrie Seal, to apprehend them till they enter into a Recognizance with sufficient Securities to appear at the next Quarter Sessions to be holden for the Town of Madraspatnam on the Sixteenth day of July next to answer to an Indictment for Conspiracy found against them at this present Sessions on the Prosecution of Philip Maynes —

The

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The following are the Presentments referred to by Asterisks in page forty eight of the Proceedings of the fifth and Page ninety one of the Proceedings of the eighth of May —

Madraspatnam Sessions

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 and truly sensible of the many advantages owning to this place by the Gracious dispensation of the Royal Charter as it has conveyed with it the Laws of England & prescribed the proper method for putting those Laws into Execution —

Do Present that it has come to our Knowledge that on the 25th day of March now last past one Chowree Mootoo was by the sitting Justice of the Peace Committed to the Town Jail of Madraspatnam and there confined until the 21st day of April now last past "on suspicion of being a Thief. That the said Chowree Mootoo being so confined in the Town Jail aforesaid was returned to us on the Calendar of Felons and Convicts dated 30th April now last past and signed by the Sheriff of the said Town of Madraspatnam and by the Keeper of the Town Jail thereof that on the 21st day of April now last past the deputy Sheriff did receive a letter from one John Christian a writer in the service of the Clerk of the Peace purporting "that the said Chowree Mootoo was to be flogged by order of Mr Westcot so soon as the Sessions be dismissed, as his Crime was of too trifling a nature to be brought before the Court" and it has further come to our Knowledge that the said deputy Sheriff having very properly refused attention to the said letter of the said John Christian, did receive a Verbal order from the said sitting Justice to discharge from Custody the said Chowree Mootoo and deliver him into the Charge of Tallears or Runners to the Justices but that the said deputy Sheriff still declining as aforesaid to discharge from the Custody aforesaid him the said Chowree Mootoo the said order of the said sitting Justice was repeated to him by the said Clerk of the Peace and by the Sheriff of the said Town of Madraspatnam and the said deputy Sheriff having received such directions from the said Sheriff as aforesaid did thereupon give Orders to the Keeper of the said Jail of the said Town of Madraspatnam to discharge the said Chowree Mootoo therefrom and to deliver him up to the Tallears of the sitting Justice and the said Chowree Mootoo was accordingly discharged from the said Jail of the said Town of Madraspatnam on the 2d day of the present Instant May — pending the present Session, and was delivered up to the said Tallears — and the said Jurors upon their Oath aforesaid do present that the same doth operate to the prevarication of Justice, to endanger the Publick Safety, and to the violation of the Rights of the Subject and is contrary to the Laws of England by which it is declared that every man Committed for an Offence to any of his Majesty's Jails shall be brought to a fair trial so that his innocence or Guilt may be known and he be acquitted or punished —

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punished accordingly, and the said Jurors do further present that it has come to their knowledge, that John Thompson indicted with one Jacob Smith for murder were also in the actual Custody of the Sheriff of the said Town & Madraspatnam, and confined in the Town Jail thereof but that he the said John Thompson was from the 27th day of September 1793 until the 30th day of April 1794 confined in a Military Guard Room or Prison that on the said 30th day of April he the said John Thompson was brought up from the said Military Guard Room or Prison and under a Military force to the Town Hall of Fort Saint George to take his trial before the present Session But the Trial not coming on that day he the said John Thompson was under the said Military force conveyed Back to the said Military Guard Room or Prison That on the first day of the present Instant May, the said John Thompson was again brought up from the said Military Guard Room or Prison and under a Military force as aforesaid to the said Town Hall and being there and then brought to the Bar of this honorable Court was with the said Jacob Smith arraigned upon an Indictment for Murder and the Jury having returned a Verdict not Guilty, the said John Thompson was discharged by Proclamation, and it has come to our Knowledge that the said John Thompson instead of being set at Liberty agreeably and in Conformity to the proclamation aforesaid he the said John Thompson was under the Military force aforesaid taken from the said Bar of this honorable Court and again Conducted to the said Military Guard Room or Prison where he had been confined from the said 27th day of September 1793 as aforesaid and the said Jurors upon their Oath aforesaid do present the same as an Open Violation of the Rights of the subject and of the Laws of England and as contrary to the principles of Civil Policy & of Common Justice, and the Jurors aforesaid upon their Oath aforesaid do further present, that such the Release of Chowree Mootoo without Trial and pending the Session as aforesaid and by the means aforesaid, and the making the Introduction of a Military force into this Court as aforesaid, and such the continued illegal imprisonment in a Military Guard Room of the said John Thompson after his acquittal and discharge by Proclamation as aforesaid do in their Operation tend to subvert the present Session & to discourage, to intimidate and to prevent the Jurors aforesaid from discharging their duties as Jurors aforesaid —

Town Hall
of Madraspatnam
5th May 1794

Basil Cochrane Foreman
Tho. Lewin
Thomas Snodgrass
William Jones
George Downey
Charles Baker
George Parry
Henry Brown
Lacil Smith
John Reed
Thos Lindsey
A Falconer
J. Brodie
Charles Rawes
Daniel Crauford

10th May 1794

Madraspatnam Sessions

We the Grand Jurors of the Town of Madraspatnam Sworn to inquire for our Sovereign Lord the King for the Body of the said Town being justly and truly sensible of the many advantages accruing to this place by the Gracious dispensation of the Royal Charter at present conveyed with it the Laws of England and presuming that you are entitled to Justifying those Laws in Execution —

Do Present That it is established by that great Bulwark of British Liberty commonly known by the name of Magna Charta that there shall not be any denial or delay of Justice throughout the British Dominions and that that invaluable Privilege has been Ratified and Confirmed by many Subsequent acts of the Legislature for the most completely securing and for the most effectually protecting the subject from unjust and protracted Imprisonment and that by the Charter granted in the 26th Year of the Reign of his Majesty George the 2d to the united Company of Merchants of England trading to the East Indies for Establishing & appointing Courts of Justice in and throughout the British Possessions in East India it is directed that the Governor or President of Fort Saint George and the Council for the time being or any three or more of them (whereof the Governor or President or in his absence the Senior Council shall be one) shall and may hold Quarter Sessions of the Peace four times in the Year and that it has come to the Knowledge of the Jurors aforesaid by means of the Calendars of Prisoners delivered to the Jurors aforesaid according to ancient usage and Custom authenticated by the Sheriff of the Town of Madraspatnam aforesaid and by the Keeper of the Town Jail thereof and bearing date the 30th April now last past and by other means circumstances and facts of public and notorious Notoriety that from and after the 12th day of July which was in the Year of our Lord 1792 until the 30th day of April now last past comprehending a period of twenty one months and eighteen days no Sessions of Oyer and Terminer and Goal delivery have been held for the said Town of Madraspatnam and that it appears by the Jurors aforesaid that amongst the Prisoners whose names are inserted in the aforesaid Calendars Paul Gould was committed to the said Town Jail on the 14th August 1792 which is the period of the Commencement of the present Sessions on the 30th day of April now last past comprehends a term of Imprisonment of twenty months and sixteen days That Patrick Cunningham was committed to the said Town Jail on the 24th day of the same month of August and had suffered as aforesaid a term of Imprisonment of twenty months and six days, that James Nugent was committed to the said Town Jail on the 5th day of September 1792 and had suffered as aforesaid a term of imprisonment of nearly twenty months that John Laws was committed to the said Town Jail on the 2d November 1792 and had suffered as aforesaid a term of Imprisonment of nearly eighteen months That Francois was committed to the said Town Jail on the 8th day of May which was in the Year of our Lord 1793 and has suffered as aforesaid a term of Imprisonment of nearly twelve months — That Tondevoy was committed to the said Town Jail on the 29th day of the said month of May and had suffered as aforesaid a term of Imprisonment Exceeding eleven months — That Tomboo was committed to the said Town Jail on the 4th day of November 1793 and had suffered as aforesaid a term of Imprisonment of nearly six months that Packiasamy was Committed to the said Town Jail on the 19th of the said month of November and have suffered as aforesaid a term of Imprisonment Exceeding five months — And that Thomas Lyons was Committed to the said Town Jail on the 12th day of December 1793 and has suffered as aforesaid a term of imprisonment of four months and eighteen days and the said Jurors do further that according to the Course of adjournment of the Sessions of Oyer and Terminer for—

10th May 1794

the said Town of Madraspatnam the said Paul Gould, Patrick Cunningham and James Nugent ought to have been brought to Trial as aforesaid on the 10th day of the Month of October which was in the Year 1792 — That the said John Laws ought to have been brought to Trial on or about the 10th day of January which was in the Year 1793 — That the said Francois and Tondevoy ought to have been brought to Trial on or about the 10th day of July of the same Year — and that the said Tombo, Packiasamy and Thomas Lyons ought to have been brought to Trial on or about the 10th day of January of the present Year — and the Jurors aforesaid do present that the said Paul Gould who had been so confined as aforesaid upwards of twenty months and that the said Tondevoy who had been so Confined as aforesaid upwards of eleven months have during the present Sessions been both acquitted by the verdict of a Jury of the Country to which they severally stood charged which Instances amongst others which might be adduced Exhibit to the apprehension that the Law as thus administered can afford no Relief to innocence and that the Subject may be imprisoned upon an unfounded accusation and suffer all the hardships of a Rigorous Confinement for along and indefinite Period of time which the said Jurors do present as a wicked Example of Terror to the Subject and as a most alarming Subversion of the first principles of the British Freedom — and it has further come to the Knowledge of the Jurors aforesaid that James Farrell was on the 7th day of November 1792 committed to the said Town Jail upon a Charge of Forgery, and that the said James Farrell died depart this life on the 6th day of February 1793 although he ought to have been brought to Trial on or about the 10th day of the preceding January and it has further come to the Knowledge of the Jurors aforesaid that James Swain was on the 9th day of January 1793 committed to the said Town Jail and that the said James Swain died depart this life on the 9th day of February 1794 although he ought to have been brought to Trial on the 10th day of the preceding month of January — And the said Jurors do present that the said James Farrell and James Swain died so depart this life with a Crime standing severally against them deprived of that Trial to which they were entitled by the Laws of this Country and on which they might happily have proved their Innocence and the Jurors aforesaid do further present the Case of the said James Farrell who so died in the Town Jail as particularly oppressive and grievous it having come to the Knowledge of the Jurors aforesaid that for the said alleged Crime of Forgery he the said James Farrell had been formerly tried by a Military Court and acquitted thereof and that afterwards he was Confined for the said alledged Crime in a Military Guard Room or Prison in Fort Saint George that he was so Confined in the month of July 1792 and remained in such Confinement until the 7th day of November 1792 when he was Committed to the said Town Jail and there departed this life without further Trial as aforesaid and so the Jurors aforesaid do Present the said Empson to hold the said Sessions of Oyer and Terminer and Jail delivery as aforesaid and the Cases of the said Paul Gould Tondevoy, James Farrell, and James Swain as Instances of the greatest Oppression and of the most mischievous Tendency and as arising out of that Negligent Conduct of the Person or Persons Entrusted with the administration of Criminal Law for the said Town of Madraspatnam and that such Conduct endangers the Lives and undermines the Liberties of his Majesty's Subjects by the means of Illegal and protracted Imprisonment and as the Jurors aforesaid do present it for a direct and flagrant Violation of Magna Charta and of his Majesty's said Charter of Justice Granted as aforesaid to the said united Company of Merchants of England trading to the East Indies — and tending by alarming Strides to overthrow and destroy the Rights and Liberties which the said Jurors with all of their fellow Subjects do inherit under the British Constitution —

And the Jurors aforesaid do further present that it has come to their Knowledge that the Empson or neglect as aforesaid to hold regularly the said Sessions of Oyer and Terminer and Jail delivery for the said Town of Madraspatnam in Conformity to the injunctions contained in his Majesty's said Charter has been occasioned by a deficiency in the number of his Majesty's Justices who by his Majesty's said Charter are directed to be composed and to Consist of the Governor or President of Fort Saint George and the Council for the time being or any three or more of them and the Jurors aforesaid do pray that in Order to prevent any deficiency in the number of the said Justices by reason of any defficiency in the number of the Members of the said Council at Fort Saint George and to promote the ends of Justice and to secure to the Subject his rights and Privileges inviolate by the 4th Section of an Act of parliament of the 26th Year of the Reign of his present Majesty

Entitled

Entitled "an act to Explain and amend certain Provisions of an act made in the 24th Year of the Reign of his present Majesty respecting the better Regulation and management of the affairs of the East Indies Company" It is enacted "that when and so often" as the number of Members (Quorum) of the Councils of Fort William, Fort Saint George or Bombay shall by death or Resignation be reduced to two including the Governor General or the President of such Council for the time being respectively and there shall happen to be no person on the spot provisionally appointed to succeed to a Seat in such Council the Governor General and Council within the Presidency of Fort William and the Governor or President and Council of Fort St. George and the Governor or President and Council of Bombay within their respective Presidencies shall and they are hereby severally required to call to such their respective Councils such person from amongst the Civil Servants of the said Company in such Government or Presidency respectively as shall have been in the Service of the said Company in India as a Covenanted Servant for the space of twelve Years at the least" — And so the Jurors aforesaid do present that the neglect to Perform the duties by the said Section of the said Act of Parliament enjoined has been the meanes of endangering the lives and Liberties of his Majestys Subjects by most illegally Prolonging their Confinement and by depriving them of the Blessings which should accrue to them from Magna Charta from the Laws of their Country and by shutting up the Courts of Justice for so long a period and by other great and indescribable Injuries

And the Jurors aforesaid do present that it has come to their Knowledge that John Jones a Lunatic is confined in the said Town Jail of Madraspatnam and has been so confined for a number of Years to the great danger of the lives of his Majestys Subjects and Contrary to usage and to Custom in like Cases and to the Common dictates of Humanity — And the Jurors aforesaid do further present that this Jail has been several times presented at the Sessions of Oyer and Terminer for the said Town of Madraspatnam and that as notice has been taken of the same also a Lunatic was likewise Confined in the said Town Jail from the 25th day of July 1791 to the 13th day of December 1793 when he departed this life after having put to death on the 9th April 1792 One Cunniah a Felon Confined in the said Town Jail and that the Salutary and necessary injunctions of the Laws were not Observed in holding an Inquest on the body of the said Cundapah although the said Jurors do find that there was at the time a Person who held the office of Coroner — And the said Jurors do further present that the said Cundapah so suffering death by the hand of a Lunatic in Jail as aforesaid had been Sentenced to Transportation on the 14th October 1789 and was detained in the said Town Jail Contrary to Law and came to an untimely End by reason that the former Presidency of Fort St. George on the Subject of the said Cundapah not being transported agreeably to the Sentence pronounced against him and on the Subject of Lunatics being Confined together with the Felons in the Town Jail were neglected and not attended to —

And the Jurors aforesaid do further present that it has come to their Knowledge that Informations have been offered to the sitting Justices for the time being regarding Enormities Committed in the said Town of Madraspatnam & that the same were refused to be received and that it has further come to their Knowledge and particularly that a quantity of Copper was some time ago stolen out of Boats that were conveying the same on board of a Ship lying in the Roads of Madraspatnam aforesaid and that the said Copper was sold to Certain persons who knew the same to be Stolen that the Robbery was detected and the parties discovered and secured by the vigilance and exertion of the deputy Beach master who after detaining them several days in Custody that they might be dealt with according to Law was ordered by a written Mandate from the Clerk of the Justices to deliver them up to the Care of the Justices Peons or Runners and did so deliver them up accordingly but that no process such as the Law in that Case hath Provided and Ordered was Sued or instituted against the said Offenders among many means taken for bringing them to Trial in the Regular Courts of Justice, and that the said Robbers and the said Receivers of the goods by them Stolen as aforesaid were suffered to go unpunished and so the Jurors aforesaid do present that such Conduct of the said sitting Justices is a Breach of the Laws of England and tends to the Promotion of the most Vicious and evil Practices & to the Subversion of Justice — to Endan-

the Property of his Majesty Subjects and finally to injure the General Welfare —

And the Jurors aforesaid do further present that it has come to their Knowledge that James Fox a Felon Convict now in Confinement in the Town Jail of Madraspatnam aforesaid was by the Jury by which he was tried and convicted recommended to mercy on the 12th day of April 1792 and it has further come to the Knowledge of the Jurors aforesaid that the proceedings upon which the said Mercy is to be obtained have not been forwarded to England for that purpose and so the Jurors aforesaid do present that the neglect to forward the said Proceedings as aforesaid has a tendency to the most Evil Consequences to the General Welfare and is in a most especial degree Cruel and afflicting to the Individual Sufferer and as it invades the Sacred Rights of a Jury the aforesaid Jurors do present it as a violation of the Magna Charta — And the Jurors aforesaid do further present that it has fallen under their Observation that the Irons borne by the Felons confined in the Town Jail of Madraspatnam aforesaid are enormously heavy and in the Climate of India are sufficient to exhaust the unhappy Prisoner and to endanger his life and so the Jurors aforesaid do present the said Irons as an Oppression and great Grievance in so much as that a Felon is to be confined in such manner only as to prevent his making his Escape from Prison —

And the Jurors aforesaid do present that this honorable Court has in this present Session taken upon itself to nominate the Foreman to the Grand Jury that by reason of the great Respect which the Jurors aforesaid do bear to their Foreman and in Regard to past Custom at this place they have on the present Occasion forborne to present the measure in our earliest stage But they do present that the Rights of Jurors are Sacred and inviolable and that they form a principal part of the Blessings secured to the Subjects by our happy Constitution and that any Interference with Jurors is an Infringement of those Rights and so the Jurors aforesaid do present that the nomination of the Foreman of a Jury as aforesaid or otherwise Excepting by the Body of the said Jurors is illegal and unconstitutional —

And the Jurors aforesaid do present that it has come to their Knowledge that the Foremen of the Petty Juries impannelled during the present Session of Oyer and Terminer for the Trial of such Prisoners as might be brought before them have also severally been nominated Foremen by this Honorable Court and the Jurors aforesaid do present that the Rights of Juries are Sacred and Inviolable and form a principal part of the Blessings secured to the Subject by our happy Constitution and that any interference with Jurors is an Infringement of those Rights and tends to diminish those Blessings and so the Jurors aforesaid do present that the nomination of a Foreman of a Petty Jury as aforesaid or otherwise excepting by the Body of the said Jury is illegal and unconstitutional — And the Jurors aforesaid do present that in all trials by a Jury it is required that the Jurors shall be so situated that prejudiced or evil minded Persons shall not have it in their power to give any information to or by their Conversation Create a Bias in the judgment of the said Jurors and thereby prevent that fair and impartial Trial which the Benignity of the British Constitution has secured to the subject and the Jurors aforesaid do present that the Interaction of the Petty Jury Empannelled for the Trial of all such Prisoners as may be brought before the present Session of Oyer & Terminer is such that they cannot avoid hearing any Conversation that may be carried on by persons pressing close upon them whereby the Sacred Rights of a fair and impartial Trial may be

infringed

infringed and is the Jurors aforesaid do present that the said Jurors from their situation are unacquainted as they are not judges are often by their Board of Persons who attend at the Town Hall are liable to be spoken with, and to hear Conversations improperly introduced that may tend (though involuntarily to their disposition) to bias their judgment and to create a prejudice contrary to right and to justice —

And the Jurors aforesaid do further present that it has come to their Knowledge that the Court of Appeals for the said Town of Madraspatnam was shut from the 31st day of December 1791 until the 15th day of March now last past that on the said 31st day of Dec.r 1791 there remained unheard thirty Causes that were ready for hearing and that on the said 15th day of March the said Causes were increased to upwards of Eighty a circumstance unheard of at any other period since the said Court of Appeals was first Established by the Charter of Justice granted in the twenty sixth Year of the Reign of his Majesty George the second to the united Company of Merchants of England trading to the East Indies and the Jurors aforesaid do present that by reason of the Shutting up of the said Court of Appeals and of the matters aforesaid the Suitors in his Majesty's Courts Established by the said Charter for the said Town of Madraspatnam have been heavily aggrieved and deeply injured in their Property —

And it has come to the Knowledge of the Jurors aforesaid that the cause of Shutting up of the said Court of Appeals has been chiefly owing to a deficiency in the number of the Judges of the said Court of Appeals who by his Majesty said Charter are directed to consist of the President or Governor and two other of the Members of the Council of Fort Saint George aforesaid as appears by the following Passage of the said Charter "And it is our further Will and intent and we do by these "presents ordain and Establish that if any person or persons shall think him her or themselves aggrieved "for any Judgment Sentence or decree of the said Court of Mayors Court with the said Governor or President & Council "for the time being or the Mayor part of them shall think the said Company aggrieved by any Judgment "Sentence or decree of the said Court that such person or persons of the said Governor or President & Council for "the time being or the Mayor part of them for & in the name of the said United Company shall or may "within Six days after such Judgment Sentence or decree of the said Court shall be entered of record appeal "to the Governor or President and Council of Fort St. George aforesaid for the time being whom or any three "or more of them (whereof the Governor or President or in his absence the Senior of the Council Residing "there to be one) we do hereby for us our Heirs and Successors Constitute nominate and appoint to be "Courts hereafter a Court of Record for that purpose to receive such appeals and to hear and determine "the same and to do all other acts matters and things reasonably incident thereunto" — And the Jurors aforesaid do present that in Order to prevent any deficiency in the said Judges of the Court of Appeals by Reason of a deficiency in the said Members of Council by the 4th Section of an act of Parliament of the 26th Year of the Reign of his present Majesty intituled "An act to explain and amend certain "Provisions of an Act made in the 24th Year of the Reign of his present Majesty Respecting the better "Regulation and management of the Affairs of the East India Company" it is enacted that "when "and so often as the number of Members of any of the Councils of Fort William, Fort St George or "Bombay shall by death or Resignation be reduced to two including the Governor General or the "President of such Council for the time being Respectively and there shall happen to be no person "on the Spot provisionally appointed to succeed to a Seat in such Council the Governor General "and Council within the Presidency of Fort William & the Governor or President & Council of Fort "St. George & the Governor or President and Council of Bombay within their Respective Presidencies "shall and they are hereby severally required to Call to such their Respective Councils such person "from among the Civil Servants of the said Company in such Government or Presidency Respectively "who shall have been in the service of the said Company in India as a Covenanted Servant "for the Space of twelve Years at the least" — and so the Jurors aforesaid do present that the neglect

to

to Obey the said act of Parliament and to convey into Effect the said 4th Section thereof by which it is Enacted as aforesaid and thereby to redress the Grievances aforesaid is a flagrant Breach of the Laws of England and tends to weaken and render useless the authority of the Legislature of Great Britain by which the property of the subjects is provided to be protected and secured —

And the Jurors aforesaid do present that it has come to their Knowledge that persons arrested & in Custody of the Sheriff for the Town of Madraspatnam on Civil Suits of debt have been forcibly rescued from the Custody of the said Sheriff on the Pretext that being Servants or otherwise dependents of his Highness the Nabob Wallah Jaw they were privileged from such arrest — And the Jurors aforesaid do present that there is not any list of such Servants or dependents of his said Highness the Nabob Wallah Jaw deposited with the Sheriff aforesaid and so the Jurors aforesaid do present that every such rescue as aforesaid is a violent indignity to our Sovereign Lord the King and tending also disturbs the Peace of the Community & to encourage fraud and dishonesty —

And the Jurors aforesaid do further present that it has come to their Knowledge that at the time when the Charter of Justice was Granted unto the united Company of Merchants of England trading to the East Indies there were Colonitry Courts Established for the said Town of Madraspatnam wherein Justice in Regard to property and otherwise was administered to the Natives thereof and therefore the Clause which the Jurors aforesaid do find in the said Charter whereby two Natives of the said Town of Madraspatnam are prohibited from Juries in the Mayors Court thereof unless by mutual Consent was not there left as a Grievance But the Jurors aforesaid do find that the said Colonitry Courts have long since been abolished or fallen into disuse and that no Court whatever has been substituted in their stead and the Jurors aforesaid do find that since the framing of the said Charter of Justice the Commerce of the said Town of Madraspatnam has wonderfully increased and that by Reason thereof the Intercourse between Europeans and the native Inhabitants of the said Town of Madraspatnam has become very extensive and as the said Native Inhabitants are employed in the dealings and Concerns of British Subjects whose said Concerns and dealings are sometimes of a very complex nature carried on between & in the names of Natives it cannot fail of being highly injurious to the said British Subjects and to the said native Inhabitants of the said Town of Madraspatnam should the said native Inhabitants who form the great Body of the People be precluded from the means of suing for & recovering their Property and so the Jurors aforesaid do present the same and that the said Native Inhabitants by being deprived of the means of suing for and of Recovering their said property as aforesaid are left unprotected against the evil disposition of the dishonest Debtor to the Encouragement of fraud and Injustice —

And the Jurors aforesaid do present that they do find that an Extensive and mutual Intercourse has taken place between British Subjects and the native Inhabitants of the said Town of Madraspatnam and that by Reason thereof the natives have attained to a Considerable Knowledge of the Blessings dispensed by the Laws of England and have become desirous of obtaining them and of becoming adventurers thereof and that under such Considerations it has been and now is customary for the said Native Inhabitants of the said Town of Madraspatnam to pray for and

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to Obtain Probates of Wills & Letters of Administration of the Estates of deceased Natives in the Mayors Court of Madraspatnam in its Capacity of Kings Ordinary and that under such Probates & Letters of Administration they have sued & been sued Native against Native in the said Mayors Court in its Temporal Capacity and that thereby a Variety of Benefits and Advantages have Resulted and been derived to the Community and it has come to the Knowledge of the Jurors aforesaid that Contrary to the ordinary Practice of the Court of Appeals heretofore Subsisting at this Presidency, the Judges in the said Court have introduced a mode of setting aside such the equitable and just Proceedings of the said Mayors Court in its Temporal Capacity by throwing out the Causes appealed hitherto & have thereby injured the fair Executor and Administrator & deprived them of their just dues, and so the Jurors aforesaid do present that such the Conduct of the said Court of Appeals is fraught with Mischief and tends to the Subversion of Justice and to the Encouragement of Fraud and evil design in so much as that the clearer & the Juster the Kings Court are in every such Instance Rendered abortive & of no effect & the Persons concerned in all such Causes are left without a Remedy or Resource there being no other Court in which the said Executors and Administrators can sue but in the said Mayors Court of Madraspatnam aforesaid —

And the Jurors aforesaid do present that it has come to their Knowledge that the said Town of Madraspatnam its Approaches and Vicinities are Encumbered with Arrack Shops and Huts Wherein Spirituous Liquors are sold and disposed of without Limitation of Quantity to the poor the Idle and the dissolute, that so owing to the great numbers of the said Arrack Shops Drunkenness, irregularity & disorder are promoted and encouraged and the Jurors aforesaid do present that the said Arrack Shops are means by which the Peace of the Inhabitants of the said Town of Madraspatnam is greatly disturbed and endangered contrary to good order and to the Public Welfare —

And the Jurors aforesaid do further present that it has come to the Knowledge that the Streets and Vacant Spaces of the said Town of Madraspatnam and of Vepery and Triplicane in its Vicinity are interspersed with small wells without parapets and that they the Streets and vacant Spaces are covered with all manner of Putrid Filth and nastiness and that the said Town of Madraspatnam & its said Vicinities are by reason thereof pregnant with danger and disease and that the air thereof is very injurious to the health of the Inhabitants both European and Native and the Jurors aforesaid do present the Condition of the said Wells, Streets, and vacant Spaces of the said Town of Madraspatnam & of its Vicinities as a Nuisance & Pest of intolerable & of incalculable magnitude — And the Jurors for the said Town upon their Oath aforesaid do further present that the Town Hall or Sessions House of the said Town hath from the want of timely and needful repair fallen into a state of decay so as to excite apprehension in the minds of the Jurors aforesaid for the safety of themselves and their fellow subjects attending this present Session and moreover do say that from the increased Population and extended Consequence of this Town and its dependencies in its various Relations as well Civil as Political since the Commencement of the present Century the Sessions house now subsisting is no longer Capable of affording proper and requisite accommodation for the dispatch of Business touching the present Service and other such like Services of our Sovereign Lord the King but that on the Contrary the Health and

Constitution

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Constitution of his Majesty's Liege Subjects attending the same are from the before recited Causes Combined with the Excessive heat of this Climate manifestly Threatened and Endangered and so the Jurors aforesaid do present that the state of the Town Hall or Sessions House as aforesaid does Require the most immediate Consideration —

And the Jurors aforesaid do present that it has come to their Knowledge that the Prices of Provisions & of the Common necessaries of life in and about the Town of Madraspatnam are Enhanced far above the Rates at which they ought to be Sold allowing a fair and Reasonable Profit to the dealer and that such Enhanced and unreasonable Prices Rate them from the want of a free and open market established under due Regulation in some fit and convenient part of the said Town of Madraspatnam and the Jurors aforesaid do say that the evil aforesaid cannot be avoided nor expected to cease so long as the market People and others bringing provisions to sell are compelled from the nearness of the Enemy & present Scarcity to bring the said Provisions into the Body of the Fortress of Fort St. George where they are liable to Taxes and Impositions arbitrarily levied upon them —

And therefore the Jurors aforesaid in discharge of their Duty enjoined by our Oath do present the several matters and things aforesaid as heavy Grievances to the Subject Contrary to the Benevolent Constitution of England & to those happy Laws which without respect to persons secure Rights and property and are the glorious Means of Equity & Justice

Town Hall
of
Madraspatnam
8th May 1794.

Basil Cochrane Foreman
Tho: Lewin
Thomas Snodgrass
William Jones
George Powney
Chas: Baker
George Carey
Ben: Brown
Cecil Smith
John Reed
Thos: Austey
A. Falconar
J. Brodie
Charles Harris
Daniel Crawford

The

The Foreman of the Grand Jury is Called before the Court, and being asked if the Grand Jury had any more Business for, answers "We have no Business at present" he is then Told that if they had any further Business the Court would adjourn till Monday, the Foreman Answers as before—

The Grand Jury are then called before the Court and the foreman delivers to the Clerk of the Peace the following Memorandume—

That it is Commission from my Colleagues of the Jury in the Court of any Observation being made by the Worthy Bench upon Our Presentment, to request a Copy of such Observations for their Government & that they may have an Opportunity of perusing and Considering the same before they are dismissed—

The Clerk of the Peace is then directed to read the minute of Court on the Presentment of the Grand Jury which he accordingly does and which is as follows—

The Court having taken into Consideration the Presentment delivered to them by the Grand Jury on Thursday last think it necessary to record some Observations upon it—

That so long an Interval has passed since the last Sessions were held, is a matter of not less Concern to the Court than it can be to the Grand Jury and if the Remedy to this inconvenience had been within their Power as Justices, or as Members of Government the Jury so applied to them by the Grand Jury however harsh and unqualified, would not have subjected them to Severe for so neglect of so much importance - But the fact is, that the Justices noted are incompetent in point of number to hold a Sessions and that according to the Opinion of the Governor General in Council but practiced by that of the Company's late advocate General, in Bengal the President in Council was not empowered in the existing Circumstances of the Government under the acts of the 24th and 26th of His Majesty, to remove the Inconveniences the like Opinion are as follow

To the Honble, the Governor in Council
at Fort St George

Honble Sir,

We have Received the favor of your letter dated the 29th of last Month enclosing a Copy of a Minute from Sir Charles Oakeley. Concerning the appointment of a Member of Council during the absence of General Medows, and our Sentiments entirely Concur with those of your Acting President upon this Subject upon a Similar question, referred to Lord Cornwallis by Major General Abercromby - a Copy

We have the Honor to be
Honble Sir
your Most Obedient, humble Servants
(Signed) Cornwallis
Chas Stuart
Peter Speke
Wm Cowper

Fort William
13th November 1790

To Earl Cornwallis K. G. &c. &c.
Governor General in Council

My Lord

Your Lordship in Council having been pleased in consequence of a Reference which has been made to you to require my Opinion "whether in the absence of the Governor of Fort St. George or the Governor of Bombay from either of those Presidencies on the Public Service the place of a third Member of Government is to be supplied in the Sessions and at the Court of Appeals during the period of such Absence and if it be, in what manner" I have the honor to inform your Lordship that in the Case mentioned, I am of Opinion that the place of a third Member of Government cannot be supplied by any Power which is vested in the President in Council at Madras or Bombay - For the Clause in the 24th of G. 3. C. 25. having been repealed by the 26th G. 3. C. 16. the Temporary absence of the President or any of the Members of Council, whereby the Members Remaining at the Presidency may be Reduced to two, doth not give to the Governor of such Presidency the Power of making a Temporary appointment of a Member of Council I apprehend therefore that in the Case Supposed, the function of the Court of Appeals and of the Court of Oyer and Terminer must remain Suspended, until either the Governor so absent shall return again to the Presidency or until the vacant Seat in Council shall be filled, by an Appointment of a Member by the Court of Directors.

I have the Honor to be
My Lord, with great Respect,
Your most Obedient and
Most humble Servant
(Signed) H. H. Davies
Advo. to General

Calcutta
4. August 1790

a true Copy
signed) E Hay
Secy to ye Govt

The Justices could have no Reasons, but such as were founded upon legal Considerations, for postponing the Sessions, and they should have Supposed that a Simple Presentment of the fact without any Reflections upon their Conduct either as Magistrates or Members of Government was the utmost that the duty of the Grand Jury required—

With Regard to the Presentment of the Case of John Jones and Paul Lindsay the Court think it necessary to observe that both these persons were Committed to Gaol for Capital Offences & this not true on account of Symptoms of Lunacy which appeared when they came before the Court, to be on oath, they were still Subject to be brought up from time to time to be Examined upon this point and could not therefore be regularly placed in any other Custody than that of the Sheriff in the Town Gaol—

Wills

With Respect to the death of Lindsay, the Court know no Cause whatever to think that any blame is imputable to those who had the Charge of them and as there were no Person at that time legally authorized to perform the duty of Coroner the Court cannot take Cognizance of any Enquiry that might have happened in this Regard to our Enquiry upon the Body of the deceased —

On the subject of the Presentment against the sitting Magistrates that Magistrate acquaints the Court that some Informations were delivered to him Yesterday Evening up but this being contrary to the Established Usage which Requires that every Person who has Cause of Complaint should appear to give Evidence viva voce and the dispute which gave Rise to the Informations in question having existed between these Parts of the Natives for a Considerable time, he thought it Right to Summon the Parties to attend at his public Office in Order that an Investigation might be made but the persons who had presented their Informations in writing refused to attend the Summons —

With Regard to the Presentment on the Subject of Stolen Copper the sitting Magistrate informs the Court that a Report was made by the Beach Master of the Circumstances attending this Theft to the Board of Trade, and that the Board, adverting to the General Practice of pilfering small Thefts of the Sea Side and as soon as possible after they have been committed, recommended to Government that the Local people who were guilty might be punished on the Beach which was accordingly done and that there appeared on enquiry no particular proof that the person who Received the Copper actually Knew of its being Stolen —

With Respect to James Fox, the Clerk of the Peace informs the Court that a Copy of this Trial was recently drawn out for transmission to England and that he thought it had been delivered at the Secretary's Office till very lately, when on Resorting to the Box wherein he Kept all his papers relating to the Sessions, he found the Copy in Question —

The Court is much Concerned at this Official Omission which has Occasioned a Considerable delay in the proposed Recommendation of James Fox, to his Majesty's Clemency and they have directed that the Proceedings be prepared to go home by the first dispatch —

With Respect to the Irons Worn by the Felons, the Court have not observed any thing oppressive in the weight of them, but the Sheriff is directed to see that the Prisoners be not incommoded further than their Situation absolutely requires —

The Court is not aware of any irregularity that has been committed with regard to the Choice of the Foreman, either of the Grand or Petty Jury it seems to be clear and incontrovertable, that Gentlemen Summoned by the Sheriff to serve as Grand Jurors do not form a Grand Jury, nor can they do any act as such until they are Sworn, hence it follows, that they cannot regularly elect their Foreman, for as he is first Sworn and Sworn as Foreman, his election must be prior to the Administration of the Grand Jury-man's Oath — of Course before that body is formed and Consequently before they can do any act whatsoever — they cannot elect him after they are Sworn for in the very act of forming them a Foreman is appointed, so that, if Election were allowed, it must either fall upon the same person, or upon a different person, and if upon a different person, there must be two Foremen, The Court have invariably followed the Book of Instructions sent from England for their guidance which directs that the Foreman be named by the Chairman of the Court — with regard to the Petty Jury the Court makes no such nomination the same Oath is administered to them all and it is only in the delivering of their Verdict that they speak by their Foreman who is the first person Sworn in —

The

The Court think it necessary to observe that the Grand Jury have exceeded their Province in taking notice of the Proceedings of the Court of Appeals, which is a Civil Court independent of any other Jurisdiction in this Country and certainly not answerable for any of its acts to the Grand Jury "who is Sworn to present only such matters and things as shall be here given them in charge or otherwise come to their Knowledge touching the present Sessions." Under these Circumstances the Court do not think it incumbent upon them to take further notice of this part of the Presentment, than to observe that they have Occasion to know in their Capacity of Members of the Court of Appeals that no diligence has been wanting to the discharge of their duties, that their decisions have been governed by the best lights & Opinions in their power to obtain and that they have, while Competent in point of number to hold such Courts — generally allotted one day in each week to the hearing of appeals — by which a large arrear of Business that accrued before their time, is now cleared off — upon this and the remaining parts of the Presentments, the Court remark a strong disposition to Censure, without the precaution of Obtaining accurate Information with Regard to the Circumstances presented, and they Conclude their minute by Observing that Presentments tend only to the purposes of Justice, when confined to their proper Objects when they are made with strict Truth and impartiality, and when the persons and Circumstances to which they relate, are so correctly ascertained that the Court may if they see Cause, form a legal proceeding by Indictment or otherwise upon them —

and after the Observations of the Bench on the Presentment of the Grand Jury had been read, and the Requisition of the Grand Jury to be furnished with a Copy of those Observations being complied with by Order of the Court — the Grand as well as Petit Jurors are discharged with thanks for their Services, and the Court adjourned to Wednesday the Sixteenth of July next at ten O'Clock in the forenoon for holding another Sessions —

Robert Williams
Deputy Clerk of the Peace

At a General Court

of Quarter Sessions of the Peace Oyer and Terminer and General Gaol Delivery held at the Town Hall in Fort Saint George on Wednesday the Sixteenth day of July in the Year of our Lord one Thousand Seven hundred and ninety four—

Before

The Honorable Sir Charles Oakeley Baronet
Governor of Fort Saint George
and
Ernst William Fallofield and George Westcott Esquires
Members of the Council thereof Justices appointed to keep the peace
and Commissioners of Oyer and Terminer and Gaol Delivery
and
Thomas Lewin and George Wyrick Esquires
Justices of the Peace called upon by the Justices of Oyer and
Terminer and Gaol Delivery to Associate with them
during the present Sessions and duly authorized by the
Governor in Council so to do

The

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Thomas Lewen and George Wynch Esquires
Justices of the Peace called upon by the Justices of Oyer and
Terminer and Gaol Delivery to officiate with them
during the present Sessions and duly authorized by the
Governor in Council so to do

The

The Court being duly Opened, the Sheriff returns his Precepts, and the following Gentlemen are then Sworn on the Grand Jury –

Andrew Ross Esquire Foreman
George Parry
Henry Benson
Cecil Smith
John Ferris
Edward Holland
George Coleman
William Hope Gordon
John Maidowal
Hugh Boyd
Frank Day
William Cockell
Richard Chase
John Sulloh
Thomas Stephens
John Smart
William Fraser

The following Indictments are then delivered to the Grand Jury

The King against, Chiniah, Savony Pungah and Mullapah for Grand Larceny

The King against, Golcum Hupain, Deenah, Alab Caion, Meer Seif Ullah, Sumbool, and Mootee Sam Jung for Felony and Murder

The King against Morris Pemberton Thomas Lock otherwise called Joseph Lock and James Harrison for Grand Larceny

The King against Christopher Hewitson for an Assault with an Intent to Kill John Standover Sturman

The King against Christopher Hewitson for an Assault with an Intent to Kill John James Durand

The

The King against William Willon Roger Warne and Thomas Gurnell for Subornation of Perjury

After a short time one of the Gentlemen of the Grand Jury returns into the Court with the Several Indictments before mentioned and the Witnesses are then in his presence Sworn to give Evidence to the Grand Jury thereon –

On the Indictment

The King against Golcum Hupein Deenah Alab Khan Meer Seif Ullah Sumbool and Mootee Sam Jung

Witnesses Sworn
Ravanapah Naick
Gallyteetan Grammy
Meerza Mahomed Beg
Hader Khan
Johoyer
Emanuel Samuel
Bellee Mahomed
Syed Mahomed

On the Indictment

The King against Morris Pemberton Thomas Lock otherwise called Joseph Lock and James Harrison

Witnesses Sworn
Antonio Joseph De Souza
William Watson
Coopen
Normahomed
Eraputh Naick
Scoroo Naicker

On the Indictment

The King against Christopher Hewitson

Witnesses Sworn
John James Durand
William Jansen Yeomans
Ashmead Bruen
and
William Dutton

On the Indictment

The King against Christopher Hewitson

Witnesses Sworn
John James Durand
William Jansen Yeomans
Ashmead Bruen
and
William Dutton

&c

16th July 1794

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On the Indictment

The King
against
William Wilson
Roger Warne
and
Thomas Gunnell
for Subornation of Perjury

Witnesses Sworn.
Thomas William Skipsey
George Monad
Tallevatty Cundapah
Yankie
Naunacaupah Doctor
Tripetty
Philip Mayne
and
Venkiah

The Grand Jury come into Court and return the Bill of Indictment

The King
against
Chinniah
Sawmy
Rungah
and
Malliapah

Endorsed - a true Bill.

Mr. Frank Day one of the Gentlemen of the Grand Jury being much indisposed is allowed to retire, and Mr. Lawrence Dundas Campbell is sworn in his Room -

The Court is then adjourned till to morrow the 17th Instant at nine O'Clock in the forenoon for continuing the Present Sessions -

Williams
Clerk of the Peace

Seventeenth

17th July 1794.

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Seventeenth July one thousand seven Hundred and ninety

* absent Mr Charles Oakeley Junr Warren President Esqr Governor of Fort Saint George, and Thomas Corbett Esquire one of the Justices of the Peace

The Court being duly Opened proceeds to the Trial of Chinna Sawmy Rungah and Malliapah for Grand Larceny

The Prisoners are thereupon put to the Bar and arraigned as follows

Clerk of the Peace - Chinniah Sawmy Rungah and Malliapah hold up your Right hands -

You Stand Indicted by the names of Chinniah late of Saint Thome in the Vicinity of Madraspatnam and within the Jurisdiction of Fort Saint George Sawmy late of the Same Rungah late of the Same and Malliapah late of the Same Inhabitants for that you on the twenty eighth day of June in the thirty fourth Year of the Reign of our Sovereign Lord George the Third now King of Great Britain France and Ireland defender of the faith and so forth with force and arms at Saint Thome aforesaid, within the Jurisdiction aforesaid two Pearl Ear Rings of the value of twenty four Shillings, one String of Beads of the value of eight Shillings seven Gold Buttons of the value of forty Shillings, one Gold String of the value of Sixteen Shillings two Gold Enamelled Sleeve Buttons of the value of Sixteen Shillings of the goods and chattels of one Mary Smith, and seven pieces of Gold of the Current and Lawful Coin of Madras called Pagodas of the value of fifty six Shillings of the Goods and Chattels of Edward Jones in the dwelling house of the said Edward Jones then and there being found then and there feloniously did steal take and carry away against the Peace of our said Lord the King his Crown and Dignity -

How say you are you Guilty of the Grand Larceny whereof you stand Indicted or not Guilty -

Chinniah - not Guilty
Sawmy - not Guilty
Rungah - not Guilty
Malliapah - not Guilty

Clerk of the Peace - how will you be tried
Prisoners - By God and our Country
Clerk of the Peace - God send you a good deliverance

The Prisoners being informed of their Privilege Chose a Jury half Europeans and half Natives -

17th July 1794.

The Native Malabar Jury-men who have not attended are fined five Pounds each by Order of the Court –

The following persons were then Sworn on the Petit Jury the Prisoners being first Informed they might Object to any of them as they came to the Book to be sworn and before they were Sworn –

Erskine Nursmo Foreman
William John Chester
John Hunter
Robert Henderson
John King Lane
William Burser
Iyangaroo Chitty
Mungapatty Naicker
Vingoodachella Moodelliar
Chundregrats Moodelliar
Appasaumy Pillay
Cundapats Chetty

Clerk of the Peace – Gentlemen of the Jury Look upon the Prisoners and hearken unto their Cause you shall know that they Stand Indicted by the names of Chinniah late of Saint Thome in the Vicinity of Madras patnam and within the Jurisdiction of this Court. Sawmy late of the same, Rungah late of the same and Malliapah late of the same (here the Indictment is read as in the arraignment.)

Upon this Indictment they have been arraigned and thereunto have pleaded not Guilty and for their Trial have put themselves upon God and their Country which Country you are your charge is therefore to enquire whether they are Guilty of the Grand Larceny whereof they stand Indicted or not Guilty and hear your Evidence –

The above charge having been explained to the Native Jury –

Edward Clayton is sworn on behalf of the Prosecution –

Question – have you ever seen the Prisoners at the Bar?
Answer – three of them Rungah Chinniah and Sawmy –

Question – Do you know any thing of a Robbery committed by them at Mr Jones's house at Saint Thome
Answer – not until I heard of it the next day
Question – when did you hear of the Robbery
Answer – I heard of it on the twenty ninth June last
Question – did you not Sleep at Mr Jones's house on the night of the twenty eighth June?
Answer – I did at Mr Jones's request –
Question – Did you not hear of any disturbance at Mr Jones's house that night –
Answer – Between Eleven and twelve O'clock I heard a great noise and saw three of the Prisoners at the Bar namely Rungiah, Chinniah and Sawmy – who insulted Mr Jones's house Keeper whom I afterwards conducted to Mr Casson's Garden House and then returned to my own Lodgings in an hour or two afterwards Mr Casson called on me with Rungah (one of the Prisoners) whom Mr Casson told me he had taken in Mr Jones's House –
Question – do you know how the Prisoners got into Mr Jones's house?
Answer – I suppose they must have got over the Wall –

The Evidence of Edward Clayton having been explained to the Native Jury-men and the Jury not having any Questions to put –

The Witness is then Cross Examined by Mr James Stuart Hall of Counsel for the Prisoners –

Question by Mr Hall – In what manner was Mr Jones's house Keeper insulted by the Prisoners? –
Answer – The Prisoners made use of indecent expressions towards her.
Question – what was the purport of the Language made use of towards the House Keeper –
Answer – I cannot now recollect
Question – by the Jury – was the family retired to Bed before you was alarmed by the noise –
Answer – The family had not gone to Bed before I went to Sleep
Question by Mr Hall – You say you supposed the Prisoners must have got over the Wall – how did they as you know or believe get into the House? –
Answer – Before I went to Bed the Garden Gates were Barred and Shut – they got into the House through the Verandah, and the doors were open –

Question

17th July 1794

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Question — at what hour did you go to Bed?

Answer — to the best of my recollection it was near Eleven Oclock

Question — You before said that the Prisoners had declared they came by Order of their Master to detect a Thief did they mention any person particularly by name?

