Series
XIII

Mayor's Court records Cont'd
Quarter Sessions (Vol II)
15-1-1795-19-12-1795.

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General No.

Quarter Sessions
Series
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1795

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15 January 1795

At a General Court of Quarter Sessions

of the Peace Sessions of Oyer and Terminer and General Gaol delivery holden at the Town Hall in Fort Saint George on Thursday the Fifteenth day of January one Thousand seven hundred and ninety five —

Before

Edward Saunders and Ernst William Tollofield Esquires — members of the Council of Fort Saint George aforesaid Justices assigned to keep the Peace also Commissioners of Oyer and Terminer and General Gaol Delivery for the Town of Madraspatnam Garrison of Fort Saint George and its Dependencies —

and

Thomas Lewin Esquire one of the 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 Precept —

And The Court is then adjourned to Thursday the twenty Seventh Instant at ten O'Clock in the Forenoon for Continuing the present Sessions —

W Williams Clerk of the Peace

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At an Adjourned Court

of General Quarter Sessions of the Peace Sessions of Oyer and Terminer and General Gaol delivery holden at the Town Hall in Fort Saint George on Thursday the twenty Second day of January one Thousand Seven hundred and ninety five—

Before

The Right Honorable Robert Hobart commonly called Lord Hobart
President and Governor of Fort Saint George

And

Edward Saunders and Ernst William Fullofield Esquires
Members of the Council thereof Justices assigned to Keep the Peace as also Commissioners of Oyer and Terminer and General Gaol delivery for the Town of Madraspatnam Garison of Fort Saint George and its Dependencies—

And

Thomas Lewin Esquire one of the Justices of the Peace called upon by the Justices of Oyer and Terminer and General Gaol Delivery to associate with them during this Present Sessions and duly authorized by the Governor in Council so to do—

The Court is duly Opened

The following Gentlemen are then Sworn on the Grand Jury

Robert Gardiner Esquire Foreman

John Humphry Skardon	Robert Abbott
Josias DuPre Porcher	Edward Holland
Robert Dashwood	George Coleman
George Parry	John Wallace Junr
Cecil Smith	John M[illegible]
John Jervis	Richard [illegible]
William Ulfse Gordon	Richard [illegible]

Robert Blinkensworth is sworn during the Present Sessions—

Mr. Samuel of Counsel for the Defendants Warne and Thomas Gurnell moves for a Special Jury to [illegible] the Court directs the Sheriff to Summon a Special Jury [illegible] morrow morning—

William Wilson is called to be arraigned on the [illegible] and being fixed to the Bar is arraigned as follows—

Clerk of the Peace — You stand Indicted by the name of William Wilson of Masulipatnam a Lieutenant and Adjutant of the twenty Sixth Battalion of Native Infantry in the service of the united Company of Merchants of England trading to the East Indies for that you the said William Wilson together with one Roger Warne of Fort Saint George likewise a Lieutenant in the service of the United Company aforesaid Thomas Gurnell likewise a Lieutenant in the said Service under one Charles Allison since deceased, and one Deen Mahomed a Camp Colour Man serving in the twenty Sixth Battalion and one Cornie Saib Havildar Major belonging to the said Battalion being persons of an evil and malignant mind and of profidious 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 detested in the said Battalion or Corps and contriving and 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 January 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 Masulipatnam aforesaid on the Coast of Coromandel in the East Indies and within the Jurisdiction of this Court and [illegible] several other places on the said Coast of Coromandel and within the Jurisdiction aforesaid, did Conspire Combine, confederate and agree amongst yourselves and to and with each other to charge and Prosecute and Cause to be charged and Prosecuted the said Philip Mayne and to find and plain him under arrest for several Crimes and 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 that you William Wilson together with the said Roger Warne and Thomas Gurnell and the said Charles Allison since deceased and the said Deen Mahomed and Cornie Saib according to the Conspiracy Combination and Confederacy aforesaid between you and them

thereas 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 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 Sutt a Captain, James Dalrymple a Captain, William Godfrey a Captain, George Bones a Lieutenant, David Campbell a Captain, John Haliburton a Captain, Malcolm Macgregor a Lieutenant, Kelly Simons a Lieutenant and George James Scott a Lieutenant and John Malcolm a Lieutenant and Member in waiting and Thomas William Skipper 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 assigned 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 William Wilson together with them the said Roger Warne and Thomas Gurnell and the said Charles Allison deceased, and the said Deen Mahomed and Corrin Saib, falsely wickedly and maliciously, and without a reasonable ground or probable Causes did charge and prefer 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 Bunker then a Major of and in the said Service, he the said Philip Mayne then Commanding the said twenty sixth Battalion in Camp at Roger Warne (meaning the aforesaid Roger Warne) the said Charles Allison deceased and the said Thomas Gurnell an Ensign of and belonging to the Vessel Service (meaning the aforesaid Thomas Gurnell) for and upon the three Crimes and offences herein before set forth and Charged (Viz!) First that he (meaning the said Philip Mayne) by a shameful and unsoldierlike behaviour to several of the Battalion so as to render himself odious and detested to the Corps, in or about the month of August and on or Coming between the twelfth and Eighteenth day of november one thousand Seven hundred and Eighty Eight, — Second charge for practices highly prejudicial to the discipline tending to subvert good order and discipline in the Corps — Third Charge for Cruel and inhuman treatment of several of the non Commissioned and private 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

Court Martial which sat the twenty sixth and was resumed by his Order on the twenty Second August one Thousand Seven hundred and Eighty nine — Fifth Charge, the giving in a false Prize Roll to the agent in the month of August or September one Thousand Seven hundred and Eighty Eight Blaiming for the Capture of Sugguruntporam, and that the said General Court 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 then 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 you the said William Wilson the said Roger Warne and Thomas Gurnell and Charles Allison deceased and the said Deen Mahomed and Corrin 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 you the said William Wilson the said Roger Warne and Thomas Gurnell, Charles Allison deceased and the said Deen Mahomed and Corrin Saib, and that the said General 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 you the said William Wilson and Charles Allison deceased and the said Deen Mahomed and Corrin Saib, Roger Warne and Thomas Gurnell and by the said false Testimony of the said Deen Mahomed and Corrin Saib and the other witnesses so procured influenced and intimidated by you the said William Wilson the said Roger Warne and Thomas Gurnell Charles Allison deceased Deen Mahomed and Corrin Saib to and and assist them in such Combination and Conspiracy and the said 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 said Lord the King his Crown and Dignity —

How say you William Wilson are you Guilty of the Crime in this Inquisition Charged indicted or not Guilty —?

Mr Samuel his Counsel moves that before the Indictment, the Indictment for Subornation of Perjury against William Wilson is then arraigned on the self ill-mind by Captain Mayne and you make no Complaint to

Question

Clerk of the Peace

You stand Indicted by the name of William Wilson, 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 so forth a General Court Martial did assemble at Masulipatnam within the Jurisdiction of this Honorable Court by virtue of a Sufficient warrant from Colonel Thomas Musgrave Commanding Officer on the Coast of Coromandell 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 Macgregor, Lieutenant Kelly Simons, Lieutenant James George Scott, and Lieutenant George Borough, 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 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 Commandant of the said United Company's twenty Sixth Battalion of native Infantry at Masulipatnam aforesaid on certain Charges exhibited and alledged against him the said Philip Mayne by George Brooks Major of Engineers in the service of the said United East Indies Company on the Complaint of Lieutenant Roger Wame, Lieutenant Charles Allison since deceased and Ensign Thomas Gurnell being respectively Subaltern Military officers of the said United Company serving in the said twenty Sixth Battalion 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 non commissioned Officers and Privates of the Battalion" meaning the said twenty Sixth Battalion so under his the said Philip Mayne's 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 and did put himself upon the said Court Martial as in like manner did the said Prosecutor and Prosecutor of the said Court Martial was so proceeded between the parties aforesaid in the said Court upon the said Fourth Charge and so it was the said issue came on to be tried between the said Parties

That

That both 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 you William Wilson a Lieutenant in the service of the said United Company, belonging to their said twenty sixth Battalion of native Infantry and also Adjutant of the same twenty sixth Battalion, Roger Wame beforementioned and then likewise a Lieutenant in the said twenty sixth Battalion and Thomas Gurnell also before mentioned and then likewise a Lieutenant in the said twenty sixth Battalion together with the said Lieutenant Charles Allison but who is now dead aided by Shaik Mordeen an Havildar in the said twenty Sixth Battalion and one Cavim Sirb likewise a Havildar 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 Battalion under his the Philip Mayne's Command as aforesaid of the said United Company and to remove him from the said Profits and Emoluments attached to the said Military Service and to defame 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 upon the said Lieutenant and Adjutant Wilson Lieutenant Roger Wame Lieutenant Thomas Gurnell and Lieutenant Charles Allison aided and assisted as aforesaid did unlawfully and wickedly conspire together and did solicit, instigate and induce one Mannucanpah a Black Doctor belonging to the said twenty sixth Battalion 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 Evidence to the said General Court Martial and Concerning the false Charge thus imputed Fact and Crime by the above mentioned Charge supposed to have been committed by the said Philip Mayne and amongst other things to say that he himself ill-used by Captain Mayne and Colour man had vomitted Blood and died of a pa[illegible] said you or some one in Complaint to him by the said Philip Mayne and other Question

Witness by the said Subborners aided as aforesaid was deposed to by the said Naunacaupah at the said General Court Martial (having lawful 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 Follower man had on the ninth day of September one Thousand seven hundred and Eighty Eight, and for him the Witness who on coming found that that this Yankoo had vomitted 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 Sore pain in his Breast having been badly struck by Captain Maygne (meaning the said Philip Maygne) 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 Yankoo's death he brought up a great quantity of Blood, That he the Witness observed that the deceased Yankoo's 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 Naunacaupah nor did the said Yankoo ever complain to the said Naunacaupah of Cruelty or ill usage by him at any time received from the said Philip Maygne nor did the said Yankoo Vomitted Blood on the ninth day of September one thousand seven hundred and Eighty Eight or at the time of his Death as deposed by the said Naunacaupah owing to any blow received from the said Philip Maygne nor did the said Yankoo Complain of any pain in his Breast by the means of a Blow received from the said Philip Maygne, the said Yankoo having never in fact received any blow or Kick or otherwise in the Breast or side or other part of his Body from the said Philip Maygne, but on the Contrary that the said Yankoo died of his natural disease being the Gout and that and diverse of the symptoms deposed to by the said Witness Pains of pain in the Breast or bleeding of the nose Pulse Urine as given by the said Naunacaupah Doctor and other like false Evidence in support of the same the said Philip Maygne was by the said General Court

Court Martial found Guilty of the said alledged charge of Cruelty, in contempt of our said Lord the King and his Laws, to the manifest subversion of Justice, 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 -

That on the Trial of the said Philip Maygne to wit at Manulpetnam aforesaid in the Prosecution aforesaid before the General Court Martial aforesaid one other Issue or charge of the Prosecutors aforesaid against the said Philip Maygne came on to be tried before the said Court touching "for shameful and indecent behaviour to several of the Battalion (meaning the said twenty sixth Battallion of Native Infantry of the United East India Company at Manulpetnam aforesaid whereof the said Philip Maygne was Commandant as aforesaid)" and to which charge the said Philip Maygne did in like manner as to the said former Charge hereinbefore preferred appear before the said Court and did then and there 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 You the said William Wilson 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 Battalion, Roger Wayne herein before mentioned and then likewise a Lieutenant in the said twenty sixth Battalion and Thomas Gurnell also herein before mentioned and then likewise a Lieutenant in the said twenty sixth Battalion together with the said Lieutenant Charles Allison but who is since deceased, aided by the said Sheik Moosa and Coman Sahib Havildars in the like agents and Interpreters as aforesaid imployed 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 wickedly to aggrieve the said Philip Maygne and wickedly to cause and procure the said Philip Maygne to be convicted of the said last mentioned charge of shameful and indecent behaviour to several of the Battalion and subject the said Philip Maygne to be Cashiered and dismissed from the Service of the said United Company and to remove him the said Philip Maygne from the said Military Employments and Emoluments attached to the said Military Service