Answer — I do not recollect

Question — was there no other person present at the time besides Mr Jones's house Keeper?

Answer — nobody, but a person by the name of George Day.

Question — Did you see a Roman Catholick Priest in the house that night?

Answer — I did not.

Question — did you hold any Conversation with, or say any thing to the Prisoners at the time You saw them at Mr Jones's house?

Answer — I did not.

Question — Do you or not write in the same Office in which Mr Jones does?

Answer — I do

Mr Wall not having any further Questions to put the Witness Retires, and George Day is sworn —

Clerk of the Peace — Relate what you know relative to a Robbery committed at Mr Jones's house at Saint Thomé —

Answer — About two or three Weeks ago, on thursday night between Eleven and twelve Oclock Mrs Smith a Lady who lives in the house went to the back Varandah and I heard a noise I then went into the Hall and saw the Prisoner Rungah, Knock down Mrs Smith, Mrs Smith rose and came into the Hall, when the Prisoner Sawmy came and Seized her by the arms, and Chinniah was about to tye her arms with a cloth he had in his hands at the time; I attempted to shove Chinniah away and then the three Prisoners Chinniah Rungah and Sawmy beat me very violently, and Kicked me. Mrs Smith was then going to Mr Caspin's house and desired me to bring her Bettle Box when I had got into the Street the same three Prisoners Rungah Chinniah and Sawmy came and Seized me and Knocked me down again I then made my Escape and Ran away when Mrs Smith and I left the house the Three Prisoners before mentioned were left in possession of it

Question by the Jury — was the Eastward Gate Shut?

Answer — there are three Garden Gates, and they were all Shut

Question

17th July 1794

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Question — How did the Prisoners get into the House?

Answer — They must have come Over the Wall for there is no other way —

Question — which way did you and Mrs Smith go out? —

Answer — At the front Door —

Question — who had Opened that Door?

Answer — The Prisoner Chinniah

Question — Did you see the prisoners or any of them break open any door or Window or Cupboard or Almira? —

Answer — I did not —

Question — did you see the Prisoners in Possession of any property of Mrs Jones's or any other Person belonging to the house? —

Answer — I saw some Ear Rings in the Possession of Sawmy the next morning —

a paper Containing
One String of Beads
Two Pearl Ear Rings and
Two Gold Ear Rings
} is here produced and Shewn to the Witness

Question — Do you Recollect having seen any of the produced Articles in the Possession of Sawmy and which of them and when? —

Answer — all of them the next morning —

Question — To whom do then several produced articles belong? —

Answer — to Mrs Smith —

Question — Do you know of the Produced articles were usually Kept under Lock and Key? —

Answer — They were usually Kept in a Bureau under Lock and Key —

Question by the Jury — what other Persons did you see in Mr Jones's house on that night besides Mrs Smith and the Prisoners? —

Answer — There were two Gardeners, two Palanquin Boys One Watchwoman and Mr Edward Clayton —

Question — Did any of the Prisoners make use of any Indecent Language towards Mrs Smith? —

Answer — Sawmy repeatedly Said, Oh Mrs Smith, I am Mr Jones, I am Mr Jones —

Anna Sawmy Sworn as Interpreter

The Petite Jury not having any questions to put

Mr

17th July 1794.

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Mr James Stuart Holt for the Prisoner proceeds to Cross Examine the Witness

Question - where was you and what was you doing when you first heard the noise that night?

Answer - I was gone to Bed and just going to sleep

Question - what part of the house were you then sleeping in?

Answer - In the front Verandah -

Question - were the doors of the house (leading into the verandah) shut

Answer - the door leading into the verandah from the house was half open and half shut

Question - how far is the back Verandah from the Verandah you were in -

Answer - a small distance -

Question - when you first heard the noise were your Eyes shut

Answer - I had not closed my Eyes -

Question - was your face turned towards the outer Gate or in inner part of the house

Answer - I was laying across the Verandah with my feet towards the outer part

Question - who went out of the house with Mrs Smith

Answer - Mr Clayton, myself a Gardiner a waterwoman a little Boy and a little Girl -

Question - was Mr Clayton present when the Prisoners or any of them made use of any indecent Language toward Mrs Smith -

Answer - yes, He was not present

Question - did Mr Clayton sleep in the house that night

Answer - Yes she went to sleep on the Couch

Question - where did you first see Mr Clayton after you heard the noise

Answer - In about two Minutes afterwards Mr Clayton came into the Hall

Question - was you Present all the time that Mr Clayton was with Mrs Smith -

Answer - I was Present

Question - How and by what Mark do you Know the produced Articles to be the Property of Mrs Smith -

Answer - I know the String of Beads by having seen it daily in her Possession and by the particular Stones that are on it and a little Red Shell at the End of it -

Question - Do not Portuguese Women and others of the Portuguese Religion use such Strings of Beads at Church and on other Occasions? -

Answer - Yes they do

Question

17th July 1794.

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Question - composed of Black and White Beads like the one Produced? -

Answer - Yes -

Question - and do they not frequently tie at the end of such Strings of Beads a piece of Red thread like the one produced?

Answer - Some do and some do not, some tie White and some Black -

Question - Have you not seen any Portuguese then a Women have exactly such a Rozario or String of Beads in their hands?

Answer - There are different Sorts and I have seen some like the one produced

Question - by what mark do you know the Ear Rings produced

Answer - I have seen Mrs Smith wear them Sometimes

Question - have you ever seen Other Portuguese women wear such Ear Rings? -

Answer - I have -

Question by the Court - Can you take upon yourself to swear positively from the General appearance of the Rozario and Ear Rings that they are the Property of Mrs Smith? -

Answer - I can -

Question - have you seen Portuguese Women wear Ear Rings made of Pearls exactly in that manner? -

Answer - I have seen some like these and some like others -

Question - by what Mark do you know the Gold Buttons? -

Answer - I recollect Mrs Smith wearing the Buttons but I do not know them by any Particular Mark -

Question - have you ever seen any Buttons like them produced?

Answer - I never have -

Question - for what purpose did Chinniah open the Outer Gate?

Answer - I do not know

Question - did the prisoner Chinniah go out through the Gate, or return towards the house?

Answer - he went out first and returned back towards the house -

Question - was this before or after you had heard the noise? -

Answer - after -

Question - was this circumstance of Chinniahs going out of the Gate and returning before you were knocked down or afterwards?

Answer - before -

Question - how long did Chinniah remain outside of the Gate? -

Answer - about four or five Minutes -

Question - was Mr Clayton present when you were first knocked down? -

Answer - he was

Question

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Question by the Jury — when you were laying in the Verandah and first heard the noise did you immediately turn your head towards the place from whence you supposed the noise to come? —

Answer — I did —

Question — did you then see the Prisoners?

Answer — I did

Question — where were they then? —

Answer — Rungiah and Chinniah were then in the Hall and Savomy who was then in the Verandah came into the Hall immediately afterwards —

Question — did you get up immediately after you heard the noise?

Answer — I did —

Question — how Long after you got up was it that you were Knocked Down? —

Answer — twenty minutes —

The Evidence of George Day having been Explained to the Native Jury and no questions put to him he Retires and Mr Edward Jones is then Sworn —

Question — Do you Know any thing of a Robbery committed at your house on the 28th of June last

Answer — I do

Question — Relate what you Know concerning the Grand Larceny whereof the Prisoners Stand Indicted —

Answer — On the twenty Eighth of June I went to Pullicarney and returned the next day and Learned that my house had been robbed the preceding night and that some of the people concerned in the Robbery were Confined at Mr Capins House I went there and found Rungah Savomy and Mallicpah three of the Prisoners at the Bar, I wrote to one of the Justices for Saliars to take charge of them I then returned to my own house to ascertain what had been Stolen upon Examination I found one of the Godowns broke open another Godown had been opened and some Bottles of Wine taken out and that a Cloaths Box in one of the Rooms had been opened and some Jewels Linnen and money had been taken out, after ascertaining what Loss I had met with I sent persons in Search of the Prisoner Chinniah who had been seen at Saint Thomé that morning and who I was told had been concerned in the Robbery — I then returned to Mr Capins — Between three and four in the afternoon of the same day the Prisoner Chinniah was brought to Mr Capins house some time after the four Prisoners at the Bar were Examined by Mr Capin and myself in the presence of Mr Capins Servants we found upon the Prisoner Savomy two pair of Ear Rings (one pair pearl, the other Gold) a String of Beads and some small

Bitts

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Bitts of Gold

The Prisoner Mallicpah then Told me that if I would send to his house I would find some Linnen which he said Chinniah and Savomy had taken out of an Almira in my house and which Chinniah had delivered to him as a present for his Wife I sent three of the Prisoners to the Poligar's Town Rungah Savomy, and Chinniah

Question — Look upon the two pair of Ear Rings and the String of Beads now produced to you (being the same as were produced and shewn to the Last Witness) and declare if they are the same that were found upon the Prisoner Savomy? —

Answer — They are —

Question — Do you Know whose property they are?

Answer — I Know the Pearl Ear Rings and the String of Beads to be the Property of Mary Smith —

Question — Did you Lose any Money from the Almira?

Answer — I lost seven Star and one Madras Pagoda —

Question — Have you any reason to suppose they were stolen by the Prisoners at the Bar?

Answer — Yes —

Question — what Reason have you to suppose so —

Answer — having found the Pearl Ear Rings and String of Beads which were taken from the same Place and at the same time upon the Prisoners —

The Witness is then Cross Examined by Mr James Stuart Hall of Counsel for the Prisoners —

Question — By what Mark or Marks do you Know the String of Beads and Pearl Ear Rings? —

Answer — The best of all marks, I have been in the habit of seeing them every Day for Years past they were my Property and I transferred them to Mrs Smith —

Question — Are not such Rozarios made use of by Portuguize Women or persons of the Roman Catholic Religion? —

Answer — I have seen them wear Rozarios with Black and white Beads mixed

Question — are not Portuguize Women in the habit of wearing Ear Rings made of Pearl and of such a form as those produced? —

Answer — I do not Know whether they are; I have been English Ladies wear them —

Question

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Question — Were not the Prisoners or either of them in your Service at any time?

Answer — Three namely Rungah Chinniah and Mallaipah

Question — Did not the Prisnr Chinniah communicate to you a Private Circumstance and deliver to you three letters, in corroboration of the fact addressed to a Female acquaintance of yours by a Priest?

Answer — He did and my Conscience of its being false occasioned the Prisnr Chinniah to quit my Service

The Evidence of Mr Jones having been explained to the native Jury and no further Questions put to him —

Mr Peter Massey Casjen is then next sworn

Clerk of the Peace — Questions — Relate what you know relative to a Robbery committed at the House of Mr Edward Jones at Saint Thome on the night of the twenty Eighth June Last? —

Answer — Between the hours of twelve and one in the morning of the twenty ninth June some people from Mr Jones's house came to my house and informed me that eight or ten Parian Men had got over the Wall of the Compound and had entered the house of Mr Jones — that they had beat one Edward Clouston his Boy called George, and others that they had got Possession of the Keys and were proceeding to Rob the house I called as many of my Servants as I could assemble at that hour and went to Mr Jones's house as I understood he had gone from home the evening before — On my Arrival the gate of the Enclosure was bolted and I was informed by one of my Servants that four of the Thieves were then in the house, I had some difficulty in opening the Gate three of the Persons I understood made their Escape over the Wall and the Prisnr Rungah met me on the Steps leading to the Verandah on my Endeavouring to seize Rungah he laid hold of and attempted to cover from me a Cane I then had in my hand I secured him and then enquired where his Comrades were and what was become of the Keys of the house —

He told me they were in Possession of his Brother Chinniah — I left two of my Servants in charge of the house with Instructions that if the Thieves returned one should hide himself and the other hasten to give me Information

I —

4th July 1794

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I then took Rungah to my house and confined him at six in the morning of the twenty ninth June I was informed that the thieves had returned and taken Possession of the house I went down and saw a Crowd of People at the End of the Street close to Mr Jones's house and was informed by the Boy George that the Persons who had Robbed the house were amongst the Crowd, George pointed the Thieves out to me, I pursued them and came up with Sawmy at the door of a Malabar House in the next Street another of the Prisoners Mallaipah was shortly after caught by one of my Palanquin Boys I brought them with me to my own house and confined them with Rungah — I then wrote a note to Mr Jones acquainting him of what had passed and gave it in Charge to one of his Servants with Directions to find him on my return from the Fort about two O'Clock of the same day (twenty ninth June) I was informed that Mr Jones had returned to his house and was then endeavouring to ascertain his loss between three and four of the same day Chinniah was brought to my house by some of Mr Jones's Servants and a man who said he was a Nabobs Sepoy Mr Jones was then at my house he took the People out of Confinement and had them all Searched in the presence of himself, of me and of some of my Servants —

Clerk of the Peace Questions — Do you know the several Articles (the same as produced to the last Witness) now produced and shewn to you and have you ever seen them before? —

Answer — The String of Beads or Rozario I believe to be the same that was found upon the Prisnr Sawmy and the Pearl and Gold Ear Rings I believe to be the same that were found in a Cloth round the Body of Sawmy —

The Witness is then Cross Examined by Mr James Stuart Hall of Counsel for the Prisoners —

Question — did you see Mr Clayton at any time in the morning of the twenty ninth and at what time? —

Answer — after my return from Mr Jones's house it was about two O'Clock I took the Prisnr Rungah to Mr Claytons house and asked Mr Clayton if Rungah was one of the persons he had seen at Mr Jones's house he said he was —

Question

17th July 1794

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Question — Had you not seen Mr Clayton any time in the morning before you called upon him?

Answer — No)

Question — did you see Mr Clayton any time of the Morning of the twenty ninth June before six Oclock at your own house?

Answer — Yes, I was told that Mr Clayton and others had come up as far as my Gate but I did not see them —

Question — How far is your house from Mr Jones's?

Answer — I believe about three quarters of a mile —

Question — Have you not known that Portuguize People wear the same sort of Rozario and Ear Rings as those produced?

Answer — I cannot be positive as to the Rozario; I believe they do and I have seen Ear Rings of that description worn by Europeans and Native Women?

The Prisoners having nothing further to urge on their Defence the Petit Jury retire to Consider on their Verdict a Bailiff having been first Sworn to keep them, and after a short time a Verdict being proclaimed they come into Court and answer unto their Names —

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

Jury — Yes —

Clerk of the Peace — who shall say for you?

Jury — Our Foreman —

Clerk of the Peace — How say you Gentlemen are Chinniah Sawmy Rungiah and Mallaipah Guilty of the Grand Larceny whereof they stand Indicted or not Guilty?

Foreman — Chinniah Sawmy and Rungiah Guilty and Mallaipah not Guilty

which being recorded

Clerk of the Peace — Gentlemen of the Jury hearken unto your Verdict as the Court hath recorded it you say that Chinniah Sawmy and Rungiah are Guilty of the Grand Larceny whereof they stand Indicted — and that Mallaipah is not Guilty and so you say all? —

Jury — Yes

The

17th July 1794

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The Prisoners Chinniah Sawmy and Rungah are thereupon Remanded to Prison and Mallaipah Discharged by Proclamation —

The Grand Jury come into Court and return the Indictment

The King
against
William Wilson
Roger Warne
and
Thomas Gurnell

for Subornation of Perjury
Endorsed A true Bill —

Roger Warne and Thomas Gurnell are then put to the Bar and arraigned as follows —

Clerk of the Peace — You Stand Indicted by the names of Roger Warne of Fort Saint George a Lieutenant in the Service of the United Company of Merchants of England trading to the East Indies and Thomas Gurnell likewise a Lieutenant in the said Service, for that you the said Roger Warne and Thomas Gurnell together with one William Wilson of Masulipatam a Lieutenant and adjutant of the twenty sixth Battalion of Native Infantry in the service of the united Company as aforesaid and one Charles Allison since deceased and one Deen Mahomed a Camp Colour man serving in the twenty sixth Battalion and one Comm Sahb Havildar Major belonging to the said Battalion, being persons of an evil and malignant mind, and of perfidious and wicked disposition and devising Contriving and intending to deprive one Philip Mayne late a Captain in the Military Service of the said United Company and late Commandant of the said twenty sixth Battalion of Native Infantry of his Rank and Station in the Army of and belonging to the said United Company and of his Post or Station as Commandant of the said twenty sixth Battalion and of the Honors Profits and Emoluments attached to the said Military Service and Station, and arising therefrom and to deprive the said Philip Mayne of his good name Credit and Reputation and to render him Odious and Liable in the said Battalion or Corps and Contriving and

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desiring to procure the said Philip Mayne to be ignominiously dismissed from the said Military Service of the said United Company upon the twenty seventh day of August in the twenty ninth Year of the Reign of our Sovereign Lord George the Third King of Great Britain and so forth and at Divers other days and times between that day and the seventh day of December which was in the said Year of our Lord one thousand seven hundred and Eighty nine and in the thirtieth Year of the Reign of our said Lord the King at Masulipatam aforesaid on the Coast of Coromandel in the East Indies and within the Jurisdiction of this Court and at several other places on the said Coast of Coromandel and within the Jurisdiction aforesaid did conspire Combine Confederate and agree amongst yourselves and themselves and with and to each other to charge and Prosecute and Cause to be charged and Prosecuted the said Philip Mayne and to put and place him under arrest for several Crimes or Offences liable by the Laws Military of the said Kingdom of Great Britain and of several acts of Parliament of Great Britain made and then and now in force Relative to the better Government of the Military Officers and Soldiers in and belonging to the said Service - and you further stand Indicted by the names of Roger Warne and Thomas Gurnell for that you Roger Warne and you Thomas Gurnell together with the said William Wilson and the said Charles Allein since deceased and the said Deen Mahomed and Cornin Saib according to the Conspiracy Combination and Confederacy aforesaid between you and them as aforesaid before had afterwards to Wit on the twentieth day of October in the twenty ninth Year of the Reign of our said Lord the said King at a Certain General Court Martial held by virtue of a Warrant from Colonel Thomas Musgrave Commanding Officer of the Army of the said Company of Merchants of England on the Coast of Coromandel at Masulipatam aforesaid within the Jurisdiction aforesaid before Edward Collins Lieutenant Colonel in the said Army and President of the said Court Martial, Robert Tytler a Captain, James Dalrymple a Captain, William Godfrey a Captain, George Bomford a Lieutenant, David Campbell a Captain, John Haliburton a Captain Malcolm Macgregar a Lieutenant Billy Simons a Lieutenant and

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James Scott a Lieutenant and John Malcolm a Lieutenant and Member in waiting and Thomas William Shippey Judge advocate or and upon the said General Court Martial and which said Members and each and every of them were respectively Military Officers in and belonging to the said Service and with other Persons ordered and appointed by virtue of the said warrant of the said Colonel Thomas Musgrave; and which said Members were Respectively Sworn and charged to enquire into the said several Crimes and Offences so preferred against the said Philip Mayne you the said Roger Warne and Thomas Gurnell and they the said William Wilson Charles Allein deceased and the said Deen Mahomed and Cornin Saib falsely wickedly and Maliciously and without a Reasonable Ground or Probable Cause did charge or Prosecute and cause to be charged and Prosecuted the aforesaid Philip Mayne by the name of Captain Philip Mayne of the twenty sixth battalion of Native Infantry Ordered in arrest by George Banks then a Major of Brigade in the said Service he the said Philip Mayne then Commanding the said twenty sixth Battalion on Complaint of Roger Warne (meaning you the aforesaid Roger Warne) the said Charles Allein deceased and Thomas Gurnell an Ensign of and belonging to the said Service (meaning you the aforesaid Thomas Gurnell) for and upon the Crimes and Offences hereinafter set forth and Charged (Viz.) first that he (meaning he the said Philip Mayne by a Shameful and indecent behaviour to several of the Battalion so as to render himself Odious and detested to the Corps in the Month of August and on an Evening between the twelfth and Eighteenth day of November One Thousand seven hundred and Eighty Eight - second Charge for practices highly prejudicial to the Service tending to subvert good Order and Discipline in the Corps Third Charge for cruel and inhuman treatment of several of the noncommissioned and Privates of the Battalion from the time of taking charge of it, Fourth Charge for attempting to intimidate and dictate to the Members of a Regimental Court Martial which sat the twenty sixth and was revised by his order on the twenty second august one thousand seven hundred and Eighty nine - Fifth Charge the giving in a false Muster Roll to the agent in the Month of August or September one thousand seven hundred and Eighty Eight claiming for the Capture of Jagernaickporam and that the said General Court

Martial

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devising to procure the said Philip Mayne to be ignominiously dismissed from the said Military Service of the said United Company upon the twenty seventh day of August in the twenty ninth Year of the Reign of our Sovereign Lord George the Third King of Great Britain and so forth and at Divers other days and times between that day and the seventh day of December which was in the said Year of our Lord one thousand seven hundred and Eighty nine and in the thirtieth Year of the Reign of our said Lord the King at Masulipatam aforesaid on the Coast of Coromandel in the East Indies and within the Jurisdiction of this Court and at several other places on the said Coast of Coromandel and within the Jurisdiction aforesaid did conspire Combine Confederate and agree amongst yourselves and themselves and with and to each other to charge and Prosecute and cause to be charged and Prosecuted the said Philip Mayne and to put and place him under arrest for several Crimes or Offences liable by the Laws Military of the said Kingdom of Great Britain and of several acts of Parliament of Great Britain made and then and now in force Relative to the said government of the Military Officers and Soldiers in and belonging to the said Service - and you further stand Indicted by the names of Roger Warne and Thomas Gurnell for that you Roger Warne and you Thomas Gurnell together with the said William Wilson and the said Charles Allison since deceased and the said Deen Mahomed and Cornin Saib according to the Conspiracy Combination and Confederacy aforesaid between you and them as aforesaid before had afterwards to Wit on the twentieth day of October in the twenty ninth Year of the Reign of our said Lord the said King at a Certain General Court Martial held by virtue of a Warrant from Colonel Thomas Musgrave Commanding Officer of the Army of the said Company of Merchants of England on the Coast of Coromandel at Masulipatam aforesaid within the Jurisdiction aforesaid before Edward Collins Lieutenant Colonel in the said Army the President of the said Court Martial Robert Tuite a Captain, James Dalrymple a Captain, William Godfrey a Captain, George Bonsor a Lieutenant, David Campbell a Captain, John Haliburton a Captain Malcolm Macgregar a Lieutenant Willy Simons a Lieutenant and

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James Scott a Lieutenant and John Malcolm a Lieutenant and Member in waiting and Thomas William Stoppey Judge advocate in and upon the said General Court Martial and which said Members and each and every of them were respectively Military Officers in and belonging to the said Service and with other Persons ordered and appointed by virtue of the said warrant of the said Colonel Thomas Musgrave; and which said Members were Respectively Sworn and charge to enquire into the said several Crimes and Offences as preferred against the said Philip Mayne your the Prisoner Warne and Thomas Gurnell and they the said William Wilson Charles Allison deceased and the said Deen Mahomed and Cornin Saib falsely wickedly and Maliciously and without a Reasonable Ground, or Probable Causes, did charge cause Procure and cause to be charged and Prosecuted the aforesaid Philip Mayne by the name of Captain Philip Mayne of the twenty Sixth Battalion of Native Infantry Ordered in arrest by George Banks then a Major of and in the said Service by the said Philip Mayne then Commanding the said twenty sixth Battalion on Complaint of Roger Warne (meaning you the aforesaid Roger Warne) the said Charles Allison deceased and Thomas Gurnell an Ensign of and belonging to the said Service (meaning you the aforesaid Thomas Gurnell) for and upon the Crimes and Offences hereinafter set forth and Charges (Viz.t) first that he (meaning he the said Philip Mayne by a shameful and indecent behaviour to several of the Battalion so as to hinder himself Odious and disliked to the Corps in the Month of August and on an Evening between the twelfth and Eighteenth day of November One Thousand seven hundred and Eighty Eight - Second Charge for - practices highly prejudicial to the Service tending to subvert good Order and Discipline in the Corps Third Charge, for cruel and inhuman - treatment of several of the noncommissioned and Privates of the Battalion from the time of taking charge of it, Fourth Charge for attempting to - intimidate and dictate to the Members of a Regimental Court Martial which sat the twenty sixth and was revived by his order on the twenty seventh day of August one thousand seven hundred and Eighty nine - Fifth Charge for the giving in a false pretence Roll to the agent in the Month of August or September one thousand seven hundred and Eighty Eight claiming for the Capture of Jagganaikporam and that the said General Court

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Martial so assembled as aforesaid did enquire into and investigate the aforesaid Crimes and Offences so preferred and prosecuted against the said Philip Mayne and did Examine and Interrogate the witnesses there and there produced and Examined on the part of the Prosecution and of the said Philip Mayne, and that many of the Witnesses produced, Sworn and Examined on the part of the said Prosecution had been previous to and in Contemplation thereof, Tampered with, and influenced, and intimidated by the said William Wilson, you Roger Warne, and you Thomas Gurnell, and Charles Allison deceased, and the said Deen Mahomed and Corim Saib, relative to giving their Testimony against the said Philip Mayne at the said Court Martial, which said Witnesses did give false and Malicious Testimony against the said Philip Mayne, at the said General Court Martial, so held as aforesaid, by the Instigation and Malice of the said William Wilson, you Roger Warne, and you Thomas Gurnell, Charles Allison deceased, and the said Deen Mahomed, and Corim Saib, and that the said Court Martial, so held as aforesaid, did find the said Philip Mayne Guilty of several of the charges and Crimes so preferred and prosecuted against him by the aforesaid false, Malicious, Combination, Conspiracy and Confederacy of the said William Wilson and Charles Allison deceased, and the said Deen Mahomed and Corim Saib, and your Roger Warne, and you Thomas Gurnell, and by the said false Testimony of the said Deen Mahomed and Corim Saib, and the other Witnesses so procured, influenced, and intimidated by the said William Wilson, you Roger Warne, and you Thomas Gurnell, Charles Allison deceased, Deen Mahomed and Corim Saib, to aid and assist the said Combination and Conspiracy; and the said General Court Martial so held as aforesaid did adjudge the said Philip Mayne to be Cashiered, to the great Damage of the said Philip Mayne, to the Evil Example of all others in the like Case offending, and against the Peace of

Our

Our said Lord the King his Crown and Dignitye—

Clerk of the Peace — How say you Roger Warne are you Guilty of the Conspiracy whereof

You stand Indicted or not Guilty—

Defendant — Roger Warne not Guilty—

Clerk of the Peace — How say you Thomas Gurnell are you Guilty of the Conspiracy whereof

You stand Indicted or not Guilty

Defendant — Thomas Gurnell not Guilty—

Mr. John White of Counsel for the Defendants Roger Warne and Thomas Gurnell prays the leave of the Court to read two Affidavits which being granted—

The following Affidavit of Roger Warne sworn to and Read—

Before the Court of Sessions of Oyer and Terminer and General Jail Delivery holden in and for the Town of Madraspatnam and the Districts thereof—

The King
against
William Wilson
Roger Warne
Thomas Gurnell
Deen Mahomed
and
Corim Saib

Roger Warne Lieutenant in the twenty first Battalion of Native Infantry one of the Defendants abovenamed, Maketh Oath and saith that Colonel Edward Collins at present commanding at Vellore Captain David Campbell now at Palamcottah, Captain James Dalrymple stationed with the Nizams Detachment near Hydrabad, Captain Thomas Halcott Commanding at Innaconda, Lieutenant Thomas Fenn Fort Adjutant of Manulipatam, Lieutenant Edward Mark Jepp stationed at Pondicherry, and Lieutenant Killey Simons stationed at Ricottah, are all of them very material Witnesses for him this Defendant, upon the Trial of the Issue in the above Cause, and that he cannot safely proceed to the Trial thereof without the Testimony of them, the said Edward Collins, David Campbell James Dalrymple, Thomas Halcott, Thomas Fenn, Edward Mark Jepp and Killey Simons, and this Deponent saith

He

17th July 1794.

he hopes and Expects to be able to procu
several and respective Persons at the n
Oyer and Terminer and General Jai
the Town of Madraspatnam and the
saith that he does not mean or intend
bringing on the Trial of the said Issue

Sworn to in Court this 17th day of
July 1794

R Williams Clerk of the Peace

The following
sworn to and Read—

Before the Ho
and General Jail Delivery holden in and for
the districts thereof—

The King
against
William Wilson
Roger Warne
Thomas Gurnell
Deen Mahomed
and
Corrin Saib

Thomas Gurnell Lieute
native Infantry one of the Defendants ab
saith that Colonel Edwards Collins at pr
Captain David Campbell now at Pallam
Stationed with the Nizams Detachment
Halcott Commanding at Innaconda Lieute
of Masulipatam Lieutenant Edward
and Lieutenant Shilley Simons statio
of them very material Witness for him this Dep
the above cause and that he cannot safe
without the Testimony of them the said

did enquire into and investigate the
so preferred and prosecuted against the said
mine and Interrogate the witnesses then
mined on the part of the Prosecution
me, and that many of the Witnesses
ed on the part of the said Prosecution
ntemplation thereof, Tampered with, and
the said William Wilson, your Roger
nell, and Charles Allison deceased
nd Corrin Saib, relative to giving their
Philip Mayne at the said Court Martial,
be and Malicious Testimony against the
d General Court Martial, as hereto as aforesaid,
of the said William Wilson, your
Gurnell, Charles Allison deceased, and
rrin Saib, and that the said
id, did find the said Philip Mayne
and Crimes so preferred and prosecuted as
also, Malicious, Combination, Conspiracy
liam Wilson and Charles Allison
rnined and Corrin Saib, and your
s Gurnell, and by the said false
rnined and Corrin Saib, and the
ced, and intimidated by the said
and you Thomas Gurnell, Charles
and Corrin Saib, to aid and assist
nspiracy; and the said General
foresaid did adjudge the said
to the great Damage of
the Evil Example of all
and against the Peace of

Clerk of the Peace ——
Defendant ——
Clerk of the Peace ——
Defendant ——

17th July 1794

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Crimple, Thomas Halcott, Thomas Senn, Edwards Mark Sapp, and Shilley
Jones this Deponent saith he hopes and expects to be able to procure the
the aforesaid several and Respective Persons at the next General quarter
Oyer and Terminer and General Jail Delivery to be holden in and for
Town of Madraspatnam and the Districts thereof, and this Deponent
at he does not mean or intend to give any unnecessary delay in
on the Trial of the said Issue—

Thomas Gurnell

Sworn to in Court this 17th day of
July 1794

R Williams
Clerk of the Peace

The Counsel for the Defendants thereupon prays the
that the trial of the said Indictment may be postponed until the next
s—

To which Mr John Wilkinson and Mr Samuel
tus Humphries of Counsel for the Prosecution Objects, and urge that
th of time the Prosecutor Philip Mayne had been prevented bringing
present matter before the Court and the consequent injury he
ained thereby — that the Indictment was found a true Bill
the Last Sessions, that the Defendant Roger Warne did then appear
reto and entered into a Recognizance for his appearance at the
esent Sessions — that the Prosecutor had been and still continued
be at a Considerable expence in the support of Witnesses who had
me from a distant part of the Country to give their Evidence
that it was more than probable he might lose the Benefit of
the Testimony of several of those Witnesses if the Trial was allowed
be delayed any longer, and that there is no Reasonable ground on
n which the Defendants could claim or hope to Obtain such an
Indulgence from this Court—

The Court taking the same into Consideration
s pleased to grant the prayer on behalf of the Defendants—

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22

he hopes and Expects to be able to proc
several and respective Persons at the n
Oyer and Terminer and General Jail
the Town of Madraspatnam and the
saith that he does not mean or intend
bringing on the Trial of the said Issue

Roger Warne

Sworn to in Court this 17th day of
July 1794

R Williams Clerk of the Peace

the presence of the aforesaid
next General Quarter Sessions of
Delivery to be holden in and for
districts thereof and this Deponent
to give any unnecessary delay in

The following Affidavit of Thomas Gurnell
sworn to and Read —

Before the Court of Sessions of Oyer and Terminer
and General Jail Delivery holden in and for the Town of Madraspatnam and
the districts thereof —

The King
against
William Wilson
Roger Warne
Thomas Gurnell
Deen Mahumed
and
Comin Saib

Thomas Gurnell Lieut
native Infantry one of the Defendants ab
saith that Colonel Edward Collins at pr
Captain David Campbell now at Pallam
stationed with the Nizams Detachment
Walcott Commanding at Innacondah Lieute
of Masulipatam Lieutenant Edward
and Lieutenant Shilley Simons station
of them very material Witness for him this De
the above cause and that he cannot safe
without the Testimony of them the said

assist in the 15th Battalion of
aforenamed musketh Oath and
present Commanding at Vellore
Pottah, Captain James Dalrymple
near Hydrabad, Captain Thomas
nant Thomas Fenn Fort adjutant
Mark Jepp stationed at Pondicherry
ady at Ryacottah are all
ment upon the Trial of the Issue in
y proceed to the Trial thereof —
Edwards Collins, David Campbell,

James

23

James Dalrymple, Thomas Walcott, Thomas Fenn, Edward Mark Jepp, and Shilley Simons, and this Deponent saith he hopes and expects to be able to procure the presence of the aforesaid several and Respective Persons at the next General quarter Sessions of Oyer and Terminer and General Jail Delivery to be holden in and for the Town of Madraspatnam and the Districts thereof, and this Deponent saith that he does not mean or intend to give any unnecessary delay in bringing on the Trial of the said Issue —

Thomas Gurnell

Sworn to in Court this 17th day of
July 1794

R Williams
Clerk of the Peace

The Counsel for the Defendants thereupon prays the Court that the trial of this said Indictment may be postponed until the next Sessions —

To which Mr John Wilkinson and Mr Samuel Augustus Humphries of Counsel for the Prosecution Objected, and urge the great length of time the Prosecutor Philip Mayne had been prevented bringing the present matter before the Court and the consequent injury he sustained thereby — that the Indictment was found a true Bill at the Last Sessions, that the Defendant Roger Warne did then appear thereto and entered into a Recognizance for his appearance at the present Sessions — that the Prosecutor had been since still continued to be at a Considerable expence in the support of Witnesses who had come from a distant part of the Country to give their Evidence That it was more than probable he might lose the Benefit of the Testimony of several of those Witnesses if the Trial was allowed to be delayed any longer, and that there is no Reasonable grounds on which the Defendants could claim or hope to Obtain such an Indulgence from this Court —

The Court taking the same into Consideration is pleased to grant the prayer on behalf of the Defendants —

The

17th July 1794

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The Defendant Roger Warne is then bound himself in one hundred Pounds Sterling and William Jones and Richard Chase each of them consent to be bound in fifty Pounds Sterling –

On Condition that the said Roger Warne do appear at the next General Quarter Sessions and that he doth not depart the Court without the leave of the Court –

Thomas Gurnell is in like manner bound, himself in One hundred Pounds Sterling and Paul Bose and John Fortune each of them consent to be bound in Fifty Pounds Sterling –

On Condition that the said Thomas Gurnell do appear at the next General Quarter Sessions and that he doth not depart the Court without y^e^ leave of the Court –

The Defendants Roger Warne and Thomas Gurnell are then arraigned (on the Indictment for Subornation of Perjury) as follows

Clerk of the Peace – – –

You Stand Indicted by the names of Roger Warne and Thomas Gurnell for that formerly to wit on the Twentieth day of October in the twenty ninth Year of the Reign of our Sovereign Lord George the Third King of Great Britain and soforth a General Court Martial did assemble at Masulipatam within the Jurisdiction of this honorable Court by virtue of a Sufficient warrant from Colonel Thomas Musgrave Commanding Officer on the Coast of Coromandel and which General Court Martial did Consist of a President to wit – Lieutenant-Colonel Collins and ten Members to wit Captain Robert Tutt, Captain James Dalrymple, Captain William Godfrey, Captain David Campbell, Captain John Halliburton, Lieutenant Malcolm Macgregors, Lieutenant Tilly Simons, Lieutenant James George Scott, and Lieutenant George Barnes and Ensign John Malcolm, Lieutenant Thomas William Shippey being the Judge advocate of the said Court and which said Court Martial Consisting of Military Officers in the service of the united Company of Merchants of England trading to the East Indies under their Presidency of Fort Saint George as aforesaid then and there had Sufficient power and authority to administer an Oath, That such

Court

17th July 1794

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Court Martial was so assembled at the time and place aforesaid for the purpose of Trying Philip Mayne then a Captain on the Military Establishment of the said united Company aforesaid and which Philip Mayne was Commander of the said united Company's twenty sixth Battalion of Native Infantry at Masulipatam aforesaid, on Certain Charges exhibited and alledged against him the said Philip Mayne by George Banks Major of Engineers in the Service of the said United East Indies Company on the Complaint of Lieutenant Roger Warne (meaning you Roger Warne) Lieutenant Charles Allison since deceased and Ensign Thomas Gurnell (meaning you Thomas Gurnell) being respectively Subaltern Military Officers of the said united Company serving in the said twenty sixth Battallion under the command as aforesaid of the said Philip Mayne at Masulipatam aforesaid and one of which Charges so exhibited against him the said Philip Mayne was for Cruel and inhuman Treatment to several of the noncommissioned Officers and privates of the Battallion (meaning the said twenty sixth Battallion so under his the said Philip Maynes Command, to wit at Masulipatam aforesaid) that the said Philip Mayne did appear before the said General Court Martial to answer the said charge and did Plead thereto not Guilty and did thereupon put himself upon the said Court Martial and in like manner did the said Prosecutor and Prosecutors whereupon it was in such wise proceeded between the parties aforesaid in the said Court upon the issue aforesaid that afterwards to wit the same issue came on to be tried between the said Parties that before the Trial of the said issue and during the time the same was depending to wit on the Seventeenth day of the said Month of October and for several Days previous to and after the said seventeenth day of October in the Year last above Mentioned William Wilson Lieutenant in the Service of the said united Company belonging to their said twenty sixth Battallion of native Infantry and also Adjutant of the same twenty sixth Battallion, Roger Warne aforementioned and then likewise a Lieutenant in the said twenty sixth Battallion (meaning

you

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you (Roger Warne) and Thomas Gurnell also herein beforementioned, and then likewise a Lieutenant in the said twenty sixth Battallion (meaning you Thomas Gurnell) together with the said Lieutenant Charles Allison but who is since dead aided by Shaik Mordeen an Hawildar in the said twenty sixth Battalion and one Corim Saib likewise a Hawildar in the said twenty sixth Battalion as Sub-agents and Interpreters to further the Execution of their and your Conspiracy not having the fear of God before your Eyes but being moved and seduced by the Instigation of the devil and minding and intending unjustly to aggrieve the said Philip Mayne and wickedly to cause and procure the said Philip Mayne to be convicted of the said charge of Cruel and inhuman Treatment to several of the non commissioned Officers and Privates of the said twenty sixth Battallion under his the said Philip Maynes Command as aforesaid of the said united Company and to remove him from the rank profits and Emoluments attached to the said Military Service and to deprive the said Philip Mayne of his good name Credit and reputation and to cause him to be considered a Murderer and thereby lay a foundation to affect his life, they the said Lieutenant and Adjutant Wilson, Roger Warne (meaning you Roger Warne) Lieutenant Thomas Gurnell (meaning you Thomas Gurnell) and Lieutenant Charles Allison aided and assisted as aforesaid did unlawfully and wickedly, conspire, together and did solicit instigate and in fact suborn one Naimacanpah Bleuh Doctor belonging to the said twenty sixth Battallion to be and appear as a Witness on the Trial of the said issue so as aforesaid joined and upon the same Trial falsely to swear and give in Evidence to the said General Court Martial of and concerning the said Cruel and inhuman Treatment by the above mentioned Charge supposed to have been done and Committed by the said Philip Mayne and amongst other things to depose that one Yankoo a Camp Colour man had vomited Blood and died of a pain in the Breast owing to a Blow given him by the said Philip Mayne and which evidence so put in

Month

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Month of the said Witness by the said Subornes aided as aforesaid was deposed to by the said Naimacanpah at the said General Court Martial (having Lawfull power and authority as aforesaid to administer an Oath) and which Evidence then given was to the purport and Effect following to wit "That one Yankoo a Camp Colour man died on the ninth day of September one Thousand seven hundred and Eighty Eight sent for him the Witness who on coming found that this Yankoo had vomited Blood two or three times, that the Witness having asked the said Yankoo what was the matter the said Yankoo had replied that he had a severe pain in his Breast having been badly struck by Captain Mayne (meaning the said Philip Mayne) for having lost some Chickens that he the Witness told the said Yankoo not to be alarmed, for that he would give some Medicine that would cure the pain and that he did accordingly give the said Yankoo some medicine That Yankoo remained in the Hospital sick for three Months that he then recovered and did duty for nine days and three days after returned to the Hospital, that the small Pox then appeared on him and that at the end of three months he was recovered of the small Pox, but that the pain in his breast continued until he died and that at the time of his the said Yankoos Death he brought up a great Quantity of Blood that he the Witness observed that the deceased Yankoos right side was swelled and finally that he the Witness did believe that the vomiting of Blood was from the effects of the Blow - Whereas in truth and in fact the said deceased Yankoo did not give any such Information to the said Naimacanpah nor did the said Yankoo ever Complain to the said Naimacanpah of cruelty or ill usage by him at any time Received from the said Philip Mayne nor did the said Yankoo vomit Blood on the ninth day of September one Thousand seven

hundred

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hundred and Eighty Eight or at the time of his death as depos
by the said Nainacampah owing to any Blow receved from th
said Philip Mayne, nor did the said Yankoo complain
of any pain in his Breast by the means of a Blow receved
from the said Philip Mayne the said Yankoo having never in
received any Blow or Kick or otherwise in the Breast or side
other part of this Body from the said Philip Mayne
but on the Contrary that the said Yankoo died of his
natural decease being the Gout and that without any of
the Symptoms depond to by the said Witness either of pain in
the Breast or bleeding by reason of which false Evidence so give
by the said Nainacampah Doctor and other like suborned Evidenc
in support of the same the said Philip Mayne was by the said
General Court Martial found Guilty of the said alledged Charge of mur
in Contempt of our said Lord the King and his Laws to the manif
Subvasion of Justice to the evil Example of all others in the lik
case Offending and Against the Peace of our said Lord the
King his Crown and Dignity

That on the Trial of the said
Philip Mayne to wit at Masulipatnam aforesaid in the
Prosecution aforesaid before the General Court Martial afore
said one other issue or charge of the Prosecutors aforesaid
against the said Philip Mayne came on to be Tried before th
said Court to wit For shameful and Indecent behaviour to
several of the Battallion / meaning the said twenty sixth
Battallion of Native Infantry of the United East India Compan
at Masulipatnam aforesaid whereof the said Philip Mayne
was Commandant / and to which Charge the said Philip Mayne
did in like manner as to the said former charge hereinbefore
Prefered appear before the said Court and did then and there

Plead

17th July 1794

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plead not Guilty and whereupon it was in such wise proceeded
between the Parties aforesaid in the said Court upon the issue last
before Mentioned, that afterwards to wit the same issue last
mentioned came to be tried between the said Parties that both
before the Trial of the said last mentioned issue and during the
time the same was depending to wit on the seventeenth day of
the said Month of October and for several days previous to and after
the said seventeenth day of October in the said twenty ninth
Year of the Reign of Our Sovereign Lord George the third King
of Great Britain and so forth the said William Wilson a
Lieutenant as aforesaid in the service of the said united Company
belonging to their said twenty sixth Battallion of Native Infantry
and also adjutant of the same twenty sixth Battallion Roger
Warne hereinbefore mentioned and then likewise a Lieutenant
in the said twenty sixth Battallion (meaning you
Roger Warne) and Thomas Gurnell also herein before
mentioned and then likewise a Lieutenant in the said
twenty sixth Battallion (meaning you Thomas Gurnell)
together with the said Lieutenant Charles Allison but
who is since deceased aided by the said Shaik Moodeen and
Coron Saib Mauldears as Sub-agents and Interpreters
as aforesaid presented in the said twenty sixth Battallion
not having the fear of God before your Eyes but being
moved and seduced by the Instigation of the Devil and
minding and intending unjustly to aggrieve the said
Philip Mayne and wickedly to cause and procure the
said Philip Mayne to be convicted of the said Last
mentioned Charge of shameful and indecent behaviour
and Soforth and to subject the said Philip Mayne to be

Cashiered

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Cashiered and dismissed from the said Military service of the said Un
Company and to remove him the said Philip Mayne from the Cant
Profits and Emoluments attached to the said Military Service and
to depriue the said Philip Mayne of his good name credit and
Reputation and to cause him to be considered a Buggerer did
unlawfully and wickedly conspire together and by their and yo
own means and by the aid and assistance aforesaid de
solicit instigate and in fact Suborn one Deen Mahomed
a Camp Colour Man belonging to the said twenty sixth
Battallion as also one Yanklia a Camp Colour man of the
same Battallion hereinafter Mentioned, to be and appear
as a Witness or Witnesses on the Trial of the said Ensign Cast
aforesaid joined and upon the said Trial falsely to Swear
and Give in Evidence to the said general Court Martial of a
concerning the said shameful and indecent behaviour to sever
of the said twenty sixth Battallion by the abovementioned
charge supposed to have been done and committed by the s
Philip Mayne and amongst other things did tutor the
said Deen Mahomed to depose that the said Philip Mayn
did come to him Deen Mahomed with his naked Yard in
his hand and did endeavour to commit Sodomy with
him and which Evidence so put into the mouth of the said
Deen Mahomed by the said Suborners and their aiders
and assistants aforesaid was accordingly deposed to by the s
Witness at the said General Court Martial whose Evidence
thereupon was to the purport and Effect following to wit"
That he Deen Mahomed was one Evening manuring Grass
and went to call the said Philip Mayne to see it, and
who accordingly went and whilst the Witness was sitting
down gave him the Witness two Kicks and then pulling

Out

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Out his Private parts told him the Witness that if he the Witness
spoke any Gram that he Philip Mayne would Bugger him, and
that this Transaction passed about a Quarter of an hour after six
in the Evening in a Yard behind the said Philip Maynes house
and that the said Philip Mayne
when he so spoke to the Witness held his private parts naked in
his hands. That he the witness had been sent for by Lieutenant
and Adjutant Wilson the third day after Captain Mayne
(meaning the said Philip Mayne) had been put in arrest, when
the said Lieutenant and Adjutant Wilson had then related to the
said Wilson the substance of his the Witnesses then deposition
That the said Lieutenant Wilson had said nothing more to him the
Witness thereupon and that a Woman present had interpreter
between him the Witness and the said Wilson whereas in truth
and in fact the said Philip Mayne did not shew to the
said Deen Mahomed his private parts or the said Witness did
depose before the said General Court Martial nor did use any
of the said Language so by the said Witness deposed nor did
the said Witness relate to the said adjutant Wilson as he had
aforesaid deposed, but on the Contrary that the said Deen
Mahomed did when sent for to the said Wilsons inform
that Captain Mayne had beat him because he had
neglected to supply the Bullocks under his charge with
sufficient Straw and Gram, the said Witness having as
aforesaid deposed by the instigation and by reason of the
Subornation aforesaid

That Yanklia Camp Colour man
herein before mentioned did at the Instigation and like
Subornation of the said Lieutenant and Adjutant Wilson

Lieutenant

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* Absent Sir Charles Oakeley Baronet President and Governor of Fort Saint George and Theodore Corbett Esquire one of the Justices of the Peace —

Eighteenth July one Thousand seven hundred and ninety four — *

The Court being duly Opened —

The Grand Jury come into Court and Observe that in the list of Persons Summoned to serve as Grand Jurymen for the Present Sessions there appears to be all the Partners of three Houses of agency Summoned which they conceive to be improper —

The Court informs the Grand Jury that their Observation shall be taken into Consideration —

The following minute is then recorded by Order of the Court

In Pursuance of the Provisions made by the 33d Section of the act of the 33d of His Majesty the Court now proceed to the nomination of Persons to act as collectors Surveyors and overseers for the purpose of the said act —

Resolved that the Town of Madras (commonly called Black Town) be divided into three Districts —

First or North West Division to be all that space within the Town Wall laying West of the Center of the Road leading Northward from the Esplanade of Fort Saint George along Mr Pophams Broad way to the Triviator Gate of the Black Town Wall and north of the Middle of Permaul Pagoda Street, which Runs east from the Esplanade to the Black Town —

Second or North East Division, all that Space within the Black Town Wall laying East of the Center of the Road leading as before discribed along Mr Pophams Broadway and bounded to the East ward by the Sea Beach —

Third or South Division all that Space within the Black Town Wall laying South of the middle of Permaul Pagoda street described in the first named Division and bounded to the Eastward by the Esplanade —

Resolved that Mr William Jones be appointed to the Office of Collector Surveyor and Overseer of the first Division —

That Mr John Jervis be appointed to the same for the second Division —

And Mr John Stewart Smith to the same Office for the Third Division —

And that they do severally take the following Oaths

You Swear that you will well and diligently execute the duty of Surveyor Overseer and Collector of the Division of Madraspatnam That you will render unto this Court an exact account of every house Building and piece of Ground within your said Division together with the true and Real annual rent thereof according to such Receipts or other Documents as the Renters or Proprietors can adduce, or if they refuse to produce such Receipts or other Documents then according to the best of Your Judgment and belief and that you will also deliver into this Court a just and fair Estimate of the Charges which the cleansing repairing and watching the streets of your Division may amount to annually and you further Swear that you will fairly and impartially make upon the Owners or occupiers of the several Houses Buildings and Grounds in your Division such Assessments of these purposes as shall be by this Court from time to time approved and allowed to be made and none other and that you will duly and honestly account for the same And you further Swear that you will Duly and Diligently cause to be executed all such Orders touching the Cleansing repairing and watching your Division as you shall from time to time receive from this Court —

So helps you God —

Resolved that the Gentlemen Employed in the duties abovementioned be allowed for the present each fifty Pagodas (per mensem for their Trouble to be paid with all other expences) out of the Assessments and that when the Valuation is Completed, the Court will Consider whether any and what further allowance may reasonably be made on this account —

Ordered that List of the houses buildings and Grounds within the Divisions of the Black Town respectively with

* Absent Sir Charles Oakeley Baronet President and Governor of Fort Saint George and Theodore Corbett Esqrs one of the Justices of the Peace —

Eighteenth July one Thousand seven hundred and ninety four —

The Court being duly Opened —

The Grand Jury come into Court and Observe that in the list of Persons Summoned to serve as Grand Jurymen for the Present Sessions it appears to be all the Partners of three Houses of agency summoned which they conceive to be improper —

The Court informs the Grand Jury that their Observation shall be taken into consideration —

The following minute is then recorded by Order of the Court —

In Pursuance of the Provisions made by the 33d Section of the act of the 33d of His Majesty the Court now proceed to the nomination of Persons to act as collectors Surveyors and overseers for the purpose of the said act —

Resolved that the Town of Madras (commonly called Black Town) be divided into three Districts —

First or North West Division to be all that space within the Black Town Wall laying West of the Center of the Road leading Northward from the Esplanade of Fort Saint George along Mr Pophams Broad way to the Triveator Gate of the Black Town Wall and north of the Middle of Parmaul Pagoda Street; which Runs west from the Esplanade to the Black Town —

Second or North East Division, all that Space within the Black Town Wall laying East of the Center of the Road leading as before described along Mr Pophams broadway and bounded to the East ward by the Sea Beach —

Third or South Division all that Space within the Black Town Wall laying South of the middle of Parmaul Pagoda Street described in the first named Division and bounded to the Eastward by the Esplanade —

Resolved that Mr William Jones be appointed to the Office of Collector Surveyor and Overseer of the first Division —

That Mr John Jervis be appointed to the same for the second Division —

And Mr John Stewart Smith to the same Office for the Third Division —

All

And that they do severally take the following Oaths

You Swear that you will well and diligently execute the duty of Surveyor Overseer and Collector of the Division of Madraspatnam That you will render unto this Court an exact Account of every House Building and piece of Ground within your said Division — together with the true and Real annual rent thereof according to such Receipts or other Documents as the Renters or Proprietors can adduce, or if they refuse to produce such Receipts or other Documents then according to the best of Your Judgment and belief and that you will also deliver into this Court a just and fair Estimate of the Charges which the cleansing Repairing and watching the streets of your Division may amount to annually and you further Swear that you will fairly and impartially make upon the Owners or occupiers of the several Houses Buildings and Grounds in your Division such Assessments of these purposes as shall be by this Court from time to time approved and allowed to be made and none other and that you will duly and honestly account for the same And you further Swear that you will Duly and Diligently cause to be executed all such Orders touching the Cleansing repairing and watching your Division as you shall from time to time receive from this Court —

So help you God —

Resolved that the Gentlemen Employed in the duties abovementioned be allowed for the present each fifty Pagodas per mensem for their Trouble to be paid (with all other expenses) out of the Assessments and that when the Valuation is Completed, the Court will Consider whether any and what further allowance may reasonably be made on this account —

Ordered that List of the houses buildings and Grounds within the Divisions of the Black Town respectively with

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with the value of each, also the Estimates of Charges for cleansing ways and Repairing the Streets of the Respective Divisions be laid before Court at the next Sessions —

The Court then direct that the same be Publickly read in Court which being done the several Gentlemen named are then called and Sworn according to the Oath prescribed

The Court then proceeds to the Trial of Sam Jung —

The Prisoner is thereupon put to the Bar and Arraigned as follows —

Clerk of the Peace — Master Sam Jung hold up your Right hand

You stand Indicted by the name of Sam Jung late of Purcheswauk in the Vicinity of Madras and within the Jurisdiction of this Court for that you together with one Deenah late of the same and Alab Cawn late of the same Inhabitants not having the fear of God before your Eyes but moved and seduced by the Instigation of the Devil on the fifth day of May in the thirty fourth Year of the Reign of our Sovereign Lord George the third now King of Great Britain France and Ireland defender of the faith and soforth with force and arms at Purcheswauk aforesaid within the Jurisdiction aforesaid in and upon one Muckbool in the peace of God our said Lord the King then and there being feloniously and of your Malice aforethought did make an Assault that the said Alab Cawn and the said Deenah then and there feloniously wilfully and of their Malice aforethought the said Muckbool to and against the Ground did cast and throw and him the said Muckbool did then and there forcibly and bind with a Turband of the value of five Shillings

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then and there forcibly and violently taken from the head of the said Muckbool and that he the said Deenah then and there feloniously wilfully and of his Malice aforethought a certain Quantity of Chillies pounded and prepared in and upon the Anus or Fundament of the said Muckbool did put and place and that the said Deenah a certain Stake or Instrument of Wood of the Circumference of six Inches and of the value of one Penny then and there in his right hand had and held and that he the said Deenah the said Stake or Instrument of Wood in his right hand then and there had and holden did force and thrust into and through the Anus or Fundament of the said Muckbool and that he the said Deenah by the helpful means, and force of the said stake or Instrument so forced and thrusten into and through the Anus or Fundament of the said Muckbool, did insinuate and introduce a certain quantity of the said Chillies so pounded and prepared and so put and placed in and upon the Fundament or Anus of the said Muckbool into the Intestines and Body of the said Muckbool and that he the said Deenah then and there and thereafter, the said stake or Instrument of wood so forced and thrusten into the Intestines and Body of the said Muckbool did withdraw and extract therefrom, and that he the said Deenah did then and there place, in and upon the Fundament or Anus and on the Scrotum of the said Muckbool a certain quantity of live or burning Embers and that the said Alab Cawn then and there being a certain quantity of pounded or prepared Chillies into the Eyes of the said Muckbool did introduce and place of which said several Acts of Violence so committed in and upon the Body of the said Muckbool he the said Muckbool

Died

18th July 1794

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died Languish and Languishing did live for the space of two
and Stan of the said several acts of Violence so committed upon
the said Muckbool died - And that you the aforesaid Moo
Jung then and there feloniously wilfully and of your malic
thought were present, aiding, helping, abetting, comforting assis
maintaining the said Deenah and the said Alab Cawn
and Murder aforesaid in manner and form aforesaid
and commit and so the said Deenah the said Alab C.
and you the said Mootee Sam Jung the sd
manner and form aforesaid, feloniously
malice aforethought did Kill and
of our said Lord the King

Clerk of the Crown

Prisoner

How say you Mootee Sam Jung are you Guilty of the Felony and Murder whereof you stand Indicted or not Guilty -

Not Guilty

Mr Hall of Counsel for the Prisoner prays that the Endorsement returned by the Grand Jury on the back of the Indictment may be Read -

which being done as follows

True Bill
against
Mootee Sam Jung
Deenah
Alab Khan

Ignoramus
as to
Gollam Hussein
Meer Seif Ullah
Sumbool

18th July 1794

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The Counsel for the Prisoner then Offers an Affidavit and prays the Prisoner may be Sworn thereto -

The Court direct the Affidavit to be Sworn and Read -

At a General Quarter Sessions of Oyer and Terminer and Jail Delivery holding for the Town of Madraspatnam and the district thereof -

The Affidavit of Yacum Meer Zahn

Yacum Meer Zahn the abovenamed deponent maketh Oath and saith that Dadoo Imam Khan, Mahomed Rasak, and Lall Khan are very material Witnesses on behalf of this Deponent and without whose Testimony he will be totally unable to defend himself against the Crime with which he stands charged and this Deponent further says that the said Dadoo Imam Khan, Mahomed Rasak and Lall Khan are now in the Country and that he has used his utmost diligence to have them present at this Quarter Sessions but that by Reason of his close confinement and being a Stranger in this Place he has not been able to succeed - and this Deponent further says that he cannot with safety proceed to trial without the Testimony of the said Dadoo Imam Khan, Mahomed Rasak and Lall Khan and this Deponent further says that he has no other Object in his Endeavours to put off this Present Trial than to have the benefit of the Testimony of the said Dadoo Imam Khan, Mahomed Rasak and Lall Khan so that he may have that Justice which he conceives his Case to stand in need of

Called

19th July 1794

Clerk of the Peace ... How will you be Tried

Prisoners ... By God and our Country

Clerk of the Peace ... God send you a good deliverance

The following Gentlemen are then sworn on the Petit Jury the Prisoners being first Informed they might Object to any of them as they came to the Book to be sworn or before they were Sworn —

John Hunter Foreman
Robert Henderson
John King Lane
Edward Jones
William Purser
James Sutherland
David Young
Matthew Freeman
Charles Hely
Alexander Melvin
William Moore
and
John Card.

Clerk of the Peace ... Gentlemen of the Jury look upon the Prisoners and hearken unto their Cause. You shall know that they stand Indicted by the names of Morris Pemberton, Thomas Lock otherwise Joseph Lock and James Harrison, late of Fort Saint George within the Jurisdiction of this Court Soldiers (here the Indictment is read as in the arraignment) upon this Indictment they have been arraigned and thereunto have pleaded not Guilty and for their Trial have put themselves upon God and their Country which Country you are now charged therefore to enquire whether they are guilty of the Felony Larceny whereof they stand indicted or not Guilty and hear your Evidence —

Cooper

19th July 1794

Cooper Sworn on behalf of the Prosecution

Clerk of the Peace ... Relate what you know relative to the Robbery committed by the Prisoners at the Bar —

Answers ... about twenty days ago when I returned one morning to my Boutique a Portuguese man informed me that my Boutique was plundered I was Desired to open my Boutique and see what was lost, which I did and found that some Sugar, Coffee and Biscuits were — Stolen away and I also heard some Europeans had been apprehended some of the Boutique Merchants then came to the Fort with me and we went before the Justices when we were asked what things we had lost — I then declared that I had lost some Sugar Coffee and Biscuits — I then deposed to my information before the Justices and entered into a Recognizance to appear at the quarter Sessions —

Question ... do you Know the Prisoners at the Bar?

Answer ... no

Question ... what was the name of the Person who gave you the Information —

Answer ... I do not Know — He is the Landlord of the Boutique —

Antonio Joseph De Souza Sworn

Clerk of the Peace ... Relate what you know respecting the Robbery committed on the [illegible] of July last by the Prisoners at the Bar —

Answer ... Some Persons whom I understood to be Europeans came to Rob some Boutiques near my house which is near to the house of Mr John De Fries and were breaking the Padlocks and the Doors of the Boutiques — I was then in my own house I heard the noise for the Continuation of half an hour when they were breaking open the doors, and when a Guard of Sepoys came I opened my door and saw one Man which the Guard had taken, I took out a light and perceived him

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William Watson is again called in and the Witness desired to declare if that was the Person who was apprehended — he declares William Watson to be the Person

Question ... Were any things found upon William Watson? —

Answer ... Some Biscuits, Tobacco, some Coffee in a Jar some Sugar and some Sugar Candy —

Question ... Do you know whether the handkerchief now produced to you is the same in which the Sugar Candy Tobacco and Sugar were contained? —

Answer ... I do.

Question ... what did you do with the handkerchief and Articles you found upon William Watson? —

Answer ... William Watson was taken to the Guard and the things that were found upon him were also taken there with him next morning at six Oblock, William Watson with the Handkerchief and the Articles that were in it were taken before the Black Town Adjutant who Ordered me and the other Sepoys to Keep William Watson till Eight Oblock and to take care of the things the Black Town adjutant then Ordered the European with the Handkerchief and the Articles to be taken before the Justices and wait there until the Justices should come — the Justices after their arrival examined myself and others and took charge of the handkerchief and Articles —

The Grand Jury come into Court and return the Indictments —

The King
against
Christopher Hewetson — for an Assault with an Intent to Kill John Standiver Sherman —
Endorsed — a true Bill

The

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The King
against
Christopher Hewetson for an Assault with an Intent to Kill John James Durand
Endorsed a true Bill

The King
against
Donald Toomey — for Felony and Murder
Endorsed a true Bill

Paupeah Naick next Sworn

Clerk of the Peace ... Relate what you know concerning the Robbery whereof the Prisoner Stands Indicted? —

Answer ... About fifteen days ago when I was on Guard in the Black Town about one Oblock in the morning a Moorman came and gave information that a Boutique had been broke open and six Sepoys were Ordered by the Subadar to go and give Assistance, myself and five other Sepoys then left the Guard as directed and divided into two parties, the way I went I saw four Europeans, who ran away I with the other Sepoys pursued them one of the Europeans was apprehended the other three Escaped — upon the man that was apprehended was found some Articles tied up in a Handkerchief when the Handkerchief was opened Some Sugar Biscuits and Coffee was found in the Handkerchief and some Tobacco under his Shirt the European was then taken to the Guard with the Articles that had been found upon him —

Question ... Were the Articles that were found upon the European taken with him by the Guard before the Justices? —

Answer ... Yes

Question ... was the European Kept under Guard until he was taken before the Justices? —

Answer

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Answer — Yes

Question — were the Articles found upon the European Kept in charge of the Guard until they were delivered to the Justices?—

Answer — they were —

William Watson being again called into Court the Witness is desired to declare whether he William Watson is the Person who was apprehended by the Guard —

He declares in the Affirmative

William Watson is then called to be Sworn

The Counsel for the Prisoners objects to the Evidence of William Watson being received as a Kings Evidence as he has not been Indicted —

Objection over ruled

He is accordingly Sworn

Clerk of the Peace — Relate what you know relative to a Robbery committed by the Prisoners at the Bar on the first of July last?

Answer — I was in Company with the Prisoners at the Bar on the night of the Thirtieth of June, some Boutiques were broke open by the Prisoner Morris Pemberton — the two other Prisoners and myself were present — as near as I can recollect it was between twelve and one Oclock, we all proceeded from the Fort to the Black Town the Boutiques that were Broke open were Situated near Mr Popham's Some Sugar Candy Coffee Biscuits and Tobacco were taken out from the Godowns by the Prisoner Morris Pemberton a Guard of Sepoys came down upon us while we were at the Boutiques, I was apprehended the others made their Escape they took me to the Guard in Black Town They found upon me an Handkerchief with some articles in it —

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*(here the handkerchief and Articles are produced and shewn to the Witness who is desired to declare if they are the same that were found upon him when he was Apprehended —)

it (*) the Handkerchief and Articles produced I believe to be the same that were found upon me the Sepoys took those Articles with me to the Guard — about break of Day I was taken to the Black Town Adjutantand the Handkerchief and Articles in it were taken with me — about twelve Oblock in the forenoon as near as I can recollect, I was taken before the Justices — the Handkerchief and the Articles were I believe taken by the Guard to the Justices at the time I was taken before them —

Question — How did you get out of the Fort? —

Answer — we walked on the ridge of the wall on the north face of the Fort until we came to the Place where we slid down — that is the way we got out of the Fort —

Question — did the Prisoners at the Bar take any Property away with them at the time they made their Escape —

Answer — not that I know —

Question — which of the Prisoners at the Bar broke open the Boutiques —

Answer — Morris Pemberton

Question — whose Property is the Produced Handkerchief, and how did you come by it? —

Answer — The Handkerchief is the property of James Harrison who gave it to me — I gave it to Morris Pemberton who deposited the several Articles in it — and when the Prisoners ran away from the Sepoys he dropped it and I Picked it up —

Question by the Jury — what induced you to pick up the Handkerchief, being surprized by the Sepoys and the Prisoner Pemberton having dropped it?

Answer — to see what was in it —

Question

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Question by the Jury — When you went out of the Fort in Company with the Prisoner at the Bar was it the Intention of the Party to commit Robbery?—

Answer — It was agreed upon—

The Prisoners having no questions to put the Petit Jury retire to Consider on their Verdict a Bailiff having been first Sworn to Keep them and after a Short time a Verdict being proclaimed they come into Court and Answer unto their names —

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

Jury — Yes

Clerk of the Peace — who shall say for You—

Jury — Our Foreman

Clerk of the Peace — How say you Gentlemen are Morris Pemberton, Thomas Lock otherwise called Joseph Lock and James Harrison Guilty of the Grand Larceny whereof they stand Indicted or not Guilty—

Foreman — not Guilty

which being recorded

Clerk of the Peace — Gentlemen of the Jury hearken unto your Verdict as the Court hath recorded it— You say that Morris Pemberton Thomas Lock otherwise called Joseph Lock and James Harrison are not Guilty of the Grand Larceny whereof they stand Indicted and so you say all—

Jury — Yes

The Prisoners are thereupon Discharged by Proclamation —

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The Court then proceeds to the Trial of Christopher Hewitson

The Prisoner is thereupon arraigned on the Indictment for an Assault with an Intent to Kill John Standiver Sherman as follows—

Clerk of the Peace — You stand Indicted by the name of Christopher Hewitson, late of Madraspatnam, a Lieutenant in the Service of the united Company of Merchants of England trading to the East Indies under their Presidency of Fort Saint George for that you on the Third day of July in the Thirty fourth Year of the Reign of our Sovereign Lord George the Third now King of Great Britain France and Ireland defender of the Faith and soforth with force and arms at Madraspatnam aforesaid within the Jurisdiction of this Court, with a Certain — dagger or Bayonet which you the said Christopher Hewitson in your Right hand then and there had and held, in and upon one John Standiver Sherman in the Peace of God and our said Lord the King then and there being did make an Assault with an Intent him the said John Standiver Sherman then and there feloniously wilfully and of your Malice aforethought to Kill and Murder, and other wrongs to the said John Standiver Sherman then and there did to the great damage of the said John Standiver Sherman and against the Peace of our said Lord the King his Crown and Dignity—

And you further stand Indicted by the name of Christopher Hewitson, for that you on the said third day of July in the thirty fourth Year of the Reign of our Sovereign Lord George the Third now King of Great Britain, France and Ireland

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Ireland defender of the Faith and so forth with force and arms at Madraspatnam aforesaid within the Jurisdiction aforesaid in and upon the said John Standeven Sherman in the Peace of God and our said Lord the King then and there being did make an Assault and him the said John Standeven Sherman then and there did beat wound and ill treat so that his life was Greatly despaired of and other wrongs to the said John Standeven Sherman then and there did to the great damage of the said John Standeven Sherman and against the Peace of our said Lord the King his Crown and Dignity —

Clerk of the Peace — How say you Christopher Hewitson are you Guilty of the Assault with an Intent to Kill John Standeven Sherman 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 Prisoner is further Arraigned on an Indictment with an Intent to Kill John James Durand as follows

Clerk of the Peace — You Stand Indicted by the name of Christopher Hewitson late of Madraspatnam a Lieutenant in the service of the United Company of Merchants of England trading to the East Indies under their Presidency of Fort Saint George for that you on the third day of July in the thirty fourth Year of the Reign of our Sovereign Lord George the third now King of Great Britain France and Ireland defender of the faith and so forth with force and Arms at Madraspatnam aforesaid within the

the

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Jurisdiction of this Court with a Certain Dagger or Bayonet which you the said Christopher Hewitson in your Right hand then and there had and held in and upon one John James Durand in the Peace of God and our said Lord the King then and there being did make an Assault with an intent him the said John James Durand then and there feloniously wilfully and of your Malice aforethought to Kill and murder and other wrongs to the said John James Durand then and there did to the great Damage of the said John James Durand and against the Peace of our said Lord the King his Crown and Dignity —

And you further stand Indicted by the name of Christopher Hewetson for that you on the said Third day of July in the thirty fourth year of the Reign of our Sovereign Lord George the third now King of Great Britain France and Ireland defender of the Faith and so forth with force and Arms at Madraspatnam aforesaid within the Jurisdiction aforesaid in and upon the said John James Durand in the Peace of God and our said Lord the King then and there being did make an Assault and him the said John James Durand then and there did beat wound and ill treat so that his life was greatly despaired of and other wrongs to the said John James Durand then and there did to the great Damage of the said John James Durand and against the Peace of our said Lord the King his Crown and Dignity —

Clerk of the Peace — How say you Christopher Hewetson are you Guilty of the Assault with an Intent to Kill John James Durand or not Guilty —

Prisoner

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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 Prisoner desires to be tried first on the Indictment for the Assault on John James Durand — Granted —

The following Gentlemen are then Sworn on the Petit Jury the Prisoner being first Informed he might Object to any of them as they came to the Book to be Sworn and before they were Sworn —

John Hunter Foreman
Robert Henderson
John King Sen.
Edward Jones
William Purser
James Sutherland
David Young
Mathew Freeman
Charles Hely
Alexander Melvin
William Moore
John Card and

Clerk of the Peace — Gentlemen of the Jury look upon the Prisoner and hearken unto his Cause you shall Know that he stands Indicted by the name of Christopher Hewitson, late of Madraspatnam a Lieutenant in the service of the united Company of Merchants of England trading to the East Indies under their Presidency of Fort Saint George / here the Indictment is read as in the arraignment / upon this Indictment he hath been arraigned and thereunto hath pleaded not Guilty and for his Trial hath put himself upon

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upon God and his Country which Country you are your charge is therefore to enquire whether he is guilty of the Assault with an Intent to kill John James Durand or not Guilty and hear your Evidence —

John James Durand Sworn

Clerk of the Peace — Relate what you know Concerning the Assault with an Intent to kill you John James Durand whereof the Prisoner stands Indicted ? —

Answer — On the third of July about Eleven Oclock at night I was at Mr Sherman's Tavern, on some Particular Business with a Gentleman — I sat in the Billiard Room together with a Person by the name of Yeomans, for about an hour I took my leave of Mr Yeomans saying I was going home when I was going across Mr Sherman's Hall, where the Family of Mr Sherman, the Prisoner at the Bar and some other Persons (I cannot perfectly recollect whom) then were; Mr and Mrs Sherman desired me to sit down, which I accordingly did, about two Yards distant from the Table I stood a short time and then got up to take my leave — I looked at another Gentlemans Watch and just at that time heard some Quarrelsome Language pass between Mr Yeomans and the Prisoner, at the Bar, I had refused to eat and drink any thing at the Table on account of indisposition; I therefore could not be otherwise than Sober — on hearing the Noise I looked to Observe from whence it proceeded when I heard the Prisoner abusing Mr Yeomans very much, the Prisoner then went away; and shortly after the Prisoner returned and apologized to Mrs Sherman for the Circumstances that had happened and then went

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went away again - In about two Minutes after I was told by an Orderly Boy of the Prisoners that his Master wanted to speak to me without I desired the Boy to tell his Master that I had no Business with him and if he had any thing to communicate to me that I was here (meaning at Mr Shermans) the Prisoner then reentered the Room and was approaching strait on to me in a Hostile manner with a Dagger drawn when Mr Sherman and some others interposed I cannot positively recollect who the other Persons were, they not being of my acquaintance - the Prisoner being offended abused me in the Grosest Language - in the struggle he attempted as much as he could to reach and Strike me with the dagger he had in his hand when the Prisoner perceived he could not effect a Blow; he endeavoured to Kick me, and effectually did so spreading his Right Thigh round the person who held him on receiving the Kick I retreated a little to the other side and gave the Prisoner a Blow on the side of the head with my walking Cane at this time the Persons who had interfered forced the Prisoner out of the house and the Prisoner their incident made another violent attempt to force his way to me, but found the same difficulty as before, I then saw Mr Sherman walking about the Room complaining he was wounded on seeing Mr Sherman in this situation and the way clear between me and the Prisoner I attended solely to my own Defence in consequence of which the Prisoner fell down attempting to give me a Blow - I received the Blow with the dagger on the outside of the left Thigh I call it a Dagger because I heard others at the moment call it so it was an Instrument about sixteen Inches in Length

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I retired by the Back Stairs and went into a Back Room to wash my wounds I afterwards returned home ——

Question by the Jury . . . was the Blow which you Received with the point of the dagger or otherwise? —

Answer . . . with the Point

Question . . . of what length and depth was the wound? —

Answer . . . an Inch in depth and half an Inch in length -

Question . . . Had you ever a Quarrel with the Prisoner before that night? —

Answer . . . never I was on the Contrary always on good terms with him -

Question by the Court . . was the Prisoner at all intoxicated at the time? —

Answer . . . He was -

Question . . . with what intent do you imagine the Prisoner attacked you

Answer . . . I cannot Imagine what reason he had to do so - I suppose it must have been with an Intent to Kill me -

Question . . . at the time you received the wound was the Prisoner in the act of falling

Answer . . . He was, that is the Reason, I received the Blow so Low -

Question by the Jury . . . Did you retire Immediately after having received the wound or did you strike the Prisoner -

Answer . . . I struck the Prisoner with my Cane, intending thereby to disable him from any further attack upon me -

Question . . . was it in defending yourself that you struck the Prisoner or was it after he fell -

Answer . . . I fought with the Prisoner to save my Life from a mortal Blow he intended to give me much more encouraged to do so, by the situation in which I saw Mr Sherman in -

Cross

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Cross Examined by Mr Samuel Augustus Humphries and Mr James Stuart Wall of Counsel for the Prisoner —

Question — do you Know the Prisoner? —

Answer — I Know the Prisoner

Question — how long have you Known the Prisoner? —

Answer — above a Year —

Question — was you never in Company with the Prisoner before that night? —

Answer — never —

Question — what is to be understood by your saying you have Known the Prisoner upwards of a Year? —

Answer — The Prisoner lately returned from Europe, and brought some verbal news from a Son of mine in England from which Circumstance common Civilities have passed between us — but no further acquaintance

Question — were not the Common Civilities Repeated between you and the Prisoner on the night of the third July, when you met at Mr Sherman's? —

Answer — No

Question — why were not the Common Civilities that were always passed between you and the Prisoner, Repeated on that night

Answer — on account of the Situation he was in —

Question — do you mean by that, to say the Prisoner was intoxicated? —

Answer — I do —

Question — was the Prisoner so drunk as to be unable to speak to you or did you decline any intercourse with the Prisoner because he was drunk? —

Answer — The Prisoner was able to speak to me — the Situation of the Prisoner was partly the reason I had no intercourse with him, and he was at a Considerable distance from me ——

Question

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Question — did you not consider yourself as one of the Party by acceding to the Request of Mrs Sherman to sit down at the Table with them —

Answer — I did not Consider myself as one of the Party for I had refused to eat or drink with them and had seated myself at two Yards distance from the Table —

Question — when you Received the Message from the Orderly Boy to come out to the Prisoner, had any altercation taken place between you and the Prisoner? —

Answer — none —

Question — You considered yourself then on the same terms as you had been before? —

Answer — Certainly

Question — when the Prisoner came into the house with his Dagger drawn and approaching you in a Hostile manner, did he make use of any language by which you could understand why he did so? —

Answer — no

Question — do you know a person by the name of Dutton? —

Answer — I do

Question — was he one of the Company on the Evening of the third of July —

Answer — He was in the house, but I cannot say that he was one of the Party —

Question — was not Mr Dutton in the Room at the time the affray happened and did he not interpose, between the Persons Quarrelling —

Answer — he was in the Room and did his utmost to prevent any accident happening —

Question — at the time of Mr Duttons interference did you make use of any bad Language towards the Prisoner? —

Answer

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Answer — I told the Prisoner, I thought he had been more of a Gentleman than he then appeared to be —

Question — Is that the only Provocation you made use of towards the Prisoner —

Answer — Yes — if that can be called Provoking —

Question — do you recollect whether Mr. Dutton did not take the Prisoner by the Arm and lead him to the door —

Answer — Mr. Dutton and others pushed him towards the Door —

Question — had the Prisoner struck any one with his Dagger at this time —

Answer — no

Question — at the time Mr. Dutton and others were pushing the Prisoner towards the Door did you not follow and strike the Prisoner once or oftener with your Stick —

Answer — no

Question — did you never strike the Prisoner before he had kicked you

Answer — never

Question — did you employ a Surgeon to dress the wounds the Prisoner had given you —

Answer — I did not — I washed it with Brandy myself the wound bled all night —

The Witness then retires and

Ashmead Bruen is next Sworn —

Clerk of the Peace — Relate what you know relative to an affray that happened on the night of the third July last between John James Durand and the Prisoner at the Bar —

Answer — I was sitting at supper at the house of Mr. Sherman a Tavern Keeper in Black Town the Company present were Mr. and Mrs. Sherman, Mr. Yeomans, Mr. Dutton Mr. Durand and the Prisoner. In consequence of an Invitation of Mr. Yeomans to the Prisoner, that he had Kept Company with bad

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The Prisoner left the Room, a short time afterwards he came to the door and called out Mr. Durand — Mr. Durand replied "for what if you want me I am here" Mrs. Sherman and Mr. Dutton then got up and endeavoured to persuade the Prisoner to leave the house which they could not effect he afterwards came into the house again and abused Mr. Durand — Mr. Durand then got up from his Chair and stood upon his Defence with a Stick in his hand. Mr. Dutton and a Mr. Brown who were then in the house, laid hold of the Prisoner endeavoring to restrain him from rushing on to Mr. Durand the Prisoner disengaged himself a little from them and kicked Mr. Durand — Mr. Durand then gave the Prisoner three or four hearty Strokes across the Shoulders with his Cane and then ran backwards — the parties were afterwards dispersed —

Question — Did you not see the Prisoner with a Drawn Dagger in his hand

Answer — I did

Question — did he Strike Mr. Durand with his Dagger or did he make any attempt to do so? —

Answer — He rushed forward with the Dagger in his hand but I did not see him make any Blow with it? —

Question — was the Prisoner intoxicated at the time —

Answer — to the best of my knowledge he was —

Question — was the dagger drawn before the Prisoner received the Blows from Mr. Durand or afterwards? —

Answer — I did not see that it was Drawn before —

Question — did you hear that Mr. Durand made use of any abusive Language to the Prisoner

Answer — I did not

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no Questions being put to the Witness he Retires

and

William Dutton is next Sworn

Clerk of the Peace . . Relate what you know relative to an Affray that happened on the night of the third July last between John James Durand and the Prisoner at the Bar —

Answer - - - - - On the third July between nine and ten at night, sitting by a Table near the Prisoner and Mr Yeomans and Mr Durand, Mr Bruen, and some others whose name I do not Know - some Altercation took place between Mr Yeomans and the Prisoner - the Prisoner made use of some abrupt Language to Mr Yeomans, I was apprehensive some disputes might arise - I rose from my Chair took the Prisoner by the Arm, and conducted him out of the house some time after the Prisoner returned and addressed himself to Mr Durand telling him that if he Mr Durand had said any thing disrespectful of the Prisoner that he the Prisoner would take notice of it - I then got up again took the Prisoner by the arm and conducted him towards the door, Mr Durand then follow him and gave him a very severe Blow across the Shoulders or back with a Stick or cane he had in his hand — The Prisoner then being enraged determined to have Satisfaction for the insult he had received fearing evil Consequences might arise I attempted to prevent the Prisoner from draw-ing his Bayonet or dagger, but could not succeed Mr Sherman the Tavern Keeper was then coming up to persuade the Prisoner to quit his house the Prisoner then attempting to pursue Mr Durand and Mr Sherman then interfering

Received

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Received a wound in his side —

I believe some angry words passed between the Prisoner and Mr Durand but I cannot recollect what they were — I afterwards saw Mr Durand parrying off the Prisoner some time after I heard several Blows which I suppose to be struck by Mr Durand on the Prisoner but did not see them Struck —

Question . . . did you not turn round to see what Blows were passing and between whom —

Answer . . . I did not

Question . . . why did you not

Answer . . . My attention was otherways taken up by the Cries of Mrs Sherman in consequence of Mr Sherman having received a wound — Mr Durand immediately retired into his room —

Question by the Jury . . . at the time Mr Durand was parrying off the Prisoner had the Prisoner any thing in his hand —

Answer . . He had his dagger or Crease drawn

Question . . . If any kick had passed were you so situated that you must have observed it —

Answer . . . I rather think, not —

Question by the Jury . . . did Mr Durand Strike the Prisoner over the Shoulders before the Prisoner had made any Assault upon him Mr Durand or after ?

Answer . . . . Before —

Question . . . when you returned to the room after having led the Prisoner out of it the first time did you hear Mr Durand make use of any bad Language towards the Prisoner or concerning him —

Answer . . none

Question . . . had the Prisoner drawn his Dagger before Mr Durand had struck him, or after

Answer

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no Questions being put to the Witness he Retires

and

William Dutton is next Sworn

Clerk of the Peace . . Relate what you know relative to an Affray that happened on the night of the third July last between John James Durand and the Prisoner at the Bar —

Answer - - - - - On the third July between nine and ten at night, sitting by a Table near the Prisoner and Mr Yeomans and Mr Durand, Mr Brien, and some others whose name I do not know - some Altercation took place between Mr Yeomans and the Prisoner - the Prisoner made use of some abrupt Language to Mr Yeomans, I was apprehensive some dispute might arise - I rose from my Chair took the Prisoner by the Arm, and conducted him out of the house some time after the Prisoner returned and addressed himself to Mr Durand telling him that if he Mr Durand had said any thing disrespectful of the Prisoner that he the Prisoner would take notice of it - I then got up again took the Prisoner by the arm and conducted him towards the door, Mr Durand then follo him and gave him a very severe Blow across the shoulde or back with a Stick or cane he had in his hand — The Prisoner then being enraged determined to have Satisfaction for the insult he had received fearing evil Consequences might arise I attempted to prevent the Prisoner from draw -ing his Bayonet or dagger, but could not succeed Mr Sherman the Tavern Keeper was then coming up to persuade the Prisoner to quit his house the Prisoner then attempting to pursue Mr Durand and Mr Sherman then interfering

Received

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received a wound in his side —

I believe some angry words passed between the Prisoner and Mr Durand but I cannot recollect what they were — I afterwards saw Mr Durand parrying off the Prisoner some time after I heard several Blows which I suppose to be struck by Mr Durand on the Prisoner but did not see them struck —

Question . . . did you not turn round to see what Blows were passing and between whom —

Answer . . . I did not

Question . . . why did you not

Answer . . . My attention was otherways taken up by the Cries of Mrs Sherman in consequence of Mr Sherman having received a wound — Mr Durand immediately retired into his room —

Question by the Jury . . . at the time Mr Durand was parrying off the Prisoner had the Prisoner any thing in his hand —

Answer . . He had his dagger or Grease drawn

Question . . . If any Kick had passed were you so situated that you must have observed it —

Answer . . . I rather think not

Question by the Jury . . . did Mr Durand strike the Prisoner over the Shoulders before the Prisoner had made any Assault upon him Mr Durand or after ?

Answer . . . . Before —

Question . . . . when you returned to the room after having led the Prisoner out of it the first time did you hear Mr Durand make use of any bad Language towards the Prisoner or concerning him —

Answer . . . none

Question . . . had the Prisoner drawn his Dagger before Mr Durand had struck him, or after

Answer

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Answer ... After

Question ... Did Mr Durand interfer in the quarrel between the Prisoner and Mr Yeomans?—

Answer ... no Cross Examined by the Counsel for the Prisoner—

Question ... was you in the Room during the whole of the Affray—

Answer ... I was in the Room till the time Mr Sherman received his wound and then went to the door—

Question ... after the return of the Prisoner into the Room and when did he address himself to Mr Durand whether he did not do so under the impression that Mr Durand had been abusing him in his Absence?—

Answer ... I believe he did

Question ... was you sober at that time?—

Answer ... I was—

Question ... Are you certain that Mr Durand struck the Prisoner before the Prisoner made any Attempt to draw his Dagger—

Answer ... I am—

The Witness retires

William Jansen Yeomans is next Sworn

On the third July I was at the house of Mr Sherman the Tavern Keeper in Black Town, at his Billiard Table, returning from the Billiard Table through the Hall I saw the Prisoner sitting at the Table being an acquaintance of his I sat down by him I eat my supper with him and in drinking a Glass of Wine I took the liberty to say to him "my good fellow you are a good young man do not keep bad Company"— he arose instantly and abused me grossly I begged of him as a Friend to go home— I thought he had gone home, after he had gone out— Mr Durand observed that the Prisoners situation was a sufficient Apology as he was much in Liquor a

little Orderly Boy came in from the Prisoner wishing to speak to Mr Durand— Mr Durand got up and said he would speak to the Prisoner in the Hall— the Prisoner then Rushed into the Hall calling Mr Durand bad names and amongst other abusive terms, Scoundrel— Mr Sherman got up with the Gentlemen and begged of the Prisoner to go away— in the Scuffle the Prisoner lifted his foot and attempted to kick Mr Durand whether he did or not I do not know Mr Durand then struck the Prisoner with his Cane a Scuffle ensued at the door and I saw no more—

Question ... How near was the Prisoner to Mr Durand when he attempted to kick Mr Durand—

Answer ... I cannot Exactly say— there were four or five People Scuffling together—

All the Witnesses on the part of the Prosecution having been Examined and the Prisoner having none to produce— The Petit Jury Retire to Consider on their verdict a Bailiff having been first sworn to keep them and after a short time a Verdict being proclaimed they come into Court and Answer unto their names—

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

Jury ... Yes

Clerk of the Peace ... who shall say for you

Jury ... Our Foreman—

Clerk of the Peace ... How say you Gentlemen is Christopher Houston Guilty of the Assault with an intent to kill John James Durand or not Guilty—

Foreman— Guilty of the Assault— but not with Intent to Kill which being Recorded

Clerk

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Clerk of the Peace — Gentlemen of the Jury hearken unto your Verdict as the Court hath recorded it, you say that Christopher Hewetson is Guilty of the assault but not with intent to kill and so you say all —

Jury ..... Yes —

John Standevier Sherman the Principal Evidence not being able to attend on account of Indisposition the Trial of the Prisoner for an Assault with Intent to Kill John Standevier Sherman, is deferred until Monday the twenty first Instant —

The Counsel for the Prisoner Pray that the Prisoner may be allowed to give Bail for his Appearance on Monday —

The Court having taken the Circumstances into Consideration is pleased to grant the prayer —

The Prisoner is then bound himself in the sum of two hundred Pounds - and Thomas Ledsham and William Dutton for him in the sum of one hundred Pounds each on Condition that he appear on Monday the twenty first Instant at ten Oblock in the forenoon, and that he do not depart the Court until discharged by due course of Law —

The Prisoner is then delivered into the Custody of his Bail

The Court is then adjourned until Monday the twenty first Instant at ten Oblock in the Forenoon for continuing the present Sessions —

B. Stelhains
Clerk of the Peace —

Twenty

25th July 1794

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* Absent Sir Charles Oakley Baronet President or Governor of Fort Saint George

Theodore Corbett Esquire one of the Justices of the Peace

Twenty first July One Thousand seven hundred and ninety four *

The Court being duly opened

Christopher Hewitson is again put to the Bar to take his Trial on the Indictment for an Assault with Intent to kill John Standevier Sherman on which he was before arraigned

The following Gentlemen are then Sworn on the Petit Jury — the Prisoner being first Informed of his right to object to any of them as they came to the Book to be Sworn and before they are Sworn —

Peter Massey Cazen Foreman
William John Chater
Erskine Nimmo
John Hunter
John King Lane
Edward Jones
David Young
William Purser
John Stephens
Charles Raby
Alexander Melvin
and
William Moore

Clerk of the Peace .... Gentlemen of the Jury look upon the Prisoner and hearken unto his Cause - you shall know that he stands Indicted by the name of Christopher Hewitson late of Madraspatam a Lieutenant in the service of the united Company of Merchants of England trading to the East Indies under their Presidency of Fort Saint George (here the Indictment is read as in the Arraignment) upon this Indictment he hath been arraigned,

and

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and thereunto hath pleaded not Guilty and for his Trial hath put himself upon God and his Country which Country you are your charge is therefore to enquire whether he is guilty of the Assault with an Intent to Kill John Standiver Sherman whom he stands indicted & not Guilty — and hear your Evidence —

John Standiver Sherman

Sworn to give Evidence in the Part of the Prosecution —

Clerk of the Peace — Relate what you know concerning the Assault with an Intent to Kill you John Standiver Sherman whereof the Prisonr stands Indicted —

Answer . . . . The day on which Mr Justice Livoin took my Information I did not know the nature of the Deposition I was going to give in, the Prisonr having a day or two before that called upon me and solemnly declared that he had never had any intent to hurt me, nor do I believe he had, on this account I sincerely forgave him - when I gave in the deposition. I thought it tended to what Mr Durand might have Complained of as calling me as a Witness on his account —

The Witness being asked by the Court whether by what he has now declared he meant to decline giving an Evidence against the Prisonr, he declares that it never was his intention to have prosecuted the Prisonr at the Bar —

Clerk of the Peace . . Relate to the Court what you know of the Affray that happened —

Answer . . . . On the third of July last between the hours of ten and twelve at night after the Prisonr was gone out of the door of my house in Black Town I saw a Weapon in his hand I cannot positively say if it was drawn or not - but from the appearance from the light that was about the Prisoner's head

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head I believe the weapon was Drawn I stepped to the door thinking it was wrong and said for Gods sake dont draw on a naked man —

as being the Keeper of the house I thought it a duty incumbent on me to prevent any irregularities therefore could not allow the Prisonr to come into the door again - Mr Button apparently had hold of the Prisonr by the left Arm begging of him to go home; I still kept the door to prevent him from coming in Mr Durand was behind me towards the right side the Prisonr was still resisting to get in, passed me and of a sudden made a rush as I believe to pass me to Mr Durand, I then fell I was wounded in the side I instantly clapped my hand to my side with my handkerchief in it and run back to the Bar, took the handkerchief from my side and saw a spot of Blood - I returned back to the door where the Prisonr was - and desired the Gentlemen present to take him Prisonr for that he had wounded me, I was requested to go into a side Room, sat down on a Chair unbuttoned my waistcoat and pulled up my shirt to shew the wounds, Doctor Lyons who was then present looked at the wound and called for a bit of lint, and applied it to my side and ordered me to go to Bed —

The Court or Jury not hearing any — Questions to put the Counsel for the Prisonr proceeds to Cross Examine the Witness —

Question . . . . Had any Quarrel taken place between you and the Prisonr during the evening of the third of July and particularly at the time when you received the wound —

Answer

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Answer — — — that any on my Part nor Do I believe that the Prisoner was any way angry with me —

Question — do you not Consider that the Blow was merely accidental and that there was no Malice in the Prisoner towards you —

Answer — From the Prisoner apparent intoxication, I believe it to be accidental I do not on any account think he had any intent upon me —

Question — was the present Prosecution commenced at your Instance and with your Knowledge —

Answer — It is true I gave in my Deposition, but I thought it tended to the Complaint of Mr Durand as calling me forward as Witness — as I had not through any channel made any Complaint myself —

The Prisoner having no Witnesses to call upon — a Bailiff is then sworn to keep the Jury —

But the Jury not retiring the Clerk of the Peace called the Jury who severally answered to their names which being done the Clerk of the Peace asked whether they were all agreed upon their Verdict —

Jury — Yes, we are all agreed

Clerk of the Peace — who shall speak for you

Jury — Our Foreman

Clerk of the Peace — Gentlemen of the Jury how say you is the Prisoner Guilty of the assault with an Intent to kill John Standevir Sherman where he stands Indicted or not Guilty —

Foreman — not Guilty which being Recorded

Clerk of the Peace — Gentlemen of the Jury hearken unto your Verdict as the Court hath recorded it you say that the Prisoner is not Guilty of the assault with an Intent to kill John Standevir Sherman whereof he stands indicted and so you say all —

Jury — Yes —

Mootee

21st July 1794

Mootee Sam Jung is again put to the Bar to take his trial upon the Indictment for Felony and Murder whereupon he was before arraigned.

Mr James Stuart Hall of Counsel for the Prisoner Mootee Sam Jung, prays the Court that the trial may be postponed until the last day of the present Sessions.

The Court directs that the trial of the Prisoner Mootee Sam Jung be postponed until the twenty-third Instant at nine O'Clock in the Forenoon.