Question

good name, Credit and reputation and to cause him to be considered
and wickedly conspire together and by their and your Own means and by the
did solicit instigate and in fact Suborn one Deen Mahomed a Camp Colour
twenty Sixth Battallion as also one Yanckia a Camp Colourman of
after mentioned to be and appear as a Witness and Witnesses on the trial
aforesaid joined and upon the same trial falsely to swear and give in
Court Martial of and concerning the said shameful and indecent be
twenty Sixth Battallion by the abovementioned Charge supposed t
-mitted by the said Philip Mayne, and amongst other things
Mahomed to depose that the said Philip Mayne did come to
his naked Yard in his hand and did endeavour to commit Sod
Evidence so put into the mouth of the said Deen Mahomed by the
aiders and assistants aforesaid was accordingly deposed to by th
General Court Martial when Evidence thereupon was to the purp
That he deen Mahomed was one Evening measuring Grass and wa
to be at, and who accordingly went - and whilst the witness was sitt
witness two Kicks and then pulling out his Private parts told h
the witness stole any Grass that he Philip Mayne would Bugg
Transaction passed about a quarter of an hour after six in the Ev
said Philip Mayne's House and that the said Philip Mayne e
Witness held his private parts naked in his hand - That he the
by sy
on the said William Wilson the third day after Captain Mayn
had been ju
d in arrest whom you the said William Wilson having
what had passed betw
tween Captain Mayne (meaning the said Philip
that he the witness had the
Related to you the said William
witness their deposition, that you
the said William Wilson h
the Witness thereupon and that a
ners present had int
ed between him the witness
and you the said Wilson, Whereas in truth and
d in fact the said Philip Mayne did not there
to the said Deen Mahamed his private parts as the
said
s did depose before the said Gen
Court Martial nor did use any of the said language do
by the said witness deposed nor did
and de
Witness relate to you the said William Wilson as he hath aforesaid deposed, but on the
of the non
the said Deen Mahomed did when sent for to you the said Wilson, inform
fourth Charge
Mayne, had beat him because he had neglected to supply the Bullocks
under

a Buggeree did unlawfully
said and aforesaid aforesaid
man belonging to the said
the same Battallion herein
of the said Crime so last as
Evidence to the said General
answer to several of the said
have been done and com-
did enter the said Deen
-in Deen Mahomed with
-my with him - said which
said Suborners and their
said Witness at the said
-d and effect following to wit
- to call the said Philip Mayne
clown gave him the
the Witness that if he
him, and that this
-ing in a Yard behind the
-n he so spoke to the
Witness had been sent for
meaning the said Philip Mayne)
-turned him the witness as to
Mayne) and him the Witness
you the substance of his the
said nothing more to him
-ed between him the witness

under his charge with sufficient straw and Grass the said witness hearing as aforesaid deposed by the Instigation and by reason of the Subornation aforesaid —

That Yanckia Camp Colourman herein before mentioned did at the Instigation and like Subornation of you the said William Wilson Lieutenant Roger Warren, [illegible] Thomas Gurnell and Lieutenant Charles Allison deceased aided by the said Shaike Mowdeen and Carim Saib Havildars of the said twenty Sixth Battallion as aforesaid depose before the said General Court Martial his the said Yanckia's Knowledge of the said Attempt of the said Philip Mayne to Commit Sodomy with the said Deen Mahomed in manner as the said Deen Mahomed had as aforesaid deposed thereto, Whereas in Truth and in fact the said Yanckia Camp Colourman had no Knowledge to the intent of his said Deposition, nor did ever see the said Philip Mayne with his naked Yard in his hand or otherwise make any attempt to commit Sodomy with the said Deen Mahomed, nor did the said Yanckia ever hear the said Philip Mayne Converse with the said Deen Mahomed to the effect so deposed by the said Deen Mahomed by reason of which false evidence so given as well by the said Deen Mahomed as by the said Sepoy and other like Subornd Evidence in support of the same respectively, the said Philip Mayne was by the said General Court Martial found Guilty of the said Last alledged Ch to wit, of Shameful and indecent behaviour towards several of the Battallion, meaning the said twenty sixth Battallion under his the said Philip Mayne's Command as aforesaid, in Contempt of Our said Lord the King and his Laws to the manifest Subversion of Justice 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 —

Clerk of the Peace —

How say you William Wilson are you Guilty of the Subornation of Perjury whereof you stand Indicted or not Guilty —

Mr Jarnach of Counsel for William Wilson moves that a [illegible] Indictments pending against the Prisoner containing Charges for on — and prays that the Indictment for Conspiracy may be quashed and states that [illegible] with sufficient certainty to enable the Defendants to meet it — this Motion therefore

[illegible] self ill-used by Captain Mayne [illegible] you make in Complaint

Mr John Wilkinson and Mr [illegible] Counsel for the Prosecution Object to the Indict

Question

Question — did your Servants inform you that they had seen the Cow and Heifer at Mr Cox's?

Answer — no

Question — Can you describe them by any particular marks

Answer — the Calf was of a lightish Red the Colour of the Cow was of a dark Red, the Heifer was of a Red and white -

Question — had you any information who the person or persons were that took your Cattle away -

Answer — none, except that my Servants brought one of the Prisoners (naraseo) to me on the Sunday morning and I saw the other Prisoner at the Polygar's Choultry on the Sunday Evening) -

The Prisoners having no Questions to put to the Witness he retires -

And Andeapah is next Sworn on the part of the Crown -

Question — Are you a Servant of Mr George Garrow

Answer — I am -

Question — do you know any thing about the loss of a Cow a Calf and an Heifer belonging to your Master -

Answer — I do -

Question — relate the same -

Answer — One Morning when I was going from my House to my Master's, I heard from Ninapah Mr Garrow's Nurty whom I met near the Garden that the Cow the Heifer and a Calf were lost, I went with Ninapah to seek them - Ninapah went to the Polygar and I came towards the Fort to make inquiry I met Letchmanaca another Servant of Mr Garrows and told him of my Masters loss and said if my Master knows it he will punish the Servants - I consulted with Letchmanaca the best way to find the Cattle Letchmanaca advised me to go to the Butchers house in search of them, I went to several places but could not find them, at last I came down to Mr Cox's a Butchers living near Vipery, I there heard the Calf Crying I went on the other side of the Wall and saw my Masters Calf and immediately went and told Letchmanaca, Mahomed another of My Masters Servants and a Polygar's Boy and reported to them, we then all went to Mr Cox's I took charge of the Calf and the others went in and spoke to the Portuguese woman - they came and told me to carry the Calf to My Master's Garden which I did -

Question — did you not see or hear any thing of the Cow and Heifer?

Answer — No

The Prisoners not having any questions to put to the witness he retires -

and Letchmanaca King is then Sworn on the part of the Crown -

Question — are you a Servant of Mr George Garrow?

Question — do you know any thing about the loss of some Cattle of your Master's -

Answer — Yes, they were lost on the twenty third november last on a Sunday -

Question — do you know how they were lost

Answer — On Sunday morning the twenty third november I met Andeapah on the Road to my Masters Garden and Andeapah asked me what his News, I told him one Cow one Heifer and a Calf were lost from my masters House - he told me his Master would be angry and that we had better go and look for them at the Butchers Mound -

Question — did you find the Cow the Heifer and calf at any of the Butchers Houses -

Answer — Andeapah reported to me that he went to Cox the Butcher near Ajury and heard the Cry of a Calf but did not know that it was his masters and therefore desired me to go with him and Examine, I and two Polygar's Sons, Mahomed and Andeapah went and saw the Calf and found it to be my Masters Property -

Question — do you know how the Calf came to be at Mr Cox's the Butcher

Answer — No -

Question — did you see or hear any thing about the Cow and the Heifer at Mr Cox's -

Answer — as soon as I saw the Calf I went into the house and asked a Portuguese woman how came that Calf belonging to My Master to be in her house, she was much frightened and said she knew nothing about the Business but one Mestor and Nufsein who were at the Stable would give me the Information I wanted - I left the Polygar Boys and went to prevent the Portuguese woman escaping, and went towards the Mahomed Bullocks are Killed, but not finding Mestor and Nufsein I came to the stable where the near the Fort, I seized and bound Mestor and Nufsein, they then the Fort and found them nothing about the business and that they acted according to the told me that they knew said that they would discover Naraseo who was a Thief, then in view of them Mestor and Nufsein who ran to the Fort and brought Naraseo bound as another man with him to me, and I carried Naraseo to my Master, my Master told him and delivered was any other person concerned in the Robbery, Naraseo told me then me to ask Naraseo in the Business he was only Employed as a Coolay by one Valum and he was not principally concerned in this Robbery - On further enquiry Naraseo will be found near the China Bazar and Naraseo Polygar's Sons to the China Bazar and found Valum Valum, then Valum told me that he was not the

Question

rd
23 January 1795

20

At an adjourned Court of General Quarter Sessions.

of the Peace Sessions of Oyer and Terminer and General Goal delivery holden at the Town Hall in Fort Saint George on Friday the twenty third day of January one thousand seven hundred and ninety five—

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 three 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 Esquire one of the 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 is duly opened
and
The Sheriff returns a list of Petit Jurymen summoned according to the Order of Court of Yesterday—

William Wilson Roger Warne, and Thomas Gurnell are put to the Bar and the Court proceeds to their Trial—

Do ye
I did not Know } Mr John Wilkinson and Mr Samuel Augustus Humphreys } Counsel for the Prosecution—
Dubash came and see Mr Emanuel Samuel — Counsel for the Prisoners—

And Mr Gannon's Dubash &c having taken into Consideration the motion made Yesterday I was not at my masters House at the time, also heard what was offered on the part of the Prosecution did either of the Prisoners receive any Sum of Money for procuring the Indictment for Conspiracy & practised for its uncertainty I never saw the Prisoners receive any, but it is recieving in 1st Hawkins's Pleas of the Crown
Do you know that the Prisoners at the Bar [illegible] against Indictments tendency it would have to prevent all
to the [illegible], they were with the Cattle—
[illegible] that the Prisoners were not
[illegible] of the House—

The—

23 January 1795—

The following Gentlemen are then called to be sworn on the Jury—ting

The Honorable Basil Cochrane
Charles Baker
Michael Topping
Thomas Anstey
Henry Burnaby
John Stephens
George Garrow
John Lennox
Erskine Nimmo — Challenged by the Prisoners— to
Hugh Gordon
Matthew Freeman
William Purser
Alexander Melvin

And the twelve Sworn Jurors were—

The Honble Basil Cochrane Foreman — John Lennox
Charles Baker — George Garrow
Michael Topping — Matthew Freeman on
Thomas Anstey — William Purser
Henry Burnaby — Alexander Melvin
John Stephens — Hugh Gordon—

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 William Wilson, Roger Warne and Thomas Gurnell (here the Indictment for Subornation of Perjury is read to the Jury) 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 upon your Charge therefore is to enquire whether they are guilty of the Subornation of Perjury whereof they stand indicted or not Guilty &c. and—or your Evidence—

Mr Wilkinson opens the Prosecution—

Thomas William Shippey is sworn on the part of the Crown by Mr Wilkinson—

a Book being a Manuscript Copy of the Court Martial is produced and the witness is asked if he sees his name
Governor — I do
Question — what is it—
[illegible] relation—
[illegible] with Shaick Hussain was Ordered into Court Martial—