The Court then proceeds to the Trial of Donald Toomy for Felony and Murder

The Prisoner Donald Toomy is then put to the Bar and arraigned as follows

Clerk of the Peace — Donald Toomy hold up your right hand;

You stand indicted by the name of Donald Toomy late of Dindigul within the Jurisdiction of this Court, a private Soldier in his Majesty's Seventy first Regiment of foot, for that you not having the fear of God before your Eyes, but being moved and seduced by the Instigation of the Devil, on the twenty-first day of April in the thirty-fourth Year of the Reign of our Sovereign Lord George the third, now King of great Britain, France and Ireland, Defender of the Faith and so forth, with Force and Arms at Dindigul aforesaid within the Jurisdiction aforesaid, in and upon one Donald Ross, a Serjeant in the said Seventy first Regiment of Foot, in the peace of God and our said Lord the King, then and there being, feloniously, wilfully & of your malice aforethought did make an Assault, and that you the said Donald Toomy, a certain Musket or Gun of the Value of Ten Shillings, then and there charged with Gunpowder and one leaden Bullet, etc Musket or Gun you the said Donald Toomy in both your hands the

and

72 — and there had and held to against and upon the said Donald Ross
then and there feloniously wilfully and of your malice aforethought
did shoot and discharge: and that you the said Donald Toomy with
the leaden Bullet aforesaid out of the Musket or Gun aforesaid then a
there by the force of the Gunpowder shot and sent forth as aforesaid the
aforesaid Donald Ross in and upon the Side of him the said Donald
Ross then and there with the leaden Bullet aforesaid out of the Musket
or Gun aforesaid by you the said Donald Toomy so as aforesaid shot
discharged and sent forth feloniously wilfully and of your malice
aforethought did strike penetrate and wound; giving to the said
Donald Ross then and there with the leaden Bullet aforesaid so as
aforesaid shot discharged and sent forth out the Gun aforesaid by
you the said Donald Toomy in and upon the Side of him the said Donald
Ross one mortal wound of the depth of twelve Inches and of the
breadth of one Inch; of which said mortal wound the aforesaid
Donald Ross then and there instantly died; — and so you the said
Donald Toomy the said Donald Ross in manner and form
aforesaid feloniously wilfully and of your malice aforethought
did kill and murder against the Peace of our said Lord the King
his Crown and Dignity. —

Clerk of the Peace — How say you Donald Toomy are you guilty of the Felony and
Murder whereof you stand indicted or not guilty? —

Mr. James Stuart Hall of Counsel for
the Prisoner prays the Court on behalf of the Prison-
er that a Jury may be impanelled to inquire
into the State of the Prisoner's mind at the time the
Murder

Murder in question is said to have been committed.

The Court direct that the Counsel for the
the Prisoner will state if the Prisoner be at present insane —

The Counsel for the Prisoner declaring the Pris-
soner to be presently insane — the Court direct that a Jury
be sworn for the purpose of enquiring into the state of the Prisoner's
mind, and that the following Oath be administered to each
of them.

"You shall well and truly try, whether Donald
"Toomy, the Prisoner at the Bar, be, or be not, of sane mind,
"memory, and understanding. —

So help you God.

The following Gentlemen are then sworn
Peter Massey Esqr Foreman
William John Chater
Erskine Nimmo
John Hunter
John King Lane
Edward Jones
David Young
William Purser
John Stephens
Charles Hely
Alexander Melvin, and
William Moore.

The following Oath is then administered to Richard Garrett
"The Evidence which you shall give to the Jury
"sworn to enquire as to the state of mind of the Prisoner at the Bar
"shall be the truth, the whole truth, and nothing but the truth;
"So help you God."

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Question — Declare to the Court, if you have any, and what reason to believe that the Prisoner at the Bar is, or is not at present of sound Mind, Memory, and Understanding.

Answer — I am no Judge; — but since I have known the Prisoner, I have never had any reason to believe that he was out of his mind; I have had no conversation with him except on matters of Duty.

Question — Have you had charge of the Prisoner on his way from Dindigul to Fort Saint George?

Answer — I had no charge of him; — but came down with the Guard under whose charge he was?

Question — What was the nature of his behaviour on the Road, at such times as you saw him?

Answer — He behaved extremely well on the Road.

Question — Did the Prisoner shew any symptoms of madness? —

Answer — Not in the least.

Question — Who was in command of the Guard under which the Prisoner was brought?

Answer — Corporal Macmillan; who is gone back to Dindigull.

Question — Are any of the Guard here now?

Answer — None; — they are all returned.

Question — When was the last time you saw and spoke to the Prisoner previous to his being brought to the Bar this day?

Answer — The last time I saw him was on the fifteenth Instant, and the last time I spoke to him was about one month ago, when I was giving him his Pay; he seemed then to be perfectly in his Senses, and very well contented with what I gave him.

The same Oath as was administered to the last witness is next administered to William Hogg the Goaler of the Felons Goal of Madraspatnam.

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Question — How long is it since the Prisoner was committed to your Custody?

Answer — On the fifteenth Instant.

Question — Of what nature has his Behaviour been since under your charge? and have you seen any symptoms of madness in the Prisoner

Answer — His behaviour has been very quiet; — I have not seen any symptoms of Madness, not having seen much of him since he has been in Goal, being obliged to attend the Sessions.

Question — Have any, and what Persons visited the Prisoner since his confinement in Goal?

Answer — None.

Question — Did you attend the Prisoner from the Goal to-day? — and did you perceive any symptoms of Insanity?

Answer — I Did attend the Prisoner; — and did not perceive any symptoms of Insanity.

Henry Farrell is next sworn according to the Oath prescribed for the occasion.

Question — Did you come down with the Prisoner from Dindigull?

Answer — Yes, I did; — and arrived here the fifteenth.

Question — Did you observe the conduct of the Prisoner on his way down?

Answer — I only saw him once or twice a day, I having been brought down in a dooly.

Question — At those times that you did see him, what was the Nature of his Behaviour?

Answer — I saw him behave himself under the Guard as another Prisoner would do.

Question — Did you speak with the Prisoner?

Answer — No, I did not; — but I have heard him speak with others, and his Conversation was sensible. —

Doctor

Wednesday July Twenty third

One thousand Seven hundred and Ninety four.

(Absent Sir Charles Oakeley, Baronet, President in Council and Governor of Fort Saint George, and Theodore Corbett, Esquire one of the Justices of the Peace)

The Court being duly opened, proceeds to the trial of Mootee Sam Jung, who is again put to the Bar.

The following persons are then sworn on the Petit Jury the Prisoner being first informed of his right to object to any of the Jurors, as they come to be sworn and before they are sworn.

James Sutherland, Sworn
Daniel Read ——— Sworn
James Waddle ——— Sworn
James Brown ——— Sworn
Erskine Nimmo ——— Sworn
Edward Jones ——— Sworn

The Prisoner requests to have half the Jury of his own Cast.

Ordered accordingly

The native Jury Men are then called.

Saulmeyah Meeraly Saib ——— Sworn.
Careemoo Saib ——— Challenged.
Anjullaby Maistrey ——— Challenged.
Jaunjeena Maistry ——— Challenged.
Mordeen Maistrey ——— Challenged.
Ayaut Caun Maistry ——— Challenged.
Ismaloo deen Saib ——— Sworn
Rahemaun Saib ——— Sworn
Hoosein Saib ——— Sworn
Ismaul Lubby Maistrey ——— Sworn
Packen Saib ——— Sworn

Clerk of the Peace — Gentlemen of the Jury, look upon the Prisoner and hearken unto his cause; — You shall know, that he stands indicted, by the name of Mootee Sam Jung, late of Purshewauk in the vicinity of Madraspatnam

within the Jurisdiction of this Court (here the Indictment is read as in the Arraignment, and explained to the native Jurymen by Shunmogaroy, the sworn Interpreter to the Justices) upon this Indictment, he hath been arraigned, and thereunto hath pleaded, Not Guilty, and for his trial hath put himself upon God and his Country, which Country you are; your Charge is therefore to enquire whether he is Guilty of the Felony and Murder whereof he stands indicted, or Not Guilty; — if you find him Guilty, you shall enquire what Goods and Chattels, Lands and Tenements, he had at the Time of committing this Felony and Murder, or at any Time since; — if you do find him Not Guilty, you shall enquire if he fled for the same; — if you do find that he fled for the same, you shall enquire what Goods and Chattels, as if you had found him Guilty; — if you find him Not Guilty, and that he did not flee for the same, You shall say so, and no more — And hear the Evidence.

The above Charge having been also explained to the native Jury by Shunmogarry the sworn Interpreter to the Justices,

Mr. John Wilkinson on the part of the Crown opens the Prosecution.

Mr. Richard Ashton, is then sworn to act as Interpreter of the Moorish Language during the present trial.

Johayer a Native Boy of the Mussulman Religion sworn.

The Evidence objected to by the Counsel for the Prisoner, He, Johayer, being a Slave

Objection over ruled. —

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Answer — About Seven in the Morning.

Question — How far was the day advanced?

Answer — It was about Seven O'Clock in the Morning.

Question — What time of the day was it that Mukbool died?

Answer — About Noon-day.

Question by the native Jury — What was Mukbool; — was he a Servant, or a Slave?

Answer — A Servant.

Question — What Monthly-wages did he receive?

Answer — None.

Question — Then how could he be a Servant?

Answer — He gave him something daily; — about four or five Annas.

Question — How do you know that Mukbool was five Years in the service of the Prisoner?

Answer — I was with my Father, who was in the Prisoner's Service; — I have known the deceased to have been in his Sewice, five Years — for I have been that length of time in the Prisoner's Service also.

Question — When Mukbool came into the Prisoner's Service, where was you then?

Answer — At Peddapour.

Question — Was you a Servant of the Prisoner at the time Mukbool came into his Service?

Answer — I was not; — I was only with my Father.

Mr. James Stuart Hall,
Counsel for the Prisoner,
then proceeds to cross-examine the Witness.

Question — At what place did Mukbool die?

Answer — I know the place by the name of Sullah.

Question — Are there, or not, Brick-kills there?

Answer — I do not know.

Question — How far is the place where Mukbool died, from the Spot where the Violences were said to be committed?

Answer — A small distance off.

Question — When the Violences were said to be committed, was it in a field or in a House?

Answer — In a Garden.

Question — After the Violences were committed, where did you go?

Answer — I remained in the Garden, at a short distance from the Prisoner's Palanquin.

Question — Did the deceased go out of the Garden, or did he die in it?

Answer — He went out of the Garden.

Question — Was the Garden surrounded with a Hedge, or a Wall?

Answer — By a Milk-hedge.

Question — After the Violences were committed upon the deceased, did you accompany the deceased out of the Garden?

Answer — No.

Question — Where did the deceased go to drink the water?

Answer — I did see the place where he went to drink water.

Question — Did you see the Deceased, after he had left the Garden and before he died?

Answer — No.

Question — How long did the deceased live after he left the Garden?

Answer — I can not tell.

Question — How long after the deceased died, did you see him?

Answer — I did not see the deceased after his Death.

Question — How do you know Mukbool died?

Answer — All the People about the Garden, and every body I saw told me so.

Question — How do you know the deceased went to drink Water?

Answer — I heard so.

Question — You say you saw the deceased from the time of his punishment, until the time he went out of the Garden; — what length of time do you mean by that?

Answer — Four or five Ghurrys.

Hader Khan is then next sworn.

Counsel for the Prisonier objects to the Evidence of the Witness being received, he being a Slave of the Prisoner.

Objection over-ruled.

Question — Are you, or have you been in the Service of the Prisoner at the Ba
Answer — I newly came to the Service of the Prisoner.
Question — Are you a Slave, or not?
Answer — I am not a Slave; — I was never bought.
Question — Did you know Mukbool, deceased?
Answer — I did know him.
Question — Was you examined before the Coroner's Inquest on the Body of Mukbool?
Answer — I was.
Question — Did you see any of the Servants of the Prisoner at or near the Inquest the Coroner was holding?
Answer — I did; — one by the name of Syed Mahomed; — another by the name of Shake Wellie.
Question — Do you know how Mukbool came to his Death? —
Answer — It was on a Sunday.
Question — Do you know the name of the place where Mukbool died?
Answer — I know it by the name of Sullah.
Question — How far is that place from Madras?
Answer — About a Cos, I believe; — Sullah is near Setteramiah's Garden.
Question — Relate how Mukbool came by his Death. —
Answer — On a Sunday Morning one Meer Seif Ullah, and Golaum Hussein, came after Mukbool and me to the Buzar, and brought us both before the Prisoner; — the Prisoner desired we might be both brought before him, near his Palanquin Meer Seif Ullah took hold of Mukbool, and Golaum Hussein took hold of me; — the Prisoner gave orders that Mukbool and myself should be taken to a small distance from his Palanquin, the Prisoner, followed us; — then with the

Turband of Mukbool which was yellow, — the Prisoner ordered Mukbool and myself to be pinioned; — the Prisoner then ordered Mukbool should be thrown down; — the Prisoner then called for Alab Khan, and Deenah; then the Prisoner told a Boy by the name of Sumbool to grind some red Chillies and bring them; — Alab Khan then put his foot upon the deceased's neck; — and Deenah was ordered to take the Chillies and thrust them up the Fundament of Mukbool; — The Prisoner then told a Boy, by the name of Morasah to bring some hot Charcoal; — Deenah took the Cloaths off the deceased, and put the hot Charcoal on his private parts and Fundament; — The Prisoner then ordered Deenah to take one of the branches of a Cocoa-Nut Tree, and thrust it up Deceased's Fundament; — The Prisoner at the Bar then ordered Alab Khan to rub Chillies in deceased's Eyes; — The Prisoner then ordered Alab Khan to let the Deceased go; — I was then brought before the Prisoner at the Bar, and he asked me if I had not had an unnatural Connection with three Boys, namely, Sohayer, Summoonoot, and Farasut; — the Prisoner made me swear, that I had never had Connection with the said Boys; — the Prisoner then ordered Alab Khan to kick me; — he did kick me in the mouth, and made me bleed a good deal; — and rubbed Chillies in my Eyes; — the Prisoner then ordered I might be taken away, and put under the Guard of a Centry, which was accordingly done; — the Prisoner told Alab Khan to fetch a Boy by name Wellie, and when he came we should both be laid down and have Chillies thrust up our Fundaments.

Question — Do you know if the Prisoner had any cause of Resentment towards the deceased?
Answer — He had.
Question — Did Deenah put the Chillies upon the Fundament of the Deceased, and did he thrust the Chillies upon the Deceased's Fundament? —

Answer — He did.

Question — Did Deenah thrust the Cocoa-Nut branch up the Fundament of the deceased?

Answer — He was doing it softly; the Prisoner approached, and threatened if Deenah did not do it immediately, he, the Prisoner, would put him to death.

Question — Had the Prisoner any Instrument or Weapon in his Hand?

Answer — He had; (a Cheese or Dagger being here produced and shewn to the Witness, he declares it to be the same the Prisoner then had in his hand) and it was drawn.

Question — During the time these Cruelties were exercising, was the Prisoner present?

Answer — From beginning to end he was walking about with the Cheese in his hand.

Question — Did the Prisoner give Orders for the perpetration of all the Cruelties were committed?

Answer — He did.

Question — Was the hot Charcoal put upon the Fundament and private parts of the deceased?

Answer — Yes, it was, by Deenah; — who selected the Coals that were best heated, when the Prisoner told Deenah, that if he did not put them on red-hot, he, the Prisoner, would stab him, — and drew his Knife; — Chillies were afterwards put upon his Eyes by Mah Khan.

Question — Did you see the deceased after his Death?

Answer — I did; — the day the Gentlemen sat on the Body.

Question — Did you know it to be Mukbool?

Answer — Yes; — I saw the Chillies in his Eyes, and the Yellow Turband that Mukbool had worn, and knew him to be Mukbool.

Question by the Jury — Was the deceased in health when he was brought before the Prisoner, and ordered to be thrown down?

Answer

Answer — He was a strong, healthy young Man, and was in good Health before the Violences were committed on the day on which he died.

Question — Is it usual in your Cast to inflict such Punishments on Servants?

Answer — It is not.

Cross-Examined by Mr James Stuart Hall of Counsel for the Prisoner.

Question — Where did the deceased go after the Punishment is said to have been inflicted?

Answer — He went to drink some Water.

Question — Where is the Place?

Answer — It is about the distance of hundred Paces from the Place where the Punishment was inflicted.

Question — Did you go with him?

Answer — I did not go with him, being Prisoner at the time; — he passed near me.

Question — Was you with him when he died?

Answer — No; — I had run away to save my Life.

Question — And when did you next see the deceased?

Answer — In about three or four hours after he was dead; — People told me that he was dead — and I went by Stealth to see him, and then run away.

Question — What time in the day was it you went to see the deceased?

Answer — About two O'Clock.

Question — At what hour did the Punishment take place?

Answer — At Seven O'Clock in the Morning.

Question — You say you saw the deceased when the Coroner's Inquest was taking; — How did you know him to be Mukbool?

Answer

Answer — The Prisoner at the Bar had sent a piece of Gunny for the deceased to be laid on, and had ordered him to be buried — I know the Body to be Mukbool by the Chillies that had been forced in his Eyes, and his yellow Turband.

Question — Do not other Moor Men wear yellow Turbands?

Answer — They do; — but this Turband had been dyed by the deceased; — and I knew him by the fresh Chillies that had been put in his Eyes.

Question — Was the face and body of the deceased in the same state as before he was punished; — or swelled and distorted?

Answer — It was swelled; — I asked a little Boy, (Johoyer) — who was present, — what was the reason of his face being swelled, — he answered, "I suppose it was occasioned by the violent beating he had received from a Shoe." —

Question — Was his face very much swelled?

Answer — Yes; — and Blood issued out of his Fundament.

Question — Was the face so swelled as not to be like Mukbool when living?

Answer — His face was very much swelled; but I knew him by a Scar he had on his right Eye.

Question — How long were you in the Prisoner's Service?

Answer — About five Months.

Question — Was you not a Slave to the Prisoner?

Answer — The Prisoner told me he would keep me just like a Child, and desired me to say that I would not go into the Service of any other Person.

Question — Were not two Rupees given for you? — and by whom, and to whom?

Answer — Two Rupees were given me to pay off what I owed; — but not as a purchase of me as a Slave; they were given me by the Prisoner's Chubdar, Mahomed Ballatar.

Meerza Mahomed next sworn.

Question — Where do you live?

Answer — I was at Saturnaporam on the twenty-fifth May last.

Question —

Question — Do you know the Prisoner at the Bar?

Answer — I am not acquainted with him, I saw him only on that day.

Question — Do you recollect a Man being beaten?

Answer — I did; — and that he was tied down with a Turband.

Question — Where did this happen?

Answer — In Setteramiah's Garden.

Question — Was the Prisoner present.

Answer — He was walking at some distance.

Question — What distance were you from the place where this happened? —

Answer — About Sixty feet.

Question — Could you distinguish the Persons; — and what were they doing?

Answer — I could distinguish the face of the person suffering Punishment; but not positively those of any other person.

Question — Do you mean, that you did not see the Prisoner?

Answer — I saw the Prisoner walking at a little distance from the place where the Man who was punished

Question — Relate the several Acts of Violence committed —

Answer — I only saw him kicked.

Question — What length of time did you see them kicking the Person?

Answer — It might have been half a Qhurry.

Question — Were there more persons than one kicking him?

Answer — I saw but one.

Question — Did the Person who was kicked call out at all?

Answer — He several times called out "Hezret, Hezret"?

Question — Did you continue in the same spot as here you first saw the transaction, or did you go away before they had done kicking him?

Answer — I remained until some Tellingay People spoke and asked me to intercede on behalf of the Person they were then kicking.

Question — To whom was you desired to speak on behalf of the Prisoner suffering?

Answer

Answer — Not to any Person particular: — I told them it was not my Business to intercede: — that if the Man was killed the Company would take notice of it; — and I had no business in the matter.

Question — Did you observe that the Prisoner was giving orders to any one to beat the Person suffering?

Answer — I saw the Prisoner walking about at some distance, but did not observe him give directions to any of them.

Question — Did you not on the day that you had seen the Person beat, hear of any one being dead?

Answer — I went away to Triplicane before the Person was released, and on my return I was informed by several People, that the Man who had been beat, had drank some water and then died.

Question — Did you go to the Place where the Deceased lay, and see the Body?

Answer — I did.

Question — Did you observe any, and what, marks of Violence upon the Body?

Answer — I saw a small mark fresh that was upon his Cheek, and had seen that Chillies had been rubbed in his Eyes.

Question — Was the deceased naked or cloathed?

Answer — He had Cloaths on and a yellow Turband.

Question — Do you know that the Deceased you saw then lying was the same Person, whom you had seen suffering in the morning?

Answer — I do.

Question — Do you recollect any of the Persons standing round the Body, at the time you were examining it?

Answer — There were a great many Persons present; — I do not recollect any one in particular.

Question — Did you see any further marks of Violence on the Body of the deceased?

Answer — None; — I saw persons taking pieces of Chillies out of the Eyes of the deceased.

Question

Question — Do you know the name of the Person whom you saw lying dead, and whose Servant he was?

Answer — I do not.

Question — What is the name of the Place where the deceased was punished?

Answer — Setteram Rajahs Garden was the Place where the man was punished; — and Sullah is the name of the place where he died.

Question — How far distant is it from Fort Saint George?

Answer — Half a Pucka Cos. —

Question — From what you saw and heard, did you not understand that the Punishment inflicted on the deceased was at the Instigation of the Prisoner? —

Answer — I do not know.

Cross-examined by the Counsel for the Prisoner.

Question — You saw a person punishing; — how was he laying; — with his face towards the ground, or upon his Back?

Answer — Upon his Side.

Question — Was you standing before him or behind him?

Answer — I was behind him, but that he was laying in such a posture, I could see his face.

Question — Could you see both sides of his face?

Answer — I saw his full face.

Question — Had you ever before seen the deceased, whose name was Mukbool?

Answer — No. —

Question — Did the deceased at the time he was suffering a beating lay on one side of his face?

Answer — His hands were tied; and while he was suffering the punishment, he was struggling on account of the blows he had received and the last posture I saw him in, he was leaning on his side with his head at some distance from the ground.

Question — As you were standing behind him and at the distance of sixty feet from him, and as he was lying upon his side, and as you never saw him before that time, how can you take upon yourself to swear, that the man whom you afterwards saw dead, was the same person whom you had seen beat?

Ans —

Kader Khan being called into Court and the Witness asked if he knows him, he says he does.

Question — Was Kader Khan a Slave or Servant of the Prisoner?

Answer — He was servant to a Moorman, and was turned out of his Service, and Kader Khan came to the Prisoner with a Servant of his former Master, and desired the Prisoner to give him some Rupees; — the Prisoner agreed to give him some Rupees, if he would execute a Slave-Bond with four Witnesses; — which he accordingly did.

Mahomed Ally sworn.

Question — Do you know the Prisoner?

Answer — I do, and am his Servant, and have been so five or six Years.

Question — Did you know Mukbool who lived with the Prisoner; — and was he a Servant or Slave of the Prisoner?

Answer — I did; — he was a Slave.

Kader Khan being again called into Court and the Witness asked if he knows him, — he says he does.

Question — Was Kader Khan a Slave, or a Servant of the Prisoner?

Answer — Kader Khan had been in some difficulty, and came to the Prisoner and asked him for some Money, and said he would be his Slave.

Question — Did the Prisoner advance him any Money?

Answer — He did.

Jehoyer being called into Court, and the Witness being asked if he knows him, — he says he does.

Question — Was Jehoyer a Slave or a Servant of the Prisoner? —

Answer — Jehoyer's Father gave Jehoyer to the Prisoner, — saying "in like manner as I have been your Man, — so let "my Son be."

Question — Was not Jehoyer always considered as the Slave of the Prisoner? —

Answer — I have heard that he was; — the People in general called him Slave, and I from that understood him to be so.

Question

Question — By the Counsel for the Prisoner —

Who informed you that Kader Khan received Money from the Prisoner to become his Slave?

Answer — The Person to whom Kader Khan was indebted had beaten him and they both came to the Prisoners house; — Kader Khan asked the Prisoner for Money; — I do not know the exact Sum, but whatever it was, it was given in my presence.

Question by the Jury — How long ago is it since Kader Khan became a Slave to the Prisoner?

Answer — About three Months since.

Question — How long is it since Jehoyer was first a Slave to the Prisoner?

Answer — Since the death of his Father.

Question — Did the Prisoner give Jehoyer's Father any valuable consideration for Jeyoyer as a Slave?

Answer — None; — his Father said, "as I have been your Slave, so let my Son.

Mohieddeen sworn.

Question by Mr. James Stuart Wall — Is it not customary for Mussulmen when their Slaves behave ill, to punish them severely? —

Answer — It is certainly customary to beat them when they behave ill.

Question — Do you know any thing of the Mussulman Laws relative to Slaves?

Answer — Yes.

Question — Has not a Mussulman the right of putting his own Slave to death?

Answer — He has.

Question — Has not a Father the right of killing his Son's Slave?

Answer — He has.

(Here the Grand Jury come into Court, and deliver in the Presentments, which are entered immediately following the conclusion of this Trial.)

Question — And is such the established Mahommedan Law? —

Answer — It is

Question — Are you not a Lawyer or Expounder of Mahommedan Law?

Answer — I am

Question. Is it not first necessary that a Mahommedan Slave should be guilty of some heinous Crime to authorize his Master to take away his Life? —

Answer. He may kill his Slave when he pleases, and how he pleases.

Question by the native Jury. — Can you prove this Custom by any, and what Book? —

Answer. I can, — by the Ritab Ul Diain.

Question, by the Counsel for the Prosecution. — Whether upon any Occasion, however slight, has a Master a right to put Chillies upon the Fundament of his Slave, force them up his Intestines, and thereby occasion his Death? —

Answer. He has a right to do it.

The Counsel for the Prisoner being asked if he has any further Evidence to produce, he says he has not. —

The Petty Jury then retire with Mr. Richard Ashton, the Sworn Interpreter, to consider on their Verdict, a Bailiff having been first duly sworn to keep them.

After a length of time the Bailiff who had been sworn to keep the Petty Jury comes and informs the Court that Mr. Richard Ashton the sworn Interpreter was desirous to speak to the Court; — which being granted — Mr. Richard Ashton acquaints the Court, that the Jury had no further occasion for his Services, several of the native Jurymen having a competent knowledge of the English Language; — he therefore prays the permission of the Court to retire; — which is accordingly granted.

Sometime after the Bailiff informs the Court that Mr. James Brown, one of the Petty-Jurymen being extremely unwell, requests the permission of the Court, that he may have a Glass of Water; — Granted.

The Bailiff again comes and informs the Court that some of the Native Petty-Jury-men being much indisposed, are desirous of being allowed to retire from the Room for a few minutes;

Which the Court being pleased to permit, a second Bailiff is sworn to take charge of each of the Jury-men, one by one, as often as they may be necessitated to retire.

The Petty-Jury having been considering on their Ve
several Hours, the Court send for the Foreman of the Petty
coming into Court is asked if the Jury are likely soon to be agr
to which he replies, there is not the smallest probabelety, for the Question

Crime though they all agree that the Murder with which the Prisoner at the Bar is charged is fully proved, yet that it is not considered as a Crime, according to the Mahommedan Law, as the deceased was the Slave of the Prisoner.

The Foreman then returns to the Jury.

After a further lapse of some time the Bench send for the Petty Jury and direct that it be explained to them, that the matter for their consideration, and on which they are to return their Verdict, is, whether the Evidence they have heard, is sufficient to support the facts stated in the Indictment; — as to any question of Law arising out of those facts, the determination of that Question is the Province of the Court; — and as to the Act of swearing on the Bible, or Koran, it is only binding each of them in the most solemn manner, conformable to their respective Religions, to return a true Verdict according to the Evidence they have received of the facts charged against the Prisoner at the Bar —

The above after having been read, is again explained to the Native Jury, in the Moor Language by Shunmogarey, the sworn Interpreter to the Justices.

The Court being apprehensive that the Petty Jury will not be shortly agreed on their Verdict, and some of the Jury men having complained of Indisposition, is pleased to order that one Loaf of Bread, and two Bottles of Wine be allowed to the European Jurymen, and twelve Leaves of Beetle to each of the native Jurymen, and such quantity of water as they may require.

After a short time a Verdict being proclaimed the Petty Jury come into Court, and answer to their names. —

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

Jury. — Yes.

Clerk of the Peace. — Who shall say for you? —

Jury. — Our Foreman.

Clerk of the Peace. — How say you Gentlemen, is Mordee Sam Jung, Guilty of the Felony and Murder whereof he stands indicted, or not Guilty? —

Foreman. — Guilty.

Clerk of the Peace. — What Goods and Chattels, Lands, or Tenements do you find he had at the time the Felony and Murder was committed, or at any time since?

Foreman. — None.

Which being recorded,

Clerk

23d July 1794

Clerk of the Peace. — Gentlemen of the Jury, hearken unto your Verdict as the Court hath recorded it; — You say that Mootee Sam Jung is Guilty of the Felony and Murder whereof he stands indicted; — and that he had no Goods and Chattels Lands, or Tenements at the time the Felony and Murder was committed, or at any time since; — and so you say all? —

The Foreman begs leave to observe to the Court that the native Jurymen have each declared the Prisoner Guilty, according to the Evidence they suppose the question of Mahommedan Law to have been reserved by the Court in the address delivered to the Jury; —

Mr. Hall, of Counsel for the Prisoner prays to observe to the Court that the Verdict now given by the Court is a Conditional one, and therefore a bad one; — the Foreman of the Petty Jury thereupon declares that the Verdict was not indorsed until each of the European and native Jurymen had severally and separately declared the Prisoner Guilty, at which time he the Foreman made a Memorandum thereof, with each of their names.

The Court desire that Mr. Richard Ashton may be recalled.

Mr. Ashton is accordingly called into Court and directed to explain to the native Jurymen the observation of the Foreman of the Petty Jury; and to ask them if the Verdict as endorsed on the Indictment, is the Verdict they intended to return; — for that if they are not agreed, they ought again to retire, and remain until they are all fully agreed on their Verdict.

Which being explained, the native Jurymen declare, they do not wish to retire, but acknowledge the Verdict of Guilty as endorsed; — and they say that the Prisoner is Guilty according to the Evidence they have heard; — that they are satisfied he is Guilty of every thing charged against him in the Indictment, and much more; — but that according to the Mahommedan Law, they could not have found the Prisoner Guilty of Murder, because the deceased was the Slave of the Prisoner; — every master having by the Mahommedan Law, a right to kill his own Slave; — and that they suppose the Question of Mahommetan Law to have been reserved by the Court.

The Court are of opinion that the Verdict is a good Verdict, finding the Prisoner Mootee Sam Jung, Guilty of the Felony and Murder whereof he stands indicted.

Mr. Hall of Counsel for the Prisoner prays that what the native Jurymen have declared through the medium of the Interpreter, may be entered on record and that the Court will allow him four Days to [illegible]

23d July 1794

The Court direct that the [illegible] of the native Jurymen be recorded; and allow four days to file in the Office of the Clerk of the Peace, his cause in Arrest of Judgment. The Court then direct that Mr Richard Ashton be thanked for his Services. —

The Grand Jury come into Court, and by their Foreman deliver in the following presentments, which the Court direct the Clerk of the Peace to read.

Madraspatnam Sessions.

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 and truly 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, and prescribed the proper method of putting those Laws in to Execution.

Do Present, that it has come to our knowledge, that the Size and shape of the Current Coin of the Place, called the Star Pagoda, and particularly the manner in which a great part of that Coin is opened at the Edges by the pressure of the Stamp in coining, subjects the same to much abasement and diminution, by filing, clipping and various other felonious means; — and it is notorious that advantage is frequently taken by evil disposed persons, of this original defect in the formation of the Star Pagoda, by filing; — clipping, and other felonious practices; — and in such manner, that it is difficult, if not impracticable, for any other person than a professional Shroff, to discover the deceit; — and the Jurors aforesaid do present that the frequent Diminution of the said Coin, by the means aforesaid, is a great grievance to all descriptions of Persons particularly to the poorer class in as much as it subjects them to an unforeseen loss in the Receipt of such Coin, and to the Merchants and others in Business as it necessitates them to keep in high and constant pay, a Shroff for the sole purpose of detecting the fraudulent practices aforesaid, the Jurors doing so is not found a sufficient remedy for correcting the Evil.

Town Hall of Madraspatnam 23d July 1794

Andrew Ross, Foreman

George Parry	H. Boyd
Henry Brown	L. D. Campbell
Cecil Smith	Thomas Snodgrass
John Jervis	Richard Chase
Edward Holland	J. Tulloh
Geo. Eckman	Thomas Stephens
W.m K. Gordon	John Smart
John M.c Donall	W.m Fraser.

Madraspatnam Sessions

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 and truly 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, and prescribed the proper Method of putting those Laws into Execution

Do Present, that it has come to our knowledge that at the Sessions commenced to be holden on the 28th of April 1794, a Presentment was made by the Grand Jury and delivered to the Bench, which Presentment contained and set forth various subjects of great Importance touching the service; - and that the Bench in reply to the said Presentment were pleased to record a Paper containing observations on the same, and to give a Copy of the said Paper to the said Grand Jury; - that the said recorded observations contain much implicated censure of Incorrectness, want of accurate information, or misrepresentation, in the said Presentment, without specifying the particulars, and therefore, without ascertaining the existence of such imputed Incorrectness, or want of accurate information in the statement of the matters presented, which We the said Grand Jury Were bounden by their Oaths to present, as having come to their knowledge, and according to their Judgment, of the Rectitude and Correctness of which Matters, so presented upon Oath, and replied to only by general observations, we think there is, and ought to be, a fair Presumption.

Andrew Ross, Foreman
George Parry
Hen.y Brown
Cecil Smith
John Jervis
Edw.d Holland
Geo. Coleman
W.m Gordon
John Mc.Donall
H. Boyd
L.D. Campbell
Thomas Snodgrass
Richard Chase
John Tulloh
Thomas Stephens
John Smart
Wm. Fraser

Town Hall
of
Madraspatnam
23d July 1794

Madraspatnam Sessions

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 and truly sensible of the many advantages arising to this place by the gracious of the royal Charter, as it has conveyed with the Laws of England, and prescribed the proper Method for putting those Laws into Execution.

Do present, that it has fallen under our Observation that from and after the first day of this present Session, which was on Wednesday the 16th Day of July 1794, until this present time, there have been but two Members of Council sitting in the Character of Justices on the Hon.ble Bench, and that great doubts have arisen in the Minds of us, the said Grand Jury that the "Deliberative Voice" given by the 33 of George the Third, to the new Justices constituted by that act does not capacitate them to Vote in a Court of Session of Oyer and Terminer, and that consequently there may not be a full sufficiency in this Hon.ble Court to proceed in the Trials before it, or to pass Sentence on those Prisoners who have been convicted since the first day of the Session, Inasmuch as the Charter of Justice granted by his most Gracious Majesty for this Town and its dependencies, does expressly specify that the Governor or President, and two Members of Council at the least, shall sit, and be competent to hold a Court of Session, and we do upon our Oath, consider that it is our particular Duty and touching this present Service, that we submit these our Doubts to the Consideration of this Hon.ble Court

Andrew Ross, Foreman
George Parry
Hen.y Brown
Cecil Smith
John Jervis
Edw.d Holland
Geo. Coleman
W.m Gordon
John Mc.Donall
H. Boyd
L.D. Campbell
Thomas Snodgrass
Richard Chase
John Tulloh
Thomas Stephens
John Smart
Wm. Fraser.

Madraspatnam.
Town Hall
Wednesday 23d July
1794

23d July 1794

The following also delivered in by the Grand Jury.—

The Court having desired to know whether it is the wish of the Grand-Jury, that the Evidences shall be now sworn on the Indictment, the King against Suneco Sasachellum, delivered in to the Grand Jury this day, the Grand Jury desire to say, that, under the Circumstances they have suggested. they wish to know from the Honorable Bench, whether it is their Intention to proceed immediately on that Indictment

23d July 1794.

The Court inform the Grand Jury, that it is not their Intention to proceed immediately upon that Indictment;- the Grand Jury, then return the Indictment to the Clerk of the Peace.

The Court, after the trial of Mootee Sam Jung, was adjourned till Monday the first of September next, at ten O'Clock in the forenoon for continuing the present Sessions.—

P Williams
Clerk of the Peace—

At an Adjourned Court

of Sessions of the Peace, Sessions of Oyer and Terminer, and General Goal delivery holden at the Town-Hall in Fort Saint George, on Monday the first day of September One thousand, Seven Hundred, and Ninety four.

Before

Ernst William Fallofield, and George Westcott, Esquires, Members of the Council of Fort Saint George, and two of the Justices assigned to keep the Peace as also Commissioners of Oyer and Terminer, and General Goal delivery for the Town of Madraspatnam, Garrison of Fort Saint George, and its Dependencies

and

Theodore Corbett, Thomas Lewin, and George Wynch, Esquires, Justices of the Peace, called upon by the Justices of Oyer and Terminer, and General Goal-delivery, to associate with them during the present Sessions, and duly authorized by the Governor in Council so to do—

The Court being duly opened, the same is adjourned to Monday the fifteenth Instant at ten O'Clock in the forenoon, for continuing the present Sessions—

P Williams
Clerk of the Peace

15th September 1794

At an adjourned Court

of Sessions of the Peace, Sessions of Oyer and Terminer, and G
holden at the Town Hall in Fort Saint George, on Monday the
ber, One thousand, seven hundred, and Ninety four —

Before

The Right Honorable Robert Hobart, commonly calle

President and Governor of Fort St

and

Edward Saunders, and Ernst William Falloft

Members of the Council thereof, and Justices assigned to

Commissioners of Oyer and Terminer, and General Goal delu

Madraspatnam, Garrison of Fort Saint George, and its Dep

and

Theodore Corbett, Thomas Lewin, and George M

Justices of the Peace called upon by the Justices of Oyer and Te

Goal delivery to associate with them during the present Sessions

by the Governor in Council so to do —

The Court being duly opened, the Foreman of the

Court and informs the Bench, that Mr. Coleman, one of the G

indisposed, it will be requisite another be sworn in his stead; —

Mr. Edward Jones is thereupon sworn as a Grand

of Mr. Coleman.

Mr. George Parry, one of the Gentlemen of the Gra

and desires the Indictment, The King

against

Suncoo Sasachellum,

which is delivered to him accordingly.

Mr. Macdowal one of the Grand Jurymen comes i

nesses sworn on the Indictment, The King, against Sun

who are accordingly sworn, and the Indictment is then returne

Mr. Cecil Smith, one of the Gentlemen of the Gra

enial Goal delivery,

fifteenth day of Septem

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Lynch, Esquires,

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Grand Jury comes int

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nd Jury comes into

Court,

15th September 1794

Court; and the Indictments

The King
against
Thomas Short
for
Murder.
and

The King
against
Cadjee Saib
Poonapillah
and
Ramanjee
for
Felony and Murder

are delivered to him. ——

Mr. George Parry again comes into Court, with the Indictment

The King
against
Thomas Short,

and Mr. Henry Wise is sworn to give Evidence to the Grand Jury thereupon.

Mr. Robert Williams the Deputy Clerk of the Peace having been appoint
ed to succeed Mr. Stephen Popham, as Clerk of the Peace, now take
Allegiance and Office.

Mr. Cecil Smith returns from the Grand Jury, and delivers in the
following Note, with the Indictment

The King
against
Cadjee Saib, Poonapillah and Ramanjee.

The Grand Jury beg leave to submit to the Honble the Bench, that they
have doubts as to the legal propriety of the Designation of Conjurer, stated in this In-
dictment to apply to Cadjee Saib,

The Court direct that the word Conjurer be erazed and, Inhabitant inserted instead. —

The Witnesses are then sworn to give Evidence to the Grand Jury, and
the Indictment is returned to them for that purpose.

The Court is then adjourned to Monday the twenty second Instant
at ten O'Clock in the Forenoon for continuing the Present Sessions ——

W Williams
Clerk of the Peace —

At an adjourned Court

of Sessions of the Peace, Sessions of Oyer and Terminer and General Goal delivery & of Sessions of Oyer and Terminer and General Goal delivery,
holden at the Town-Hall in Fort Saint George, on Monday the twenty second Day of September,
September, one Thousand, Seven Hundred, and Ninety four.

Before

The Right Honorable Robert Hobart, commonly called Lord Hobart
President, and Governor of Fort Saint George.

and

Edward Saunders and Ernst William Fallofield, Esquires
Members of the Council thereof, and Justices assigned to keep the Peace, as also Commissioners of Oyer and Terminer, and General Goal Delivery, for the Town of Madraspatnam
Garrison of Fort Saint George, and its Dependencies.—

and

Theodore Corbett, Thomas Lewin, and George Wynch, Esquires.
Justices of the Peace, called upon by the Justices of Oyer and Terminer, and General Goal Delivery, to associate with them during the present Sessions, and duly authorized by the Governor in Council so to do.—

The Court being duly opened,

Thomas Newman, is sworn as a Bailiff to attend the Grand Jury in the room of Robert Blinkesworth—

Mr. William Purser is sworn as a Grand Juryman in the room of Mr. Hugh Boyd, excused on account of Indisposition—

The Grand Jury come into Court, and return the Indictment

The King
against
Thomas Short
for Felony and Murder

Endorsed,— a true Bill—.

Thomas Short is thereupon put to the Bar and arraigned as follows;—

Clerk of the Peace — Thomas Short, hold up your right hand!—

You stand

— You stand indicted by the name of Thomas Short, late of Ellore, within the Jurisdiction of this Court, a Private Soldier in the Service of the United Company of Merchants of England trading to the East Indies, under their Presidency of Fort Saint George, for the Jurors for our Lord the King upon their Oath present, that you the said Thomas Short, not having the fear of God before your Eyes, but being moved and seduced by the Instigation of the Devil, on the twenty fourth day of May, in the thirty fourth Year of the Reign of our Sovereign Lord George the Third, now King of Great Britain, France, and Ireland, Defender of the Faith, and so forth, with force and arms at Ellore aforesaid, within the Jurisdiction aforesaid, in and upon one Thomas Storey also a Private Soldier in the Service of the said United Company of Merchants of England trading to the East Indies, under their Presidency of Fort Saint George aforesaid, in the Peace of God, and our said Lord the King, then and there being, feloniously wilfully, and of your malice aforethought, did make an Assault, and that you the said Thomas Short with a certain drawn Bayonet of the value of one Shilling, which said Bayonet you the said Thomas Short, in your right hand, then and there had and held, the said Thomas Storey, in and upon the Belly of him the said Thomas Storey, then and there feloniously, wilfully, and of your malice aforethought, did strike and thrust; — giving to the said Thomas Storey, then and there, with the Bayonet aforesaid, in and upon the Belly of him the said Thomas Storey, one mortal Wound of the depth of Six Inches, and of the Breadth of one Inch; of which said mortal Wound, the said Thomas Storey, at Ellore aforesaid, within the Jurisdiction aforesaid, did languish, and languishing did live for the space of twenty four Hours, and then of the said mortal Wound died; — and so the Jurors aforesaid, upon their Oath aforesaid, do say, that you the said Thomas Short, the said Thomas Storey, in manner and form aforesaid, feloniously, wilfully, and of your Malice aforethought, did kill and murder, against the Peace of our said Lord the King, his Crown and Dignity.—

How say you? — 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.

The Prisoner prays he may be sworn to the following Affidavit

Before

At an adjourned Court

of Sessions of the Peace, Sessions of Oyer and Terminer and General Goal delivery, held
holden at the Town Hall in Fort Saint George, on Monday the twenty Second Day of
September, one Thousand, Seven Hundred, and Ninety four.

Before

The Right Honorable Robert Hobart, commonly called Lord Hobart
President, and Governor of Fort Saint George.

and

Edward Saunders and Ernst William Fallofield, Esquires
Members of the Council thereof, and Justices assigned to keep the Peace, as also Commissioners of Oyer and Terminer, and General Goal Delivery, for the Town of Madraspatnam
Garrison of Fort Saint George, and its Dependencies,—

and

Theodore Corbett, Thomas Lewin, and George Wynch, Esquires.
Justices of the Peace, called upon by the Justices of Oyer and Terminer, and General
Goal Delivery, to associate with them during the present Sessions, and duly authorized

The Court being duly opened,

Thomas Newman, is sworn as a Bailiff to attend the Grand Jury
in the room of Robert Blinkesworth—

Mr. William Purser is sworn as a Grand Juryman in the room of
Mr. Hugh Boyd, — excused on account of Indisposition—

The Grand Jury come into Court, and return the Indictment

The King
against
Thomas Short
for Felony and Murder
Endorsed, — a true Bill —.

Thomas Short is thereupon fitt to the Bar and arraigned as follows:—

Clerk of the Peace — Thomas Short, hold up your right hand!—

(You stand

— You stand indicted by the name of Thomas Short, late of Ellore, within the Jurisdiction of this Court, a Private Soldier in the Service of the United Company of Merchants of England, trading to the East Indies, under their Presidency of Fort Saint George, for the Jurors for our Lord the King upon their Oath present, that you the said Thomas Short, not having the fear of God before your Eyes, but being moved and seduced by the Instigation of the Devil, on the twenty fourth day of May, in the thirty fourth Year of the Reign of our Sovereign Lord George the Third, now King of Great Britain, France, and Ireland, Defender of the Faith, and so forth, with force and arms at Ellore aforesaid, within the Jurisdiction aforesaid, in and upon one Thomas Storey also a Private Soldier in the Service of the said United Company of Merchants of England trading to the East Indies, under their Presidency of Fort Saint George aforesaid, in the Peace of God, and our said Lord the King, then and there being, feloniously wilfully, and of your malice aforethought, did make an Assault, and that you the said Thomas Short with a certain drawn Bayonet of the value of one Shilling, which said Bayonet you the said Thomas Short, in your right hand, then and there, had and held, the said Thomas Storey, in and upon the Belly of him, the said Thomas Storey, then and then feloniously wilfully and of your malice aforethought, did make an Assault, and that you the said Thomas Short with the Bayonet aforesaid, in and upon the Belly of him the said Thomas Storey, one mortal Wound of the depth of Six Inches, and of the Breadth of one Inch; of which said mortal Wound, the said Thomas Storey, at Ellore aforesaid, within the Jurisdiction aforesaid, did languish, and languishing did live for the space of twenty four Hours, and then of the said mortal Wound died; — and so the Jurors aforesaid, upon their Oath aforesaid, do say, that you the said Thomas Short, the said Thomas Storey, in manner and form aforesaid, feloniously, wilfully, and of your Malice aforethought, did kill and murder, against the Peace of our said Lord the King, his Crown and Dignity.—

How say you?— 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.

The Prisoner prays he may be sworn to the following Affidavit:—

Before

22nd September 1794

Before the Court of Sessions of Oyer and Terminer, and General Goal-delivery for the Town of Madrid patnam and the districts thereof:—

The Affidavit of Thomas Short.

Thomas Short the above-named Deponent maketh Oath, and saith that John Deacon and William Season are very material Witnesses on the part of this Deponent, and without the benefit of their testimony he cannot with safety proceed to Trial; as they are the only Witnesses he has to bring forward in support of his Defence against the Charge laid in the Indictment on which he has been arraigned; — and this Deponent says that the said John Deacon, and William Season, are, or lately were at Ellore Privates in the fourth Regiment; and this Deponent further says, that previous to his leaving Ellore aforesaid, he did apply to the Adjutant of the said fourth Regiment, that the said John Deacon and William Season might be sent down to Madras to be present at his, this Deponent's, trial, stating that they the said John Deacon, and William Season, were material, and the only Evidence that this Deponent could adduce on his Defence; and this Deponent says that the said Adjutant did faithfully promise and assure this Deponent, that the said John Deacon and William Season should accordingly be sent down to Madras to be present at this Deponent's trial —

The mark + of
Thomas Short

Sworn to in Court
this 22nd day of Sept. 1794
R. Williams
Clerk of the Peace.

which being sworn to, and the same being read, —

The Court order the Witnesses to be summoned, and the trial to be deferred until the next Sessions.

Thomas Short is then taken from the Bar.

The Grand-Jury then come into Court and deliver in the following minute, —

The Grand Jury request of the Hon'ble the Bench to order the Informers Marrainah and Puttaly to be brought before them, the Grand-Jurys being the most, and indeed the only material Evidences on the Bill of Indictment against Cadjee Saib, Ponnapillah, and Ramanjee. —

22nd September 1794

Their names are again called out and Puttaly answering he is accordingly sworn to give Evidence to the Grand Jury.

Lieutenant John Holland is then put to the Bar (having been arraigned at the last Sessions and pleaded not guilty, and the Trial having been postponed by the Court until the present Sessions) to take his Trial on an Indictment for an Assault and Battery, on Emanuel Samuel on the twentieth of November One thousand, seven hundred and ninety three, and being informed of his privilege to object to any of the Jurymen as they are called to be sworn, and before they are sworn, —

His Counsel Mr. James Stuart Hall, prays on the behalf of the Defendant, that he may be allowed to relinquish his former Plea of not guilty, and enter his Plea of Guilty, which Plea being recorded, —

Mr. John Wilkinson of Council for Emanuel Samuel the Prosecutor, informs the Court that Mr. Samuel not retaining any private animosity against the Defendant, wishes to have the Consideration of the matter to the Court without further observation.

Lieutenant John Holland, is then told by the Clerk of the Peace, that he is to take his trial on an Indictment (on which he had also been arraigned at the last Sessions, and thereunto had pleaded not Guilty, and the Trial of which had been postponed by the Court until the present Sessions) for a Libel against the said Emanuel Samuel, published on the twenty first day of November, One thousand, seven hundred, and ninety-three. —

Mr. James Stuart Hall, of Council for the Defendant prays to relinquish his former Plea of not Guilty, and to enter his Plea of Guilty; which plea of Guilty being recorded, and the Counsel for the Prosecutor being in like manner desirous of having the Consideration of the matter to the Court —

The Clerk of the Peace then informs the said John Holland, that he is to take his trial upon an Indictment for a Libel published against the said Emanuel Samuel on the twenty-second day of the said Month of November (on which said Indictment he had been likewise arraigned at the last Sessions and thereunto had pleaded not Guilty, and the Trial whereof had been postponed by the Court until the present Sessions —

Mr. James Stuart Hall of Council for the Defendant, as on the two other Indictments, prays to relinquish the former plea of not Guilty, and to enter

enter his Plea of Guilty, which being recorded, and the Counsel for the Prosecutor being, as before, desirous of leaving the matter entirely to the Court; the Chairman then addresses the Defendant as follows:—

John Holland.

You have been indicted for a Libel against Emanuel Samuel, on the twenty first of November last, and for another Libel against the same person on the twenty second of November, and also for an Assault and Battery on the same person on the twentieth of November,— to these several Indictments you have pleaded Guilty;— and the Court adjudge, that you pay a fine to the King of five Pagodas on each of the three Indictments, and that you continue in Confinement until the fines be paid.

The Sheriff is then required by the Court to take charge of John Holland, until his fines be paid.

The Court is then adjourned to Wednesday the twenty fourth Instant, ten O'Clock in the Forenoon, for continuing the present Sessions.

P. Williams
Clerk of the Peace.

At an adjourned Court

of Sessions of the Peace, Sessions of Oyer and Terminer, and General Goal delivery, holden at the Town-hall in Fort Saint George, on Wednesday the twenty fourth day of September, One thousand, seven hundred, and ninety four.

Before

The Right Honorable Robert Hobart, commonly called Lord Hobart, President and Governor of Fort Saint George,

and

Edward Saunders, and Ernst William Fallofield, Esquires, — Members of the Council thereof, and Justices assigned to keep the Peace, as also Commissioners of Oyer and Terminer, and General Goal delivery, for the Town of Madraspatnam Garrison of Fort Saint George, and its Dependencies,

and,

Theodore Corbett, Thomas Lewin, and George Wynch, Esquires, Justices of the Peace called upon by the Justices of Oyer and Terminer and General Goal delivery, to associate with them during the present Sessions, and duly authorized by the Governor in Council so to do;—

The Court being duly opened,

Mr. Ross, the Foreman of the Grand Jury, comes into Court, and shews an apology he has received from Mr. Henry Brown, one of the Grand Jury men:—

The Court not thinking the Apology sufficient to excuse Mr. Brown's attendance, direct that he be sent for—

Mr. George Parry, one of the Grand Jury men comes into Court with the the Indictment, The King

against

Cadjee Saib, Ponnapillah, and Ramanjee,

and Narrainah is sworn to give Evidence to the Grand Jury, upon that Indictment.

The Grand Jury come into Court, and answer unto their Names and offer the following

Presentment,

Madraspatnam

Madraspatnam Sessions.

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 and truly sensible of many advantages arising to this place by the gracious dispensation of the Royal Charter as it has conveyed with it the Laws of England, and prescribed the proper method of putting those Laws into Execution,

Do present, that from the information of one Puttaly on the Bill of Indictment, the King against, Cadjee Saib, Ponnapillah, and Ramanjee, for Felony and Murder, we have imbibed a very strong suspicion of a very exceptionable Conduct in Mr. George Pasley, in the Execution of his Duty of Coroner, in an Inquest held upon the Body of Tellisingen, who by the said Bill of Indictment was said to have been murdered by the above-said Cadjee Saib, Ponnapillah, and Ramanjee; — and We, the Grand-Jury aforesaid do humbly submit to the Honble the Bench, the Propriety of taking such further Inquisition into the Conduct of the said Mr. George Pasley, the said Coroner, as to its wisdom may be deemed suitable on the occasion; — and We, the Grand-Jury do further present, that it has been communicated to our knowledge, that an European Surgeon, (Mr. George Bailey,) did inspect the Body of the deceased Tellisingen, and we do consequently submit to the Honble the Bench, the propriety of ordering him, the said European Surgeon, to be summoned, and his information to be taken by the Justices of the Peace, or to be deposed before us, as to the Honble the Bench may seem proper; and We do further present, that we entertain Suspicion from the Circumstances that have come to our knowledge, that the Informants — Narrainah and Sancara Narrainum, to the aforesaid Bill of Indictment, were studiously and by improper means kept from appearing before us until this morning that the Informant Narrainah was brought before us, which was the Cause of the Delay, in our proceeding to determine on the said Bill, and which we do present as highly deserving of very particular Attention from the Honble the Bench.

Andrew Ross — Forman
George Parry
Henry Brown
Cecil Smith
John Jervis
Edwd Holland
Edward Jones
William Pierce
William Hall
John Wm
L. D. Cam
T. Swaine
R. Chase
S. Tullon
Thomas S
John Sw
Wm Fre

Town-Hall
of
Madraspatnam
24th September
— 1794 —

The Court direct Mr. George Bailey Surgeon to be summoned.

Mr. Samuel Augustus Humphreys, on behalf of Mr. Pasley the Coroner, observes to the Court that Mr. Pasley is indisposed, but has empowered him, Mr. Humphreys, to request that an enquiry into the Conduct of Mr. Pasley as implicated by the Presentment just now offered by the Grand-Jury may be had as speedily as possible —

Mr. George Bailey coming into Court is sworn on the Indictment,

The King
against
Cadjee Saib, Ponnapillah, and Ramanjee —

The Grand-Jury coming into Court, and answering to their names delivered in the Indictment, — The King
against
Cadjee Saib, Ponnapillah, and Ramanjee —
Endorsed, A true Bill. —

Ponnapillah comes into Court with his Bail, and is by them surrendered into the Custody of the Sheriff. —

Ponnapillah is then put to the Bar, and arraigned, as follows,

Clerk of the Peace — Ponnapillah, hold up your right Hand! —

You stand indicted by the name of Ponnapillah, late of Madras, and within the Jurisdiction of this Court, Dubash, for the Jurors, for our Lord the King, upon their Oath, present, that you together with one Cadjee Saib, late of the same place Inhabitant and one Ramanjee, late of the same place, Spinster, not having the fear of God before your Eyes, but being moved, and seduced by the Instigation of the Devil, feloniously, wilfully, and of your malice aforethought, contriving and intending, one Tellisingen, late native Inhabitant of Madras aforesaid, to kill and Murder, on the eleventh day of July, in the thirty-fourth Year of the Reign of our Sovereign Lord George the Third, now King of Great Britain, France and Ireland, Defender of the Faith, and so forth, with force and Arms, at Madras aforesaid, within the Jurisdiction aforesaid, feloniously, wilfully, and of your Malice aforethought did make an Assault, and that the said Cadjee Saib, then and there, feloniously, wilfully, and of his malice aforethought, did give and deliver a certain quantity of mortal Poison called Gundavady to the said Tellisingen, to be eaten and swallowed by him, the said Tellisingen (he the said Cadjee Saib, then and there well knowing the said Gundavady, to be a mortal Poison) And that

the

the said Tellisingen by the persuasion and instigation of the said Cadjee. Saith the said Poison called Gundaoady as aforesaid (not knowing the same to be a mortal poison) did then and there eat and swallow; and that by reason of the said eating and swallowing of the said Poison called Gundaoady as aforesaid, he the said Tellisingen then and there instantly did languish, and languishing did live for the space of Six hours, and then died; — and that you, the aforesaid Ponnapillah, and the aforesaid Ramanjee, then and there, feloniously, wilfully, and of your malice aforethought were present, aiding, abetting, comforting, assisting, encouraging and maintaining the said Cadjee Sa... the poisoning and murder aforesaid, in manner and form aforesaid, to do and comm... — and so the Jurors aforesaid, upon their Oath aforesaid, do say, that the said Cadjee Sa... you, the said Ponnapillah, and the said Ramanjee, the aforesaid Tellisingen, in manner and form aforesaid feloniously, wilfully, and of your malice aforethought ... hill, and murder, against the Peace of our said Lord the King, his Crown ...

How say you, Ponnapillah, are you guilty of this Felony and Mu... 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 Court direct the Sheriff to take charge of the Prisoner.

Mr. James Stuart Hall of Council for the Prisoner, moves the Court that the Prisoner may be again allowed to give Bail; —

to which is opposed by the Council for the Prosecution —

The Court taking the same into their consideration direct that the Sheriff do keep the Prisoner in his Custody —

The Grand Jury are sent for by the Bench, and asked if they have a case ready for the Court to proceed upon, and the Foreman answering that he retire with his brethren of the Grand-Jury, and shortly return with an An... Question put by the Court, —

The Court is then adjourned to Monday the two ... tymes at Nine O'Clock in the forenoon for continuing the present Session.

P. Williams
Clerk of the Peace

At an adjourned Court

of Sessions of the Peace, Sessions of Oyer and Terminer, and General Goal-delivery, holden at the Town-Hall in Fort Saint George, on Monday the twenty-ninth day of September one thousand, seven hundred, and ninety-four —

Before

The Right Honorable Robert Hobart commonly called Lord Hobart, President and Governor of Fort Saint George,

and

Edward Saunders and Ernst William Tolloffield, Esquires, Members of the Council thereof, and Justices assigned to keep the Peace, as also Commissioners of Oyer and Terminer and General Goal-delivery for the Town of Madraspatnam, Garison of Fort Saint George, and its Dependencies, —

and

Theodore Corbett, Thomas Lewin, and George Wynch, Esquires, Justices of the Peace called upon by the Justices of Oyer and Terminer and General Goal-delivery to associate with them during the present Sessions, and duly authorized by the Governor in Council so to do —

The Court being duly opened —

Ponnapillah is put to the Bar to take his Trial on the Indictment for Felony and Murder on which he had been arraigned on the twenty-fourth Instant, and thereunto had pleaded not guilty —

The Prisoner being first informed of his Privileges, chooses a Jury half Europeans and half natives —

The following Persons are then called to be sworn on the Petit-Jury (the Prisoner being first informed of his right to object to any of them as they come to be sworn, and before they are sworn) —

William John Chater, Foreman	1	Sworn
John Card	2	Sworn
Edward Dent	3	Sworn
James Waddle	4	Sworn
John King Lane	5	Sworn
John Stephens	6	Sworn
Solla Chinglevoy, Moodelliar	7	Sworn
Dighton Teagarey, Moodelliar	8	Sworn
Roattegadangee Seyalla Moodelliar	9	Sworn

Answer — He was lying insensible, his head rolling about — he was very ill for four hours, but afterwards he complained of a burning and smarting in his breast.

Question by the Jury — Was the deceased in good health before he took the Powder? —

Answer — He was in very good health in the morning; took his Breakfast and Betle, and went out.

Question — Had the deceased taken medicine of any kind a few days before his Death? —

Answer — I did not give him; — nor do I know of his having taken any; — if he had brought any and taken it in my house, I must have known it —

Question by the nation Jury — Did the deceased complain to you of sickness at any short time before the day on which he died? and if so, when? —

Answer — No.

Question — On what occasion, or business, did the deceased go to Ponnapillah's House on the morning of the day on which he died? —

Answer — One Ramanjee a Concubine of Ponnapillah's had lost her Joys; — for that purpose, at three different times, the deceased went to Ramanjee's house, that he was suspected of having stolen some Joys; — one day a Moorman gave him some Rice, and pronounced some words of Conjuration, and gave him some Physic by desire of Ponnapillah, and Ramanjee; the Moor man put some Powder and Water in the deceased's Mouth.

Question — Did you see this?

Answer — No; — the deceased was acquainted with the Prisoner's family for four or five Years, and was accustomed to go to the House; — I do not know whether the deceased went to the Prisoner's house, on the day the Joys were lost.

Question — How many days past between the time the Rice was taken, and the time the Powder was administered?

Answer — Ten or fifteen.

Question — You said the deceased went to the Prisoner's house, at three different times; — do you know if Physic was administered to him more than once? —

Answer — He took one Rice, when the words of Conjuration were pronounced; second time the names of the persons present were taken down by the Conjurer; — third time the Bowding Ball, (a part of the ceremony of the Conjuration) was performed; — the Physic was administered to the deceased only once.

Question — You say lime-juice was forced down the throat of the deceased; — did it appear to you, that it was so forced down his throat, with Intent to relieve, or further to hurt the deceased?

Answer — I do not know. —

(Question

Question — The three times that the deceased went to the Concubine's house, was he taken by force, or did he go voluntarily? —

Answer — Some people came and called him, and he went away with them.

Question — Did the people who gave the Lime-juice, bring it with them to your house, or did they find it there? —

Answer — They brought it with them.

Question — Did the deceased immediately after his return home on the day on which he died, or at any time previous to his death, express any apprehensions that he was about to die? —

Answer — He did not.

The Council for the Prosecution having no further questions to put to the Witness, she is cross-examined by Mr. James Stuart Hall of Council for the Prisoner —

Question — Was you at any time at Ramanjee's house on the day your Son died? —

Answer — No.

Question — Or at any time when this Conjuring process was said to have been carrying on? —

Answer — I was not.

Question — You have said, that when your Son went out on the day on which he died, you went to Chindatrepettah, — at what time did you return?

Answer — At eleven O'Clock.

Question — Was your Son at home at the time of your return? —

Answer — Yes.

Here the Grand Jury come into Court and return the Indictment

The King
against
Suncoo Sasachellum, — for Felony
endorsed, A true Bill —

and also deliver in the following Representation;

The Grand Jury submit to the Honble the Bench, that two of their members have from Intimation which has been made to the Grand Jury, been excused from further attendance on their meetings, upon Pleas of other business, — that the Grand Jury have been taught to consider the Execution of the trust reposed in them to be of great Importance, and that Indisposition only could relieve from their duties any Members once sworn in, — and this Idea was particularly confirmed by this Honble Bench, which on a late Occasion rejected such Apology of

(Business

Business for non-attendance offered by Mr. Henry Brown; and the Grand Jury do submit, that many of their Members have been engaged in an extraordinary long attendance upon the duties of the present and late Grand Inquests, and might thence and by the Encouragement of such an Example, (if admitted) endeavour to be relieved also, or give unwilling attendance in future.—

Town Hall
29th September 1794.—

In consequence of the above the Clerk of the Peace is directed to inform the Grand Jury, that Mr. Henry Brown and Edward Holland have been excused from their attendance on account of official duties, occasioned by the present dispatch of the Packet for Europe.—

The Gentlemen of the Grand Jury request to be informed whether the paper just sent to them by the Clerk of the Peace is to be considered as an answer to the last representation delivered by the Grand Jury to the Honble the Bench, in propriety of admitting business as an Excuse for the Non-attendance of a Grand-Juror.—

Town Hall
29th September 1794.

The Clerk of the Peace is then directed to inform the Gentlemen of the Grand Jury, that the Bench will take into consideration their representation relative to the Non-attendance of Jury men.

Question.	At what Hour after your arrival did your Son communicate to you the Circumstances which you have before stated in your Deposition, regarding the Powders said to have been administered to Him?—
Answer.	Within half an hour.
Question.	Was he then in good health.—or did he complain of Indisposition?
Answer.	He was then vomiting and purging.
Question.	How long did he continue to vomit and purge?
Answer.	Four or five Hours.
Question.	At what hour of the day did he die?—
Answer.	At three O'Clock.
Question.	Did he continue to vomit and purge without intermission until his Death?—
Answer.	Yes.
Question.	Whether, or no, was your Son accustomed to go daily to the Prisoner's House?—

Answer

Answer.	He was.
Question.	Was he not accustomed to eat his victuals at the Prisoner's house, every day?—
Answer.	Some times.
Question.	Did you not frequently go to the Prisoner's house, and bring victuals to your own house for yourself and Son?
Answer.	No.
Question.	Was, or was not, the deceased the Compendore, (the man who provides the victuals of the Prisoner?—
Answer.	Yes, he was;—but he did not receive any pay on that account.
Question.	On the day the deceased died, did you not see the Prisoner at your house?
Answer.	Yes;—I saw the Prisoner's Brother.
Question.	Did you see any English Gentlemen at your house on that day?—
Answer.	I did see an European Gentleman there after his death.
Question.	What did you say to the European Gentleman?—
Answer.	I declared the circumstances;—that he had taken powder;—had complained of a pain in his Breast, and had died.
Clerk of the Peace.	You are desired to recollect particularly, all the Circumstances that passed in the presence of the European Gentleman, and declare the same.
Answer.	The above is all I recollect.
Question.	Were any persons present at the time the deceased made his declaration to you just before his death, of the taking Physic?—
Answer.	None.
Question.	Did the deceased tell you that at the time the Powder is said to have been administered, that Ramayee beat, or offered to beat him, in order to force him to take it?
Answer.	He told me that Ramayee offered to beat him.
Question.	What particular persons, and who were they that came to see the deceased in his last illness, and just before he died?—
Answer.	Ponnapillah's Brother, and one Rungan Doctor, Veerasawmy Pillah, and another man of Pully Cast; many others came afterwards, but I do not recollect who they were.
Question.	Do you recollect to have seen Ram Restnah Pillay, and Rungan there?—
Answer.	Yes.—

Question

Business for non-attendance offered by Mr. Henry Brown, and the Grand Jury do submit, that many of their Members have been engaged in an extraordinary long attendance upon the duties of the present and late Grand Inquests, and might thence and by the Encouragement of such an Example, (if admitted) endeavour to be relieved also, or give unwilling attendance in future.—

Town Hall
29th September 1794.

In consequence of the above the Clerk of the Peace is directed to inform the Grand Jury, that Mr. Henry Brown and Edward Holland have been excused from their attendance on account of official duties, occasioned by the present dispatch of the Packet for Europe.—

The Gentlemen of the Grand Jury request to be informed whether the paper just sent to them by the Clerk of the Peace is to be considered as an answer to the last representation delivered by the Grand Jury to the Honble the Bench, in propriety of admitting business as an Excuse for the Non-attendance of a Grand-Juror.—

Town Hall
29th September 1794.

The Clerk of the Peace is then directed to inform the Gentlemen of the Grand Jury, that the Bench will take into consideration their representation relative to the Non-attendance of Jury-men.

Question.	At what Hour after your arrival did your Son communicate to you the Circumstances which you have before stated in your Deposition, regarding the Powders said to have been administered to Him?—
Answer.	Within half an hour.
Question.	Was he then in good health.—or did he complain of Indisposition?
Answer.	He was then vomiting and purging.
Question.	How long did he continue to vomit and purge?
Answer.	Four or five Hours.
Question.	At what hour of the day did he die?—
Answer.	At three O'Clock.
Question.	Did he continue to vomit and purge without intermission until his Death?—
Answer.	Yes.
Question.	Whether, or no, was your Son accustomed to go daily to the Prisoner's House?—

(Answer

Answer.	He was.
Question.	Was he not accustomed to eat his victuals at the Prisoner's house, every day?—
Answer.	Some times.
Question.	Did you not frequently go to the Prisoner's house, and bring victuals to your own house for yourself and Son?
Answer.	No.
Question.	Was, or was not, the deceased the Compradore, (the man who provides the victuals) of the Prisoner?—
Answer.	Yes, he was;—but he did not receive any pay on that account.
Question.	On the day the deceased died, did you not see the Prisoner at your house?
Answer.	No;—I saw the Prisoner's Brother.
Question.	Did you see any English Gentlemen at your house on that day?—
Answer.	I did see an European Gentleman there after his death.
Question.	What did you say to the European Gentleman?—
Answer.	I declared the circumstances;—that he had taken powder;—complained of a pain in his Stomach, and had died.
Clerk of the Peace.	You are desired to recollect particularly, all the Circumstances that passed in the presence of the European Gentleman, and declare the same.
Answer.	The above is all I recollect.
Question.	Were any persons present at the time the deceased made his declaration to you, just before his death, of the taking Physic?—
Answer.	None.
Question.	Did the deceased tell you that at the time the Powder is said to have been administered, that Ramanjee beat, or offered to beat him, in order to force him to take it?
Answer.	He told me that Ramanjee offered to beat him.
Question.	What particular persons, and who were they that came to see the deceased in his last illness, and just before he died?—
Answer.	Ponnapillah's Brother, and one Rungan Doctor, Veerasawmy Pillah, and another man of Pully Cast, many others came afterwards, but I do not recollect who they were.
Question.	Do you recollect to have seen Ram Kistnah Pillay, and Rungan there?—
Answer.	Yes.—

10

Question — Had any person, and whom, any conversation with your Son, at the time of his extreme illness?

Answer — The above mentioned persons, Ponnapillah's Brother; Rungan, Doctor; — Veera-sawmy; — Ram Kishnah Pillay, and Rungen.

Valeummah's Evidence closed.

Kistnah Pillay next sworn.

Question — By the Council for the Prosecution. — How long ago did the deceased Tellisingen die?

Answer — Friday the eleventh of July.

Question — Do you know how Tellisingen came by his death? —

Answer — Ramanjee, a Concubine of the Prisoner, had lost some Joys —

Question — How do you know she lost some Joys? —

Answer — I was told so —

Here the Council for the Prisoner objects to the admission of hearsay Evidence.

Question — Do you know of any disputes between the Prisoner and the deceased, and what was the occasion of those disputes?

Answer — I desired the deceased to go to the house of Ponnapillah; — the deceased refused to go —

Question — How long ago —

Answer — Five or six months ago — I asked him the reason he refused to go; — the deceased replied that a dispute had arisen between him, (the deceased) and Ramanjee — I do not know of any disputes between the Prisoner and the deceased.

The Council for the Prosecution having no further Questions to put to the Witness and the Council for the Prisoner not being desirous to cross examine him —

Terroovangadoo Pillay is next sworn —

Question — By the Council for the Prosecution —

Was you at the Prisoner's house, on the day that Tellisingen died?

Answer — I was.

Question — Relate what you know! —

Answer — I heard of the death of Tellisingen and went to the house of the Prisoner —

Question — Did you see a Moorman at the house of the Prisoner?

Answer — I did.

Question

Question — What passed between you?

Answer — I was informed that the Moorman's name was Cadjee Saib; — I went to him and asked him if he was the person who had given Physic to the deceased; — the Moorman told me that one Rungan came and called him.

The Council for the Prisoner objects to the Evidence of any thing related by the Moorman, as being merely hearsay Evidence, and of what was said by one of the parties indicted.

The Court having taken the same into consideration resolve that under the present circumstances, hearsay Evidence of any declaration of Cadjee Saib is inadmissible.

The Counsel for the Prosecution thereupon declares he has no further Evidence to produce.

The Counsel for the Prisoner does not think it necessary to produce any witnesses on the part of the Prisoner.

The petit Jury then retire to consider on their Verdict; — a Bailiff (James Sydney) having been first sworn to keep them; and after a short time, a Verdict being proclaimed they come into Court and answer to their names: —

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

Jury — Yes.

Clerk of the Peace — Who shall say for you?

Jury — Our Foreman.

Clerk of the Peace — How say you Gentlemen? — Is Ponnapillah the Prisoner at the Bar, 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.

Which being recorded —

Clerk of the Peace — Gentlemen of the Jury, hearken unto your Verdict, as the Court hath recorded it! — You say that Ponnapillah is not guilty of the Felony and Murder

Murder, whereof he stands indicted; — and that he did not fly for it; — and so you say all? —

Jury — Yes.

The Prisoner is thereupon discharged by proclamation —

Mr. Pasley the Coroner, gives in the following written Paper in answer to the Charge exhibited against him by the Grand Jury —

George Pasley, the Coroner, solicits from the Court, that the Accusation of the Grand Jury, comprized in their presentment of Wednesday last against him, may be put into such form as will enable him to meet it in his own Vindication, so early as the rules of this Court will permit; — the said George Pasley observes that the charge in its present state is loose, general, and unspecific, and an answer to it impracticable but the said George Pasley assumes a right to observe that the presentment in question has operated materially and deeply in prejudice of his official and personal Character; — and the persons composing the Grand Jury subscribing a great a proportion Volunteer Infantry, must have foreseen the tendency of the presentment against the said George Pasley, during the period that must necessarily elapse before his defence could be offered; — and therefore the said George Pasley presumes to submit that the Grand Jury might have imbibed "their very strong suspicion against his conduct" — from a source much purer than the testimony of Pillaby who is a Man of a very bad Character; and particularly if the Grand Jury had chosen to ask any questions from Mr. George Baillie (one of the witnesses before them) relative to the conduct of the said George Pasley: the Court, he believes, might have been spared the Trouble of recording the accusation against him, which has already injured him so deeply; — the said George Pasley also hopes that instead of an Inquisition being taken into his conduct, as urged by the Grand Jury, an Inquiry be first made therein, and which he has ever understood as a proceeding consonant to Justice, Impartiality, and the Laws of England.

G. Pasley Coroner —

Which having been read, the Court sends for the Gentlemen of the Grand Jury, to whom, when they had come into Court, the Chairman delivered the following address; —

Gentlemen

Gentlemen.

In the presentment you delivered into Court at the last sitting, you say that you have imbibed a very strong suspicion of a very exceptionable conduct in Mr. George Pasley in the execution of his duty as Coroner, in an Inquest held upon the Body of Sellisingin; — but you do not specify any particular misconduct he has been guilty of; — and without some specific charge we do not conceive that it is in our power to determine how far his conduct has been improper; — We have thought it right to call you in, to inform you of this, and to desire that you will specify the offence you conceive he has been guilty of —

The Grand Jury request the Clerk of the Peace be allowed to furnish them in writing with the substance of what has just now been delivered to them by the Chairman; —

Which the Clerk of the Peace is accordingly directed to do, and to send them also for their consideration the answer given in by the Coroner.

Gungan a native Inhabitant and one of the Taliars belonging to the Justices, is sworn by order of the Bench to answer truly such questions as shall be put to him —

Gungan is then interrogated by the Bench as follows —

Question — On what day, and by whom, were you ordered to take charge of Cadjee Saib a Conjurer? —

Answer — About two months ago, on one morning, I and another Taliar was ordered by Shunmogaroy, to go and bring the man that was confined in the Poligar's Choultry; We took charge of the Moorman, and brought him to the House of one Ponnapillah; the name of the Moorman was Cadjee Saib

Question — Did you receive any directions from Mr. George Pasley relative to the confinement of Cadjee Saib?

Answer — No.

Question — How long was Cadjee Saib the Moorman in your Custody? —

Answer — About an Hour.

Question — By whose order was Cadjee Saib the Moorman released? —

Answer — By order of Mr. Pasley.

The King against Suncoo Sasachellum } Suncoo Sasachellum being called on his recognizance is brought into Court by his Bail, and delivered over to the custody of the Sheriff —

The Prisoner Suncoo Sasachellum is then put to the Bar and arraigned as follows,

Clerk of the Peace — Suncoo Sasachellum hold up your right hand! —

You stand indicted by the name of Suncoo Sasachellum Inhabitant of Madras within the Jurisdiction of this Court, for the Jurors of our Lord the King upon their Oath present, that you on the night of the twenty-eighth day of May which was in the Year of our Lord, One thousand, seven hundred and ninety one, and in the thirty-first Year of the Reign of our Sovereign Lord George third, now King of Great Britain, France and Ireland, Defender of the Faith, and so forth, at Madras aforesaid, and within the Jurisdiction aforesaid, then being a servant of one Suncoo Chinna Kistnamah Chitty, and not an Apprentice, or a Person within the Age of Eighteen Years, he, the said Suncoo Chinna Kistnamah Chitty, did then and there, upon Confidence and Trust deliver to you, his said Servant, two thousand, six hundred and forty-two pieces of Gold-Coin, commonly called three Sawmy Pagodas of the value of One thousand six hundred and thirty-six Pounds Lawful Money of Great Britain, being the proper monies of him the said Suncoo Chinna Kistnamah Chitty, safely to keep the same to the use of him the said Suncoo Chinna Kistnamah Chitty; — and that you the said Suncoo Sasachellum, without consent or commandment of the said Suncoo Chinna Kistnamah Chitty, your said Master, feloniously did embezzle the said two thousand, six hundred and forty-two, three sawmy Pagodas, and convert the same to your own use, with intent to steal the same, and defraud the said Suncoo Chinna Kistnamah Chitty, your said Master, thereof, contrary to the Trust and Confidence to you, the said Suncoo Sasachellum, put, by the said Suncoo Chinna Kistnamah, Chitty your said Master, against the form of the Statute in that case made and provided and against the Peace of our said Lord the King, his Crown and Dignity. —

And the Jurors aforesaid, for our Lord the King, upon their Oath aforesaid, do further present, that you, the said Suncoo Sasachellum, on the night of the said twenty-eighth day of May, in the said Year of our Lord, One thousand, seven hundred and ninety one, and in the said thirty-first Year of the Reign of our said Sovereign Lord George the Third, at Madras aforesaid, and within the Jurisdiction aforesaid, then being a Servant of the said Suncoo Chinna Kistnamah Chitty, and not an Apprentice, or a person within the Age of Eighteen Years, he, the said Suncoo Chinna Kistnamah Chitty, did then and there, upon confidence and Trust deliver unto you, his said Servant Suncoo Sasachellum, Six thousand three hundred and forty five pieces of Silver Coin of the current Money of Madras and commonly called Company's Rupees, of the Value of Six hundred and thirty-seven Pounds and fifteen Shillings of the lawful money of Great Britain, being the proper monies of him, the said Suncoo Chinna Kistnamah Chitty, safely to keep the same to the use of him, the said Suncoo Chinna Kistnamah Chitty, and that you, the said Suncoo Sasachellum, without assent or commandment of the said Suncoo Chinna Kistnamah Chitty, your said Master, feloniously did embezzle the said Sum of Six thousand, three hundred, and forty five pieces of Silver Coin of the current Money of Madras, commonly called Company's Rupees, and convert the same to your own use, with intent to steal the same, and defraud the said Suncoo Chinna Kistnamah Chitty, your said Master thereof, contrary to the trust and confidence to you, the said Suncoo Sasachellum, put, by the said Suncoo Chinna Kistnamah Chitty, your said Master, against the form of the Statute in that case made and provided, and against the Peace of our said Lord the King, his Crown and Dignity.

And the Jurors aforesaid, upon their Oath aforesaid, do further present, that you the said Suncoo Sasachellum, on the night of the said twenty-eighth day of May, in the said Year of our Lord, One thousand, seven hundred and ninety one, and in the said thirty-first Year of the Reign of our said Sovereign Lord George the Third, at Madras aforesaid, within the Jurisdiction aforesaid, then being a Servant of the said Suncoo Chinna Kistnamah Chitty, and not an Apprentice, or a Person within the Age of Eighteen Years, he, the said Suncoo Chinna Kistnamah Chitty, did then and there, upon confidence and trust deliver also unto you, his said Servant Eighty six thousand, five hundred and eighteen pieces of Silver Coin, commonly called Fanams, current money of Madras, of the Value of Seven hundred and forty eight Pounds, five Shillings, and ten Pence of the lawful Money of Great Britain, being the proper Monies of him the said Suncoo Chinna Kistnamah Chitty, and safely to keep the same to the use of him the said Suncoo Chinna Kistnamah Chitty; — and that you the said Suncoo

Suncoo Sasachellum without Assent or commandment of the said Suncoo Chinna Kistnamah Chitty your said Master, feloniously did embezzle the said Sum of Eighty six Thousand, five hundred and Eighteen Fanams, current money of Madras and convert the same to your own use, with intent to steal the same, and defraud the said Suncoo Chinna Kistnamah Chitty your said Master thereof;- contrary to the trust and confidence to you, the said Suncoo Sasachellum, put by the said Suncoo Chinna Kistnamah Chitty, your said Master, -against the form of the Statute in that case made and provided, - and against the Peace of our said Lord the King, his Crown and Dignity. -

And the Jurors aforesaid, upon their Oath aforesaid, do further present, that you the said Suncoo Sasachellum on the night of the said twenty eighth day of May, in the said Year of our Lord, One thousand, seven hundred and ninety one, and in the said thirty-first Year of the reign of our said Sovereign Lord George the Third, at Madras aforesaid, and within the Jurisdiction aforesaid, then being a Servant of the said Suncoo Chinna Kistnamah Chitty, and not an Apprentice or a person within the Age of Eighteen Years, he the said Suncoo Chinna Kistnamah Chitty did, then and there, upon Confidence deliver also unto you, his said Servant, a Bulse of precious Stones of the value of forty Pounds of the lawful Money of Great Britain, of the Goods and Chattels of him, the said Suncoo Chinna Kistnamah Chitty, safely to keep the same to the use of him, the said Suncoo Chinna Kistnamah Chitty; - and that you, the said Suncoo Sasachellum, without assent or commandment of the said Suncoo Chinna Kistnamah Chitty, your said master, feloniously did embezzle the said Bulse of precious Stones, of the value aforesaid, and convert the same to your own use, with intent to steal the same, and defraud the said Suncoo Chinna Kistnamah Chitty, your said master, thereof; - contrary to the trust and confidence to you, the said Suncoo Sasachellum, put by the said Suncoo Chinna Kistnamah Chitty, your said Master; - against the form of the Statute in that case made and provided, and against the Peace of our said Lord the King his Crown and Dignity. -

And the Jurors aforesaid, upon their Oath aforesaid, do further present, that you the said Suncoo Sasachellum, on the night of the said twenty eighth day of May, in the said Year of our Lord, one thousand, seven hundred and ninety one

ninety one, and in the said thirty first Year of the reign of our said Sovereign Lord George the Third, at Madras aforesaid, and within the Jurisdiction aforesaid, then being a Servant of the said Suncoo Chinna Kistnamah Chitty, and not an Apprentice, or a person within the Age of Eighteen Years, he, the said Suncoo Chinna Kistnamah did, then and there, upon confidence and trust deliver unto you, his said Servant, Eight thousand and eighteen pieces of Gold Coin, commonly called Star Pagodas, Current Money of Madras, of the value of three thousand, two hundred and seven Pounds and four Shillings of the lawful money of Great Britain, being the proper monies of him the said Suncoo Chinna Kistnamah Chitty, safely to keep the same to the use of him the said Suncoo Chinna Kistnamah Chitty; and that you, the said Suncoo Sasachellum, without the Assent or commandment of the said Suncoo Chinna Kistnamah Chitty, your said Master, feloniously did embezzle the said Eight Thousand and eighteen pieces of Gold Coin, commonly called Star Pagodas, of the Value aforesaid, and convert the same to your own use, with intent to steal the same, and defraud the said Suncoo Chinna Kistnamah Chitty your said Master thereof; contrary to the trust and confidence to you, the said Suncoo Sasachellum, put by the said Suncoo Chinna Kistnamah Chitty, your said Master; - against the form of the Statute in that case made and provided, and against the peace of our said Lord the King, his Crown and Dignity. -

And the Jurors aforesaid, upon their Oath aforesaid, do further present, that you, the said Suncoo Sasachellum on the night of the twenty eighth day of May, in the said Year of our Lord One thousand, seven hundred, and Ninety one, and in the said thirty first Year of the Reign of our said Sovereign Lord George the Third, at Madras aforesaid, and within the Jurisdiction aforesaid, then being a servant of the said Suncoo Chinna Kistnamah Chitty, and not an Apprentice, or a person within the age of Eighteen Years, he, the said Suncoo Chinna Kistnamah Chitty, did, then and there, upon confidence and trust, deliver unto you, his said Servant, a Box containing different Gold and Silver Coins of the Value of Eight hundred and forty Pounds of the lawful Money of Great Britain, being the proper monies of him, the said Suncoo Chinna Kistnamah Chitty, safely to keep the same to the use of him, the said Suncoo Chinna Kistnamah Chitty; and that you, the said Suncoo Sasachellum without Assent or Commandment of

of the said Suncoo Chinna Kistnamah Chitty your said Master, feloniously did embezzle the said Gold and Silver Coins of the Value aforesaid, and convert the same to your own use, with intent to steal the same, and defraud the said Suncoo Chinna Kistnamah Chitty your said Master thereof — contrary to the Trust and Confidence to you, the said Suncoo Sasachellum, put by the said Suncoo Chinna Kistnamah Chitty your said Master, — against the form of the Statute in that case made and provided, and against the peace of our said Lord the King, his Crown and Dignity —

How say you — 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 and my Country.

Clerk of the Peace — God send you a good deliverance.

The Prisoner offers the following Affidavit —

to which he having sworn the same is read by order of Court.

Before the Sessions of Oyer and Terminer, and General Goal delivery for the Town of Madraspatnam and the districts thereof —

The King — v. — Sasachellum —

The Affidavit of Sasachellum Chitty —

Sasachellum Chitty the above named Deponent maketh Oath and saith, — Caunda Gaddula Vancatarayalou Chitty, Caunda Gaddula Sesha chellum Chitty, Ramaya Pintalou and Narasima Chitty are material Witnesses on the part of the Deponent, and without whose testimony this Deponent is advised, and verily believes, he cannot safely proceed to trial upon the present Indictment; — and this Deponent further says, that the said Persons are kept out of the way of being brought forward to depose at the trial of this Deponent by the means and instigation of the Prosecutor Suncoo Chinna Kistnamah Chitty, as this Deponent has been credibly informed, and verily believes the fact so to be

Sworn to in Court, this 29th day of Sept. 1794 — Suncoo Sasawchellum.

R Williams
Clerk of the Peace

Mr. John White, the Counsel for the Prisoner prays on the Grounds of the said Affidavit, that the trial may be put off till next Sessions. —

The Court upon consideration thereon determine to postpone the Trial until the next Sessions.

And the Sheriff is directed to take charge of the Prisoner.

The Grand Jury send into Court the following notification. —

The Grand Jury have the Honor to acquaint the Honble Bench, that it is their Intention, under the present Circumstances to proceed in the discharge of their duty, with the number of which the Jury is now composed, being fifteen —

Town Hall
29th September 1794.

In a short time after the Grand Jury come into Court, and deliver in the following presentment. —

Madraspatnam Sessions,

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 and truly 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, and prescribed the proper method for putting these Laws in Execution —

Do present, that in our constitutional capacity of Grand Inquest for the Town of Madraspatnam we conceive it is our duty to recommend to the benevolent consideration of this Honble Court the case of John Charles Wilkins Box, who was sentenced on the 25th April 1789, to an Imprisonment of six months, and to the payment of a fine of 13616. 22. 18 — thirteen thousand, six hundred, and fourteen Pagodas, twenty two fanams, and eighteen Cash, and to remain in Prison until the Fine was paid; — and we do make this Presentment, because it appears to us that the fine is excessive, and amounts to a sentence of perpetual imprisonment contrary to the humane intentions of the Laws in such cases; — and because it appears to us, that there was a questionable Assimilation of Ideas in fining the said Box to the exact amount of the Fraud for which he was sentenced; inasmuch as the Fine were it even possible to be paid would go to our Sovereign Lord the King, and not to the Re-imbursement of the Prosecutors of the said Box. ——

And

And the Grand Jury for the Town of Madraspatnam as a Grand Inquest as aforesaid do further present to the humane feelings of this Honorable Court the case of Manuel Joachim D Costa who was sentenced in the Sessions of May 1788 to one Years imprisonment, to pay a fine of one hundred Pounds, and to give security himself in one hundred Pounds, and by two other Persons in fifty Pounds each for his good Behaviour for one Year. This thoughtless person after a confinement of nearly six months, broke prison, but was re-taken on the 2d March 1792 - from which time being a period of thirty months, he has been kept in prison when including his first confinement he has been detained very nearly three Years in the Aggregate; and where but for the intervention of the Mercy of this Honble Court, he must remain for life, from a positive Incapacity of paying the Fine, and of furnishing the securities required - And we do present that we have understood that D Costa is a Portuguese born in Europe, and that he prays to be returned to Portugal by the first conveyance that may offer, should this Honble Court not think it prudent to set him at large in India

Andrew Ross Foreman

John M Douall
L. D Campbell
Thomas Snodgrass
Richard Chase
J. Tulloh
Thomas Stephens
John Smart

George Parry
Cecil Smith
John Jervis
Edward Jones
William Purser
William Rose Gordon

Town Hall
Madraspatnam
29th September 1794

Wm Fraser

Which having been read - the Grand Jury retire; - and shortly after return into Court, and deliver their further Presentment in reply to the Answer of the Coroner

Madraspatam Sessions

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 duly and truly 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, and prescribed the proper method of putting those Laws in execution

Do present

Do present, in reply to the notification received from the Hon'ble the Bench on this day respecting the Coroner Mr George Pasby, although we do not recognise that it is our positive legal duty under the circumstances of this case to make the further specification required of us, that it came to our knowledge, that Puttaby, who is now stated by the Coroner to be a person of very bad Character, was nevertheless selected by the said Coroner to be his Interpreter with the native Inquest held on the body of the deceased Tellisingen, that in reference to what the Coroner has stated to this Hon'ble Court that there was a much purer source for the suspicion we had imbibed, and to his intimation that Mr George Baillie was that purer source, it will appear to the Hon'ble Bench that Mr Baillie's information strongly corroborated the suspicions first impressed by the above named Puttaby, in the degree that it exhibited that although Tellisingen deceased on Friday he, Mr Baillie, was not summoned until the next morning to inspect the Body, that even then he was not informed that he had been summoned officially by the Coroner, and that his opinion was to be made use of upon the Inquest and that he did not see an Inquest, or know that any one was assembled for the occasion nor in the absence of an Inquest did the Coroner Mr Pasley take means of obtaining that good information which he might by requiring Mr Baillie to open the Body, and inspect the state of the Stomach &c. That referring to the information of Puttaby the Interpreter selected by Mr Pasley, We the Grand Jury do find particularly, that the Coroner's Inquest declined to give their Verdict unless they had the Evidence of one Badjee Saib, who Mr Pasley did not allow to be examined, because he thought him to be a guilty party, in consonance to which Idea the said Badjee Saib was included together with other parties for Murder and Felony, notwithstanding which declaration and its consequences, and that the said Badjee Saib was then, as it has appeared to us, actually under restraint, he, the said Badjee Saib was thereafter allowed by the said Mr George Pasley to go at large. That when the Coroner's Inquest had agreed upon their Verdict, Mr George Pasley opposed receiving it upon the grounds of Mr Baillie's opinion not given upon Oath before the Inquest, nor passed upon official requisition, nor upon those grounds which might have been obtained by opening the Body. We, the Grand Jury, in conclusion, do present, that we did not urge that an Inquisition should be taken into the Conduct of Mr Pasley as contradistinctive to enquiry, and we do disclaim to have exerted any Influence different from

On Friday the day that Tellisingan died, I was then holding an Inquest on the Body of a Boy killed by an Elephant, and did not return from the place at which the Body lay (being about two Miles from Madras) till near three O'Clock:- I went in the Evening to see the Body of Tellisingan, but from the late arrival of the Interpreter belonging to the Office of Police, it was impossible that might be held an Inquest.— Cadjee Saib, at that moment being suspected as a culpable person, I ordered him into the Custody of a Peon till the next morning.

When Doctor Baillie attended on Saturday morning, there were near five hundred persons assembled, and Doctor Baillie knew from me the purpose for which he was called, the business I was then on, and that his Opinion was required to satisfy the minds of some of the Jury, respecting the appearance of the Body of the deceased, Tellisingan.—

The Jury did not decline giving a Verdict because Cadjee Saib's Arridna was not taken.— When the Jury requested that he might be examined, I asked them to what point they wished to interrogate him,— they replied (as interpreted to me) that they wished him to declare on his Oath, if he had, or not, put poison into the Powder given to Tellisingan.—

I pressed the Jury several times to give me a Verdict;- having then been almost four hours near the dead body;- and told them, if they had any suspicion that Tellisingan had been poisoned, to declare the same, and I would record it;- thereupon, it was explained to me, that they were of different opinions relative to the cause Tellisingan's death; some being of opinion that it was his fate to die that day, his time being come;- others, that he died from the effect of certain words pronounced by Cadjee Saib, when he gave the powder to the deceased.

Throughout the whole transaction, it appeared to me, that there was much family spite and animosity against Ponnapillay;- and that Cadjee Saib was looked upon by the Jury and People collected on the occasion, not as culpable;- the whole blame they laid at Ponnapillay's door; which Ponnapillay I did all in my power to screen.- Cadjee Saib they said was only a Conjurer, and had done nothing more than what he was hired to do every day.

No one person was brought forward during the investigation most remotely to say, or to prove, that any Poison had been put into the Powder given to Tellisingan;- and the deposition of one of the Witnesses delivered by me into Court, stated that the Powder bought by him, and the same given to the deceased, was not noxious,

(and

and Doctor Baillie gave me the like opinion, and added that the body had not the appearance of being poisoned, and therefore I thought it unnecessary to have the Stomach opened and examined; and the body was already advanced in Putridity.

As the transaction did not appear to me to implicate Ponnapillay in the suspicion of Murder much less could it affect Cadjee Saib, who was merely an Agent or Accessory in it, and discharged him, because I conscientiously believed, as I do now, it was my duty to do so uninfluenced by any sinister motive whatever;- and I feel at the present moment a conviction that I have done right; which the Verdict of the Jury on Ponnapillay's trial has confirmed to me.

The Difficulties which have presented themselves to me in the Execution of my Office have been various, and I shall take an Opportunity to state them, with the hope of being assisted;- but on the present occasion I forbear to urge them, as a defence to the Accusation, choosing to rest it on the true circumstances of the Transaction complained of.

When I besought the Court to enquire into my Conduct before an Inquisition was made out, I adopted the language of the Presentment itself, and I was not authorized to give a construction upon it opposite to that it maintains in Language;- and I deny that the answer which the Court condescended to receive, imputed, or intended to impute, any other influence than the sentiments which must follow the sentiments of persons possessing so much public estimation by their talents, moderation, and independence, when their sentiments be promulgated.-

G Pasley
Coroner.