Answer

Answer — a true Copy to the best of my belief of the Court Martial assembled by virtue of a Warrant Signed by Colonel Musgrave appointing Colonel Collins President and other members for the Trial of Philip Mayne then a Captain in the Service —

Question — in what capacity did you sign that paper

Answer — As Judge advocate appointed by Sir Archibald Campbell —

Mr Samuel admits the Copy of the Court Martial signed By Thomas William Shippey to be read as evidence —

Mr Wilkinson produces a paper as the letter of Lieutenant Lawrence who is since dead which being objected to, the same is not admitted by the Court to be given in Evidence —

Question — Turn to page seventy two of the Court martial do you see a deposition of the late Lieutenant Lawrence there? —

Answer — I do

The witness is then desired to read the deposition of Lieutenant Lawrence from the Copy of the proceedings of the Court Martial page seventy two which having done he is then asked by Mr Wilkinson —

Question — is that the whole that Lieutenant Lawrence deposed at the General Court Martial —

Mr Samuel Objects to the Question

Question allowed by the Court —

Answer — it is not —

Question — Relate what else Lieutenant Lawrence then deposed —

Answer — It was implying that one or more of the Prisoners I do not exactly recollect which, wished to decline proceeding further on the Charges before the Court Martial and I think he (meaning Lieutenant Lawrence) made use of an Expression that Charly Allein was the only Staunch man of the Party —

did not Lieutenant Lawrence depose to the Court that the Prisoner Wilson when in and had come to his Lawrence's Quarters? —

he did —

did Lieutenant Lawrence depose to the Court the Conversation that passed between him and Wilson at that time —

I do not recollect it particularly

did he not tell the Court Martial that Wilson informed him that a meeting had taken place between the Prisoners at the Bar at the Prisoner Warnes Quarters and that they had joined hands together and sworn solemnly to stand by each Other to the last for suppressing the Prosecution against Philip Mayne —

to the best of my belief he did —

Question

Fourth

Question — was the Evidence of Lieutenant Lawrence which you have now related reduced to writing

Answer — I believe it was not – it Certainly was not on the face of the Proceedings —

Question — why was it rejected at the Court Martial —

Answer — I believe it was thought extraneous to the Charges against Captain Mayne —

Question — Is Lieutenant Lawrence living or dead

Answer — I believe he has been dead some Years —

Question — What Character did Lieutenant Lawrence bear

Answer — I never Knew any thing against his Character. I was very little acquainted with him —

Question — do you remember that either of the Prisoners at the Bar and which of them told the Court Martial that as Lieutenant Lawrence had passed his word of Honor to Wilson not to disclose the Conversation which had passed between him and Wilson, that therefore it ought not to be admitted —

Answer — I do, to the best of my recollection Wilson and Gurnell said so —

Question — have you any Reason to believe that the Circumstance just mentioned did operate with the Court Martial to reject the Evidence of Lieutenant Lawrence on that point —

Answer — I have no Reason to believe so – I believe the Court judged it extraneous to the Charges against Captain Mayne and therefore rejected it – and I coincided with the Court on that Opinion —

Question by the Prisoner — did Captain Mayne at the Court Martial make any Endeavour to impress upon the Court that the Prosecution was malicious? —

Answer — I do not recollect any expressive words to that effect —

Were the Evidence of Lieutenant Lawrence at the Court martial is by Order of the Court read by the Clerk of the Peace from the seventy Second Page of the attested Copy of the Court martial as follows —

Lieutenant James Lawrence Evidence in favor of the Prisoner called into Court and duly Sworn —

Question from the Prisoner — Were not you called previous and subsequent to my arrest to Ensign Gurnell's Quarters to attend to the account of Deen Mahomed Camp Colour Man
" Hafsun private, and Mordeen non-Commissioned of the Battalion, by Lieut
" Wilson to hear of what passed in my house,
" as he thought proper in Consequence of the
" Question
Answer — as nearly as I can recollect on the fifth Sept
" and twelve in the morning, Lieutenant and Adjutant
" sixth Battalion came to my Quarters with a
" of Ensign Gurnell's and Requested I would step
Battalion —

which Shaik Hafsun was Ordered into Court Martial —

Answer

Question from the Court— as you did not think it necessary at that time the Circumstances happened
" to make a Complaint and take notice of it what as induced you since to disc—
" Answer — I was one day on Guard after Captain Maynes Arrest, when Lieutenant Wilson
" sent for me and desired me to go to Ensign Gurnells and relate the Cir—
" —Cumstances that passed Relative to Captain Mayne—
" Question from the Court— had you not been sent for by Lieutenant Wilson at the time Captain Mayne
" was first in arrest should you ever have thought of bringing this Business forward
" in making any Complaint—
" Answer — It was my intention to Complain at all Events—
" Question from the Court— As so long a space of time had intervened from the time you thought
" yourself aggrieved how came you not to make your Complaint before—
" Answer — I had no one to make a Complaint to—
" Question from the Court— when Captain Mayne was speaking to the Camp Colour Man and you
" did he speak in Moors or in English—
" Answer— he spoke some words in Moors and some in English—
" Question from the Court— what words did he speak in Moors and what in English—
" Answer— He said in Moors "your Arse is fat"—and repeated it in English—
" The Court adjourns till to morrow at half after nine in the forenoon—
" —Thursday twenty Second October one thousand seven hundred and Eighty nine
" The Court assembles pursuant to the Order of Adjournment members as the preceding day
" Shaik Hussain Sepoy called into Court—before Sworn—
" Question from the Court— when the Camp Colourman replied to Captain Mayne was it in
" Moors or English—
" Answer— He replied in Moors
" Question from the Court— when the Camp Colourman went to make his Complaint of
" Captain Maynes treatment, did you go with him, or was you called as a
" witness to what had passed that day or the next—
" Neither—

Question—

" Question from the Court— did you see Captain Mayne Kick the Camp Colourman, and pulling out
" his private Parts, did you hear him say "I will Bugger you"—
" Answer— I did—
" Question from the Court— did Captain Mayne speak these words in Moors or in English—
" Answer— he spoke in Moors
" Question from the Court what persons and who were present at the time this affair happened
" Answer— There was present, Yanko, Camp Colourman, Mahomed Azeem Puckally
" Mastry Shaik Modum Havildar, the Captains Orderly one Gullop; I do
" not Remember any other person—
" Question from the Prisoner— who and what persons were present when I was washing my
" Face Upstairs?—
" Answer— There was no one but myself—
" Question from the Court— where you Complained to Lieutenant Wilson of Captain Maynes
" having beat you, what were your Reasons for not informing Lieut. Wilson
" of the other Circumstances—
" Answer— I cannot give any Reason—

Question— do you Know that the members of this General Court Martial during the Trial Ordered Shaik Hussain into Confinement for preferring a Malicious and Groundless Complaint against Captain Mayne during the Course of the Trial—

Answer— he was ordered into Confinement but to the best of my recollection it was for some Collateral matter and not for any thing then depending before the Court—

Question— did any Garrison Court Martial set upon Shaik Hussain?

Answer— there did

Question— did you attend that Court Martial—

Answer— I did

Question— to the best of your Recollection what was the Sentence—

Answer— Six hundred Lashes and to be turned out of the Battalion—

Question by the Bench— how came the Collateral matter for which Shaik Hussain was Ordered into Confinement to the Knowledge of the General Court Martial—

Answer

Answer — Some Complaint was made to them but I do not Exactly recollect what it was —

Cross Examined by Mr. Samuel —

Question — Did not Lieutenant Lawrence declare at the Court Martial in answer to a question put to him that at the meeting on the fifth September at Ensign Gurnells house all that passed was fair and above board —

Answer — I do not recollect any such question or answer —

Question — did Captain Mayne bring any Evidence at that Court Martial to shew the prosecution was Malicious —

Answer — The only Evidence brought by Captain Mayne that seemed to carry that appearance with it was Lieutenant Lawrence's with respect to the rest of the Evidence it appears in the Copy of the Proceedings of the Court Martial now before the Court —

Question — did not Captain Mayne prefer a Specific Charge at that Court Martial against one and which of the Defendants for having tampered with his Witnesses —

Answer — I think there was a Circumstance of that Kind happened, but I have a very faint Recollection of it —

Question — what was the consequence of that charge —

Answer — If it is the Circumstance of which I have but a faint Recollection the suspicion was found to be erroneous and an apology past in Consequence —

Question — to whom and by whom was the Apology made —

Answer — from Captain Mayne to Mr. Wilson —

Question — by the Bench — you have said that Lieutenant Lawrence was the only Evidence produced by Captain Mayne to shew the prosecution had the appearance of being Malicious and you have also said that you coincided in Opinion with the Court That that part of Lieutenant Lawrence's Evidence was Extraneous, it is then to be understood, that it was the Opinion of the Court and of yourself, that any attempt on the Part of Captain Mayne to shew the Prosecution to be Malicious was Considered extraneous —

Question — by the Court — to the best of your knowledge have any other Evidence that might have been given to the Court might have

have operated upon the minds of the members — Lieutenant Lawrence's Evidence was Extremely Considered as extraneous —

Question — Why was Lieutenant Lawrence's Evidence considered as extraneous —

Answer — because it was not considered in point to the Charges preferred against Captain Mayne —

Question — by the Counsel for the Prisoners — do you not consider that Captain Mayne was at full Liberty to Examine to the malice of the Prosecutors at that Court Martial had he been so inclined —

Answer — most undoubtedly he was —

Question — by the Bench — What then was the Reason that the only Evidence produced by Captain Mayne to shew that the prosecution was malicious was not entered on the Proceedings —

Answer — for the Reasons I have before given because it was considered as extraneous —

Question — by the Bench — do you Consider that the Evidence of Mr Lawrence was Extraneous as to the Shewing of the malice of the Prosecutors —

Answer — I mean to say that it was Extraneous as to the Specific Charges alleged against Captain Mayne —

Question — by the Jury — do you mean that the Evidence of Lieutenant Lawrence was Extraneous because it was generally immaterial or was it thought extraneous upon a supposition that it tended to prove the prosecution Malicious —

Answer — I Conceive it to have been thought Immaterial because it did not go to the Specific Charges against Captain Mayne —

Captain William Godfrey is next Sworn on the part of the Crown —

Question — by the Counsel for the Prosecution — was you not one of the members of a Court Martial held at Masulipatam in the month of October one thousand seven hundred and Eighty nine on Philip Mayne then a Captain Commanding the twenty sixth Battalion of Native Infantry in the service of the Company —

Answer — I was. —

Question —

Answer — Captain Mayne was put under arrest two or three days after the Other Business was settled to the best of my recollection I was not at Masulipatam at the time Captain Mayne was put under arrest —

Question — Do you Know on what Occasion Captain Mayne and Lieutenant Wilson shook hands —

Answer — As I before said, I had heard from the Intervenes of Friends by which Captain Mayne was Induced to Release Lieutenant Wilson —

Question — do you Know that it might not have been on another Occasion they shook hands than for Lieutenant Wilson having been liberated by Captain Mayne —

Answer — it might have been, I do not Know, I have told what I heard and I was not at Masulipatam at the time —

Question — do you recollect the following question being put at the Court Martial by Captain Mayne to Lieutenant Wilson upon the Charge of Captain Mayne having come down from the Parade on the thirtieth of April and for which he Philip Mayne was put in arrest —

"Question — Was not this matter which you have related to the Court and happened " on the thirtieth of April last amicably settled and accommodated between us " on the first of May in the presence of the Commanding Officer, the Fort adjutant " and a Black Officer? —

"Answer — it was — and I am very much concerned to have been Obliged to repeat the " the Circumstances now" —

Answer — I do not —

Naunacaupah otherwise called Narrain doo Black doctor sworn on the part of the Crown —

Question — by the Counsel for the Prosecution, did you give Evidence at the Court Martial held at Masulipatam on Captain Philip Mayne in October one thousand seven hundred and Eighty

eighty nine —

Answer — I did —

Question — How came you to give Evidence at that Court Martial that Captain Mayne had been the Cause of one Yankia's death —

Answer — Cornin Sait Havildar Major took me to adjutant Wilson's house — Mr Warne Mr Allison an officer who is dead of the third Battalion, and Mr Gunnell called me into a Room — Cornin Sait interpreted to me and told me to give Evidence to the Court Martial that Yankoo a Camp Colour man had died by the Blows given to him by Captain Mayne, I refused to give that Evidence Mr Gunnell was angry upon me, to declare as he directed me, I was afraid and said I would declare, they repeatedly told me, and I was afraid and according ly I declared to the Court as I was directed some time after I fell sick, and my Father and two of my Children died, I went and applied to the Brahmins for their advice — they told me that the death of my Father and Children had been occasioned because I had given false Evidence and advised me to go to Church and make some Ceremony of mint and water before the God I was dangerously ill myself at this time —

Question — How did you recollect at the Court Martial what Evidence to give —

Answer — I am a Man, I have a Memory to recollect what I was instructed to do —

Question — had you any thing to assist your memory when you deposed at the Court Martial —

Answer — I declared that Yankoo the Camp Colour man died by the Blows received by Captain Mayne —

Question — What Battalion did you belong to at the time of the Trial of Captain Mayne —

Answer — I was Black doctor of the third Battalion the same Battalion that Captain Mayn belonged to —

Question — did Lieutenant Allison belong to Captain Maynes Battalion —

Answer — Yes

Question — Can you read —

Answer — a very little —

Question

Question — What disease did Yankoo Camp Colourman die of.

Answer — of the Gout, and he had also had the Small Pox.

Question — What did he die of

Answer — all his Body was swelled, he had a pain in his Breast and lay sick some time and died —

Question — did Yankoo ever tell you that he had been struck by Captain Mayne —

Answer — never

Question — did you as a doctor ever attend Yankoo —

Answer — Yes

Question — was you present the day that Yankoo died

Answer — Yes —

Question — did he then Vomit Blood or at any other time during your attendance upon him as a Doctor —

Answer — no —

Cross Examined by Mr. Samuel —

Question — where did Yankoo die —

Answer — at Masulipatam —

Question — did Yankoo die in the Barracks or in the Hospital or in his own House —

Answer — in a little hut belonging to himself —

Question — Was it in a Morning or at night —

Answer — about Gun fire time at night —

The Evidence of Naunaeumpah at the Court Martial Page forty is then read by Order of the Court, as follows —

" Naunaeumpah Black doctor to the twenty Sixth Battalion, Evidence for the Prosecution called into Court and duly sworn according to his Cast —

" Judge Advocate — are you the Black Doctor belonging to the twenty sixth Battalion " native Infantry —

Answer — I am

" Judge Advocate — How long have you been a doctor in the twenty Sixth Battalion —

" Answer —

" Answer — ever since it has been raised —

" Judge Advocate — Relate to the Court all you Know concerning Yankoo a Corpl. Colour " man of the twenty Sixth Battalion —

" Answer — Yankoo was taken sick on the ninth September one Thousand seven " hundred and Eighty Eight, he came to the Barracks and sent for me when " I came there I found that Yankoo had Vomited Blood two or three times. I " asked him what was the matter with him who replied he had a very " bad pain in his Breast, I told him not to be frightened, for that I would " give him some Medicines — I asked him what was the reason he had so " severe a pain in his breast, he Replied, he had been badly struck by " Captain Mayne for having missed some Chickens, I told him not to be " alarmed and gave him some Medicines, he remained there nine months " sick in the Hospital, the tenth of December he recovered, he did duty " for nine days, and returned the tenth to the Hospital three days " after he returned to the Hospital the small Pox came out upon him " at the end of three months he recovered of the small Pox — but the Pain " in his breast until he died — at the time he died he brought up a " great quantity of Blood —

" Judge Advocate, was Yankoo in the Hospital the whole time of his sickness —

" Answer when he had the Small Pox he remained in his own house till he " recovered from it —

" Judge Advocate Where did he die —

" Answer at his own house — to which place he desired to be carried two or three days before " his death —

" Question from the Court — when he came the second time into the Hospital what was " there his Complaint —

" Answer It was a pain in his breast —

The Court Cleared.
The Court Opens.

Question

Question from the Court – did you observe any marks of violence upon Yanko's Right side when he came into the Hospital

Answer I Observed the Right side was Swelled –

Question from the Court do you believe that Yanko's spitting Blood proceeded from a Kick or a blow –

Answer – I do believe that his spitting blood was from the effects of the blow –

Question by the Jury – you have said you gave Evidence to the Court Martial through fear, that Mr Gunnell was angery upon you Relate what means were used to force you to give such Evidence –

Answer – Mr Gunnell and Mr Warne said they would beat me if I did not give that Evidence they repeatedly threatened me and I was frightened –

Question – did Mr Gunnell and Mr Warne speak to you themselves, or were the threats conveyed through an Interpreter –

Answer – Corinn Saib Interpreted –

Jattiverty Condiah Sepoy Sworn on the part of the Crown –

Question – by the Counsel for the Prosecution – do you Remember the Trial of Captain Philip Mayne

Answer – I do

Question – Was you applied to by any person and whome to become an Evidence and on whose behalf on that Court Martial –

Answer – I was Orderly Sepoy to Captain Mayne – Mr Wilson, Mr Warne, Mr Gunnell, and Mr Allison who is since dead at Lieutenant Wilson's house when Captain Mayne was in arrest and before the Court Martial sat –, told me to declare before the Court that I was sent by Captain Mayne to get some straw and that I had purchased four Bundles for a Rupee and that Captain Mayne struck me on demanding the price – Mr Warne wrote what I have now deposed –

Question – did you at the time you were at Lieutenant Wilson's house see Narrainaupah the Black Doctor –

Answer – I did not see him at the house then – I saw him in the lines – I heard when the

they threatened Narrainaupah to beat him but I did not see him – I was first Examined and sent inside the house afterwards Narrainaupah came, there was a Cross of Corcanent leaves between I did not see them at that time – after I came out of the House I saw Narrainaupah and spoke to him –

Mr Wilson Mr Gunnell and Mr Warne told Narrainaupah that Yankee the Camp Colour man had died by the blows given him by Captain Mayne they called me and told me to declare before the Court that Captain Mayne offered to Commit buggery with Deen Mahomed, I refused to say so and said I had not seen or heard any such thing it would be a Sin for me to declare such falsity – they said it would be no Sin for me to declare, that I had better declare that before the Court and that they would promote me to a Havildar and if I did not say that they would have me flogged round the settlement and turned out of the Settlement and put their fists in my face threatening me –

Question – in what Language was Narrainaupah directed to swear about the death of Yanko –

Answer – Corinn Saib Havildar Major interpreted by Order of Mr Wilson Mr Warne Mr Gunnell and Mr Allison –

Question – what Answer did Narrainaupah the Black Doctor give to Corinn Saib –

Answer – Narrainaupah said how can I declare that, he has died by sickness and not by blows received from Captain Mayne, – they said dont mind that you had better declare as we direct you – then I appeared before the Court and declared as I was directed some time after the Court Martial was over my Family and Children were all dead –

Question – do you Know that Deen Mahomed was desired to swear before the Court Martial

Answer – I do not Know –

Cross Exa

Question – you have said that you
Court that Captain May
but that you Refused becau
other matters before the Court
Answer – I declared both before the Cou

The Deposi
is then Read by order of the Cou

to Swear before
nothing
any visit
I said ten Black
meeting together and
some advice, I told
, otherwise not – Corinn Saib

Question – you
Answer –
Gunnell Day Sentinel at Captain Mayne's house
Captain

"Condayrah Sepoy of the twenty Sixth Battalion Evidence for the Prosecution
"called into Court and duly Sworn according to his Cast –

"Judge Advocate did you not see Ephraim Russel, Havildar flog Mahomed Azeem
"and do you Know by whose Order and in what manner he was flogg –

"Answer I did see him flogged, he was flogged with a Rattan and by Captain
"Mayne's Order –

"Judge Advocate – do you know why he was flogged –

"Answer Mahomed Azeem had borrowed a Rupee from the Master Pickally
"of the Garrison to buy Grass, and brought it to the Captain's house
"and asking the Captain for the money he was angry and Ordered
"the Orderly Havildar to flog him –

"Judge advocate – where were you at that time –

"Answer I went with Mahomed Azeem, and was present the whole time –

Question by the Bench, you have said that Mr Wa– wrote down the matters you were directed by the defendants to depose – in what language did Mr Warne write it –

Answer – in English –

Question do you understand English –

Answer – no Corim Saib Explained it to me –

Question were you Examined more than Once –

Answer. Yes, three times –

Question – did you not in the Year one thousand seven hundred and ninety make a Deposition upon Oath before Anthony Sadlier and others at Masulipatam –?

Answer – I did according to the advice of several persons of my Cast that I had declared falsely

Question – did you give the same deposition then as now –

Answer It is five Years past I cannot recollect, I then declared what was in my Recollection –

Question – did you then declare before Mr Sadlier that Lieutenant Warne wrote down what you were to depose at the Court Martial

Answer I did –

Question – you have said you were Examined three times at the Court Martial Relate the three Several Days – that you were Sworn –

Answer – I was Examined only once before the Court Martial but in three different times

elsewhere –

Question – are you sure that you swore before the Court Martial as to the fact of Philip Maigne attempting to Commit Sodomy with Deen Mahomed –

Answer – I did –

Mugleatore Venkiah sepoy sworn on the part of the Crown –

Ninnale Sowmy is sworn as interpreter to the Witnesses for the King –

Question are you a Sepoy of the twenty Sixth Battation

Answer – Yes

Question do you Know the Defendants –

Answer Yes –

Question Was you Examined on the Court Martial that was held on Captain Mayne

Answer I was

Question Was you sworn to give Evidence at the Court Martial –

Answer. no, I was Summoned by the Court Martial and attended regularly but the Court was dissolved without my being examined –

Question – do you ever recollect being at the House of either of the Defendants and having any Conversation Relative to Captain Mayne's Court Martial –

Answer – Yes I was at Mr Warne's House, Mr Warne and Mr Gurnell and Corim Saib were there –

Question – How came you to go there –

Answer Corim Saib took me there telling me that Warne wanted me –

Question What did Mr Warne say to you when you came there –

Answer – As soon as I arrived there Warne called me into a Chamber, and I went in with Corim Saib – Corim Saib Interpreted between Mr Warne and me I was not acquainted with English – Warne asked me through Corim Saib what I required last night when I was a Centinel at Captain Mayne's house – I said nothing paticular further than that Captain Mayne asked me what O'clock, I said ten O'clock at this time (ten O'clock) Warne and Corim Saib were talking together and Corim Saib told me that Mr Warne wanted to give me some advice, I told him that if it was proper advice, I would hear it, otherwise not – Corim Saib told me that I must declare as follows