The Court inform Mr. Pasley that it will be necessary a further investigation be had into his conduct as Coroner.

The Clerk of the Peace is directed by the Bench to enquire of the Foreman of the Grand Jury if the Gentlemen of the Grand Jury have any business to lay before the Court.

The Grand Jury come into Court and deliver in the following Presentment;—

Madraspatnam Sessions.

We, the Grand Jury for the Town of Madraspatnam, sworn to enquire for our Sovereign Lord the King for the body of the said Town, — being justly and truly sensible of the many advantages arising to this place by the gracious dispensation of the Royal Charter, as it is conveyed with it the laws of England, and prescribed the proper method for putting the Laws in Execution,

Do present. That by the Laws of England the duty of summoning Juries is undoubtedly and solely in the department of the Sheriff, to whose authority and discretion those Laws by defined regulations commit this great and especial trust; — That notwithstanding it has come to our knowledge that for the Sessions which commenced to be holden on the 30th. day of April now last past, a List of the Grand Jury was originated by the Honble the Governor who did sit as Chief Justice on the Bench for that Sessions, that such List was transmitted by his Order to the Sheriff for the Town of Madraspatnam, and that from that List the said Grand Jury was summoned and empanelled; — which proceeding we, the aforesaid Grand Jurors, do present to be highly irregular, and unconstitutional, and to be a great invasion of the rights of Juries; — and We, the Grand Jury for the Town of Madraspatnam do further present, that it has come to our knowledge that for this present Sessions of Oyer and Terminer, the Honble the Governor and Chief Justice aforesaid, did, without respect to the wholesome provisions made by the Legislature, select a certain number of names from a more enlarged catalogue furnished to him by the Sheriff, and according to such selection of the said Governor and Chief Justice, the Grand Jury for the present Sessions aforesaid, was impannelled; — which we do present to be an unlawful invasion of the sacred right of Juries, and to have a dangerous tendency to subvert those great and good Securities for the Liberties of the Subject. And We, the Grand Jury for the Town of

Town of Madraspatnam do further present, that the Sheriff by the laws of England is directed to submit the names of the Grand Jurors in his Schedule in Alphabetical order, by initial letters of their Surnames, in order that the influence of favour and prejudice may be excluded, and that a free and unbiassed arrangement may be insured, — and that by the Interference of the Honble the Governor and Chief Justice as aforesaid, this wise and salutary practice has been entirely neglected and set at nought; — And We, the Grand Jury for the Town of Madraspatnam do further present, that by the Constitution and Laws of England it is the unalienable right of every Jury to nominate its own Foreman, that this right should be exercised after the Jurors have been called over Alphabetically in Court, and immediately of their being sworn in, which right, notwithstanding a strong and just presentment by the last Grand Jury, was again invaded by the Honble the Chief Justice at the commencement of these Sessions, taking upon himself to nominate the Foremen of the Juries; — which we do present to be an Injury to the Subject, and an Interference tending to deprive every man of the hope of that fair trial by a free and unrestrained Jury, which the Laws of England have provided for, and have intended to secure to him. —

And We, the Grand Jury for the Town of Madraspatnam, do again present this last subject of Complaint notwithstanding any book of Instructions, or any Bye-law of the Company's, which may be erroneously imagined to sanction so unconstitutional a mode of nominating the Foremen of Juries, for there cannot in the nature of things, exist any authority under the Legislature, for framing the one, or compelling the other to a violation of the fundamental constitution of Great Britain.

Andrew Ross, Foreman

Town Hall of Madraspatnam 29th. September 1794

George Parry	L. D. Campbell
Cecil Smith	Thomas Snowgrass
John Jervis	Richard Chase
Edward Jones	J. Tulloh
Wm. Fraser	Thomas Stephens
W. K. Gordon	John Smart
John Mc. Donald	Wm. Fraser.

3rd October 1794

which having been read the Chairman informs the Grand Jury,

The Court think proper to declare that they mean in future to impose a heavy fine on any Grand Juror, who shall absent himself from his Duty on pretence of official or private business, unless permitted so to do upon previous application to the Court.

That it is their intention to make further enquiry as to the conduct of the Coroner Mr. Pasley;

That as all Fines and Penalties adjudged by the Court are granted to the Company, they have, in Council, in consequence of the representation of the Grand Jury, thought proper to remit the fine imposed upon Joachim Manuel Da Costa; - but the Fine adjudged to be paid by John Charles Wilkins Box being of so great a magnitude, they have resolved to refer the matter to the Court of Directors with a recommendation for his emancipation.

The Grand and Petty Jurors are then thanked for their Services and dismissed.

The Court is then adjourned to Monday the twentieth Instant at ten O'Clock in the Forenoon, for holding another Sessions. —

R Williams
Clerk of the Peace —

20th October 1794

At a General Court

of Sessions of the Peace Sessions of Oyer and Terminer and General Gaol delivery holden at the Town Hall in Fort Saint George on Monday the twentieth day of October one Thousand seven hundred and Ninety four

Before

The Right Honorable Robert Hobart commonly called Lord Hobart
President and Governor of Fort Saint George
and
Edward Saunders and Ernst William Folliofield Esquires
Justices assigned to keep the Peace as also commissioners of Oyer and Terminer and General Gaol delivery for the Town of Madraspatnam Garrison of Fort Saint George and its Dependencies
and
Theodore Corbett Thomas Lewin and George Wynch Esquires
Justices of the Peace called upon by the Justices of Oyer and Terminer and General Gaol delivery to associate with them during the present Sessions and duly authorized by the Governor in Council so to do.

The Court being duly opened the Sheriff returns his Precepts

Mr. George Pasley the Coroner returns an Inquisition held on the Body of Venkatasen on the eighteenth day of October one thousand seven hundred and ninety four

Mr. John White of Counsel for Seneca Sasawchellum moves that the Prisoner Seneca Sasawchellum be allowed to Bail on his giving security to the amount charged in the indictment, and he hopes the more especially for that indulgence on account of the respectability of the Prisoner and the Acrimony with which the Prosecution has been carried on —

The Court taking the same into consideration direct that the Prisoner be continued in the Custody of the Sheriff, as the Prosecutor was ready at the last Sessions to have Proceeded on the Trial which was postponed at the Instance of the Prisoner by reason of his own affidavit, and no new cause or reason has been now shewn why he should have any Claim to such an Indulgence —

The Court is then adjourned until Wednesday the nineteenth day of November next at ten O'Clock in the forenoon for continuing the present Sessions —

R Williams
Clerk of the Peace —

Wednesday 19th November 1794

Grand Court of Oyer & Terminer and adjourned Court

of Sessions of the Peace Sessions of Oyer and terminer and General Goal delivery holden at the Town Hall in Fort Saint George on Wednesday the nineteenth day of November one thousand seven hundred and ninety four —

Before

The Right Honorable Robert Hobart commonly called Lord Hobart
President and Governor of Fort Saint George

and

Edward Saunders and Ernst William Falkofield Esquires
Justices assigned to keep the Peace as also Commissioners of Oyer and Terminer and General Goal delivery for the Trial of Madraspatnam Garrison of Fort Saint George and its dependencies —

and

Theodore Corbett, Thomas Lewin and George Wynch Esquires
Justices of the Peace called upon by the Justices of Oyer and Terminer and General Goal delivery to associate with them during the present Sessions and Duly authorized by the Governor in Council so to do

The Court being duly opened the following Gentlemen are then Sworn on the Grand Jury —

The Honorable Basil Cochrane Foreman
Matthew Yeats — Robert Abbott
John Humphry Standon — John Hamilton
William Jones — William John Chater
Charles Barker — Peter Massey Cazin
Thomas Anstey — Edward Jones
William Linley — James Sutherland
William Cockell — Hugh Jones
George Garrow — Edward Watts
William Roebuck — Thomas Fraser

Robert Blinkworth is sworn as Serjeant to the Grand Jury

The Grand Jury having been called over and answered to their names, the Chairman delivers to them the following address —

Had the Grand Jury been well founded in their attempt to exclude the Bench from all interference in the formation of the Panels or lists of Jurors their conduct in standing forward as Public Censors upon the occasion might have been commendable, but as the Panels of the Grand and petit Juries are directed by Parliament to be submitted to the Court, and the Court are directed to reform the Panels as in their discretion they may think fit and as the Sheriff is commanded to return the Panels so reformed, the Grand Jury have reprobated a conduct which the Law Prescribed, and as their Presentment does not state that any Grievance had been felt from the Practice which they have thought proper to condemn, it does not appear that any is sought to be redressed and the Court are therefore at a loss to conjecture for what purpose

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such a presentment can have been made —

The Court earnestly recommend to the present Grand Jury not to delay the business of the Sessions by wasting their time in discussions in no degree calculated to promote the Public good. The Court direct that the act of the 3d of Henry 8th Chapter 12th be read — which is accordingly read by the Clerk of the Crown —

The following Indictment is then delivered to the Grand Jury

The King
against
Thomas Baker and William Henry Price
For Felony

The Grand Jury then retire, and after a short time Mr John Humphry Standon one of the Gentlemen of the Grand Jury returns into Court with the Indictment the King against Thomas Baker and William Henry Price, and the following persons are then in his presence Sworn to give evidence to the Grand Jury thereon —

Flora Herbert
Gudda puttalou
Tymanaick

The Indictment The King against Thomas Dignum and John Corral is then delivered to the Grand Jury and the following Witnesses Sworn thereon —

William Rodgers
John Pitcher
Shaick Meeran
Pascal Vellums

The King
against
Suncoo Sasawchellum

The Prisoner Suncoo Sasawchellum is put to the Bar to take his trial on the Indictment for Felony on which he had been arraigned on the twenty ninth of September Last Past, and thereunto had pleaded not Guilty —

The Prisoner being informed of his Privilege desires that the Jury may be half European and half Native —

The following persons are then called by their names on the Petit Jury —

Robert Henderson
David Young
John Sharp
John Caird
Hugh Gordon
Alexander Melvin
Yalacanetoor Juggerloo Chitty . . . . . Challenged by the Prisoner

Rajah —

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Rajah Narrain Chitty
Guntoor Aulvaur Chitty — Challenged by the Prisoner
Yalacauttoor Raumey Chitty — Challenged by the Prisoner
Torrah Venganah Chitty — Challenged by the Prisoner
Pethecolla Vencatachella Chitty — Challenged by the Prisoner
Pearla Kistnamah Chitty — Challenged by the Prisoner
Dauserry Vencataramoo Chitty — Challenged by the Prisoner
Aregay Coetty Naick
Cuttawall Chinnatomboo Naick — Challenged by the Prisoner
Pazadom Nannapah Naick — Challenged by the Prisoner
Mauny Chitty Vencatasamy Naick — Challenged by the Prisoner
Tanagoo Gopaul Kistnamah Naick — Challenged by the Prisoner
Chengamah Sashashella Chitty
Putty Mungoputhy Chitty
Macklin Kistnamah Naick — Challenged by the Prisoner
Gavjoola Mosthallo Chitty — Challenged by the Prisoner
Cauvola Dava Ranjoolo Chitty

Mr. Wilkinson of Council for the Prosecution objects to three of the native Jurymen namely—

Rajah Narrain Chitty
Tanagoolo Gopaul Kistnamah Naick
Putty Mungoputhy Chitty

The Chairman desires that Cause may be assigned against the fore men unless the Prisoner consents to their being withdrawn which he does

The three following Persons are then called by their names

Connoor Moodeie Moodelly
Cauvyepooram Woodeundy Moodelly
Triplicane Rungapah Moodelly

And not being objected to the whole were then counted and the twelve Jurors Sworn viz—

Robert Henderson
David Young
John Sharp
John Card
Hugh Gordon
Alexander Melvin
Aregay Coetty Naick
Chingamah Sashashella Chitty
Cauvola Dava Ranjoolo Chitty
Connoor Moodeie Moodelly
Cauvyepooram Woodeundy Moodelly
Triplicane Rungapah Moodelly

Clerk of the Peace — Gentlemen of the Jury look upon the Prisoner and hearken unto his Cause — You shall &c

That he stands Indicted by the name of Sunoo Swamychellum Inhabitant of Madras within the Jurisdiction of this Honorable Court here the Indictment is read as in the Arraignment upon this Indictment he hath been arraigned and thereunto hath Pleaded not Guilty and for his trial hath put himself upon God and his Country which Country you are your Charge therefore is to enquire whether he is Guilty of this Felony whereof he stands Indicted or not Guilty If you find him Guilty you are to enquire what Goods and 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 if he fled for it, if you find that he fled for it you are to enquire of his Goods and Chattels Lands and tenements the same 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 Counsel for the Prosecution pray that the Counsel for the Prisoner may deliver into the hands of the Sheriff a list of the Witnesses meant to be produced on the Prisoners behalf, he having prayed that the same might be done on the Part of the Prosecution—

Ordered by the Court that the Sheriff be furnished with the Lists respectively, and that they be Kept apart until Called upon by the Court—

Mr. Emanuel Samuel opens the Prosecution

Upon which Sunoo Chenna Kistnamah is Sworn to give his evidence for the Crown against the Prisoner—

Question — Where was you on the twenty eighth day of May one thousand seven hundred and ninety one—

Answer — I was at my Garden House at Tandiampittah

Question What distance is it from Madras

Answer About two Miles

Question were you sick or well

Answer I was very sick

Question how long had You been sick at your Garden

Answer about two or three Months

Question and at the Garden the whole time

Answer Yes

Question Have you a House in the Black Town of Madras and where?

Answer In Sunoo Ramah Street

Question Had you before you went to your Garden taken an account of your property in that House

Answer I did the second of April one thousand seven hundred and ninety one— I went to the Garden by the advice of Doctor Duffin—

Question have you any account in writing of such Property?

Answer I was not able to take an account of the whole of my Property myself except what was in the Cash Chest and the drawers and writing desk and a large Mahogany Chest—

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Question — What was the Property that you did take an account of?

Answer — two Thousand six hundred and forty two Three Sawmy Pagodas, Eight thousand and Eighteen Star Pagodas, six thousand three hundred and forty five Rupees Eighty six thousand five hundred and Eighteen Fanams different Sorts of Coins of the value of two thousand one hundred Pagodas one Bulse of Precious stones of the Value of one hundred Pagodas, and twenty three Bank notes of the value of nine thousand three hundred and ten Pagodas —

Question Is the account which you took at that time in your own hand writing?

Answer I took the memorandums in my own hand writing from the Books which I had left in the drawers, after I had taken the Memorandums and examined the money in the Cash Chest and other places, and Suncoo Ramah Chitty by my direction sealed the Bags containing the money and the Bulse of Precious stones, and I took only the Memorandums with me —

(Here the Grand Jury come into Court and answer with their names and deliver into Court the Indictments —

The King
against
Thomas Baker and William Henry Price
For Felony — Endorsed or true Bill

The King
against
Thomas Dignum and John Errol
For Felony — Endorsed a true Bill.

The Indictment

The King
against
Thomas Blake for Felony and Murder — is then delivered to the Grand Jury —)

Question Was the Property you took an Account of, kept in one or several places?

Answer the Bank notes the three Sawmy Pagodas and Star Pagodas were Kept in the Iron Chest, the Rupees and the Box containing different Coins, were Kept in the Mahog^y Chest, the Fanams and the Bulse of Precious Stones were Kept in the drawers of my writing Table, which had in it four Drawers on each side —

Question Did you lock the Iron Chest containing the Bank notes the Madras Pagodas and

and Sawmy Pagodas?

Answer — Suncoo Ramah locked it by my directions.

Question — did you put any Seal upon the Chest?

Answer No — only upon the Bags —

Question did you lock the Mahogany Chest or did you desire any one else to do so?

Answer Suncoo Ramah locked it by my Order.

Question were there any Seals put on the Mahogany Chest?

Answer No

Question Was the writing Table Locked and by whom?

Answer by Suncoo Ramah by my Order, he was in the Room with me

Question Were there three separate Keys for the Iron Chest, the mahogany Chest and the writing Table? —

Answer there was a Key to every one and the Key of the writing Table was common to all the Drawers of that Table —

Question What was done with the Keys of the Iron Chest, the Mahogany Chest and the writing Table after they were locked? —

Answer The Keys of the Iron Chest and Mahogany Chest were put into the writing Table and I carried the Key of the writing Table with me to my Gardens, as I was used to do? —

Question In whose Possession was the Key of that writing Table from the second day of April until the twenty eighth day of May one Thousand Seven hundred and ninety one? —

Answer In mine, I always was used to have it with me and I have it with me now —

Question did you never entrust that Key to any person between the second of April and the twenty eighth of May one Thousand Seven hundred and Ninety one?

Answer never —

Question had you any occasion between the second of April and twenty Eighth of May one Thousand Seven hundred and Ninety one to have any of those Chests opened?

Answer I do not recollect that I had.

Question Do you believe you did not cause them to be opened?

Answer I do not recollect —

Question Was you at your House at Black Town between the second of April and twenty eighth of May? —

Answer —

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Answer I went to my Garden on the seventh of April and did not return to my House in Black Town between that time and the twenty eighth of May –

Question Did you ever between the second of April and seventh of April either open or cause to be opened the Iron Chest the Mahoguny Chest or the writing Table?

Answer The Iron Chest and the Mahoguny Chest were neither of them opned by me, or by my Orders, but the Drawers of the Writing Table were opned by my direction and in my Presence on account of some Papers –

Question Did you see the Drawers of the writing Table relocked?

Answer They were Relocked, and I tried them to find if they were locked.

Question at the time the Drawers of the writing Table were so unlocked were the Keys of the Iron Chest and Mahoguny Chest taken out or removed?

Answer They were not removed by me nor did I see any body else remove them –

Question From the time you mention the writing Table to have been opned was it ever opned again prior to your Removal (when Sick) to the Garden? –

Answer no

Question, nor from the Seventh of April till the twenty eighth of May one Thousand Seven hundred and ninety one?

Answer no

Question Relate what passed between you and the Prisoner at the Bar on the night of the twenty eighth of May one thousand seven hundred and ninety one –

Answer about eight or nine O'clock on the twenty eighth of May one thousand seven hundred and ninety one, at night the Prisoner came to my Gardens, when I was very sick in Bed, the Prisoner came and told the people who were near me to go away as he wanted to speak to me, the People that were there went away accordingly except Seniore Ramah the Prisoners Brother – the Persons that went away were one Modinga Ramasaumy Chetty, Gaddeapetty a Doctor – Pinny Briminy, and two or three others whom I do not recollect, I was so sick – The Prisoner then told me he had heard the Board of Revenue had determined to send a Guard over me and to take me to Seize my Effects and to Carry them away, and also desired me to secure my Property in such manner as I chose, saying that he was obliged to tell me as he was –

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was my Friend and ordered my Property and further said if you dont take care and remove your money Jewels and Silver things you will suffer and I said I am sick in Bed I trust you to take charge of the money and Silver things in the Chest and I then delivered the Key of the Drawers of the writing Table and two Small Keys tied with it to the Prisoner at the Bar – the Prisoner said very well, and went away – Seniore Ramah was present all the time until the Prisoner went away with the Keys –

Question When did you next see the Prisoner at the Bar?

Answer On the next day.

Question What had passed between you?

Answer The Prisoner told me to be easy he had secured the money and the Silver things –

Question was any Person Present at this time?

Answer Nobody

Question Was the Prisoner your Servant or Apprentice?

Answer He was my Servant from August one thousand seven hundred and Eighty seven until the thirty first of August one thousand seven hundred and ninety one, and not my Apprentice –

Question At what wages?

Answer thirty Pagodas per month –

Question did you Pay those Wages?

Answer some times I paid him myself fifteen Pagodas per month and in two or three months paid him the balance, sometimes my Shroff by my Orders paid him –

Question did the Prisoner receive wages for the month of May one thousand seven hundred and Ninety one?

Answer Yes my Shroff paid him

Question Did you ever demand back your Property from the Prisoner and when?

Answer I did in the months of October and November one thousand seven hundred and Ninety

One

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me I demanded it several times from the Prisoner at the Bar, the Prisoner told me what
are you in a hurry for, you are under a Guard, your business is not yet settled by
the board of Revenue about your Farm of Beetle and Tobacco, and I was thereupon
contented for the time –

Question What had you to do with the Revenue Board?

Answer I was Beetle and Tobacco Farmer

Question Did you desire the Prisoner to pay for you any Kist or Arrear to any Person and
whom? –

Answer in August one thousand seven hundred and Ninety one I desired the Prisoner to
pay to the Revenue Board six thousand and odd Pagodas, on account of arrears
due from the month of August –

Question Did the Prisoner Pay it or if not what reason did he assign for not paying it –

Answer the Prisoner did not pay it but assigned as a reason why the money should
not be paid, in Order to Shew that I was not able to pay it, "they have a claim
against you for fifty thousand and odd Pagodas, and further said, that if
they think you have money they will trouble you more", and desired me to
present a Petition to the Board of Revenue to obtain a further time for payment
stating that I had Tobacco on hand which might be sold, because I could
not sell the Tobacco in Madras unless the Collector of the Beetle and Tobacco
would receive it, I think the Collector's name was Mr. Oakes, accordingly the
Petition was drawn and I had signed it, and it was delivered by the Prisoner to
the Board of Revenue –

Question What Success attended your Petition?

Answer They minuted that I must pay it within the thirtieth of the same month in
which the Petition was presented –

Question did you Pay the Kist at all and by what means?

Answer after I understood such an Order was passed I consulted with the Prisoner what
to do the Prisoner advised me to sell some of my own Jewels and some of my
Family Joys and part of the Silver things which the Prisoner had in his Possession

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Question Were they of those Jewels which were entrusted by you on the twenty eighth of May
to the Prisoner? –

Answer Yes

Question Was the Property sold to satisfy the Kist according to the advice of the Prisoner?

Answer Yes the Joys which I had, and the Prisoner brought the whole of the Silver things and
part of them were sold for the deficiency I borrowed money upon the Mortgage of
Tobacco and other things and paid the Kist to the board of Revenue –

Question To whom was this Property Sold?

Answer To several persons whom I do not particularly recollect –

Question from that time to this, have you ever received from the Prisoner at the Bar any
of the money or property charged in the Indictment, and which you delivered to
him on the twenty eighth of May? –

Answer nothing but the Silver things

Question Did you see Vencata Soobro Chitty and Goorevapah Chitty and when after
the said twenty eighth of May? –

Answer the next morning the twenty ninth of May I think between Six and Seven o
Clock –

Question by the Jury – What reason had you for discharging the Prisoner from your Service

Answer He was in the employ of the Beetle and Tobacco Farm and as soon as the Farm
was taken from me I discharged him –

Question have you never heretofore taken any means to recover the property from the
Prisoner? –

Answer I applied to the board of Revenue to get my Property back for me –

Question you have said that by the advice of the Prisoner you Petitioned the Board of Revenue
to allow you a further time for the payment of your Kist, did you in that Petition
state the amount of the property which you had entrusted to the Prisoner? –

Answer no, not in that Petition –

Question when did you inform the board of Revenue that your Property was in the posse-
ssion of the Prisoner? –

Answer – About three months ago –

The –

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The Kist was paid to the Board of Revenue the the month of September one thousand seven hundred and Ninety one, I was sick from that time until June one thousand seven hundred and ninety two, about which time I was well as I can recollect was sent for by the Board of Revenue, and told that they would send one under a Guard to Conjeveram, if I did not pay Fifty thousand and odd Pagodas. I was confined from June till September one thousand seven hundred and Ninety two at Chinclatry Pettah, when I was in close confinement and was very ill, when I was advised by Doctor Ruddiman to go to such a place where I could get good air, whereupon I presented a Petition to the Board of Revenue and got an Order to come and live in my House in Black Town under a Guard, four or five months after I recovered my Health and presented another Petition to the Board of Revenue to furnish me with the charge against me, which they did to which I gave my Answer. they then informed me that they had determined to declare half the Amount and that on Payment of the other half I should be released, whereupon I presented a Petition to the Board of Revenue for the recovery of the money which I had entrusted to the Prisoner—

Question— by the Jury. When the Key was entrusted to the Prisoner did you take any Receipt from the Prisoner for the Property left agreable to the memorandums you had taken—

Answer — No

Question — Did you mention to the Prisoner the particulars which were left in the Chest?

Answer — I told the Prisoner to see by the Accounts left in the Drawers of the Writing Table—

Question — Who was present when you delivered the Key to the Prisoner—

Answer — The Prisoner's Brother Suncoo Ramah—

Question — Was he a Friend to you or the Prisoner

Answer — How can I know that—

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Question — Do you know if any variance had taken place between the Prisoner and his Brother—

Answer — Not to my Knowledge

Question — Did you at any time whatever get a Receipt from the Prisoner for the Property you had entrusted to him or did you apply to him for any Receipt—

Answer — I did not obtain a Receipt at any time, I entirely trusted to the Prisoner

Cross Examined by Mr. James Stuart Wall of Counsel for the Prisoner—

Question. You have spoken of a Book in the Course of your Examination from which you took Memorandums, where is that Book?

Answer — It is in Court and I will produce it with permission, it is in the Gentoo Character—

Question — Did you on the second of April count all the money with which you entrusted the Prisoner as mentioned in the Indictment—

Answer — At that time I took the Book in my hand and reckoned the Bags each Bag contained one thousand Pagodas and the amount in each Bag was marked upon the Bag—

Question When you did not count the money, but the Bags only?

Answer — The Bags only

Question were the Bags sealed at the time you counted them—

Answer No. after I reckoned the Bags on the second of April they were sealed by my Orders—

Question Who was present at the time you reckoned the Bags?

Answer Suncoo Ramah commonly called Chinna Savomy

Question Who sealed the Bags

Answer Suncoo Ramah

Question — Did the Seal belong to you or Suncoo Ramah

Answer — to me, I Ordered Suncoo Ramah to take it out of the Door,

Question at the time you obtained the Office of Bottle and Tobacco Farmer did you not request Suncoo Pedda the Prisoners Eldest Brother to prevail on

the—

the Prisnor to assist you in the Betle and Tobacco Farm as a Friend –

Answer I never did

Question had you never any conversation with Senior Peddu on the Subject –

Answer not upon Account of the Prisnor –

Question Did you at any time tell Senior Peddu that the Prisnor was your Servant –

Answer I did not, I had not occasion to do so

Question Were not your Father and the Prisnor's Father, Brothers

Answer Yes

Question according to the Custom of your Cast can one Brother's Son be a Monthly Servant to another Brothers Son –

Answer one Brother's Son may serve another –

Question In what Capacity did the Prisnor serve you

Answer In all business I thought proper to employ him –

Question Did you consider the Prisnor as your Confidential Servant or merely employed in your Betle and Tobacco Concern –

Answer – I employed him to act for me in the Betle and Tobacco Concern, and to do such business as I desired him – I had a great deal of business to do –

Question State the line of business you employed the Prisnor in

Answer I used to imploy the Prisnor to go to the Naldu Durbar or to present a Petition to the Board of Revenue and to attend on the Board as occasion should require and also to speak with the native Contractors concerning the Betle Farm and also to enquire if any Person had acted wrong in the emplay –

Question Did you consider the Prisnor at the Bar the Superintendant of all your Concerns –

Answer not so – whatever I directed him to do respecting the Farm –

Question – Did you ever at any time deliver to the Board of Revenue a list of Servants employed in the Betle and Tobacco Concerns –

Answer – Once formerly a list of the Servants was delivered to the Board of Revenue, since that another list has also been delivered, in neither of which is the Prisnor's name mentioned the Prisnor desired that his name might not be mentioned –

Question – at the time Mr Saunders was President of the Board of Revenue and the Prisoner was accustomed to attend the Board on your business did you then consider the Prisnor acting as your Servant or your Friend –

Answer – I do not recollect that the Prisnor attended the Board at the time Mr Saunders was President –

Question – did not the Prisoner live next door to you until he was carried before the Justices regarding the matter on which he now stands Indicted –

Answer Yes

Question Did the Prisoner ever abscond from Madras since he has lived next door to you till he was carried before the Justices.

Answer – I do not know that he did

Question – do you believe he did?

Answer – I do not believe that he did

Question – have you and the Prisnor been at any time in the habits of mutual Friendship –

Answer – If we had not, how could I have employed him, and how could I have trusted him –

Question – At what time did you cease to be Friends with the Prisnor –

Answer – Since the time the Prisnor declined to return the Property entrusted to him –

Question about what year and month did you cease to be Friends –

Answer – I do not recollect the month, but in the Year one thousand seven hundred and Ninety three we ceased to be Friends –

Question – Why did you not bring this matter before the Court earlier –

Answer – the reason is I was Sick and under a Guard –

Question how many months was you sick –

Answer – I cannot possibly state any particular time, sometimes I was better and some times worse – and I was waiting until I had settled with the Board of Revenue –

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Revenue to bring an action —

Question When the Prisoner came to you to let you know that the Revenue Board would put a Guard over you what reason had you to suppose such Guard was to be put over you —

Answer previous to the time I was sick in the Black Town the supreme Board had ordered a Committee to investigate respecting the Farm of Beetle and Betel, and the committee appointed by Government gave an account against me supposing me indebted in the amount of fifty four Thousand Pagodas —

Question was it in consequence of the impression of a Guard being put over you that you were induced to entrust your Property to the care of the Prisoner —

Answer I was told by the Prisoner that a Guard would be put over me and my Effects Seized and carried away whereupon I thought proper to entrust my Property to the care of the Prisoner, and in three or four days a Guard was accordingly placed over me —

Question — Was not the Prisoner in the Service of Morgan Williams Esquire at the time he was acting Governor of Madras —

Answer — Yes, the Prisoner and another man Bellas Ristnuma Chitty —

Question — How long did the Prisoner serve Mr Morgan Williams —

Answer — I think about three or four Months —

Question — In what capacity did the Prisoner serve Mr Williams

Answer — As head Dubash —

Question about what year

Answer — about the year one thousand seven hundred and Ninety I think —

Question how long before the second of April one thousand seven hundred and Ninety one had you had the money in your Chest —

Answer about two months before —

Question were not the Bill of Sale of your dwelling house in the Black Town, your Garden House and the house now used as the Debtors Goal in the month of May one thousand seven hundred and Ninety one in the Possession of — Nanaian Pillay —

Answer — Yes

Question —

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Question — Do you and know that the Prisoner at the Bar and Seniva Ramah have been living in a state of enmity —

Answer how do I know they are in dispute, they are all living together in the house, and the Family eat and drink together, until the Prisoner was taken to Goal, and still Seniva Ramah and the Prisoner Family live and eat and drink together —

Question did you see the money mentioned in the Indictment at any time between the second of April and twenty eighth of May — one thousand seven hundred and Ninety one —

Answer At no time between the second of april and twenty eighth of May

Question who remained with you on the night of the twenty eighth of May after the Prisoner had left you —

Answer I do not well recollect who remained with me after the Prisoner went away I was confused from the Circumstances I had heard —

Question how long did Seniva Ramah remain with you on the night of the twenty eighth of May after the Prisoner had left you —

Answer Seniva Ramah was with me at the time the Prisoner went away and I saw him again the next morning — I do not recollect how long he remained on this night before, I was so confused —

Question at what hour did the Prisoner leave you on the night of the twenty eighth —

Answer between eight and nine O'Clock —

Question If your recollection is so acute as to remember when the Prisoner went away, how is it you cannot remember how long Seniva Ramah remained after the Prisoner —

Answer the Prisoner came to me between eight and nine O'Clock, a very few Words paſed between us I was eager to dispatch the Prisoner to secure my Property, and the moment he left me I was so confused as not to know who was or who was not there —

Question Was Seniva Ramah at your Garden house all that night —

Answer I do not know whether he was at the Garden all night — I saw him the next morning, but did not ask him —

Question did any and what conversation paſs between you and Seniva Ramah on the night of the twenty eighth after the Prisoner had left you —

Answer —

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Answer — I do not recollect whether any conversation passed between us or not —

Question — Can you form any belief how long Sunoo Ramah remained?

Answer — I have already answered that I was so confused I could not know —

Question what time on the next morning did you see Sunoo Ramah —

Answer — I believe between eight and nine o'Clock —

Sunoo Ramah next Sworn on behalf of the Crown —

Question Do you know the Prosecutor Sunoo Chinna Kistnamah Chitty?

Answer I do

Question do you know the Prisoner

Answer I do.

Question was you at any time on the twenty eighth of May one thousand seven hundred and Ninety one at the Garden house of Sunoo Chinna Kistnamah Chitty —

Answer I was —

Question Do you recollect seeing the Prisoner there —

Answer I do —

Question at what time did the Prisoner arrive at Sunoo Chinna Kistnamah's Garden —

Answer between eight and nine at night —

Question who else was present at that time —

Answer Ponary Brahminy, one Kistniah a Doctor and two or three Brahminy's whose names I do not recollect —

Question what conversation passed between the Prisoner and Sunoo Chinna Kistnamah Chitty

Answer The Prisoner told the People to go away that he had something to speak to Sunoo Chinna Kistnamah Chitty —

Question Did they and you go away?

Answer They went away, I staid.

Question Relate what passed —

Answer — The Prisoner told Sunoo Chinna Kistnamah Chitty he being his Servant he ought to inform Sunoo Chinna Kistnamah of what he had heard by some principal persons that the Board of Revenue was going to place a Guard over Sunoo Chinna Kistnamah, and seize his property, and desired Sunoo Chinna Kistnamah to take care and secure his property and not to neglect, as he did not know what hour it

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be seized that his whole property would be taken away — at that time Sunoo Chinna Kistnamah told the Prisoner I trust to you to secure my Property and then took the Key and delivered it to the Prisoner — the Prisoner received it and went away —

Question What Key was it

Answer the Key of Sunoo Chinna Kistnamah's Drawer

Question had Sunoo Chinna Kistnamah a house in the Black Town

Answer he had in Sunoo Ramiah Street —

Question did the Prosecutor keep his Property goods Jewels and money in that house or in the Garden house —

Answer he kept all his Property in the Black Town house, and there transacted all his Business —

Question Do you know at what time in the month of april one thousand seven hundred and ninety one Sunoo Chinna Kistnamah went sick from his house in Black Town to his Garden house —

Answer — On the sixth or seventh of that Month —

Question Do you remember at any time previous to Sunoo Chinna Kistnamah going from his Black Town house to his Garden that he took an account of his money Jewels and Property —

Answer — Yes on the second of April —

Question was you present when such account was taken —

Answer — Yes —

Question Did you assist him in taking the account —

Answer I sealed up the Bags by desire of Sunoo Chinna Kistnamah —

Question Do you remember what was contained in the Iron Chest Declare to the best of your Recollection and belief —

Answer — There were ten or eleven Bags as well as I can recollect which Sunoo Chinna Kistnamah told me was agreeable to an account he had —

Question — Do you know if there was any thing else in the Chest save and except the Bags —

Answer

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Answer — There were some Bank notes.

Question — Did you count the money that was in the Bags

Answer — no

Question Are you sure it was Gold, called Pagodas, that were in the Bags

Answer Yes

Question Can you form any belief what each of those Bags contained —

Answer Yes, one thousand Pagodas each, one Bag was only half full

Question Did you or any other Person, seal up those Bags and by whose Order

Answer I sealed up all the Bags, by the Order of Sumroo Chinna Ristnamah, with a Seal which Sumroo Chinna Ristnamah gave to me for the purpose

Question was that Iron Chest Locked or left open —

Answer Locked by myself, and I delivered the Key to Sumroo Chinna Ristnamah —

Question Do you remember to have seen a Mahoguny Chest —

Answer Yes

Question What were the Contents of the Chest.

Answer Bags of Rupees, a Box containing different sorts of Coins —

Question Did you Count the Rupees

Answer No

Question How many Bags were there

Answer Six or Seven, one of them was not full

Question Can you from your recollection form any belief as to the number of Rupees contained in each Bag —

Answer One thousand —

Question Did you open the Box containing the Coins

Answer I did

Question —

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Question What were they

Answer Gold Mohurs and different sorts of Coins all sorts of Fanams, Rupees, half Rupees, quarter Rupees of Gold and Silver, and Pagodas called Hyder's Pagodas —

Question Can you form any Knowledge of the value of the Contents of that Box —

Answer — I believe about two thousand Pagodas, I cannot exactly say —

Question Are you sure there were one thousand Pagodas in value

Answer Yes, and one hundred more or less than the amount of two Thousand

Question was the mahoguny Chest Locked —

Answer I Locked it myself and Gave the Key to Sumroo Chinna Ristnamah —

Question was there a writing desk in the Room

Answer Yes there was

Question Do you know the Contents of that Desk and whether it contained any Fanams or precious Stones —

Answer in some Drawers there were fanams in another drawer there Bales of precious Stones —

Question how many Bags of Fanams

Answer nineteen or twenty — I do not recollect exactly —

Question What was the value of each Bag

Answer I think about one thousand fanams in each Bag —

Question Did you open the Bales of precious Stones —

Answer No —

Question how do you know it contained precious Stones

Answer I took out the Bales and Delivered it to Sumroo Chinna Ristnamah who opened it and said they were precious Stones, which I knew

Question What were they.

Answer Emeralds Rubies and Diamonds —

Question Were they in a rough or a polished State —

Answer

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Answer Polished

Question from having seen them can you form any idea of their value

Answer I believe them to be of the value of one hundred or one hundred and twenty Pagodas –

Question Do you know what Sunoo Chinna Kistnamah did with the Keys of the Iron Chest and Mahogany Chest –

Answer – he put them into one of the Drawers of the writing Desk –

Question Did he lock the writing Desk

Answer Yes he did –

Question what did he do with the Key

Answer – Sunoo Chinna Kistnamah Kept it –

Question Do you remember that at any time between the second and seventh of April the Iron Chest and the writing Desk and the Mahogany Chest were opened –

Answer – No –

Question after the twenty eighth of May when the Key was delivered to the Prisoner when did you next see him –

Answer on the next day the twenty ninth may between ten and twelve – I do not recollect exactly the hour –

Question was any person present except your self when the Prisoner came the next morning to the Garden –

Answer there were many People I do not recollect whom –

Question do you know if Annuta Sorbo Chitty and Gorrovapa Chitty were there at the time the Prisoner came in –

Answer No –

Question what was the Conversation that passed between Sunoo Chinna Kistnamah and the Prisoner on the twenty ninth of May –

Answer –

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Answer – I do not know, I was not present at any conversation –

Question did you at any time in the morning of the twenty ninth see Gorrovapah Chitty and Annata Sorbo Chitty at the Gardens of Sunoo Chinna Kistnamah –

Answer I did –

Question Did you hear any conversation on the twenty ninth of april between Sunoo Chinna Kistnamah Chitty and Gorrovapah Chitty and Annata Sorbo Chitty –

Answer – When I was sitting upon a Chair near Sunoo Chinna Kistnamah Gorrovapah Chitty and Annata Sorbo Chitty both came from Madras to his Gardins – they then said that the Prisoner and them by Order of the Prisoner carried the money with the Prisoner from the House of Sunoo Chinna Kistnamah to the house of the Prisoner through the door between the two Houses a door in the Wall between the Houses – Sunoo Chinna Kistnamah told them

Question Do you know of any application made by Sunoo Chinna Kistnamah to the Prisoner for the restoration of his Sunoo Chinna Kistnamah's Property –

Answer – No, I do not recollect any in my presence –

Question was the Prisoner a Servant of Sunoo Chinna Kistnamah, and Did he receive any and what wages –

Answer he was a Servant and received thirty Pagodas a Month fifteen paid by Sunoo Chinna Kistnamah and fifteen by the Shroff –

Question Was the Prisoner a Servant of Sunoo Chinna Kistnamah in may one thousand seven hundred and Ninety one –

Answer He was

Question What age is the Prisoner –

The Council for the Prisoner admits that the Prisoner was and an apprentice and that he was more than eighteen Years of Age –

Question –

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Question – by the European Jury – How came you to have so intimate a Knowledge of the Concerns of Sunoo Chinna Kistnamah –

Answer. I used always to be intimate with him –

Question Are you a Servant of Sunoo Chinna Kistnamah

Answer – No

Question – by the Native Jury – was you intimate with the Prisoner on the second of April one thousand seven hundred and Ninety one –

Answer – I was

Question are you intimate with the Prisoner now

Answer – Since I became a Witness against the Prisoner he has been displeased with me –

Question Since what time –

Answer – If I could refer to the information I gave before the Justices I should then recollect

Question Was the money in the Chest Sunoo Chinna Kistnamah's own money or was it money belonging to the Bettle Concern –

Answer – How do I know that –

Question Did Sunoo Chinna Kistnamah Keep a Separate account of the Bettle Concern or was it blended with his own. –

Answer – Sunoo Chinna Kistnamah Kept his own accounts Separate, and the Accounts of the Bettle Concern was Kept by the Sheroff –

Question Who was the Sheroff and Concieply on his own account and who for the Bettle Concern –

Answer – Ball Soter Chitty was Sheroff and Kistniah Concieply for the Farm and Sunoo Chinna Kistnamah used to Keep his own Accounts –

Question Was the Prisoner acquainted with the private Concerns of Sunoo Chinna Kistnamah –

Answer – The prisoner was acquainted with some and not with the whole

Question – Did Sunoo Chinna Kistnamah alone Examine the accounts of the Bettle

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Or did the Prisoner assist him in their Examinations –

Answer – some times himself some times he was assisted by the Prisoner –

Question – How do you know that the Bags left in the Iron Chest contained Pagodas –

Answer – I saw the Pagodas but did not reckon them I tyed the Bags up and sealed them

Question – How many Bags of three Sawmy Pagodas and how many of Star Pagodas –

Answer – I do not recollect

Question – did you open the Bags containing the Rupees

Answer – Yes I did and saw them –

Question – Were they Company's Arcot or Pondicherry Rupees

Answer – they were Rupees, – I do not particularly recollect, but I believe they were Company's Rupees –

Question in how many Drawers were the Bags of Fanams contained –

Answer – In three Drawers –

Question Did you Open the Bags and see the Fanams –

Answer Yes I did see the Fanums and tied and sealed the Bags

Question Do you Know whether any demand was made from Sunoo Chinna Kistnamah to the Prisoner for the Recovery of his Property –

Answer – I have already answered, not in my presence –

Question do you know if Sunoo Chinna Kistnamah Kept any Books of accounts in his Drawers

Answer – Yes –

Cross Examination –

Question – You have said a Key was delivered to the Prisoner by Sunoo Chinna Kistnamah was it one Key or two or more and how many –

Answer – I believe two –

Question What were they the Keys of?

Answer The Keys of the Drawers of the Table in Sunoo Chinna Kistnamah's house in Black Town

Question was there only one or more Keys belonging to the Table Drawers

Answer Only one

Question what were two Keys delivered to the Prisoner for –

Answer two Keys were tied up together, I do not know but one might belong to the Book Case upon that Desk –

Question –

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Question — Can you swear positively that there was not any Enmity between you and the Prisoner before the present prosecution —

Answer — there was not

Question — were there not any disputes between you and the Prisoner relative to the Family Property prior to the Commencement of the present prosecution —

Answer — Not with the Prisoner —

Question — How long have you ceased to be upon Speaking terms with the Prisoner —

Answer — Since I became a Witness in this Prosecution —

Question — And not before?

Answer — I was used on all necessary Occasions before that to speak to the Prisoner I was not on such intimate terms with the Prisoner as with Suneoo Chinna Kistnamah —

Question — Had not Suneoo Chinna Kistnamah a Shroff in his service —

Answer — Yes, I have already said so —

Question — is it not the invariable Custom that People who have great money Concerns cause the Shroff to seal up the money Bags with their the Shroffs own Seal —

Answer — Not on Occasions of Private Transactions.

Question — are you not a Brother to the Prisoner at the Bar —

Answer — Yes

Question — Might not Suneoo Chinna Kistnamah have opened the writing Desk without your Knowledge

Answer — He Might —

Venkata Soobaw Chetty Sworn

Question — Do you Know Suneoo Chinna Kistnamah

Answer — I do

Question — Do you Know the Prisoner

Answer — I do

Question — Was Suneoo Chinna Kistnamah a Renter in Black Town —

Answer — He has

Question —

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Question — Was you at Suneoo Chinna Kistnamah's House in Black Town any time in the months of May one thousand seven hundred and Ninety one —

Answer — I was

Question — Do you recollect to have seen the Prisoner at the Bar at Suneoo Chinna Kistnamah's House at that time —

Answer — I do

Question — at what time was it

Answer — after nine O'clock at night.

Question — did the Prisoner speak to you

Answer — He did.