That when I was Centinel at Captain Mayne's house

Captain

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Captain Mayne came down between nine and ten at night - quite drunk took my Firelock from me and beat me with the End of it, and pissed upon me and shewed his private parts and asked me how big that is - If you declare in this manner Warne will promote you to an hawildar, I refused, saying it was dishonest that I did not want such promotion - Corrin Saib threatned me saying that the European Officers and native Officers have formed such a false declaration, you are only a Common Sepoy you can easily say this way since you will be promoted to a hawildar, I refused totally, then Corrin Saib at last told me, that I should only Obey my Superiors Orders that they desired me to do so, I refused for two days in this manner on the third day when the Battalion returned from the Drill, Warne delivered his firelock to the Hawildar and called me by name, Venkiah come here, and at the same time called Corrin Saib and asked whether I had given any declaration in writing, Corrin Saib told him I had not given any written Declaration, and said further that I would not do so - that I began to act after a Refractory manner, Warne then told Corrin Saib that if I did not immediately go and give my declaration before Kistnamah the writer to that Battalion he would have me punished by a Bulls Pizzle, and turn me out of the Battalion, I told him in Answer you are Master I know nothing of this Business, but as you desire me to do so, I will act accordingly -

Question - In what Language did Mr Warne speak to Corrin Saib -

Answer - In English - Corrin Saib Interpreted to me and told me if I would give a Declaration in this manner Warne would appoint me an hawildar and take me with him to Trichinopoly, then I went with Corrin Saib and gave my declaration in writing to Kistnamah in the Barracks - when I went to give this Declaration there were Guards placed to prevent any one coming to the place where I was giving the Declaration - I, Corrin Saib and Kistnamah went together to Mr Wilsons House at that time Mr Wilson was sitting, Corrin Saib told him something and gave the Declaration I had made in writing to Mr Wilson, I dont know what Mr Wilson said to Corrin Saib but Corrin Saib told me that adjutant Wilson promised to appoint Me an hawildar and desired I would attend to what was directed, and Corrin Saib told me (as

Question -

23 January

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(as if he were Ordered by Lieutenant Wilson so to do) to morrow morning you will appear before the Court Martial without any alarm and make this Declaration when you are called upon -

Question - did Mr Wilson ever speak to you in Moors or Gentoos? -

Answer - Only one or two Words when I came and went away which was by way of encouragement and desired me to act according to Corrin Saibs directions -

Question - did either Mr Wilson or Mr Warne offer any other reward to you to give such Evidence -

Answer - Warne one day gave me a hind Quarter of Mutton, that is all -

Question - did you ever apply to Mr Wilson or Mr Warne to make you a Hawildar since that time -

Answer - I applied to Corrin Saib once who answered me that I had not been sworn at the Court Martial nor made any Declaration there, those who were sworn and did depose have been promoted -

Question - do you know Cottar Beg Hawildar, Shaik ally, Narrendos a Black Doctor and Tattiveety Emdiah -

Answer - I do

Question - do you recollect having any Conversation with the four Persons above mentioned about the time of the Court Martial, and what was it -

Answer - they were talking (meaning the said four Persons) together and saying that they were imposed upon and Compelled by Mr Wilson and Corrin Saib to give false Declaration at the General Court Martial -

Question - did you know Dean Mahomed a Camp Colourman

Answer - I did -

Question - do you know where he is or what is become of him -

Answer - he has deserted some months ago -

Question - do you know why you was not examined at the Court Martial -

Answer - No, I do not -

Tripetty Sworn -

Question -

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Captain Mayne opened his private parts and ran towards Deen Mahomed, Wilson would appoint me a Marque and give me a present of ten or twelve Rupees, I told him I knew nothing about the Business how could I speak such a false thing, then Corim Saib gave me by Order of Wilson twelve Strokes with a Rattan in the evening of the same day, Wilson and Serade Cauvn the Drill Havildar called me and Serade Cauvn asked me if I would act according to the advice of Corim Saib or not, I told him I knew nothing about such Business how can I say such false things, Wilson also asked me in the same manner and I gave him the same answer, then Wilson beat me with the Rattan ten or twelve Strokes, the Strokes still appear on my Back—

Question — did you then agree to give Evidence

Answer — I was much afraid then, and agreed at last —

Question — and did you give Evidence to the effect as you were instructed —

Answer — Yes — according to the Instructions I received —

The Evidence of Yankoo at the Court Martial is then read by Order of the Court as follows —

" Yankoo Camp Colourman Evidence for the Prosecution called into Court
" and duly sworn according to his Cast —

" Question from the Judge advocate do you remember about a Year past, Complaint
" having been made by a Camp Colourman Deen Mahomed against
" Captain Mayne on account of ill-usage and for having shown him
" his private part —

" Answer — Yes —

" The Evidence for the Prosecution (Yankoo Camp Colour
" man) corroborates the Evidence of Deen Mahomed Camp Colourman
" in every Particular —

And the Evidence of Deen Mahomed at the Court Martial is also Read by Order of the Court as follows —

Deen Ma

" Deen Mahomed called into Court and sworn according to his Cast —

" Judge Advocate — you are a Camp Colourman belonging to the twenty sixth Battalion
" of Native Infantry do you remember seeing Captain Mayne about a Year
" ago —

" Answer — I saw Captain Mayne every day —

" Question from Lieutenant Roger Warne, I desire to ask the Evidence whether he did
" not see Captain Mayne show him his private parts at the time he was
" measuring Gram —

" Answer — one Evening I was measuring Gram I went and called Captain Mayne to
" see it (who went with me) while I was sitting down, Captain Mayne
" gave me two Kicks and pulling out his private parts said if I stole
" any Gram, he would Bugger me —

" Question from the Prisoner — In what Language did I speak to you —

" Answer you spoke in Moors —

" Question from the Court, how was Captain Mayne dressed at that time and did
" he appear in Liquor —

" Answer he wore white Cloaths, whether he was in Liquor or not I cannot tell —

" Judge Advocate what time of day was it when this happened —

" Answer about or a quarter after six —

" Judge Advocate — where was you measuring Gram when you saw Captain
" Mayne in the Situation you have mentioned —

" Answer — In the Yard behind Captain Mayne's House

" Question from the Court — did Captain Mayne unbutton his Breeches —

" Answer — I did not see Captain Mayne unbutton his Breeches when he spoke to
" me, I turned about and saw him with his private parts in his hands,

" Question from the Court — All the time you saw Captain Mayne, were his private
" parts uncovered or were they covered —

" Answer — They were naked —

" Question

"Question from the Prisoner – do you or do you not Know whether I had been making water
" at that time –
"Answer – I do not Know –
"Question from the Court – did you after having been Kicked by Captain Mayne make
" a Complaint to any One
"Answer – I did make a Complaint –
"Question from the Court – To whom did you Complain –
" Answer – I complained to Ismal Mahomed Lance Commandant –
"Question from the Court – as it is long since this affair happened, who sent for you, to
" recollect the Circumstance –
" Answer – Lieutenant Wilson –
"Question from the Court – how long ago was it since you was sent for by
" Lieutenant and Adjutant Wilson –
" Answer – The third day after Captain Mayne was put in arrest –
"Question from the Court – What did Lieutenant Wilson say to you –
" Answer – he asked me what had passed between Captain Mayne and me
" I repeated to him the Circumstance before mentioned to the Court –
" Judge Advocate – Did Lieutenant Wilson say any thing more to you –
" Answer – he did not
"Question from the Court – did Lieutenant Wilson speak to you in Moors or in English
" Answer – a Woman present was the Interpreter –

Question – did Mr Wilson when he spoke to you in the presence of Serade Cawn speak in English or in what other Language –

Answer – Serade Cawn Interpreted to me in Gentoo – at the time I was desired to give Evidence I consulted with one Tripetty Wilson saw that, and beat Tripetty with his Sword this made me afraid and I gave Evidence –

Question – did you ever see Captain Mayne Converse with Deen Mahomed –

Answer

Answer – never

Question – did you ever see Captain Mayne with his private parts naked and attempting to Commit Sodomy with Deen Mahomed –

Answer – I never did –

Serviah a Peon Sworn –

Question – do you remember the day that Major Colin on his way from Madras to Cundapillay paid a Visit to Captain Mayne at his Quarters at Masulipatam –

Answer – I recollect the Visit but I do not recollect the day –

Question – did Captain Mayne go out that evening and at what hour, and where? –

Answer – Yes he went out that evening to Mr Statham's house about five or six O'clock

Question – what time did he Return

Answer – about nine O'clock

Question – where did Mr Statham live

Answer – at a Garden house about a Coss distant from Captain Mayne's –

Question – did you accompany Captain Mayne to Mr Statham's

Answer – I went and returned with him –

Question – who attended to undress Captain Mayne that night

Answer – I and another Boy called Sheikh Vilo –

Question – had you attended at Captain Mayne's from twelve O'clock at noon till the time he went out –

Answer – I had –

The Evidence of Serviah before the Court Martial Page seventy seven read by Order of the Court as follows –

"Serviah formerly a Peon of Captain Mayne's Evidence for the
" Prisoner called into Court and duly sworn agreeing to his Oath –
"Question from the Prisoner – how long did you live with me as a Servant –
" Answer Four months –
" This Evidence, being interrogated, respecting the Subject

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" of Captain Maynes indemnity towards the Camp Colourman Corroborates
" the Evidence of the former Witness —

" Question from the Prisoner — whether you know of Sheik Mujeun generally attending
" me to undress or did you know who did —

" Answer — It was some times the custom for me to attend Captain Mayne
" at those times and some times the Butler, when Sheik Mujeun
" first Came, he was used to undress Captain Mayne, but after three
" or four days taking (as Captain Mayne said) to Drinking he did
" not attend afterwards —

" Question from the Prisoner — was Captain Mayne at home that day from the time
" he dined, till the time he went to Bed —

" Answer — he dined at home but went out to the Pettah at five Oblock and
" returned at nine —

" Question from the Court — did you accompany Captain Mayne that day —
" Answer — I remained at the House —

" Question from the Court — who usually superintended the measuring of the Gram
" Answer — There was no person in particular during the time I remained
" with Captain Mayne — Dead Mahomed Camp Colourman usually
" attended the Measuring of the Gram —

" Judge advocate — was Deen Mahomed in the House the day Major Tolson came
" to Captain Mayne —

" Answer — he might have been with the Bullocks but I did not see him —

" Question from the Court — who were Captain Maynes standing Orderly at that
" time —

" Answer — I do not Know —

" Question from the Court — who were present when Captain Mayne was undressed

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" himself that Evening

Answer " There might be many people about the House but there was no one present but myself —
" and a little Boy —

" Question from the Court — who gave Captain Mayne his Cloths before he went out at five
" Oblock —

" Answer — I did —

Question — by the Jury — in whose service are you now —

Answer — In Mr. Westcotts —

Vencataputty Subadar Sworn —

Question — during the time that Captain Mayne was in Arrest was you or was you not together
with other Native Officers of the twenty sixth Battalion sent for by the Prisoner
William Wilson and for what purpose —

Answer — Wilson did not send for us but I and others by name Jumnal Mahomed Last Command
-ant. Muddoor Venkiah Subidar, Sheikh Meerah Sahib Jemadar (I was then a
Jemadar) Moodeen Sahib Jemadar and Cornin Saib doing duty as a Jemedar, waited on
Mr. Wilson to give a report — Mr. Wilson at that time told me and Others that Captain Mayne
could not be Kept here because he had acted indecently and that another, a good Captain
was expected in his room, if any of you Know any thing about his Conduct go and relate
to Cornin Saib and Kistnamah in writing, Kistnamah was also a Havildar but acted
as writer to that Battalion — a Naigue whose name I do not recollect told Wilson that
Captain Mayne requires the Sepoys to bring Lamp Oil and Keep Lamp for themselves
at the same time Wilson told us that Major Montgomery and Other Officers and Servants
and Mr. Wilson made a party and Gunner Naigue made another Party I went and
told Captain Mayne —

Pphollop

Ghollops Beg Sworn –

Question – was you a Sepoy in the twenty Sixth Battalion –

Answer – Yes, I was

Question – Was you Orderly Sepay to Captain Mayne at a time when Major Folson came to Captain Maynes at Masulipatam –