Question — What Conversation passed between the Prisoner and you —

Answer — The Prisoner after his arrival at Suneoo Chinna Kistnamah's House called me and Gorrovapah Chitty, and desired us to go home and eat our Supper and return back, accordingly we returned after ten O'clock we were talking together and lay down there, and slept until twelve O'clock when the Prisoner and a Peon named Sheick Hussain came and awaken'd us, we got up and followed the Prisoner, the Prisoner then opened a Room belonging to Suneoo Chinna Kistnamah there the Prisoner and Sheick Hussain Gorrovapah and myself went together into the Room the Prisoner opened a Chest of Drawers and took out a Small Book, a Roll of paper, some Keys and a small Bullet, the Prisoner then gave me one of the Keys and desired me to open an Iron Chest, I opened it accordingly, and took out therefrom eleven Bags of Pagodas and on each Bag was marked one thousand Pagodas, one of them was not tyed, the Prisoner then desired me to open the other Drawers next to the one I had first opened, I accordingly opened them and took out from two or three of the Drawers eighteen or nineteen Bags of Fanams, the Prisoner then gave me another Key and desired me to open another Chest, it was a — Mahogany Chest I opened it and took therefrom seven Bags of Rupees six Bags were Sealed and full, one Bag was not full there was a mark upon each Bag of one thousand, there was a Scrutore in that Chest with several holes in it like Pigeon holes, in which were different Coins of Gold and Silver with Tickets which I took from the Scrutore and put into a Cloth, and the Coins were again put into a Bag the Prisoner then took a Book in his hand the same Book which he had first taken from the Table Drawer, with the Key and compared the money with the Book, the Prisoner then desired me to find the Bank notes from the Iron Chest, I took out the Bank notes and gave them to the Prisoner, then the Prisoner divided the Bags into Loads Gave one to me, one to Gorrovapah, one to Sheick Hussain, and the Prisoner took one and they were carried to the Prisoner's House through the door which communicates between the

Prisoner's —

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the Prisoners and Sunoo Chinna Kistnamah's house the Prisoner opened his own Room and desired me and the others to leave the Loads there which we did accordingly and returned the Room in Sunoo Chinna Kistnamah's House we went backward and forwards in this manner four times with the Loads of money the Prisoner then shut his Room and desired me and the Others to go away we returned by the same door of Communication and slept in Sunoo Chinna Kistnamah's House —

Question — what reason did the Prisoner assign for the removal of the Property —

Answer — The Prisoner said that Guards were to come and plunder the House and such a report had prevailed in the house since the morning — I and Goorovapah got up early in the Morning and went to Sunoo Chinna Kistnamah's Garden and made a report of what had passed the night before to Sunoo Chinna Kistnamah in presence of Sunoo Ramah who was then Sunoo Chinna Kistnamah then said it was his order for so doing and desired me to conceal these matters —

Question — What is become of the Peon Sheik Mubarin —

Answer — He is dead —

Cross Examination

Question — Are you a Servant of Sunoo Chinna Kistnamah —

Answer — I am not —

Question — what are you

Answer — I am related to Sunoo Chinna Kistnamah and the Prisoner

Question — on the night all these Circumstances took place by what Door did you enter Sunoo Chinna Kistnamah's House —

Answer — by the Street Door —

Question — on what Year Month and Day

Answer — in the Month of May one thousand Seven hundred and Ninety one I do not recollect the Day —

Question — Can you recollect whether it was in the Beginning or ending of the Month —

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Answer — I cannot recollect, but it was two or three days before the Guard came to Sunoo Chinna Kistnamah's House —

Question — What do you mean by a Bulse —

Answer — When the Prisoner read the Memorandums in the Book he read Rubies and other Stones

Question — How do you know the Bags which you took out contained Pagodas —

Answer — one of the Bags was opened —

Question — How do you know the others contained Pagodas —

Answer — they were Sealed there was a Mark on each Bag which mentioned one Thousand Pagodas —

Question — there were a Number of Bags of Rupees you said, how do you know they contained Rupees —

Answer — They were heavy Bags one of them was kept open and there was also a Mark on each Bag mentioning one thousand Rupees marked with Ink, there was also upon each Bag of Fanams a Mark of four thousand six hundred Fanams —

Question — Do you know of these any further than the Marks —

Answer — Besides the Marks as was mentioned in the Book —

Question — how many Bags of Fanams —

Answer — eighteen or Nineteen —

Question — what hour was it that you last went to sleep in Sunoo Chinna Kistnamah's House on that night —

Answer — About two O'Clock —

Ball Soobah Chitty Sworn

Question — Do you Know Sunoo Chinna Kistnamah —

Answer — I do

Question — Do you know the Prisoner —

Answer — I do

Question — Was you Employed in the Service of Sunoo Chinna Kistnamah Chitty and how long and in what Capacity —

Answer — I was four Years and one month as a Shroff in his Service after he was appointed Renter —

Question —

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Question — Did you pay any monthly sum to the Prisoner at the Bar as Wages, and how often between the Year one thousand and Eighty seven and one thousand seven hundred and ninety one —

Answer — not from one thousand seven hundred and eighty seven but from one thousand seven hundred and Eighty nine to one thousand seven hundred and Ninety one at the rate of fifteen Pagodas per Month by order of Suncoo Chinna Kistnamah —

Question — When was the Last payment you made to the Prisoner

Answer — in September one thousand seven hundred and Ninety one —

Question — Did you conceive the Prisoner at the Bar in the light of a Servant to Suncoo Chinna Kistnamah or otherwise —

Answer — I considered him as a Cousin and a Servant

Question — by the native Jury — was the fifteen Pagodas the whole of the wages that Suncoo Chinna Kistnamah allowed the Prisoner or apart —

Answer — I heard his monthly pay was thirty Pagodas. I continued to pay him fifteen Pagodas and the other fifteen Pagodas he received from Suncoo Chinna Kistnamah —

Cross Examination

Question — Are you not related to Suncoo Chinna Kistnamah —

Answer — I am his Brother in Law —

Question — how do you Know that the fifteen Pagodas per Month you used to pay to the Prisoner was on account of Wages

Answer — the Prisoner told me so and that his pay was thirty Pagodas per month that he received fifteen from me and fifteen from Suncoo Chinna Kistnamah — and Suncoo Chinna Kistnamah also told me to —

Question — How was the Prisoner employed by Suncoo Chinna Kistnamah —

Answer — He was employed to treat with the Dubar and with the Board of Revenues or to manage Suncoo Chinna Kistnamah's Business in his absence —

Question — Do you Know whether the Prisoner ever was not any time Head Dubashe to Mr Williams acting Governor of Madras —

Answer — The Prisoner and Ball Kistnah acted as head Dubashes to Mr Morgan Williams —

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Question — Do you recollect to have seen the Prisoner about the thirty first of august last at the House of one Candah Chitty —

Answer — I do

Question — Was not one Narsinmalso Chitty present —

Answer — Yes

Question — Did you not advise the Prisoner to give any sum of money to Suncoo Ramah the Prisoner's Brother —

Answer — I did not advise him —

Question — had you not any Conversation with the Prisoner on the subject now before the Court —

Answer — I had

Question — what was it

Answer — The Prisoner told me that Suncoo Chinna Kistnamah and himself were to settle the matter amicably among them Selves and he hoped I would assist him — the matter was not settled and the Prisoner has not since made any application to me —

Prosecution Closed —

Suncoo Pedda Kistnama on behalf of the Prisoner Sworn

Question — Do you Know Suncoo Chinna Kistnamah and the Prisoner —

Answer — I know them —

Question — Do you know of any Beetle Contract having been entered into Between Suncoo Chinna Kistnamah and the Company —

Answer — I do, I was one of the Partners —

(here the Witness delivers in the following Deed)

Translation of an Agreement of the Partnership Dated 12th Chettery of the Year Palavunga Answering to A. D. the 21 April 1787 —

That we both Suncoo Pedda Kistnamah Chitty and Suncoo Chinna Kistnama Chitty do hereby mutually enter into this Agreement to one another, Respecting the Partnership of the Farm of Beetle Tobacko and Ganjah —

That —

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Question — was you not one of the Partners to the Deed which has now been read —

Answer — Yes

Question — was you ever informed by Sunoo Chinna Ristnamah or by accounts which he the Prisoner delivered in regarding the Beetle and Tobacco Farm that the Prisoner was his the said Sunoo Chinna Ristnamah's Servant —

Answer — I was not informed nor do I know that the Prisoner was in the Service of Sunoo Chinna Ristnamah —

Question — Do you believe the Prisoner was ever in Sunoo Chinna Ristnamah's Service at a Salary of thirty Pagodas per month or any other Sum —

Answer — He was never in the Service of Sunoo Chinna Ristnamah from my Connection with Sunoo Chinna Ristnamah I must have known if the Prisoner had been in his Service

Question — Did not Sunoo Chinna Ristnamah some time on or about the time the Batta Contract was entered into apply to you and request you would use your influence with the Prisoner to assist him Sunoo Chinna Ristnamah in the management of the Batta and Tobacco Farm —

Answer — Yes Sunoo Chinna Ristnamah told me that the management of the Batta was entirely left to him he therefore told me to desire Sasachellum to assist him in the Business and to go to the Durbar on his Behalf —

As I was one of the Partners I recommended the Prisoner to assist him —

Question — how are you related to the Prisoner and to Sunoo Chinna Ristnamah

Answer — I am the Eldest Brother of the Prisoner and Cousin to Sunoo Chinna Ristnamah —

Question — Is it usual or customary in Your Cast for one Brothers Son to be the hired Servant to another Brothers Son —

Answer — It is not Customary nor is it allowed according to the Laws of my Cast —

Question — Was not the Prisoner some time about the Year one thousand seven hundred and Ninety in the Service of Mr Morgan Williams then acting Governor of Madras —

Answer —

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Answer — He was his Dubash —

by Mr Wall of Counsel for the Prisoner the following paper is then delivered into Court as the Character of the Prisoner given by Mr Morgan Williams —

The Counsel for the Prosecution not insisting upon putting the Prisoner upon proof of the hand writing the same is read to the Court —

"Dear Sir

Understanding you are in want of a Dubash occasioned by the indisposition of Vencata Swamy you will oblige me if you are not already engaged by taking into your Service Sunkor Sasawchellum who is a very intelligent Man and Capable of rendering you essential Service in any Business you may think proper to entrust him with — I have had Concerns with him & his Family upwards of thirty Years & never once was deceived by any of them —

Yours truely

Mr Williams

1 Sept 90,

(Endorsement —) Benjamin Bremfull Esq —

Question — is not the Prisoner at the Bar a man of Considerable Property —

Answer — He is a Man worth between thirty and forty Thousand Pagodas —

Question — Did he not possess any and what part of that Property at any time previous to the twenty eighth of May one thousand seven hundred and ninety one —

Answer — He was then and is now possessed of that Property —

Question — Was not the Prisoner for many Years past carried on dealings as a merchant to a great extent —

Answer — Yes for fifteen or Sixteen Years Past —

Question — and has not he always been considered as a Man of fair Character or how otherwise —

Answer — He was always Considered as a man of fair Character —

Question — Did he not always and particularly about the twenty eighth of May one thousand seven hundred and Ninety one employ a number of Servants under him —

Answer — He did and the expence of his servants amounted to forty Pagodas per month —

Question —

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Question — Are you particularly acquainted with the Concerns of Sunnoo Chunna Kistnamah Chitty —

Answer — Yes —

Question — About May one thousand seven hundred and Ninety one was Sunnoo Chunna Kistnamah Considered as a man of Fortune and Credit or how otherwise —

Answer — He was then involved in Debt, but was possess'd of some Family Landed property —

Question — Do you conceive from the intimate Connection between you and Sunnoo Chunna Kistnamah and from the Knowledge you have of his Concerns that Sunnoo Chunna Kistnamah could have had any considerable sum of money by him about the month of may one thousand seven hundred and Ninety one —

Answer — I do not Conceive he could have had —

Question — Do you not from your own Knowledge Know that Sunnoo Chunna Kistnamah about the month of May one thousand seven hundred and ninety one was prest very much by the Creditors for the Payment of their Demands —

Answer — Yes — particularly by Ram Kaig Pooroy Manaia Pillay and Miguel Johannes —

Question — And did Sunnoo Chunna Kistnamah not require the assistance and aid of the Prisoner to deal with his Creditors and to pacify them —

Answer — I do not Know that Sunnoo Chunna Kistnamah spoke to him so, but I Know that the Prisoner did pacify his Creditors —

Question — Does not your House adjoin to that of Sunnoo Chunna Kistnamah —

Answer — Yes

Question — and have not the Prisoner and Sunnoo Ramah lived in the house with you till within the four months and for what length of time —

Answer — Sunnoo Ramah lives with me to this hour —

Question — Is there not a Door that communicates between the two houses —

Answer — there was not formerly, but there was a door lately made when there was a Marriage of Sunnoo Chunna Kistnamah's Grand Daughter — they go through the door to draw water from the Well at my House for want of water in the Well at Sunnoo Chunna Kistnamah's House —

Question —

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Question — Is there any other Door of Communication between the two houses except that one —

Answer —

Question — When Did the marriage of Sunnoo Chunna Kistnamah's Grand Daughter take place —

Answer — five Years ago —

Question — How many Days after the Marriage did the Door continue open —

Answer — about twenty Days —

Question — was it then secured by a Lock or How otherwise —

Answer — on my side there is a Padlock on the other side is a small Iron Bar —

Question — who has Kept the Key of that Padlock from the time it was shut until the present moment —

Answer — I have Kept it —

Question — has the Key from the time the Door was so shut ever been out of your Possession —

Answer — whenever there is any Ceremony I have Brought the Key and opened the Door and shut it again the same night —

Question — was the Key in Your possession in the Whole of the month of May one thousand seven hundred and Ninety one —

Answer — Yes

Question — Do you Know whether any disputes have taken place between Sunnoo Ramah and the Prisoner at the Bar —

Answer — some Misunderstandings. Sunnoo Ramah Claimed from the Prisoner a Division of the Prisoners own Property and the Prisoner said he was to Claim only for the Family Estate and not for his own private Estate —

Question — Have they been Friends or enemies for some and how many Years last past —

Answer — they were on Friendly Terms before and they are not on Good terms Since five or six Years, and they will not eat together

Question — for what reason —

Answer — about the Disputes already Stated —

Question — How long ago is it since they have ceased being in the habits of speaking to each other —

Answer — for five or six Years past —

Question —

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Question — have not you since the Commencement of the present Prosecution heard Sumroo Ramah declare, that the Prisoner would now be hung and that he Sumroo Ramah appeared to Exercise in the Idea —

Answer — Yes — and I saw he appeared to Exercise at the Idea —

Question — from the Bench — Was Ball Sobroo Chitty Sheriff to sumroo Chinna Ristnamah —

Answer — Yes, he was Sheriff to him when he was Renter of the Bettle Farm —

Question — Can you take upon Yourself to swear that Ball Sobroo Chitty as Sheriff to Sumroo Chinna Ristnamah did not pay to the Prisoner the sum of fifteen Pagodas per month in the early part of the Year one thousand seven hundred and ninety one —

Answer — I cannot —

Question — Do you Know that Sumroo Ramah was ever Guilty of Perjury? —

Answer — I do not Know —

Question — Do you think that Sumroo Ramah is a man not to be believed upon his Oath —

Answer — I would not believe him if he did take his Oath, and as my reason, I say that two Years ago Sumroo Ramah made an Affidavit and took an Oath in the Mayors Court falsly saying that he had by decree of Sumroo Chinna Ristnamah demanded of me a paper or agreement between me and Sumroo Chinna Ristnamah of the Division of the Family Estate and in that very Affidavit Sumroo Ramah said that I promised to give that agreement, that Oath was false therefore I won't trust him —

Cross Examination

Question — Was the Exhibit which you have delivered in purporting to be an agreement of Partnership Relative to the Bettle Farm, ever carried into Effect —

Answer — No, but some other Conditions took place —

Jungamah Chitty Sworn

Question — Do you Know Sumroo Chinna Ristnamah and the prisoner at the Bar —

Answer — I do

Question — How Long have you known them —

Answer — for thirty Years —

Question — are you Related to Sumroo Chinna Ristnamah and how —

Answer — I am his Son in Law —

Question —

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Question — Do you not Know that about the month of April one thousand seven hundred and ninety one Sumroo Chinna Ristnamah was preped for the payment of a Sum and what Sum of money by Doctor Duffin —

Answer — I do know it was for the amount of one thousand Pagodas —

Question — Did Sumroo Chinna Ristnamah in Order to pacify Doctor Duffin send his wifes Jewels to Doctor Duffin by way of Security for the payment of the Debt —

Answer — In April one thousand seven hundred and Ninety one Sumroo Chinna Ristnamah told me he was very much preped by Doctor Duffin that he had not money to pay him and told me that he had a Diamond bracelet belonging to his wife which he would send to Doctor Duffin promising to pay the Amount to Doctor Duffin in one month and take back the bracelet, Doctor Duffin told Sumroo Chinna Ristnamah that he must pay the money on the twenty first of May one thousand seven hundred and Ninety one, I was present at that time at Sumroo Chinna Ristnamahs Garden House, Sumroo Chinna Ristnamah told me that if the money was not paid by that time Doctor Duffin would not wait any longer, Sumroo Chinna Ristnamah told me further he had not any money to pay Doctor Duffin and therefore he would try to get money on the mortgage of his wifes Diamond Bracelet — then I told Sumroo Chinna Ristnamah that I had not any means of borrowing money to which Sumroo Chinna Ristnamah answered and desired me to speak to the Prisoner and to borrow money on the mortgage of that Bracelet payable in two or three months I accordingly spoke to the Prisoner who told me he would not lend money on the Mortgage of that Bracelet but he would purchase it and he knew the price of it to be nine hundred and ten Pagodas, then I told the Prisoner you had better lend the money upon the mortgage of it now and I will get it sold to you by and bye —

Question — Did the Prisoner purchase the Bracelet —

Answer — He did

Question — What Did he pay for it

Answer — one thousand Pagodas which I carried to Sumroo Chinna Ristnamah, Sumroo Chinna Ristnamah sent the money to Doctor Duffin who returned the Bracelet and the Bracelet was afterwards given by me to the Prisoner —

Question — Was not Sumroo Chinna Ristnamah preped by other Creditors about that time for the payment of their Debts —

Answer — Yes

Question — Was not Sumroo Chinna Ristnamah more particularly preped by Miguel Johannes for money and what sum

Answer —

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Answer — Yes for three Thousand Pagodas

Question — Did not Sunoo Chinna Ristnamah make out a list of his Furniture and send it to Miguel Johannes by you as a Security for the payment of the money —

Answer — Yes he did —

Question — Did not Miguel Johannes tell you he Knew all Sunoo Chinna Ristnamah's property was mortgaged to Narrain Pillay —

Answer — Yes —

Question — Did Miguel Johannes tell you he would take either Sunoo Pedda's or the Prisoners Security for the payment of the Debt —

Answer — Yes he did.

Question — was you not particularly Acquainted with the transactions of Sunoo Chinna Ristnamah from the Commencement of the Betle Farm until the Month of June one thousand seven hundred and ninety one —

Answer — Yes I was

Question — And was you not in his confidence and entrusted with the Knowledge of his private Concerns —

Answer — he had Confidence in me and did entrust me with the Knowledge of his private Concerns

Question — Did you ever hear from Sunoo Chinna Ristnamah that the Prisoner was his Sunoo Chinna Ristnamah's Servant —

Answer — He did not tell me so —

Question — Do you believe the Prisoner was Sunoo Chinna Ristnamah's Servant —

Answer — No I do not

Question — If the Prisoner had been the Servant of Sunoo Chinna Ristnamah must not you from your Knowledge of his Circumstances and being entrusted with his private Concerns have known it —

Answer — The Prisoner was not Sunoo Chinna Ristnamah's Servant —

Question — Did not Sunoo Chinna Ristnamah often desire the Prisoner to go to the Nabob's Durbar and to the Revenue Board on his Sunoo Chinna Ristnamah's Business —

Answer — Yes

Question — And did not the Prisoner sometimes go and sometimes Refuse to go —

Answer — sometimes he went sometimes he Refused to go —

Question — After Refusing has he not been sometimes prevailed upon to go by the Brother of Sunoo Pedda Ristnamah Chitty —

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Answer — Sunoo Chinna Ristnamah desired me to go to Pedda Ristnamah to prevail upon the Prisoner to go to the Durbar —

Question — was not Sunoo Pedda Ristnamah Chitty concerned in the Betle Farm with Sunoo Chinna Ristnamah —

Answer — He had a Share —

Question — was there not other Persons who had a Share also

Answer — Yes some others —

Question — Did not Sunoo Pedda receive Sums of money from Sunoo Chinna Ristnamah on account of his Share in the Partnership —

Answer — he did receive some money and there is a Balance of about two Thousand and five hundred Pagodas now due —

Question — Had you not free access to the Books of Sunoo Chinna Ristnamah —

Answer — I had

Question — Did you not sometimes make entries in those Books —

Answer — Sometimes —

Question — from the Access you had to the Books of Sunoo Chinna Ristnamah do you believe that the Prosecutor was worth any and what Sum of money in the month of may one thousand seven hundred and ninety one —

Answer — I do not believe he was worth any money at that Time —

Cross Examination

Question — You say Sunoo Pedda Ristnamah had a Share with Sunoo Chinna Ristnamah in the Betle Farm, and that other Persons had also Shares — who were those other Persons —

Answer — Bolmee Chitty; Carr Ristnamah Chitty, Perry Sah Modelliar — Mr William Palfour, and no more —

Question — when was the Last time you saw Sunoo Chinna Ristnamah's Books of Accounts —

Answer — in the end of the Year one thousand seven hundred and ninety one —

Question — How came you to say that Sunoo Chinna Ristnamah in May one thousand seven hundred and ninety one was not worth any thing —

Answer — Sunoo Chinna Ristnamah was in Debt at that time, but had no money —

Jungamah

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Jungamah Chetty after his Evidence has been read to him wishes to Depose further that the Mr. William Balfour had a Share in the Betle Concern Yet his share was Secured in the name of Perry Sah Moodelly's Brother –

Question by Mr. Samuel – what was the name of Perry Sah moodelly's Brother –

Answer – I do not recollect –

Powney Narrain Pillay Sworn

Question – Do you Know Sunoo Chunna Kistnamah and the Prisoner and for how Long –

Answer – I do and have Known them about twenty or twenty five Years

Question was not Sunoo Chunna Kistnamah indebted to you and when and in what Sum of Money –

Answer twenty Sixth of October one thousand seven hundred and eighty nine the Prisoner came to me and desired me to lend Six thousand Pagodas upon the mortgage of Chunna Kistnamah Chetty House in Black Town upon the Bill of Sale of his Garden House and also the Bill of Sale of the House Let out for the Debtors Goal accordingly Chunna Kistnamah executed a Mortgage Bond of the above Houses and I Lent him thereon the Sum of Six thousand Pagodas –

In the month of May one thousand seven hundred and Ninety one the Prisoner came to me with a List of Furniture belonging to the Garden House of Sunoo Chunna Kistnamah and desired me to lend three thousand Pagodas on the Mortgage of the Furniture to discharge a Debt due to Miguel Johannes an Armenian by Sunoo Chunna Kistnamah – I did not Lend the money but desired the Prisoner to go and get the money and discharge the mortgage Bond of Six thousand Pagodas to me –

Question Was it because Sunoo Chunna Kistnamah Chetty was not at that time in good Credit that you refused the Loan –

Answer – it was –

Question Did you ever hear that the Prisoner was in the Service of Sunoo Chunna Kistnamah

Answer I Know the Prisoner served Mr. Williams and as he was a Gentleman he was not a Servant to any other than Mr. Williams –

Cross Examination

Question Do you or do you not Know whether the Prisoner was or was not a Servant to Sunoo Chunna Kistnamah

Answer I do not Know –

Mordecai

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Moolingery Narsimmaloo Chetty Sworn

Question Do you Know Sunoo Chunna Kistnamah and the Prisoner –

Answer I do

Question How Long

Answer ten Years

Question was you not in habits of intimacy with Sunoo Chunna Kistnamah –

Answer I was

Question was you not in his Confidence

Answer Yes –

Question had you or not as a Friend Free access to his Books –

Answer Yes

Question from the matters to which you have been before interrogated do you believe that the Prisoner was a Servant of Sunoo Chunna Kistnamah –

Answer I do not believe that the Prisoner was a Servant of Sunoo Chunna Kistnamah –

Question Do you believe if the Prisoner had been a Servant of Sunoo Chunna Kistnamah that you would have heard or Known it –

Answer I should have Known it if the Prisoner had been a Servant of Sunoo Chunna Kistnamah

Question was you present at any Conversation in the month of August last that paped between Sunoo Chunna Kistnamah and the Prisoner –

Answer I was –

Question Relate the Conversation –

Answer I did not hear any Conversation between Sunoo Chunna Kistnamah and the Prisoner but I was the Person who endeavoured to compromise the matter between them –

Question Relate what Conversation paped between you and Sunoo Chunna Kistnamah –

Answer I told Sunoo Chunna Kistnamah that it was improper in him to Dispute with the Prisoner and bring an action against him at the Quarter Sessions and that it might be compromised Sunoo Chunna Kistnamah told me he had paid five hundred Pagodas to one Peter Moodelly that out of that the Prisoner had taken fifty which he ought to pay back and also – mentioned that the Prisoner had received one hundred Bundles of Betle for some time as it was

For –

Thursday 20th November 1794

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At an adjourned Court

of Sessions of the Peace Sessions of Oyer and Terminer and General Goal Delivery holden at the Town Hall in Fort Saint George on thursday the twentieth day of november one thousand seven hundred and ninety four —

Before

The Right Honorable Robert Hobart commonly called Lord Hobart President and Governor of Fort Saint George

and

Edward Saunders and Ernst William Fallofield Esquires Justices assigned to Keep the Peace as also Commissioners of Oyer and Terminer and General Goal Delivery for the Town of Madraspatnam Garrison of Fort Saint George and its Dependencies —

and

Thomas Lewin and George Wynch Esquires — Justices of the Peace called upon by the Justices of Oyer and Terminer and General Goal Delivery to associate with them during the present Sessions and duly authorized by the Governor in Council so to do —

The Court being Duly Opend —

The Prisoner Soonoo Susawchellum is put to the Bar —

The Petty Jury come into Court and they are asked whether they are unanimous in their Opinion, they answer that they are not, that there one dissentient and on being asked who that one is, the Foreman informs the Court that it is Mr. David Young who on being asked his reason, declares he has heard nothing to convince him why he should be of a Contrary opinion to that which he had formed Last night that the Prisoner was Guilty, and of which Opinion all the Europian Jury then were nor did they change their opinions until within these two hours —

In —

Thursday 20th November 1794

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The Petty Jury then retire again and after a short time a Verdict being proclaimed they come into Court and answer to their names —

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

Jury — Yes —

Clerk of the Peace — who shall say for you

Jury — Our Forman

Clerk of the Peace — Soonoo Susawchellum hold up your hand —

Gentlemen of the Jury look upon the Prisoner how say you his he Guilty of the Felony whereof he stands Indicted or not Guilty —

Foreman — Not Guilty —

Clerk of the Peace — Did he fly for it —

Foreman — No —

Mr. David Young desire to say that he has concurred in Opinion with the rest merely because he found it impossible to hold out any longer —

The Verdict is then Recorded —

Clerk of the Peace — Gentlemen of the Jury hearken unto your Verdict as the Court hath recorded it you say that Soonoo Susawchellum is not Guilty of the Felony whereof he stands Indicted and that he did not fly for it and so you say all —

Jury — Yes

The Prisoner is then discharged by proclamation —

The following Indictments are delivered to the Grand Jury —

The King against Mootoo and Sunnasha for Deciet —

The King against Narrainim for Felony —

The King against Mommawah Caun, Sheick Abdull Nobee and Jumpah Saib for Felony

The Court is then adjourned to friday the twenty first November at nine O'Clock in the Forenoon for Continuing the present Sessions —

P Williams Clerk of the Peace

Friday 21st November 1794

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Present

The Right Honorable Robert Hobart commonly called Lord Hobart —
Edward Saunders and Ernst William Fallofield Esquires —
and
Thomas Lewin and George Wynch Esquires

The Court being duly opined proceeds to the Trial of Thomas Dignum and John Errol for Felony —

The Prisoners are thereupon put to the Bar and arraigned as follows —

Clerk of the Peace — Thomas Dignum and John Errol hold up your Right hands —

You stand Indicted by the names of Thomas Dignum Late of Madras a Private Soldier in the second Battalion of European Infantry in the service of the United Company of merchants of England trading to the East Indies under their Presidency of Fort Saint George and within the Jurisdiction of this Court and John Errol late of the same also a private soldier in the said second Battalion of European Infantry in the service aforesaid and within the Jurisdiction aforesaid on the fifth day of October in the thirty fourth Year of the Reign of our Sovereign Lord George the third now King of Great Britain France and Ireland Defender of the Faith and so forth with force and arms at Madras aforesaid in the Jurisdiction aforesaid, one muslin Case of the value of two Shillings, one Ralicairo or Gold and Emerald Ornament for the Breast of the value of one Pound and twelve Shillings, one Gold Cross of the value of sixteen Shillings, two pair of stone Gold mounted Ear Rings of the value of sixteen Shillings, one pair of Marlapeirla or ornaments for the Ears of the value of sixteen Shillings, one other pair of Marlapeirla or ornament for the Ears, of the value of twelve pence, - one Single Marlapeirla or ornament for the Ear of the value of two pence, one Cadia De Rozinha or chain for the neck of the value of three Pounds and four Shillings one piece of Silver Lace of the value of eight Shillings, one Panachy Pestarin or hair Pin of the value of four Pounds, six Coscombs or Ornaments for Childrens Legs of the value of eleven pence, two Chapenha or Ear Rings of the value of one Pound and four Shillings, twelve Buttons of Enamelled in gold of the value of eight Shillings, three Coromandel Images of the value of four Shillings one Scorpion stone of the value of one penny and six Ear Rings of Different patterns of the value of eight Shillings, of the goods and Chattels of one William Rodgers, in the Dwelling house of him the said William Rodgers there and then being found there and there did steal take and carry away against the Peace of our aforesaid Lord the King his Crown and Dignity —

Guilty

Friday 25th November 1794

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How say you Thomas Dignum and John Errol are you Guilty of this Felony whereof you stand indicted or not Guilty —

Thomas Dignum — Not Guilty
John Errol — Not Guilty
Clerk of the Peace — how will you be tried
Prisoners — by God and our Country
Clerk of the Peace — God send you a Good Deliverance

The following Gentlemen are then Sworn on the Petit Jury, the Prisoners being first informed they might object to any of them as they came to the Book to be sworn and before they were Sworn —

W. John Stephens Foreman	William Dutton
Richard Ashton	Charles Kelly
James Waddle	John Lenham
John Wright	Edward Bent
William Moore	William Purser
Mathew Freeman	Joseph Sykes —

Clerk of the Peace — Gentlemen of the Jury look upon the Prisoners and hearken unto their Cause — You shall Know that they stand indicted by the names of Thomas Dignum Late of Madras as Private Soldier in the second Battalion of European Infantry in the Service of the united Company of merchants of England trading to the East Indies under their Presidency of Fort Saint George and within the Jurisdiction of this Court and John Errol Late of the same also a private Soldier in the said second Battalion of European Infantry in the service aforesaid and within the Jurisdiction aforesaid (here the Indictment is read as in the arraignment) upon this Indictment they have been arraigned and thereunto have pleaded not Guilty and for their Trial have put themselves upon God and their Country which Country you are your Charge therefore is to enquire whether they are Guilty of this Felony whereof they stand indicted or not Guilty if you find them Guilty you are to enquire what goods and Chattels Lands or tenements they had at the time the Felony Committed or at any time since if you find them not Guilty you

Are

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are to enquire if they fled first, if you find that they fled first you are to enquire of their goods and Chattels Lands and Tenements the same as if you had found them Guilty, If you find them not Guilty and that they did not fly first you are to say so and no more and hear your Evidence —

William Rodgers Sworn

Clerk of the Peace — Relate what you know concerning the Felony whereof the Prisoner at the Bar stand Indicted

Answer — On Sunday the fifth of October between the hours of three and four in the morning one of my water women came and wakened me saying there were some Persons outside the Gate talking together I immediately came to the Door and said who are you, some one answered a Friend of yours. I then asked him what was his name he did not tell me his name but he wanted some water to drink, which I refused him he then asked me for some Liquor I refused him that also, He then asked me for some Tamarinds I told him I had none at present come to morrow morning and I will give you some, immediately he said If you dont I will break open the Door, I then told him it is out of your Authority to break open my door, or words to that effect — he then forced the door and put a Stick between the door and broke the Stick after the Stick was broke he took a Bayonet when I saw the Bayonet I caught at it in my hand he then finding the Bayonet was rather hard for him to spin I heard him consulting with another to break open my window in about five minutes they forced open the window when I saw the window was open and saw a mans head and one hand with a Bayonet in it I put out the Light that was near me, then I stood at my own Room door, then the hall was dark and I hear them speaking to one another "codish the fellow who spoke to us in the Hall" I then came into my Room and from my Room through another door, whilst I was at the other door I heard some body breaking my chest I then went into the Hall and jumped out of the same window that they had broke open and went to Mr Pascal Villeins whose house was close and when I was beating the Door of Mr Pascal Villeins the door was shut, but Mr Pascal Villeins was standing near his door with a small Stick in his hand Mr Pascal Villeins saw me in a confused state and asked me what it is, I then told him two Europeans came into my house one of whom had a Bayonet in his hand, he then told me that he was alone with a Stick in his hand that he would remain there and desired me to look for other assistance, I then went to the house of one Dominique Maddox and Lewis De Sarah I began to beat their door and immediately they came out I desired them for Gods sake to go and Look for the Guard they went for the Guard and I returned to the spot where Pascal Villeins was, Pascal Villeins immediately informed me that two Europeans had come out from my Window and had [illegible] he then desired me to go into my house to examine what I had Lost, I got a Light from Mr Pascal Villeins and went into my house and opened my door which was fastened when I went into my room, I saw this Mouche Box (here the Box is shewn to him) which was broke open and I also saw this Chest (here he points out the Chest which is also produced in Court) was broke open and with the Lid up and this little Secretore (here he points out the Secretore which is also produced in Court) upon the Ground, the Secretore was taken out of the Chest which had been broke open but the Secretore had the Key in it, when I examined the Secretore I found it empty I then took an account of what was Lost (here he produces an account which he says he took at the time) in about twenty minutes or half an hour I heard another noise not far distant from the house, a Parriar Boy then came and told me that two Europeans had been approached by the Goal Guard I immediately went together with Pascal Villeins John Pitcher, Dominique Maddox and Lewis De Sarah to the Goal Guard and a great many other People, before I reached the Goal Guard I saw the Marjure of the Guard coming towards me; I asked him, whether one of the Europeans had a Bayonet in his hand, the Marjure told me that the Europeans were trying to break open another more window near to the Goal Guard and that he had a Bayonet in his possession — Mr Pascal Villeins insisted upon examining the Europeans (the Prisoners at the Bar whom I called to have seen at the Goal Guard) immediately the Marjure permitted Mr Pascal Villeins John Pitcher, Dominique Maddox, and Lewis de Sarah to examine the Prisoners in his the Marjures presence and in the presence of many others and on examining the Prisoner (John Carol) the first man part of my property was found upon him in his the Prisoners Purse (here a parcel is produced which had been sealed up by the Justices and the Seals are opened and the Articles produced to the Witness) upon being asked if he knows any of the Articles he says he knows the purse to be the same that was found upon the Prisoner John Carol and that the needle Case was one of the articles found in the Purse

We Swears to the Paraphy the Cadiale Pezumber the three Coconuts the silver deer, the Marlapairlee, Garnets set in gold, Ear Rings, Single Marlapairlee Rabinairo Gold Crop the Scorpion Stone and Cheepanka —

Deceased —

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Question — Can you swear to any part of the Property now produced to have been found upon the Prisoner Dignum at that time —

Answer — I can, I can swear to the Pancake Pastominha or heis first having been found upon the other Prisoner Dignum together with other articles which he head in his hat tied up in a handkerchief afterwards the several Articles were put together and counted and delivered to the hands of the waigne in about twenty minutes after the Gun fired and I went to the Black Town Adjutant he told me that it being sunday he could do nothing then, but desired me to come next morning and he would give me a Chit to the Sitting Magistrate accordingly I went next morning as he gave me a note to the Magistrate as soon as I went with the Guard and the Prisoners to the Black Town Adjutant he desired me to put up the Articles into the Purse and to seal it up with any seal which I did in his presence —

Question — In whose profession were the Articles now Produced from the time they were found upon the Prisoners until they were taken with you to the Black Town Adjutant and sealed up in his presence. —

Answer — as soon as they were Counted by Mr Pitcher they were delivered to the Guard who apprehended the Prisoners and the property was delivered over to the Havildar of the Picket Guard the Prisoners were then taken to the Picket Guard A who took the several Articles with me on the same morning to the Black Town Adjutant in whose presence they were sealed as I have before stated and then returned to the Guard the articles were taken to the Justice the next day in whose presence they were opened and again sealed with my seal in the presence of the Justice since when I have not seen them until they have now been opened before the Court —

Question — by the Jury — you have said you saw a Mans head in at your window do you recollect it to have been that of either of the Prisoners —

Answer — No — I was Confused and put out the Candle —

Question — How long after you left your own House to look for assistance was it that these Articles were found upon the Prisoners —

Answer — about twenty minutes or half an hour —

Question —

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Question — when did you last see these Articles before they were found upon the Prisoners —

Answer — About 9 or 10 o'clock the night before my Children had used some of them in a Procession at the Portuguese Church —

Question — Do you believe the Bayonet now produced to be the same with which it was attempted to Break your Door open —

Answer — I do and observed the next morning when I went to the Black Town Adjutant that the point of the Bayonet was broken —

Question — by the Prisoner John Errol — are you sure that we are the two men that broke into your House —

Answer — I put out the Candle how could I see you —

Question — Then you do not know that we are the two men —

Answer — I found the Property on both the Prisoners —

Pascal Vellums Sworn

Clerk of the Peace — Do you Know any thing of a Robbery committed at the house of William Rodgers —

Answer — On the fourth of October I was invited to sup at a Friends house as I found the night was far advanced I was obliged to rest myself there, between two or three at night, where I was sleeping, I heard a noise calling for assistance I got up and took a Stick in my hand and went out by myself, the noise I supposed to be about three or four doors distance, when I went near the door of that house I heard no noise of people but only something breaking inside the house as I saw the door was shut I thought it was a Family dispute, while I was standing there I saw one Rodgers the Prosecutor, He came out through the window to the Street and called out for assistance when I went to him I desired him to let me know what was the matter, he told me there were some Europeans with Bayonets in their hands Plundering his house and I desired the said Rodgers to wake some of his Neighbours as I was alone and could do nothing, then he went and beat at the Door of two or three Neighbours and not one came out — near to the House of Rodgers there is a place where some Persons live I desired Rodgers to go and call one or two of them, who would be sufficient and Promised them a Pagoda as a Reward, Rodgers went and came back and told —

you had better let me examine you and if you have got nothing about you I will get you released again for I have strong suspicions against you - the guards not let me examine them and then with the assistance of Mr Pascal Vellums we by force examined them since found a Canvass bag tied round the waist of John Ennel I took it away from him and unloosed it and examined the Articles the Articles being produced he swears that the needle Case, the Buttons the Pearl Ear Rings with Garnet Stones and the silver Lace with a few Surnames were upon the Prisoner Ennel and Mugluts the Hair Pin, Gold Cross and the Mouleparlu to have been found on the (other Prisoner Dignum) —

Question — Describe how the Articles were found on the Other Prisoner Dignum —

Answer — Mr Pascal Vellums found a Silk Handkerchief in his Hat the Jewels were tied up in the Handkerchief —

Question — Did you Count the Articles found on the two Prisoners —

Answer — Yes there was one less than thirty Articles found in the handkerchief —

Mr William Rodgers Sworn I opened the Bag told me to look if I could find a needle Case, and that was the first Article I took out of the Bag and told him so I saw it in his Hat then he told me it was his, I asked him if he could take his Oath of it, he said Yes — In the Bag were six articles, not including the Surnames I then put in the Bag the Articles taken Out of it - and in the handkerchief the Articles found in the handkerchief in the presence of all the persons there present I then delivered over the property to the Serjeant of the Guard, I put a proper Mark upon the Bag and handkerchief that I might know them again, and went away —

Shaick Meerah Naigue of the third Battalion of native Infantry Sworn —

Question — Look upon the Prisoners at the Bar and say whether you have ever seen them before —

Answer — I have —

Question — do you know of any Robbery committed by them —

Answer — they were apprehended by me and other Sepoys of the Guard at the debtors Goal when I relieved the Sentry stationed at the debtors Goal about four Oclock in the morning the Prisoners passed through the street the Sentry stopped them and asked who they were, they answered Friend, they came near the Sentry and asked him to shew them a Bawdy House and they would give him Surnames, the Sentry told the Prisoners he was not a Sipoy, he was a Soldier as well as them, I was angry at the time and asked the Prisoners who they were, they answered they were Soldiers belonging to the second regiment, I then told em we Sepoys to the third Battalion as well as you are Soldiers to the second Battalion go about your —

your Business, the Prisoners refused to go and sat down, I ordered the Sentry not to meddle with the Prisoners, and I sat down, then the Prisoners got up and went to a door close to the place we were on Guard and knocked at the Door attempting to break it, I then I Mr four Sepoys went to the spot where they were breaking open the door, the Prisoners then took Stones and threw them at the Sepoys and me and then run away a little distance I pursued them and apprehended them with the Assistance of the Sepoys, and snatched a Bayonet from the Prisoner Thomas Dignum / a Bayonet being produced to him he says he knows it from its being broken at the Point / then examined the Prisoners and confined them at my Guard, in the mean time some Portuguese People came with a light I asked them who they were, they told me that two Soldiers had entered a house and robbed it, and that they the Europeans had a Bayonet I told them to go and see the Soldiers who were confined in my Guard they went and saw the Prisoners and said the Prisoners were the People that came that way —

Question — Were the Prisoners searched by the Portuguese People —

Answer — The Portuguese People told me they wanted to search the Prisoners with my leave, I told them they might search the Prisoners; but if they found any thing on the Prisoners I would not let them have it without permission from any Officer, they accordingly searched the Prisoners and found some property upon one round his waist and some property in the Hat of the Other —

Question — Did you see the Bag now produced at the time —

Answer — I did the Articles after having been examined by the Portuguese were tied and given to me and after Gun fire in the morning I took the Prisoners, the Portuguese People and the Jorge and Bayonet and delivered them over to the Subadar of the Picket and returned with the Sepoys to my Guard and afterwards accompanied the Subadar who took with him in charge the Portuguese People the Prisoners and the Articles to the Black Town adjutant, when the property was again examined and put into the Purse and Sealed and delivered with the Bayonet to the Subadar. the Black Town Adjutant Ordered me and the Sepoys to attend upon the Justices, the Prisoners were confined to the Main Guard and it was the next day when I went before the Justices —

Question — you have said you had some Conversation with the Prisoners in natural Language what did you Converse —

Answer — in English —

Question —

Co

Clerk of the Peace — Thomas Walker hold up your right Hand —

You stand indicted by the name of Thomas Walker late of Saint-

Thomas's mount within the Jurisdiction of this Court a Serjeant of the Second Battalion of Artillery in the service of the united Company of merchants of England trading to the East Indies under their Presidency of Fort Saint George, for that you the said Thomas Walker not having the Fear of God before your Eyes but being moved and seduced by the Instigation of the Devil on the Eighteenth day of november in the thirty fifth Year of the Reign of Our Sovereign Lord George the third now King of Great Britain France and Ireland Defender of the Faith and soforth with Force and Arms at Saint Thomas's mount aforesaid within the Jurisdiction aforesaid in and upon one Mathew Daly a Lieutenant Fireworker and Assistant of the said Second Battalion of Artillery in the military Service aforesaid under their Presidency aforesaid in the Peace of God and our said Lord the King then and there being feloniously wilfully and of your Malice aforethought did make an Assault, and that you the said Thomas Walker a Certain Musket or Gun of the value of ten Shillings then and there charged with Gun Powder and one leaden Bullet, which Musket or Gun you the said Thomas Walker in both your hands then and there had and held to against and upon the said Mathew Daly then and there feloniously wilfully and of your Malice aforethought did Shoot and discharge and that you the said Thomas Walker with the Leaden Bullet aforesaid out of the Musket or Gun aforesaid then and then by force of the Gun Powder, shot and sent forth as aforesaid the aforesaid Mathew Daly in and upon the right Breast of him the said Mathew Daly then and then feloniously wilfully and of your malice aforethought did strike penetrate and wound giving to the said Mathew Daly then and there with the Leaden bullet aforesaid so as aforesaid shot discharged and sent forth out of the Musket or Gun aforesaid by you the said Thomas Walker in and upon the said right Breast of him the said Mathew Daly one mortal wound of the depth of twelve Inches and of the breadth of one Inch of which said mortal wound the aforesaid Mathew Daly then and there instantly died — and so you the said Thomas Walker the said Mathew Daly in manner and form aforesaid feloniously wilfully and of your malice aforethought did Kill and murder against the Peace of our said Lord the King his Crown and Dignity —

How —

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How say you Thomas Walker 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 —

The following Gentlemen are then Sworn on the Petit Jury the Prisoner being first informed he might object to any of them as they came to the Book to be Sworn and before they were Sworn —

John Stephens Foreman	William Dutton
Richard Ashton	Charles Hely
James Waddle	John Lenham
John Wright	Edward Bent
William Moore	William Purser
Mathew Framare	Joseph Sykes

Clerk of the Peace — Gentlemen of the Jury Look upon the Prisoner and hearken unto his Cause you shall know that he stands indicted by the name of Thomas Walker late of Saint Thomas's mount within the Jurisdiction of this Court a Serjeant of the second Battalion of Artillery in the Service of the united Company of merchants of England trading to the East Indies under their Presidency of Fort Saint George (here the Indictment is read as in the Arraignment) upon this Indictment he hath been arraigned and thereunto hath pleaded not Guilty and for his trial hath put himself upon God and his Country which Country you are your charge therefore is to enquire whether he is Guilty of this Felony and murder whereof he stands indicted or not Guilty, if you find him Guilty you are to enquire what Goods and chattels Lands or tenements he had at the time the Felony and murder committed or at any time since If you find him not Guilty you are to enquire if he fled for it, if you find that he fled for it you are to enquire of his goods and chattels Lands and tenements the same as if you had found him Guilty; if you find him not Guilty you find that he did not fly for it, you are to say so and no more and hear your Evidence

Major George Suxon Sworn —

Question — Do you Know any thing respecting the murder of the late Lieutenant Fireworker Mathew Daly —

Answer — On the evening of the Eighteenth Instant I was on the Parade of the Second Battalion of Artillery at Saint Thomas's Mount — I heard the Report of a Musket, I turned round and saw

the

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the Prisoner take a musket from his shoulder and threw it away from him, I immediately r
up to the Prisoner who fell down flat on his Back, on which I called to some of the men to s
him in my way to the Prisoner I saw Lieutenant Fenwicke Daly stagger a few paces an
drop on the Ground, Immediately the Officer on Guard and some of the men came up to
whilst I was standing over the Prisoner, I gave the Prisoner in charge to the Officer of the
Guard and desired he might be taken to the Guard and secured in Irons - I then we
Lieutenant Daly who was lying on the Ground speechless and bleeding with a wo
in the Breast; seeing him in that Condition I quitted him and went towards Col
Smiths Quarters where I met Colonel Smith, Doctor Anderson and Doctor Berry, they all
came up to Lieutenant Fenwicke Daly and to the best of my Knowledge Doctor
Anderson after looking at him said he was dying; a little while after I desired t
men to take up Lieutenant Fenwicke Daly and carry him to his quarters I the
went to his Quarters and found Lieutenant Fenwicke Daly dead. I immediately ordered
to be stripped and washed, after he was washed I examined the Body and found a wo
in his Back, through which I suppose the Musket Ball had passed, I immediately
to Colonel Smiths Quarters and wrote the Crime of wilful and deliberate murder of
Lieutenant Fenwicke Daly - for which Crime I had confined the Prisoner -

Question — Did the Prisoner make use of any expressions when you came up to him —

Answer — not a word, he was lying upon his Back with his eyes shut - I believe I was the fi
Person who came up to the Prisoner -

The Prisoner on being asked if he has any Question to put t
the Witness, says he has none -

Richard Gostalow Sworn

Question — Do you Know any thing relative to the death of the late Lieutenant Fenwicke Da

Answer — Yes

Question When did it happen -

Answer In the evening of the Eighteenth Instant

Question Relate what you Know thereof

Answer In the evening of the Eighteenth Instant as the Battal
from Parade commanded by Lieutenant Fenwicke and
on was marching home
Adjutant Daly I saw the
Prison

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Prisoner at the Bar go in Front of the Battalion to Mr Daly with shouldered Arms he spoke to Lieutenant Daly I Imagine, for I saw his lips move though I did not hear what he said I heard Mr Daly desire him to go, again I saw him speaking (as I supposed) to Mr Daly, for his Lips were moving Mr Daly desired him again to go, or else he would put him in the Guard. I saw the Prisoner draw back about ten or twelve paces from Mr Daly and I heard him say, "here goes Daly" he brought his Piece (or Musket) to the present and I heard him the Prisoner give the word "Fire." I saw and heard the Musket go off. I saw Mr Daly turn rather to the right and made a pace or two forwards and put his Right hand upon his Breast - he then dropped his head and walked a little further, perhaps altogether about twenty Yards, and then dropped down - the Serjeant Major gave the word to the Battalion to Halt, and I heard Major Saxon and the Serjeant Major desire the men to go and Seize the Prisoner which they did accordingly and he was taken to the main Guard -

The Prisoner being asked if he had any Questions to put to the Witness and answering in the Negative -

William Mackenzie is Sworn -

Question — Do you Know any thing relative to the death of the late Lieutenant Fenwicke Daly and if so Relate what you know -

Answer — On the Evening of Tuesday last about twenty minutes after six O'Clock the Battalion was marching along and I heard the words "here goes Daly," I looked towards the place where the voice came from, the Prisoner had a few paces marched to wards Lieutenant Fenwicke Daly, I heard the Prisoner make use of the word "Fire", the Firelock went off and Mr Daly put up his hand to his Breast, Mr Daly walked and staggered about twenty paces the Prisoner was looking at Mr Daly while he was walking for some seconds with his firelock in his hands, the Prisoner then threw the Firelock away and lay down upon his Back the Serjeant Major gave the word to the Battalion to Halt and cried out "Seize the Villain, Seize him", I ran out of the Ranks with a good many more I believe I was the first up and I laid hold of the Prisoners Arm as he lay upon the Ground the Prisoner got up and there was another man and me laid him

to

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to the main Guard and delivered him over to the Serjeant; as he was going along to the main Guard he said Mr. Daly was his enemy and that was the reason he killed him —

Question by the Jury — Was the Prisoner sober at the time or was he in Liquor?