Answer I was –

Question was you attending at Captain Maynes as Orderly during the whole of that day –

Answer – Yes

Question do you recollect seeing deen Mahomed at Captain Maynes on that day –

Answer – I saw him at noon –

Question do you recollect Captain Maynes visiting Major Folson at Mr Nathans that day –

Answer – Yes, I accompanied him about five Oblock and returned after nine and was with Captain Mayne the whole of the time –

Question as you recollect Deen Mahomed being at Captain Maynes that Evening about five Oblock –

Answer no, he was not there at five Oblock –

Question do you ever recollect to have seen any Indecencies committed by Captain Mayne towards Deen Mahomed or any other person –

Answer – no, I never saw –

Question did you see deen Mahomed frequently after that day –

Answer – Yes I did –

Question did Deen Mahomed ever Complain to you or any person about the Comm of any Indecencies committed towards him by Captain Mayne –

Answer – no I never heard –

Crofs Examined by Mr Samuel –

Question

Question did you ever see Captain Mayne strike deen Mahomed the Camp Colour man –

Answer no –

Question Is this the same answer you gave to the same Question before the Court Martial –

Answer Yes –

His Evidence before the Court Martial is then shown to him and he says he does not recollect that he made such an Answer to the Question before the Court Martial, that it is five or six Years ago –

Abdallah Cawn Sworn –

Question at the time Captain Mayne was tried at the Court Martial at Masulipatam was you desired to give any Evidence againt Captain Mayne and by whom –

Answer – I was desired by Cornn Said Havildar Major and the Defendant Wilson to declare that Captain Mayne opened his private parts and had Connection with me – I told Cornn Said I had Children, and I would not speak such false hood, for which I was carried into a house and beat by Cornn Said by Order of the Defendant Wilson I heard him give the Order in English –

Question do you understand English –

Answer – I do not understand English

Question How could you hear Lieutenant Wilson Order Cornn Said to beat you –

Answer I understood so from his Lieutenant Wilsons motions and as he was present at the time they would not beat me without his Orders therefore I suppose Lieut Wilson gave the Orders –

Question Was you desired to swear any thing about the death of Yankoo

Answer – I was desired by Cornn Said to swear that Yankoo died of Fear as by the Blows he received from Captain Mayne –

Question Was Mr Wilson then present –

Answer

Answer — No, he was at home —

Question — did you attend at the General Court Martial and give your Evidence —

Answer — I did not give my Evidence —

Question — Why did you not give your Evidence —

Answer — because I was not summond —

The Prosecution is Closed —

and Colonel Edward Collins is sworn on the Part of the Prisoners —

Mr. Samuel desires that Lieutenant James Laurence's deposition at the Court Martial Page seventy two may be read —

The same is accordingly again Read by Order of the Court

Question — is the deposition of Lieutenant Laurence which you have just now heard the whole that he deposed before the Court Martial —

Answer — I believe not —

Question — Relate how it is deficient

Answer — It may be pardonable at so great a distance of time to say that my Recollection may not be quite perfect as to every Circumstance, but to the best of my Recollection that part of Lieutenant Laurence's deposition which was not recorded was withdrawn by Lieutenant Laurence, who acquiesced with the address I made to him on the Occasion —

Question — Read that part of Lieutenant Laurence's deposition which was left out of the Proceedings any tendency to shew the malice of the Prosecutors —

Answer — By no means — in my immediate situation as President of that Court, I should according to my own Opinion, have spurned at the Idea of allowing any thing like malice to have crept within the Verge of it —

Question — was there any Evidence produced on the Court Martial by Captain Mayne that tended to shew any Malice in the Prosecution —

Answer — none, had it been so I would have checked it in its infancy —

Question — by the Bench is this Court to understand that any attempt of Captain Mayne to shew the Malice of the Prosecutors would have been Rejected —

Answer — On the Contrary — that part of Lieutenant Laurence's deposition which was rejected was Considered as Extraneous to the Charges before the Court, and merely relative to a point of honor between Lieutenant Laurence and some or all of the Gentlemen who had agreed together to carry on the Prosecution, I considered that as Point of Honor would be best settled amongst themselves and that it would appear very Extraordinary that any private matter as to a point of Honor should appear before the Commander in Chief on the proceedings of a Court Martial, I therefore mentioned to Lieutenant Laurence the propriety of withdrawing it, which he accordingly acquiesced in —

Question by the Bench — do you recollect what that Evidence was that you advised him to withdraw

(the Evidence of Captain Shippey is here read to Colonel Collins by order of the Court) —

Answer — the deposition of Captain Shippey may be Correct but at this distance of time I cannot recollect all the Circumstances perfectly —

Question — by the Counsel for the Defendants did Captain Mayne attempt to prove at the Court Martial that any or either of the Defendants were actuated by Malice in the Prosecution —

Answer — not to my Knowledge —

Question — by the Bench — for what purpose do you suppose Captain Mayne brought forward the Evidence of Lieutenant Laurence —

Answer — I suppose for the purpose of making the Prosecution appear malicious, but I —

I confess nothing Malicious appeared to me –

Question by the Counsel for the Defendant – did not the Court publickly express their approbation of the Candid manner in which Lieutenant Wilson gave his deposition –

Answer – I do not recollect particularly that the Court expressed their Public Approbation of that matter, but I remember that Lieutenant Wilson was extremely cool and dispassionate on the Occasion –

The Court directs that Lieutenant Wilson's Evidence at the Court martial be Read –

The same is then Read as follows – (page twenty)

"Lieutenant Wilson Adjutant of the twenty sixth Battalion Native
"Infantry Evidence for the Prosecution called into Court and duly sworn

" Judge Advocate Lieutenant Wilson you will please to inform the Court of what you
" know Relative to the Charge Exhibited against Captain Mayne now before
" the Court –

" Answer — I have seen Captain Mayne come Repeatedly drunk to the Parade, but I cannot
" Exactly specify the times –

" Judge Advocate did you see Captain Mayne drunk on the Parade on the fifth of July
" one thousand seven hundred and Eighty Eight –

" Answer I was the only Subaltern Officer on the Parade that Evening, Captain Mayne
" seemed to me, to be very much in Liquor –

" Judge Advocate I beg leave to ask you what were your Reasons for thinking Captain
" Mayne was in Liquor –

" Answer he stuttered in his speech and was unsteady in his Gait –

" Question from the Court – was Captain Mayne from Intoxication incapable on that
" Evening of Conducting himself properly on the Parade –

" Answer – To the best of my Knowledge, I think he was not Capable –

" Judge Advocate did Captain Mayne Come up, and talk to you on the Parade that Evening

" Answer He talked a good deal to me –

" Question from the Court – did Captain Mayne at any time when drunk on the Parade act improperly

" Answer I remember Captain Mayne coming to the Parade one Evening at a Review of
" Arms, and threatening the Officers to put them in Arrest for not making a written
" Report of their deficiencys of their Company which had not been Customary formerly
" in the Battalion nor any Orders from Captain Mayne for that purpose –

" Judge Advocate – how long have you been attached to that Battalion –

" Answer Since the Year one thousand seven hundred and Eighty Six –

" Question from the Prisoner – do you not know that after a Review of Arms he that it was
" Customary for the Officers, to write or me next morning with a Return
" of the deficiencys of their Respective Companys in Writing –

" Answer – I do not – there being no order for that purpose to the best of my Knowledge –

" Judge Advocate Relate to the Court what passed to your Knowledge on the Parade in
" the Evening of the thirtieth of April last –

" Answer – On the thirtieth Captain Mayne came to the Parade drunk we passed
" in front of the Battalion, and went home to the Battalion drill ground
" after remaining there some time, I told Captain Mayne the main Guard
" Drum had beat off – and desired to know whether I should dismiss the Parade
" he answered Yes I beat off, received the Reports and dismissed the Parade, on
" delivering the Report to Captain Mayne, he asked me by whose authority
" I had dismissed the Battalion, I answered by his, he told me he had never
" given me such an Order, and Ordered me to fall in the Battalion again
" which I did after some time he Ordered me to dismiss them again which
" I did, also he then called the Black Officers and Serjeant Major who were
" on the Parade, told them that if ever they obeyed an Order from me
" or reported to me, he would break them – I then left Captain Mayne

" Question from the Prisoner – was not this matter which you have related to the Court to
" have happened on the thirteenth April last immediately settled and
" accomodated between us on the first of may in the presence of the
" Commanding Officer – Fort adjutant and a few Black Officers –

" Answer – Yes sir and I am very much concerned to have been Obliged to repeat the
" Circumstance now, which I fully stated before I gave my Evidence to the Court –
" Question

" Question from the Court to Lieutenant Wilson – did you ever tell Lieutenant Warne many other
" Officer of the twenty sixth Battalion that you and Captain Mayne had by the
" interference of Friends accomodated all difference that happened on the evening
" of the thirteith of April –

Answer – I do not punctually recollect that I mentioned it to Lieutenant Warne but very
" probably I might have mentioned it to him and to the other Officers of the Regt –

Question – do you know the Defendants –

Answer I do –

Question – what Character does Lieutenant Gurnell bear in the Army –

Answer from a few Years acquaintance I have known Lieutenant Gurnell to have conducted him-
self with great propriety as an Officer and I believe him to be a Young man of infinite Honor –

Question as to Lieutenant Warne –

Answer I speak of him in the same terms –

Question the general Character of Lieutenant Wilson –

Answer I know nothing against him –

Cross examined by Mr. Samuel Augustus Humphreys –

Question – do you recollect the Circumstance of a Person by the name of Sheik Hussein being ordered into
Confinement by the Court Martial for giving prevaricating Evidence –

Answer Perfectly – a report was brought before the Court Martial by this man saying that Captain
Maynes Palanqueen Boys or other Servants had way layed him at Certain times
of the evening about his Hut with intent to beat or abuse him – I caused this Circum-
stance to be taken into Consideration after the adjournment of the Court on one
Particular day for the particular purpose of confining this man in the main Guard
in Order to prevent any future impediment being thrown in the way of the Regular
progress of the Trial of Captain Mayne, and desired Captain Stuppy to address the
Commanding Officer of Masulipatam to Order a Garrison Court Martial for this man
with the Charge annexed –

Question was not the charge against Sheik Hussein for preferring a Groundless Complaint against
Captain Mayne which had no Existence in fact –

Answer It was

Question – was not this man Sheik Hussein one of the Principal Evidences against Captain
Mayne at the Trial before the Court Martial –

Answer –

Answer – I do not recollect –

Captain Shippey is then refused to and he says that he was the
same man who was Examined in support of a very material Charge against Captain
Mayne –

Question – to Colonel Collins – say whether the Circumstance of Sheik Hussein Depy having preferred
a groundless Complaint against Captain Mayne did not materially effect the Credit of his
Evidence before the Court Martial in your mind –

Answer – It did not – I considered the Circumstances as entirely distinct and unconnected with
each other –

Question by the Bench – as you have been asked by the Counsel for the Defendants as to their
Characters, whether but for the Circumstances disclosed on the Court Martial could you
have thought Captain Mayne Guilty of the Crimes imputed to him and what was
your Opinion of Captain Mayne previous to that Court Martial –

Answer I should not have thought him Capable I have been for many Years in habits of
acquaintance with Captain Mayne who till this Circumstance happened had always
Conducted himself with propriety – and I feel great pleasure in this Opportunity I now
have of saying so –

Question by the Counsel for the Defendants – did you not Observe to Captain Mayne at the
Court Martial that some of his Witnesses were perjured, and advised him to be more
Cautious in future – and what answer did he make thereto –

The Question is objected to by the Counsel for the Prosecution
but allowed by the Court –

Answer I cannot reply to some of his Witnesses but one in particular who was a Confident-
tial Orderly Havildar of Captain Mayne's who gave Evidence so diametrically opposite
to Captain Taylor then Lieutenant Taylor whose Honorable integrity stands avowed
by the service which Circumstance was of Captain Mayne's being Drunk on the Parade

Answer –

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X That I judged it necessary to caution Captain Mayne as to the Latitude of Evidence which this man was pursuing - for that he was perjuring himself by repeated Contradictions Captain Mayne replied that is his own look out, If he proves what I want, it is all Irish or words to that effect - the man was afterwards confined in the Main Guard of Mamilpatam by my Order - whether he was brought to trial or not I cannot tell - The Confinement of this man was occasioned by a Letter from Lieutenant Taylor officially addressed to me as President of the Court Martial -

Lieutenant Aldwell Taylor's Evidence before the Court Martial is then read by Order of the Court as follows - (page eighty nine)

" Lieutenant Aldwell Taylor of the twenty Sixth Battalion of Native Infantry

" Evidence for the Prisoner called into Court and duly sworn -

"Question from the Prisoner - did you see me drunk on the Parade the fifth of July one thousand

" seven hundred and Eighty Eight, or at any other time - incapable of attending

" to the duties of my Battalion -

" Answer - I never Remember seeing Captain Mayne drunk on the Regimental Parade, -

" from indisposition at I was Confined for some time attending the Parades of the

" Battalion except when I formed it Convenient to myself - consequently, I seldom

" had an Opportunity of seeing Captain Mayne there, on the fifth day of July I was

" not present on Parade - I never saw Captain Mayne incapable from drunkenness

" of attending the duties of his Battalion -

which done the Court direct that Abdul Nobby's Evidence before the Court Martial be read -

The same is then Read as follows - (page eighty seven)

" Abdul Nabby Havildar, of the twenty Sixth Battalion of Native Infantry Evidence

" for the Prisoner called into Court and duly Sworn according to his Cast -

"Question from the Prisoner - did you see me drunk on the Parade on the fifth July one thousand

" seven hundred and Eighty Eight the first review of Arms on a Saturday or at

" any other time -

" Answer - I did not see Captain Mayne drunk on the Parade on the fifth of July one

" thousand seven hundred and Eighty Eight, nor at any other times -

" Question from the Prisoner - did you see me that day talk to the Serjeant Major on the

" Parade before the Battalion fell in, and what O'Clock was it -

" Answer I did and the time was after five -

Question

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" Question from the Court - how far were you from Captain Mayne when he was talking to the

" Serjeant Major -

Answer - about fourteen Paces -

" Question from the Court - did you hear their Conversation -

" Answer - they talked in English, I did not understand what they said -

" Question from the Prisoner where was the Havildar Major at that time -

" Answer - He was in the Barracks

" Question from the Court where was you at that time -

" Answer. I was in the Outside of the Veranda of the Barracks -

" Judge Advocate did you see the Havildar Major in the Barracks

" Answer - He sent me to call Lieutenant Wilson -

" Question from the Court - did you see Subadar Cunnan Naick and where was he at that

" time -

" Answer - he was standing at the left of the Barracks third Pillar of the Veranda -

" Judge advocate - How came you to know it was the third Pillar -

" Answer I could recollect any thing about Yesterday -

" Question from the Court - did you see any other Black Officer in the Veranda

" and if you did were any of them near Cunnan Naick Subadar -

" Answer I saw no other but Cunnan Naick Subadar -

" Question from the Court - were there any other people in the Veranda -

" Answer - there were other people, but I do not know who they were -

Question - by the Jury - In Consequence of what you have observed in the Course of your Evidence which related to Lieutenant Lawrence the Jury wish to know whether you intend to convey a meaning that Evidence Coming from Lieutenant Lawrence was not or could not be entitled to that attention which Evidence would and ought to have, coming from a fully competent and Creditable Witness? -

Answer - I cannot go so far as to say that -

Question - What was your own Opinion as to the Credibility of Lieutenant Lawrence's Evidence -

Answer - I conceived him to be a very eccentric Young man and not more than two or three removes from insanity -

Lieutenant Paul Rose Sworn on the part of the Defendant and Examined by Mr. Samuel -

Question

Question — did you Know Lieutenant Laurence —

Answer — I Knew him well and for some time Intimately —

Question — what is your Opinion of the Character of Lieutenant Laurence —

Answer — he was a man of much eccentricity - one upon whose heart or head no dependance could be placed for two hours together —

Question — have you any Particular Reason for the Opinion you have given —

Answer — I have before said, I was extremely intimate with him and for particular Occurrences that happened between him and me I had every Reason to Judge of him in the manner I have Related — he was a very weak man and easily worked upon by those whose Interest it was so to do —

Cross Examined by Mr. Hamilton —

Question — do you think from your Intimacy that Lieutenant Laurence was Capable of relating to a Board of Justice any Circumstances that happened within his own Knowledge —

Answer — He was if the Subject was not too Complex —

Question — was or was not Lieutenant Laurence a man to be believed upon his Oath —

Answer — I have already said I would not doubt him on his Oath —

Captain Thomas Halcott Sworn and Examined by Mr. Samuel —

Question — did you not command the twenty Sixth Battalion after Captain Mayne was put in arrest —

Answer — a few days after Captain Mayne was put in arrest I was put in the temporary Command of that Battalion by Order of Colonel Brathwaite commanding the Northern division of the army

Question — how long previous to the Trial of Captain Mayne had you been in Command of that Battalion —

Answer — I do not Know exactly when Captain Mayne was put in arrest, but I joined the Battalion I believe on the tenth of September one thousand seven hundred and Eighty nine —

Question — did any of the Officers of that Battalion between the time of your taking the Command of it and of the Trial of Captain Mayne complain to you as the Commandant of that Battalion of their having been influenced or tampered with to give false Testimony at the Court Martial —

Answer — no

Question — did you Know Lieutenant Laurence and what is your Opinion of his Character —

Answer —

Answer — I did — he always appeared to me to be a man very much deranged in his mind —

Question — do you think that Lieutenant Laurence was a man who could have been believed upon his Oath?

Answer — as far as any man whose mind was so deranged I think he could have been believed —

Cross Examined by Mr. John Wilkinson —

Question — How long did you Know Lieutenant Laurence —

Answer — I think about three or four Years —

Question — to what Battalion was he during that time —

Answer — I think In the seventeenth part of the time — if not the whole of it —

Question — did he do duty with his Battalion

Answer — He did —

Question — did he take his rotation in Courts Martial and other duties incident to his Situation —

Answer — I Know nothing to the Contrary —

Question — do you Know that he was ever accused of being insufficient for the duties of an Officer —

Answer — I never heard he was —

Question — who was the Adjutant of the twenty Sixth Battalion during the time you commanded it —

Answer — Lieutenant Wilson —

Question — from the Bench — have you any Reason to believe that any improper means were used to influence the Witnesses against Captain Mayne at his Trial —

Answer — I never had any Reason to think so, nor did I ever hear so, until I met with Captain Mayne's Narrative —

Mr Samuel moves that the Evidence of Shaick Mordeen Marikar before the Court Martial be read —

The same was then read by order of Court as follows — (page thirty three)

"Shaick Mordeen, Marikar - Evidence for 1st Prosecution called into Court and

"Examined upon his former Oath —

"Judge Advocate — you will relate to the Court what you Know Relative to this Charge

" against Captain Mayne —

" Answer — I remember one night being Orderly on Captain Mayne when he rose and

Pending

" finding some of the People a Sleep; becomes angery and gave me and others several Blows

" Judge Advocate - I wish you to Relate all you Know about Captain Maynes flogging Yankee a Camp

" Colour man of the first Grenadier Company -

" Answer - Captain Mayne had given Orders to the Camp Colourman to sleep near the Fresh House

" Yankee did not sleep at the Fresh house according to Captain Maynes Orders, Captain Mayne

" told him that the Gram He allowed for the Horse he made use of for bread the Camp

" Colourman said I can't stay here Captain Mayne will take my life - and said I have

" Stolen nothing or committed a fault yet the Captain is always flogging me he tells

" me always to go to my Mistrys who does not give me sufficient money for the Expence

" This is all I Know respecting the Camp Colourman - I was Reported sick - in consequence

" of a Swelling in my body occasioned by Blows from Captain Mayne - he sent for

" me to enquire what was the matter with me - on seeing me he went to a

" Drawer and taking from thence a Rupee told me to go to the Bazar and buy a

" Comly; I took the Rupee and said I would not be your Orderly for twenty

" Thousand Pagodas, Captain Mayne asked me to return the Rupee which I did

" he called me by an Abusive name, and forbid me ever to come again as his

" Orderly - I then went to the Hospital and remained there sometime but

" after being there sometime Lieutenant Warne who was Offier of the day

" came and asked me why I had remained so long in the Hospital - I replied

" Captain Mayne beating me had been the occasion of it, Lieutenant Warne said

" I have heard of Captain Maynes flogging you very severely - I know no more

" of the matter —

" Judge Advocate - what did Captain Mayne strike you with -

" Answer He struck me with his Fist -

" Judge Advocate - What was the Reason of Captain Maynes striking you

" Answer I do not know I had Committed a fault -

" Judge Advocate - did you frequently see Captain Mayne strike the Camp Colourman Yankee -

" Answer I saw him frequently strike him -

" Question from the Court - did you Complain to any Officer of the Battalion of Captain Maynes

" having beaten you so severely at the time you say you were Obliged to go into

" the Hospital in Consequence of the ill treatment you say you received -

Answer - Yes - I mentioned it to all the Officers and Complained to my Officer Ensign

" Garnell and Lieutenant Wilson the Adjutant —

" Question

Question from the Prisoner How long was Yankee the Camp Colourman used about my house —

" Answer I cannot particularly say - but I believe between three and four Months —

Lieutenant William Prescott Sworn and Examined by Mr Samuel —

Question - was you attached to the twenty Sixth Battalion in the Year one thousand seven hundred and Eighty nine -

Answer it is so long ago that I really cannot recollect whether I was removed from the twenty Sixth Battalion in the Year one thousand seven hundred and Eighty Eight or in the beginning of the Year one Thousand Seven hundred and Eighty nine —

Question was you removed from the twenty Sixth Battalion previous to the time Captain Mayne was put in Arrest —

Answer I was some time

Jemmal Mahomed Subedar Sworn and Examined by Mr Samuel —

The Evidence of Deen Mahomed at the Court Martial is again Read by Order of Court at the Request of Mr Samuel

Question do you recollect a Complaint being made to you by Deen Mahomed a Camp Colour Man of the twenty Sixth Battalion —

The Question is Objected to by the Counsel for the Prosecution - but allowed by the Court —

Answer I recollect —

Question how long ago was it and what was the nature of the Complaint —

Answer Six Years ago on one Morning after drill the Sepoys were gone to the Barracks the Havildars and Jemadars stood there — Deen Mahomed came and told me that Captain Mayne told him one word Last night and therefore he would not be Orderly over Captain Mayne any more, I and others that stood there asked him what it was he told us he was cooking boild horse Gram, that Captain Mayne told him at that time If he stole horse Gram and eat it, he Captain Mayne would beggar him, then Deen Mahomed said when Captain Mayne spoke so he turned and looked at him, Captain Mayne shewed his private parts at that time, when Mr Shaw was coming from the Barracks to Mr Wilsons house for breakfast and finding me and others laughing asked us the Reason when Deen Mahomed told him what he had before related to me, then Mr Shaw went to Mr Wilson's house and also went and made this Report to Mr Wilson, then I went away —

Question was you ever present at Lieutenant Warnes or Wilsons Quarters when Deen Mahomed was Examined respecting that Complaint you have now deposed to —

Answer I was at Lieutenant Wilsons Quarters —

Question did that Examination take place prior to or after the Arrest of Captain Mayne —

Answer —

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Answer — after Captain Mayne was put under arrest—

Question — did Deen Mahomed at that time give the same account which he had before given to you—

Answer — Yes.