Answer — He appeared as if he had been in Liquor but he walked very steadily to the Ground —

Question — Do you Know of any dispute that had happened between Lieutenant Timothy Daly and the Prisoner at the Bar —

Answer — I do not — There had been words, but I do not Know it as a fact —

The Prisoner not having any Questions to put to the Witness —

Maurice Fitzgerald is next Sworn —

Question — You are a Surgeon, are you not?

Answer — Yes I am Surgeon of the Second Battalion of Artillery —

Question — do you Know any thing of the Death of the late Lieutenant Timothy Daly —

Answer — I examined him after he was dead —

Question — Did you see any appearance of violence upon his Body —

Answer — I did;

Question — Relate what they were?

Answer — he had received a Wound, in the Sternum or the Breast Bone which penetrated through his Body and seemed to have come out about an Inch above the inferior extremity of the right Scapulum? —

Question — when was this Examination of the Body? —

Answer — In the evening of the Eighteenth Instant about half an hour after 8 o'clock —

Question — Do you suppose that the wound which you perceived in the Body of Lieutenant Timothy Daly was the occasion of his Death —

Answer — I am positive of it —

Question — Do you Know how he came by that wound

Answer — I have heard he was shot by Serjeant Walker the Prisoner at the Bar —

The six witnesses for the Crown being all examined, and the Prisoner having none to produce he is desired to say if he has any thing to state in his Defence —

Pris

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Prisoners Defence —

On the Eighteenth Instant I had been drinking very hard I do not recollect going to Quarter at all I never have any Malice Against Mr. Daly he was always my Particular Friend, I have nothing further to say but leave myself to the mercy of the Judge and the Bench —

The Prisoner having closed his Defence, the Petit Jury retire to consider on their Verdict a Bailiff having been first Sworn to keep them and after a short time a Verdict being proclaimed they come into Court and answer unto their names —

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

Jury — Yes

Clerk of the Peace — Who shall say for you

Jury — Our Foreman

Clerk of the Peace — How say you Gentlemen is Thomas Walker Guilty of the Felony and murder whereof he stands indicted or not Guilty —

Foreman — Guilty —

Clerk of the Peace — What goods and chattels lands or tenements do you find he had at the time the Felony and Murder committed or at any time since?

Foreman — none —

which being recorded

Clerk of the Peace — Gentlemen of the Jury hearken unto your Verdict as the Court hath recorded it. you say that Thomas Walker is Guilty of the Felony and Murder whereof he stands Indicted and that he had no goods and Chattels Lands or tenements at the time of the Felony and Murder so committed or at any time since and so you say all —

Jury — Yes

The Prisoner is then called upon to receive Sentence —

Clerk of the Peace — Thomas Walker hold up your hand — you stand here convicted of Felony and murder what can you say for yourself why the Court should not proceed to give Judgment of Death against you as the Law directs —

After which Proclamation for Silence being made the Chairman addresses the Prisoner to the following effect —

Thomas Walker,

you seem so Thoroughly convinced with the enormity of your Guilt that I shall say nothing further to aggravate your distress; but to prepare you for that fate which your crime has so justly brought upon you —

You

You shall go to the Place from whence you came and from thence to the place of Execution and there you shall be hung by the neck until your Body is dead and the Lord have mercy upon your Soul —

The Prisoner is then remanded into the Custody of the Sheriff —

The Court direct that Thomas Walther be executed tomorrow at Saint Thomas's Mount between the hours of seven in the morning and one in the afternoon and that immediately thereafter his Body be hung in chains as near as conveniently may be to the Place where the murder was Committed —

The Bills of Indictment against Narrainin for Felony and Monmeah Cauntharik abdull Nobber and Junipah Saub, For Felony having been returned by the Grand Jury Ignoramees, they are severally called up and dischargid by Proclamation —

The Court is then adjourned till nine Oclock tomorrow morning the twenty second Instant for commencing the present Sessions —

R Williams
Clerk of the Peace

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Saturday 22 November 1794

Present

The Right Honorable Robert Hobart commonly called Lord Hobart

Edward Saunders and Ernst William Tallofield Esquires —

and

Thomas Lewin and George Wyneh Esquires —

The King against Thomas Baker and William Henry Price —

The Court being duly opened proceeds to the Trial of Thomas Baker and William Henry Price for Felony —

The Prisoners are put to the Bar and Arraigned as follows

Clerk of the Peace — Thomas Baker and William Henry Price hold up your Right Hands —

You stand indicted by the names of Thomas Baker late of Madras Inhabitant and Serjeant Major of the thirty second Battalion of Native Infantry in the service of the united Company of merchants of England trading to the East Indies under the Presidency of Fort Saint George and William Henry Price late of the same Inhabitant for that you on the seventh day of September in the thirty fourth Year of the Reign of our Sovereign Lord George the third now King of Great Britain France and Ireland Defender of the Faith and so forth with force and Arms at a place called John Pereira's Garden out Madras aforesaid and within the Jurisdiction of this Court a certain Box, then and there feloniously did Break and force open and one Gold chain of the value of five Pounds and four Shillings one other Gold chain of the value of four Pounds and sixteen Shillings one String of Gold Beads of the value of four Pounds and sixteen Shillings one double gold neck Case of the value of four Pounds and eight Shillings fourteen Gold Rings whereof some of the value of five Pounds and four Shillings one Gold heart Pin of the value of four Pounds and eight Shillings, one Locket of Silver three Buckles of the value of two Pounds and Eight Shillings, two pair of Gold Ear Bobs of the value of one Pound and four Shillings two other pair of Gold Ear Bobs of the value of one Pound two pair of Gold Ear Drops of the value of sixteen Shillings one Pair of Gold Ear Bobs with Stones of the value of one Pound, one Pinchbeck Watch Chain of the Value of two Pounds and Eight Shillings fifteen Pearls of the value of

two

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when I went to open my chest I found it had been broken and the Box now Produced to me) I found empty —

Question — Was the Box now produced to you and which you say you had left in the Chest locked when you went out the day before and had you the Key with you —

Answer — Yes it was locked and I had the Key with me —

Question — What Articles had you left in the Chest —

(here the Evidence into Court a small Ivory Box containing several Articles)

Answer — I had left a Gold Hair Pin, a Gold Chain a Gold neck Lace, a Pinchbeck watch Chain a String of Beads, one other Gold Chain, Six Silver Tea Spoons one pair of Silver Shoe Buckles one odd Silver Shoe Buckle, ten Rings with stones set in Gold, one Silver Chamnam Box five Pair of Ear Rings —

Question — when you returned to the Sergeants Quarters you say you found your chest broke open and that the Several things now produced had been taken from the Small Box did you know who took them away?

Answer — I heard the Sergeant took them, there are Witnesses —

Question — How came you by those Silver Buckles?

Answer — My late husband bought them at an outcry

Question — at what Battery

Answer — I do not Know —

Question — How came these several articles into your Possession again?

Answer — The Prisoner Thomas Baker sent for me to the Goal and delivered the things to me about a month ago after he had been in Goal I believe about two days and there were two other Sergeants present at the time —

Question — Answer upon your Oath whether you believe those Articles were taken from you with an intent to defraud you?

Answer — I believe they were taken to defraud me —

Question — how came you to give a Declaration that you believed the Prisoner did not take the things with intent to defraud you —

Answer — If I had not made such a Declaration I never should have got my things —

Question

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Question — how came you to sign any paper at all?

Answer — The Prisoner desired me —

Question — did they tell you what the Paper contained

Answer — they told me it was just like a Receipt that I had got my things —

Question by the Jury — Did you not consider Thomas Baker as your Husband and did not he consider you as his wife notwithstanding the ceremony of marriage had not been performed —

Answer — Yes I did intend to marry him —

Question — did not you live with the Prisoner Baker? —

Answer — I had remained there five days with intention to marry him —

Question — did the Prisoner ever make agreement to you of any of the Articles or money —

Answer — no —

Questions By the Prisoner — Thomas Baker — have I not returned to you the whole of your Property —

Answer — all — except ten Gold buttons and twenty three Pagodas —

Question — Have I not given you a note to receive four Pagodas a month until you shall have received yourself —

Answer — Yes —

Question — when did he give you that note —

Answer — the same day that the Sergeant returned the things —

Question — Did you not give an acknowledgement to the Prisoner at the Bar that you had received all your Property back again —

Answer — Yes —

Question by the Court — what is your name —

Answer — Eleanor Herbert —

Question — How came you to tell the Justices your name was Flora —

Answer — I told them Eleanor — not Flora —

Questions by the Prisoner — Thomas Baker — did you not live and cohabit with me —

Answer — Yes, you forced me, I only slept with you one night —

Question — had I not connection with You before you came to my Quarters —

Answer — no —

Question

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Question by the Court — was it before or after your things were taken away that the Prisoner /Thomas Baker/ kept with you —

Answer — before —

Question by the Prisoner — Thomas Baker — had I not connection with you in the Barracks of the third or 4th Battalion where you then resided and before you came to my Quarters —

Answer — Yes, you had forced me, and said you would marry me —

Arnachellum Sworn —

Question — Have you ever seen the Prisoner at the Bar —

Answer — I have seen them both —

Question — did you ever break open or pick any lock by desire of either of the Prisoners at the Bar, —

Answer — About three months ago one Guddeputtaloo came and carried me to the house of the Drill Serjeant where there were present the two Prisoners at the Bar, Guddeputtaloo gave me a Box to pick the Lock which I endeavored to do but without effect, Guddeputtaloo the master also tryed, Guddeputtaloo then made a Cross or mark on the Box which I saw at the time when the Portuguese Prisoner /Peirapointeny to him/ took the Box and put it upon his then the other Prisoner Baker took a Chissel and Hammer and broke open the Box —

Question — should you know the Box if it was produced to you —

Answer — Yes this is the Box /pointing to the Box in Court/ —

Question — How do you know it to be the same —

Answer — the Master Guddeputtaloo made a mark upon the Box /I saw him put a mark upon the Box/ —

Question — when the Box was broke open was there any thing found in it —

Answer — I do not know as soon as it was broke open Guddeputtaloo desired me to carry which I did together with Guddeputtaloo —

Question — Why did Guddeputtaloo put the mark upon the Box —

Answer — the Prisoners Baker the door and hurried us to pick the lock and quick and therefore he put a mark upon it —

Question

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Question by the Prisoner William Nairy Peir — Was not I walking in and out of the Room at the time Guddeputtaloo was trying to break open the Box ? —

Answer — you were sitting upon a Chair in the Drill Serjeants House —

Question — Were the doors and Windows of the Room in which the Prisoners were breaking open the Box open or shut —

Answer — half the door was open and half shut and the window was ordered to be shut —

Question by the Court — at what hour was it

Answer — five Oblock in the evening —

Question — who ordered that the window might be shut —

Answer — the Prisoner Baker —

Question — who was the Person that shut the window —

Answer — I do not know who shut the window —

Question — how do you know that the Prisoner Baker gave Orders to shut the windows —

Answer — I only heard him say shut the window —

Question — do you understand English —

Answer — no

Question — in what Language did the Prisoner Baker desire the window to be shut —

Answer — I understood the word window and he repeated the words "Shut, Shut" —

Guddeputtaloo Sworn —

Question — do you know the Prisoners at the Bar —

Answer — Yes —

Question — were you ever desired by either and which of the Prisoners to break open or Pick any Lock of a Box —

Answer — Yes the Prisoner Baker

Question — How long ago —

Answer — I kept no account —

Question — Relate what you know —

Answer — the Serjeant major came and called me to open a Box I told him I would after the Store Serjeant had returned, the Serjeant Major Baker said I dont care there is a report paper in that Box you must come and open it Accordingly I said I would I went to the Drill Serjeants House with a pick Lock and I endeavoured to pick the Lock and the

Prisoner

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Prisoners were swearing me to pick the Lock as the Captain was sitting for the Paper I could not pick the lock, I then went and brought another Knife Lyname annexhullen he also tried but without effect to pick the Lock the Serjeant was coming and looking at the door and shutting it: which seemed to me to be tricks I therefore made a Cross mark upon the Box, I saw the Prisoner Price afterwards holding the Box and the Serjeant Major broke it open with a Chissel I did not see what the Box contain the Drill Serjeants Wife and the Prisoners were present —

Question — were they Sitting or Standing —

Answer — Price was sitting upon a Chair and the Drill Serjeants wife and the Prisoner Baker were sitting upon a Cot after the Prisoner Baker had broke open the Box he desired me to go away, which I did —

Question — do you belong to the same Battalion with the Prisoner Baker —

Answer — I am Armorer master of that Battalion

Question — did the Serjeant Major Baker and the Drill Serjeant live in the same House —

Answer — In the same house only they occupy different Rooms —

Question — In whose Room was it the Box was broke open —

Answer — in the Drill Serjeants —

Question by the Jury — Were the doors and windows of the Room shut or open at the time the Box was broke open —

Answer — The windows was open and the doors shut —

Question — at what Hour was it the Box was broke open —

Answer — at five O'Clock in the Evening —

Question by the Prisoner Baker — who shut the door —

Answer — I —

Prosecution Closed —

The Prisoner not having any questions to put they are desired to state what they have to say in their Defence —

Thomas Baker's Defence —

At the time Clara Herbert came to live with me I really did not desire her, she had sent her goods to my Quarters unknown to me, she came the same evening about eleven, I was not at home when she came and when I came to my Quarters I was surprised to see Clara Herbert sitting on my Cot, she remained and lived with me —

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me six days afterwards in a carriage way about the sixth Day I took an Opportunity of Examining her Property as I thought I had a just right so to do she living with me in that way, I had no Idea of taking her Property from her or of defrauding her nor should I have kept them so long had it not been for an unfortunate accident that happened that evening which was that I unfortunately lost the money that was in her Box, I suspect a person of taking the money but I cannot be certain that he is the man, a day or two after Clara Herbert had threatened me that she would prefer a Complaint against me which accordingly she did I was sent for by the Justices who questioned me concerning the unfortunate affair that has happened which I denyed, and had it not been for the Solicitations of Serjeant John Etton the Drill Serjeant of the thirty Second Battalion who persuaded me not to confess the charge, I should have acknowledged before the Justices what was my intention for doing so, Serjeant Etton told me likewise that he would recover the property in a place where it could not be found, I am heartily sorry for what I have done and I trust to the Clemency of your Lordships, rested the Prisoner —

Paul Bose Lieutenant and Adjutent of the second Battalion of European Infantry Sworn on behalf of the Prisoner Thomas Baker —

Clerk of the Court — Mr. Bose, the Prisoner Thomas Baker wishes to call upon you for his Character —

Answer — The Prisoner was upwards of twelve months in the Corps with me and I considered him an exemplary good Character, insomuch so, that I recommended him to be appointed Serjeant Major of the thirty Second Battalion, a new raised Corps —

Mr. James Brown one of the Jurors is called upon by the Prisoner Thomas Baker for a Character, and is sworn accordingly and deposes as follows — I was some time ago in the second Battalion of European Infantry and served with the Prisoner Baker during which time he bore the Character of an honest man and a good Soldier —

The Petty Jury retire to consider on their Verdict a Bailiff having been first sworn to keep them and after a short time a Verdict being proclaimed they come into Court and answer unto their names —

Clerk of the Court — Gentlemen of the Jury have you agreed of your Verdict —

Jury — Yes

Clerk of the Court — Who shall say for you

Jury — Our Foreman —

Clerk —

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I had occasion to change one of the Pagodas, the Prisoner and another said they would change it, I gave them one Pagoda and they gave me forty five fanams and four Doodles which I carried and offered to the Gentlemen for the Fees they refused to take the fanams as they were made of Lead and not of Silver I then examined the fanams and saw however they were Lead they were taken out of a Cloth which the other man had and were delivered to me by the Prisoner —

Question — can you upon your Oath Declare that you believe the Prisoner Knew the fanams to be made of Lead when he delivered them to you —

Answer — How can I say that —

Question — Do you Know who the Prisoner is

Answer — I do not Know I only saw him when I changed the Pagoda

Question — do you Know any thing of the other man from whom the fanams were taken —

Answer — no —

Question — Did the Prisoner examine the fanams at the time he delivered them to you —

Answer — He counted them and gave them to me —

Question — how came you to change the Pagoda with any other than a Shroff —

Answer — There was no Shroff in the road —

Question — where was you going to buy the Fees

Answer — at Erasapeth Moodilly's Garden near the Long Tank —

Question — was any other Person present when you received the fanams from the Prisoner besides the man from whom you have said they were taken, the Prisoner and Yourself —

Answer — Nobody

Question by the Jury — had you any other fanams about you when you changed the Pagoda

Answer — only three Single fanams —

Question — did you give the Pagoda into the hands of the Prisoner or the Other man —

Answer — I gave the Pagoda to the Prisoner and he Kept it —

Question — look at the fanams now shewn to you and say if you Know or believe any of them to be the same which you received from the Prisoner —

Answer — no

Question — What did you do with the fanams you received from the Prisoner —

Answer

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Answer — I was looking after the Prisoner and the Other man for a month and could not find them and finding the fanams were Lead I threw them away —

Prosecution Closed

The Prisoner not having any Questions to put, proceeds to his Defence — and says he never saw the Witness Sangerlingum nor did he ever give him any fanams whatever in change for a Pagoda —

The Prisoner having closed his defence the Petit Jury retire to consider on their Verdict a Bailiff having been first sworn to Keep them and after a Short time a Verdict being proclaimed they came into Court and answer unto their names —

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

Jury — Yes —

Clerk of the Peace — who shall say for you —

Jury — Our Foreman —

Clerk of the Peace — How say you Gentlemen is Mostyn Guilty of the deceit whereof he stands Indicted or not Guilty —

Foreman — not Guilty —

which being Recorded —

Clerk of the Peace — Gentlemen of the Jury hearken unto your Verdict as the Court hath recorded it. you say that mostyn is not Guilty of the deceit whereof he stands Indicted, and so you say all —

Jury — Yes —

The Prisoner is thereupon discharge by Proclamation —

The Court proceeds to the Trial of John Owen for Felony and murder —

The Prisoner is then put to the Bar and arraigned as follows —

Clerk of the Peace — John Owen hold up your Right hand —

You stand indicted by the name of John Owen a Private Soldier in the united Battalion of European Infantry in the service of the united Company of merchants of England trading to the East Indies under their Presidency of Fort Saint George for that you not having the Fear of God before your Eyes but being moved and seduced by the Instigation of the Devil on the twenty seventh day of october in the thirty fifth Year of the Reign of our Sovereign Lord George the third now King of Great Britain France and Ireland defender of the Faith and so forth with force and arms at Madraspatnam within the Jurisdiction of this Court in and upon one Rumeeloo in the peace of God and our

said —

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that tried to stab me and then I let him loose, I run away from him, some of the People of my Cast then came and fought with the Europians, they seized one and the other ran away, after Ramadoo was dead they found it not necessary to keep the man any longer so they let him go, Ramadoo died almost immediately after he was Stabbed - after day break I found some buttons which I delivered to the Coroner who came that day to enquire/ here the buttons are delivered in by the Coroner which the Witness declares to be the same/

Question — should you Know the man who Stabbed Ramadoo if you were to see him —

Answer — no, it was very dark then —

Question — was it the man who Stabbed Ramadoo from whom I cut the Buttons, now produced to you, were taken —

Answer — the Buttons were taken from the Coat of the man who we had seized and Kept, not from the man who had Stabbed Ramadoo —

Question — Did you see the European Stab Ramadoo —

Answer — Yes I did —

Question — did you ever lose sight of the man who Stabbed Ramadoo, until the other was seized —

Answer — the man who Stabbed Ramadoo Run away and the other was seized a little afterwards —

Question — you have said in the first part of your Evidence you had seized the European who Stabbed Ramadoo —

Answer — I seized the Europian who Stabbed Ramadoo and then the other Europian came to his assistance and I let him go and some of my Cast people seized the other European —

The Prisoner is asked if he has any questions to put to the Witness, he says he has not, and the Witness then Retires —

Goorovadoo Sworn —

Question — Relate what you Know concerning the Death of one Ramadoo —

Answer — in the last month one night when I was sleeping in Peria Master in my Hut Ramadoo was crying loud I was awakened by the noise, I saw two Europians overtake Ramadoo and one of them Stabbed Ramadoo the other European was standing near the man who stabbed Ramadoo I and some other people went to take up the European who was standing near the man that had Stabbed Ramadoo and the man who was standing near the one that had Stabbed Ramadoo attempted to stab me and others and we run away and the man who had Stabbed Ramadoo also run away Ramadoo died immediately after he was Stabbed —

Question — Did you lay hold of either of the Europeans —

Answer — no —

Question by the Jury — If you were to see the Europians who Stabbed Ramadoo would you know him —

Answer — no it was dark —

The Prisoner has no questions to put and the Witness Retires —

Mootialoo Sworn —

Question — Relate what you Know relative to the death of one Ramadoo —

Answer — I was in my hut at Peria Master Sleeping about twenty days ago, about two O'clock in the morning and was awakened by a noise, and wonted that two Europians had stabbed Ramadoo —

Question — Did you see either of the Europians —

Answer

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Answer — yes —

Question — did you find any Bayonet near the Place where Ramadoo was Killed —

Answer — in the morning I saw a Bayonet there all over Blood, and some buttons were found like those now produced —

Charles Crawe Sworn —

Question — are you a Surgeon

Answer — I am —

Question — were you required by Mr Pasley the Coroner to examine the Body of a Black man by my dead on the twenty seventh of October last —

Answer — I was —

Question — Did you examine the Body —

Answer — I did —

Question — did you perceive any and what marks of violence upon the Body —

Answer — upon Examination I found three wounds in the Chest two of which penetrated the Lungs to a Considerable depth, the other I think to have injured the substance of the Liver there were several marks of violence in different parts of the body, but which were superficial —

Question — do you believe that the wounds which you saw in the Body of the Black man were the occasion of his death —

Answer — I certainly do — particularly the two which penetrated the Lungs —

The Prisoner has no questions to put to the Witness and accordingly Retires —

Thomas Benfield Sworn —

Question — did you on the twenty seventh of October last take up the Prisoner at the Bar and William Bird in the Black Town —

Answer — I did but I am not quite certain as to the day, but it was about eight O'clock in the morning —

Question — why did you take them up —

Answer — I Knew they were missing and a guard was looking for them —

Question — had any Buttons been taken off the Coat which the prisoner had on/ here the Coat is produced to him/ —

Answer — Yes some Buttons had been taken off and this appears to be the same Coat —

Question — Can you say positively that his Coat was torn —

Answer — Yes particularly at the Pocket and the Button was off the Shoulder —

Question — had either of them a Bayonet at that time —

Answer — no —

Question — Were they both their Jackets on —

Answer — I believe they had —

Question — do you recollect that Burke's Jacket was at all torn? —

Answer — I do not Know that it was —

Question — What conversation passed between you and the Prisoner and Bird from the time you apprehended them

Answer

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them until you delivered them up—

Answer— they told me to take a Blackman up whom they pointed out to me for he had robbed them and they told me to try to get the money for them, there were some Black officers not far from that I took them before the Officers and asked the Officers if they would ask the Black man if he had robbed them of some money, the Black man said he had not robbed them that if I would look in the Europeans there I should find the money I stooped down to at Beck's there he took it off and slipped the money into his Pocket the money was in Cloth—

Question did you hear them Swearing any thing about when they had been during the night—

Answer— they stopped short some times and I heard them both say they would go to the Main Guard.

The Prisoner not having any questions to put to the Witness retires—

Charles Muston Sworn—

Question— do you recollect that the Prisoner was present at, or absent from the Barracks on the night the twenty sixth of October last—

Answer— at eight o'Clock at night I called the Roll and his name was answered next morning the twenty seventh of October at four O'Clock the Battalion Paraded for Exercise and the Prisoner was then absent and I reported him to the Serjeant Major, immediately I had reported him to the Serjeant Major I went to the Prisoners Cot took his Firelock and accoutrements but his Bayonet was not there—

Question— Examine the Firelock and Bayonet and say if you think the Bayonet belongs to the Firelock

Answer— it fits it but I cannot swear that it does or does not belong to it—

Question did you examine the Prisoner on the Evening of the twenty Sixth at Parade—

Answer— I did not—

The Prisoner has no questions to put to the witness and retires—

John Christian Sworn—

Question To William Beck of the second Regiment of the same Company in which you are

Answer Yes—

Question— had you any occasion to examine whether Becks arms and accoutrements were in the Barracks in the night of the twenty sixth of October last—

Answer— I had, they were all safe—

Question did you see his Bayonet and firelock in the Barracks on that night—

Answer— I saw his Bayonet and firelock in the Barracks next morning between seven and eight O'Clock—

Question was Beck present at or absent from Roll call at eight O'Clock the night before—

Answer— He was absent—

Question was Beck present in Barracks at that time you have his Bayonet and firelock in the morning of the twenty seventh of October—

Answer no

Question Did you see Beck at any time on the morning of the twenty seventh—

Answer

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Answer I did when he was brought to the Serjeant Major—

Question— did you observe that his coat was torn or any buttons off—

Answer— no—

The Prisoner not having any Question to put to the Witness he retires—

Miles Miles Serjeant Major of the second Battalion of European Infantry Sworn—

Question— do you recollect that the Prisoner at the Bar and William Beck of your Battalion were brought into the Fort Prisoners on the morning of the twenty seventh of October last—

Answer— I do—

Question do you recollect that either and which of their Coats were torn at that time—

Answer The Prisoners Coat was torn—

Question were any Buttons off

Answer— two

Question— Examine the Coat now produced and say if it is the same the Prisoner had on, on the morning of the twenty seventh of October last—

Answer— it is, I know it by the holes which are in it and which I noticed at the time and that the two Buttons were off—

Question— Had the Prisoner or Beck any Bayonet with them when they were brought in Prisoners—

Answer neither—

Prosecution Closed—

The Prisoner not having any Questions to put to the Witness nor any witnesses to produce makes his defence as follows—

Prisoners Defence—

William Beck and me made an agreement to go out on Sunday night after Parade we went out a little after Seven O'Clock when we got out of the Garrison we lay between the walls near the Glacis till between eleven and twelve O'Clock, then we went up as far as the monument and then turned off right for the Hospital and tried to wade through the water, we could not wade it we went up about a quarter of a mile higher and tried to wade it there, William Beck asked me if I could swim and I said no, he asked me to let him have the Bayonet as he could swim and if I should let it fall we should not be able to pick it up again, then we waded through the Water and searched for the Pommanalle Road but could not find it we got up almost to some Lime Kilns to the right, and finding we had gone a good deal out of the Road we turned, again back we came among some little Huts, and I told William Beck we had better go off from them, he said no, he would go forward when he was by them went on and I followed him we went about twenty yards among the Huts, then there was a Black man sitting down making water, he got up began a Hooting and made a great noise, I told them said we had better set off for these Black people will hinder us, he said he would lose his life sooner than part from them, by then he then run one of them through, I was standing near him and going up to him there were three or four Black men caught hold of me behind they took me about six or seven Yards behind some more huts, and then I suppose there was as many as a dozen assembled and pulling me some on one side and some on the other they struck me several times and I could observe that they pulled some Buttons off

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Instigation of the Devil on the second day of October in the thirty fourth year of the Reign of our Sovereign Lord George the third now King of Great Britain France and Ireland Defender of the faith and so forth, with force and arms at Madraspatnam aforesaid within the Jurisdiction aforesaid in and upon one Chedumbarum in the peace of God and our said Lord the King then and there being Feloniously wilfully and of your malice aforethought did make an assault and that you the said Thomas Blake a Certain musket of the Value of five Shillings then and there loaded and charged with Gun Powder and one leaden bullet which Musket you the said Thomas Blake in both your hands then and there had and held to against and upon the said Chedumbarum then and there feloniously wilfully and of your Malice aforethought did shoot and discharge and that you the said Thomas Blake with the leaden bullet aforesaid out of the Musket aforesaid then and there by force of the Gun Powder, shot and sent forth as aforesaid the aforesaid Chedumbarum in and upon the Body of him the said Chedumbarum, and through the body of him the said Chedumbarum then and there with the leaden bullet aforesaid out of the musket aforesaid by you the said Thomas Blake so as aforesaid shot discharged and sent forth, feloniously wilfully and of your Malice aforethought did strike penetrate and wound giving to the said Chedumbarum then and there with the leaden bullet aforesaid so as aforesaid shot discharged and sent forth out of the musket aforesaid by you the said Thomas Blake in and upon the Body of him the said Chedumbarum and through the Body of him the said Chedumbarum one mortal wound of the depth of twelve Inches and of the Breadth of one Inch of which said mortal wound the aforesaid Chedumbarum instantly died and so you the said Thomas Blake the said Chedumbarum then and there in manner and form aforesaid feloniously wilfully and of your Malice aforethought did Kill and murder against the peace of our said Lord the King his Crown and Dignity —

Clerk of the Peace — How say you Thomas Blake 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 —

The following Gentlemen are then Sworn on the Petit Jury the Prisoner being first informed he might object to any of them as they came to the Book to be Sworn and before they were Sworn —

Erskine Nimmo Foreman	Hugh Gordon
John Stephens	James Waddle
William Purser	John Wright
David Young	William Moore
Richard Ashton	Matheo Freeman
John Card —	William Dutton —

Clerk

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Clerk of the Peace — Gentlemen of the Jury look upon the Prisoner and hearken unto his Cause you shall know that he stands Indicted by the name of Thomas Blake (here the Indictment is read as in the Arraignment) he stands Indicted by the name of Thomas Blake (here the Indictment is read as in the Arraignment) upon this Indictment he hath been arraigned and thereunto hath pleaded not Guilty and for his trial hath put himself upon God and his Country, which Country you are your charge therefore is to enquire whether he is guilty of this Felony and Murder wherof he stands indicted or not Guilty, if you find him Guilty you are to enquire what goods and Chattels Lands or tenements he had at the time of the Felony and murder committed or at anytime since, if you find him not Guilty you are to enquire if he fled for it, if you find that he fled for it, you are to enquire of his goods and chattels Lands and tenements the same 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 —

Vencatasheer Sworn —

Question — have you ever before seen the Prisoner at the Bar

Answer — I never did see him before now, except on the day I was before the Justices —

Question — Did you know Chedumbarum —

Answer — I did, he is dead —

Question — How came he by his death —

Answer — about two months ago, I went to bed in Govindsmoorthey's Choultry — at five Oclock in the morning two Europeans came and took some bread and went and stood under a tree in the Road, my Servants came and awakened me, I went to the Europeans and asked them to give me some fanams for the bread they had taken they had eaten one loaf and then Returned the other to me, and afterwards came into my Godown, when I demanded the fanams for the Bread the Europeans took out one Pagoda and desired me to change it —

Question — relate how Chedumbarum came by his death —

Answer — The Europeans having made some disturbance about the payment for the Bread I sent for Chedumbarum to assist me, after Chedumbarum came the Europeans gave one Pagoda to him to change, I changed the Pagoda and brought the fanams Chedumbarum paid me three and a half Fanams for the Bread and returned the Rest to the Europeans, the Europeans had a bottle of arrack which they drank in my Godown — the two Europeans, Chedumbarum and the Sepoy came out of the Godown after five Oclock, Chedumbarum left the Europeans outside the Godown and returned within the Godown, the Europeans were standing in Front of the door and Chedumbarum desired the Sepoy to go with the Europeans and then them the Road, in the mean time, one of the Europeans fired his musket and shot

Chedumbarum

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Chedumbaroum through the body the Ball penetrated at his breast went through his body and against the Wall of my Godown, and the Sepoy came out of the Godown to apprehend the Europeans, the Europeans Run away –

Question – Was the Prisoner at the Bar one of the two Europeans who was at your Godown when Chedumbaroum was Shot –

Answer – it was dark, I could not see –

Question – You saw them you have said drink a Bottle of arack between them how could you see that if it was dark –

Answer – There was one Lamp in the Godown –

Question what dress had the Europeans on –

Answer – they were in their Shirts they had no Coats –

Question – was not the Light from the Lamp sufficient for you to discern the Countenance of the Europeans

Answer yes

Question – Were either of the Europeans at any time in the Godown when the Light was –

Answer – not near the Lamp –

Question – were you in the Godown at the same time that the Europeans were there –

Answer – I was –

Question have you any recollection of the Europeans Faces

Answer yes –

Question how long after the Death of Chedumbaroum was it that you was before the Justices and saw the Prisoner there –

Answer about ten or Eighteen days

Question – have you any recollection of the Prisoners voice, you have now heard him speak –

Answer I have not any

Question by the Jury have you any Reason to suppose that the Prisoner was Concerned in the Shooting of Chedumbaroum

Answer – I cannot answer – I do not Know –

Question – had both the Europeans Muskets in their hands and how could you distinguish that Circumstance –

Answer – only one of the Europeans, I saw him hold the Musket in his hands –

Question By the Jury was not the Lamp which you say was in your Godown the same by which you saw the money for the goods you sell in your Godown –

Answer that is not the Lamp

Question – had the Europeans hats on –

Answer they had not –

Question – did the European who had the Firelock carry it into the Godown with him –

Answer – he did –

Question –

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Question – You say that you saw one of the Europeans hold the Musket in his hands and that neither of them had their hats on do you believe the Prisoner was not the man who Shot Chedumbaroum –

Answer It was dark, but I do not think he was the man –

Question Why –

Answer I can give no particular Reason, but I do not think he was the man –

Question were either of the Europeans about the Size of the Prisoner?

Answer – The Prisoner is about the Size of the Tallest man –

Question – was it the Tallest or Shortest man that Shot Chedumbaroum

Answer – The tallest

Question did you see the musket fired –

Answer – no, but as soon as it was fired I saw the Musket in the Hands of the tallest man –

Question whether or no was it the tallest man who had the Musket both before and after Chedumbaroum was shot –

Answer – it was the tallest –

Question – did you ever tell Mr. Baker or Mr. Baker's Servants that the Prisoner was the man who had Shot Chedumbaroum –

Answer – I told Mr. Baker that the Prisoner was like the man –

Question how came you to depose before the Justices that the Prisoner was not the man who Shot Chedumbaroum –

Answer – The man who Shot Chedumbaroum had no Coat the Prisoner had a black Coat on when I was before the Justices that is the Reason –

Question how came you to say to Mr. Baker that the Prisoner was and before the Justices that he was not the man who shot Chedumbaroum

Answer – I have been confused whenever I saw any European since Chedumbaroum was shot that is my Reason for my saying at one time that he was and at another time he was not the man –

The Prisoner on being asked if he has any questions to put to the last Witness says he has not – the Witness is then ordered to retire –

Vencaty Naig Sworn –

Question – have you ever before seen the Prisoner

Answer I have seen him once when I was before the Justices about one month ago –

Question – did you Know Chedumbaroum and if so relate what you Know relative to the manner in which he came by his Death –

Answer –

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Answer — in the last month I was sleeping at Doctor Connolly's Garden about five Oclock in the morning Vencatashin the Baker came and awakend me, and desired me to go with him that two Europeans came and Troubled him and refused payment for some bread accordingly I went with Vencatashin two Europeans were standing in the Godown, and they asked me who I was I told them I was in the Company's Service they asked me in the Moor Language if I understood English I said no, and then they abused me in the Moor Language, they did not Speak the Language well. the Baker then sent for Chedumbaroum who came and spoke some thing to the Europeans in English which I did not understand, one of the Europeans gave a Pagoda to Chedumbaroum who gave it to the Baker to change which he did and brought Fanams, Chedumbaroum paid them and an half fanams to the Baker and paid the remainder forty two fanams to the Europeans, one of the Europeans offered an Empty Bottle to chedumbaroum and then took his leave and went out of the Godown. Chedumbaroum followed him and I and the Baker stopped at the door, Chedumbaroum returned back into the Godown and told me to go and Shew the road to the Europeans, I said I could not, in the mean time I heard the report of a Musket and Chedumbaroum who was standing close to me was shot through the Body - the Europeans then ran away —

Question — did you See either of the Europeans fire the Musket?

Answer — it was dark how could I See it —

Question — have you any and what Reason to believe that the Prisoner was the Person who shot Chedumbaroum —

Answer — I cannot say it was dark and therefore I could not Know —

Question — what were the Sizes of the two Europeans —

Answer — one was a short thin other was tall man —

Question — was the Prisoner the Size of either of them —

Answer — he was about the Size of the tallest man —

Question — had both the Europeans Muskets

Answer — the tallest man only —

Question — Did you not Say before the Justices that the Prisoner was not the man who shot Chedumbaroum —

Answer — I did not say so I said I did not Know whether he was or was not the man who shot Chedumbaroum —

The Prisoner not having any Questions to put to the Witness he retires.

Thomas Lewin Esqr. Sworn —

Question — Are you not a Justice of the Peace for the Town of Madraspatnam and the District thereof?

Answer — I am

Question —

Question — 97

Look at the Paper now produced to you and say if the signature Thomas Lewin is of your Proper hand writing? — Here the Original of which the following is a Copy was produced to Mr. Justice Lewin

Town of Madraspatnam ss

The Examination of Thomas Blake taken before Thomas Lewin Esqr. One of his Majesty's Justices of the Peace for the said Town —

This Examinant saith, that about three weeks ago he was returning before day light in the morning from the Black Town to the Mount and that he stopped in his way at a Choultry to purchase some Bread that he procured a Loaf and paid one fanam for it, that this Examinant was stopped by several natives who were there, and who questioned this Examinant as to the Cause of his this Examinant being there at that unseasonable hour — That three Persons appearing to force this Examinant to go with them to Madras in order to free himself he levelled and fired his Musket among them without taking any particular Aim and immediately after went off towards the mount where he joined his Corps and did his Duty at Morning Exercise as usual. That after leaving the Choultry this Examinant reloaded his Musket and was in some part of the Country between the Choultry and the Mount when several persons attempted to lay hold of this Examinant who again fired his Musket among them with a view to make them disperse which they did but did not take notice whether any person was hurt by it, nor did he wait to see, but made the best of his way to the mount as before recited —

Taken and Acknowledged at Madras this 23rd day of October 1794. Before me — Tho Lewin Justice of the Peace

The Mark of Thos. + Blake —

Answer — It is —

Question — have you reason to believe it has been altered since you Signed it —

Answer — I have no Reason to think it has been in any manner altered Since I Signed it —

Question — was the Confession of the Prisoner freely and Voluntarily made by him to you —

Answer — it was —

Question —

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Question — was it acknowledged by the Prisoner and did he put his mark to it in your presence —

Answer — He did —

Question — do you Know the Reason the Prisoner Used to come before you and make that Confession

Answer — I can Impute it to no other Reason than a Religious sense I suppose he had of his past Conduct and a desire to make the only expiation in his power for it —

Question — Did he come before you Voluntarily —?—

Answer — I cannot say whether he came to the office voluntarily as he was attended by a Guard but I have every Reason to believe the Confession before me was given Voluntarily upon the Occasion I asked the Prisoner two or three Questions which with the leave of the Court I will Relate —

When the Prisoner had disclosed to me the Circumstances Related in his Examination, I asked him what could urge him to such violence as to take away the life of a man when there was very little appearance of provocation, He told me he was apprehensive their intention was to Seize him as a Deserter or as one absent without Leave, and that he had determined before hand not to be taken, he also informed me that at a former part of his life he had served as a Dragoon in Ireland against the White Boys, in the Course of which he received a wound in his head and that ever since the slightest effect of Liquor deprived him of Reason —

Question — do you Know how the Prisoner came into the Custody of the Guard —

Answer — I think, I understood he was taken by the Guard on account of being absent without Leave, an European I think of the name of Gowan came to the Public Office of the Sitting Magistrate to claim the promised Reward for apprehending the Prisoner, I mean the Reward offered by Government

The Prisoner not having any Questions to put to Mr Justice Lewin he accordingly Retires —

James Gowan Sworn —

Question — do you Know any thing of the Prisoner having committed a murder and if so Relate what you Know —

Answer — On the Eighteenth of last month the Prisoner came to my Cot in the Barracks and said "Gowan How are you" I said what is that Blake" he answered Yes it is, I asked him how long he had been down from the mount and he told me only a Month we had no more Conversation then but he lay down upon my Cot and went to Sleep and when he waked he asked me for a drink of water, which I immediately fetched him he told me to sit down along side of him, which I did, and he told me [illegible]

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he Gowan I have been Guilty of murder, and I asked him who it was he had murdered and he told me Mr Baker's Dubash and some other man, but he did not Know who he was, I immediately took him to the Officer of the Main Guard —

Question — To the Best of your Recollection had you any conversation with Blake further than what you have related to the Court, before Blake related to you that he had committed the murder —

Answer — none

Question — was the Prisoner sober at the time he Related these circumstances to you —

Answer — no —

Question — Did you not go with the Prisoner to the Justices on the same day —

Answer — no — he was put in the main Guard and to the Best of my Recollection was Kept there four days the Prisoner was not committed to Goal on the same day I took him to the Main Guard —

Question — at what Hour of the day was it that the Prisoner came to your Cot? —

Answer — I can't rightly recollect the hour it might have been between eleven and twelve Oclock —

Question — when Blake related to you these Circumstances of the murder, did he say that the Reason he fired his Musket was because he was apprehensive he would be taken by the People as a Deserter —

Answer — no —

The Prisoner on being asked if he has any questions to put to the Witness says he has not, and the Witness then Retires —

The Prosecution is then closed upon the Prisoner is asked if he has any witnesses to produce on his behalf and says he has none he is then desired to state if he has anything to say in his Defence and proceeds to make his defence as follows —

Prisoner's Defence —

The Reason of my making a Confession before the Justices was, that having absented myself from my Corps I was apprehensive of being punished for a Deserter, having been taken up for a Deserter by James Gowan who had received five Pagodas for taking me, I heard different People say at the same time that if I made a Confession I should escape being punished by military Law — I was in Liquor at the time and when I am in Liquor I am not right in the Head and I know nothing of the Crime —

The Prisoner having closed his defence the Petit Jury Retire to Consider on their Verdict a Bailiff having been first sworn to keep them and after a short time a Verdict being proclaimed they come into Court and answer unto their names —

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

Jury — Yes —

Clerk —

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Thomas Degnum and John Errol —

Upon minds hardened as yours seem to be there can be little hope of an Impression being made by any thing that can be said to you, it is my duty, however to tell you that you have but a short time to live, that you have a long account to settle, and if you do not avail yourselves of the few remaining days of your Existence to endeavour to make your Peace with God and man you will go out of the world with a weight of Guilt upon your Heads too shocking in its consequence to bear Description.

You have entered into a profession Honorable to every man who belongs to it that does his duty, to that profession you have been a disgrace, and in that disgrace from our Idea that a very few men could not commit so many Crimes, you have to a certain degree unjustly implicated your fellow Soldiers —

The frequency of your Escapes from that punishment which ought long ago to have overtaken you instead of proving a Caution against future delinquencies, has encouraged you in the Commission of fresh offences, but the Laws under which we live, though lenient and mild in their general operation are equally severe when the occasion calls for it, and are certain ultimately, to produce the objects they have in view, this Leniency afforded you ample time for Reformation, you must now experience the dreadful Effects of their Severity —

You shall go to the place from whence you came and from thence to the place of Execution and there you shall be hung by your Neck until your Bodies are dead and the Lord have mercy upon your Souls.

Thomas Degnum and John Coool are then taken from the Bar.

Cooper is next put to the Bar to receive Sentence —

Clerk of the Peace — Cooper hold up your hand — you stand here convicted of Petit Larceny what can you say for yourself why the Court should not proceed to give Judgment against You as the Law directs —

The Prisoner not having any thing to offer in arrest of Judgment

The Chairman proceeds to pass Sentence on him as follows —

You shall be flogged at the Carts tail two several Saturdays in the Public Bazars and at each flogging Receive twenty four Stripes —

Cooper is then taken from the Bar —

Thomas Blake is afterwards put to the Bar to receive Sentence

Clerk of the Peace — Thomas Blake hold up your hand, you stand here Convicted of Felony and now what can you say for your-self why the Court should not proceed to pass Sentence of Death against you as the Law directs —

Mr. Ball of Counsel for the Prisoner moves in arrest of Judgment and prays one day to shew his Causes in arrest of Judgment —

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The Court denies that he presently shew Cause —

He then Urges that the Confession of the Prisoner doth not dispense with the necessity of two Witnesses unless the same shall be made in open Court —

That the Interrogatories put by Mr. Justice Irwin to the Prisoner when brought before him cannot be allowed to have any force —

That no part of the Evidence given before the Court is sufficient to establish the Fact of the Murder as against the Prisoner —

That the Depositions of the several witnesses who have been examined before the Court do not correspond either with each other or with the Confession of the Prisoner —

And that no Credit ought to be given to the Testimony of Gowan in as much as he was interested in the giving of it on account of the Reward promised by Government —

The Court having duly taken into Consideration the several Causes urged by Mr. Ball on behalf of the Prisoner is pleased to overrule the same and the Chairman after having read from second Hawkins page six hundred and four as to the admission of the Confession of the Prisoner either taken before a magistrate or Prisoner in discourse with Lay persons is admissible against the party Confessing proceeds to pass Judgment against the Prisoner as follows —

Thomas Blake —

Although your Original Confession was made at a time when your Acknowledgment of the Crime seems to have arisen more from Indiscretion, in consequence of Drunkenness than any proper sense of the Enormity of your Offence, and a desire to make the best Atonement in your power for having committed it, I am inclined to hope that your Subsequent declarations have been rather influenced by a Consciousness of your Guilt, and an inability to bear the weight of it than an Expectation as you have told the Court in your defence, that the confession of a Crime against the Civil power would save you from punishment for a Military Offence, because I am sure, that the only Alleviation of your Guilt that is now left for you, must arise from the sincerity of your Repentance —

You have told the Justice that the night on which you fired the fatal Shot, which occasioned the death of the person of whose murder you have been Convicted, you fired another Shot, but do not Know whether it hit any body or not, as you have but little time to prepare for that End which you have brought upon your-self, it is right that I should acquaint you, if you do not Know it already that the other shot, which you acknowledge to have fired was the Cause of the death of a Poor Negro of Mr. Roebuck's, thus your intemperate wantonness and Cruelty deprived two fellow Creatures of their Existence in the Course of one Night —

To —