Question — were any means used to influence Deen Mahomed to give such account—

Answer — no he was not influenced—

The Defendants having no further Witness to call—

Mr Samuel addresses the Bench and Jury—

Mr Wilkinson Replies—

The Copy of the Court Martial is then delivered to the Jury who retire to Consider on their Verdict an Officer having been first sworn to keep them—

after some time the Jury send in their Officer to proclaim a Verdict and the Jury then 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 Foreman—

Clerk of the Peace — how say you Gentlemen are William Wilson, Roger Warne [illegible] Thomas Gurnell Guilty of the Subornation of Perjury whom of they stand Indicted or not Guilty—

The Foreman then delivers the Indictment with the following Endorsement—

"All the Prisoners are Guilty of a Conspiracy against Philip Mayne, but the Jury do not think that part of the Evidence that goes to prove a Subornation of false Witness sufficiently credible to Establish the fact"—

The Verdict is then recorded as above—

Clerk of the Peace — Gentlemen of the Jury hearken unto your Verdict as the Court hath Recorded it — you say that William Wilson, Roger Warne and Thomas Gurnell are Guilty of a Conspiracy against Philip Mayne but that you do not think that part of the Evidence that goes to prove a Subornation of false Witness sufficiently Credible to Establish the fact - and so you say all —

Jury — Yes

The Jury are then discharged with thanks for their Services —

The Counsel for the Defendants thereupon prays that William Wilson Roger Warne and Thomas Gurnell May be admitted to Bail - and the Court are pleased to allow the Same and direct that each of the Defendants be bound in two hundred Pounds with two Securities in the Sum of one hundred Pounds each for their appearance on Wednesday the twenty Eighth Instant at ten Oclock in the Forenoon —

The

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The Clerk of the Peace then calls the defendants by their names and takes their Recognizances —

Clerk of the Peace — William Wilson you acknowledge to owe to our Sovereign Lord the King the sum of Two hundred Pounds - On Condition that you shall be and appear at this Court on Wednesday the twenty Eighth January Instant at ten Oclock in the Forenoon and not depart the Court without Leave are you content—

William Wilson — Yes —

Clerk of the Peace — George Dunbar and Walter Anderson, you and each of you acknowledge to owe to our Sovereign Lord the King the sum of one hundred Pounds, upon condition that William Wilson shall be and appear at this Court on Wednesday the twenty Eighth January Instant at ten Oclock in the Forenoon and not depart the Court without Leave - are you Content—

George Dunbar — Yes

Walter Anderson — Yes

Clerk of the Peace — Roger Warne you acknowledge to Owe to Our Sovereign Lord the King the sum of two hundred Pounds, On Condition that you shall be and appear at this Court on Wednesday the twenty Eighth January Instant at ten Oclock in the forenoon, and not depart the Court without Leave are you Content—

Roger Warne — Yes

Clerk of the Peace — William Prescott and Thomas Ross Dent you and each of you acknowledge to owe to our Sovereign Lord the King the sum of one hundred Pounds upon Condition that Roger Warne shall be and appear at this Court on wednesday the twenty Eighth January Instant at ten Oclock in the Forenoon and not depart the Court without leave - are you Content—

William Prescott — Yes

Thomas Ross Dent — Yes

Clerk of the Peace — Thomas Gurnell you acknowledge to owe to our Sovereign Lord the King the sum of two hundred Pounds on Condition that you shall be and appear at this Court on Wednesday the twenty Eighth January Instant at ten Oclock in the forenoon and not depart the Court without Leave — are you Content—

Thomas Gurnell — Yes

Clerk of the Peace — Paul Bosc and Edward Baynton Bagshaw you and each of you acknowledge to owe to our Sovereign Lord the King the Sum of one hundred Pounds Upon Condition That Thomas Gurnell Shall be and appear at this Court on Wednesday the twenty Eighth January Instant at ten oclock in the forenoon and not depart the Court without Leave are you Content —

Paul Bosc — Yes

Edward Baynton Bagshaw — Yes

The defendants are then Delivered to the Custody of

of their Bail—

The Court is then adjourned to Wednesday the twenty Eighth Instant at ten O'clock in the Forenoon for continuing the Present Sessions—

J Williams
Clerk of the Peace

At an Adjourned Court of General Quarter Sessions of the Peace Sessions of Oyer and Terminer and General Gaol Delivery holden at the Town Hall in Fort Saint George on Wednesday the twenty eighth day of January one Thousand seven hundred and ninety five—

Before—

The Right Honorable Robert Hobart commonly called Lord Hobart President and Governor of Fort Saint George—

And

Edward Saunders and Ernst William Tallofield Esquires Members of the Council thereof, 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—

Thomas Lewin Esquire—one of the 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 is duly Opened

The Grand Jury come into Court and the following Indictments are then delivered to them—

The King against—Mootoo Vallaamah For Felony—
The King against—Gomen, Ninien, Latchmanan Chinner Coopen and Kistnan—For Grand Lareny?—
The King against Timothy Grady—For Felony and Murder—
The King against Chonnachellum, For Felony—

The Grand Jury then Retire—

And the Court proceeds to the Trial of Thomas Short for Felony and murder—

The Prisoner Thomas Short is then Put to the Bar and the Indictment is read to him by the Clerk of the Peace and told that he had thereunto pleaded not Guilty and that he had put himself upon God and his Country for his Trial—

The following Gentlemen are 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

Peter Mafsey Cafsim Sorman — Thomas Hurst
William John Chater — Charles Hely

Thos Lewin

Thomas Fraser — Richard Ashtt
Edward Jones — Alexander Stewart
Andrew Burchet Bone — Edward Bent
Joseph Sykes — Daniel Reid

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 Short (here the Indictment is again Read over to the Jury by the Clerk of the Peace) 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 of 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 and that he did not flee for it, you are to say no and no more — and hear your Evidence —

Hugh Malally is then called and Sworn —

Question — do you Know the Prisoner at the Bar
Answer — Yes
Question — did you Know one Thomas Storey.
Answer — Yes
Question — is Thomas Storey alive or is he dead —
Answer — dead —
Question — When and where did Thomas Storey die, and how did he come by his death —
Answer — on the twenty fourth May last about the hour of five in the afternoon Thomas Story was in the Barracks at Ellore, he was lying upon his bed, and intoxicated at the time, the Prisoner at the Bar came out with a Bayonet and belt in which the Bayonet was he went over to Thomas Storey's Bed and drew the Bayonet out and thrust it into Thomas Storey's Belly about two Inches below the navel, the Prisoner stepped back and drew the Bayonet out of Thomas Storey's Belly — Thomas Story fell off the Bed upon the Ground and said "I am a dead man" I went to his assistance and took up Thomas Story and carried him to the door —

(Here the Grand Jury come into Court and answer unto —

their names and return the Indictment the King against Goonoo, Nimia, Chinnia Lalchmanan, Cooper and Kistnan for Grand Larceny — endorsed a true Bill —

The Serjeant and some more men strove if they could get any Blood from the wound but none would come, then a Dooly came to the Barracks and Thomas Storey was put into it, and it might be about twenty four hours afterwards or better I was in the Barracks and heard Thomas Storey was dead —

Question — who was Thomas Storey
Answer — a Private in the fourth European Battalion
Question — by the Jury — do you Know of any previous Quarrel between the Prisoner at the Bar and Thomas Storey before this Circumstance happened —
Answer — none
Question — was the Prisoner intoxicated at the time or was he sober —
Answer — he was in liquor —
Question — had the Prisoner and Thomas Storey any Conversation together before the Prisoner stabbed Storey —
Answer — none; for an hour before, they had been drinking together in the morning —
Question — did the Prisoner when he came into the Barracks make directly towards Thomas Storey —
Answer — there are Separate apartments in the Barracks he came out of one and went into another —
Question — by the Prisoner — did not one Thomas Byrne use me very ill on the twenty fourth of May last by beating me and stamping upon me —
Answer — I did see Byrne ill use the Prisoner for a short time —
Question — by the Prisoner — did not Thomas Storey when in the Hospital declare that Thomas Byrne had been the Occasion of his death —
Answer — I was not in the hospital and did not see Thomas Storey there —

Thomas Price Sworn —

Question — did you Know one Thomas Storey —
Answer — I did
Question — is he alive or is he dead —
Answer — dead —
Question — when and where did he die
Answer — at Ellore on the twenty fifth of may last —
Question — How did he come by his death —
Answer — the Prisoner at the Bar stabbed him with a Bayonet a little below the navel on the Evening of the twenty fourth of May last —
Question — did you see the Prisoner stab Thomas Storey

Answer —

Answer Yes I did —
Question where was it that you saw the Prisoner Stab Thomas Storey
Answer in the Barracks —
Question You have said that Thomas Storey died on the twenty fifth of May last. do you suppose it was in Consequence of the wound given him by the Prisoner at the Bar the day before —
Answer Yes I suppose so —
Question was the Prisoner Sober at that time —
Answer He was in Liquor —
Question was there any Quarrel that you Know of between the Prisoner and Thomas Storey —
Answer none — There was between the Prisoner and Thomas Byrne —
Question by the Bench — had the Prisoner and Thomas Storey any Conversation together before the Prisoner Stabbed Thomas Storey —
Answer none, Thomas Storey was Lying upon his Cot upon the Broad of his back —
Question by the Jury — what are your Reasons for thinking that Thomas Storey died of the wound he received from the Prisoner —
Answer because the Bayonet went so far into him — I suppose it might have gone in about the depth of four or five Inches —
Question did any blood issue from the wound on the Bayonet being drawn out —
Answer none, One or two men tried to Suck at the wound to get Blood out but they could not —

The Prisoner not having any Questions to put to the Witness he retires —

Henry Wise Sworn —

Question were you a Surgeon attached to the fourth Battalion of European Infantry at Ellore in the month of may last —
Answer Assistant Surgeon —
Question did you Know one Thomas Storey there —
Answer no I did not —
Question was you not called upon to attend a man of that name at Ellore in the month of May last — and did you attend him —
Answer I was, and did attend him some time in the latter End of May last at Ellore I was called to the Hospital to attend a man by the name of Storey who I understood had been Stabbed with a Bayonet, I went and found him on a Bed in a Verandah of the Hospital where Mr Flemming and Mr Anderson Surgeons were attending him having

been called there before me, the Man appeared to be in great pain and had a wound in the Bottom of his Belly near the navel —
Question how long did he live after you saw him in that Situation
Answer a day or two after —
Question did he die of that wound in his Belly —
Answer I Believe he did —
Question Could you assign any other Reason for his death —
Answer none, Mr Anderson and myself opened his body after his death and we were of Opinion the wound he had Received was the Cause of it —

The Prisoner not having any Questions to put to the Witness he accordingly retires —

The Evidence for the Prosecution is then Closed —

And William Seasere is called upon by the Prisoner and sworn on his behalf —

Question by the Prisoner — did not you and one Thomas Storey and me come off Guard together at Ellore on the twenty fourth of May last —
Answer we did —
Question did you see me and Thomas Storey drinking together on that day and what part of the day was it —
Answer Yes, I did about nine Oblock in the morning —
Question did you see one Thomas Byrne strike and Knock me down on that day —
Answer Yes I did —
Question did you hear Thomas Storey say when he was in the Hospital that Thomas Byrne had been the Occasion of his death —
Answer not those words but I heard him say that he freely forgave Thomas Shot the Prisoner but that he died in Malice with Thomas Byrne —

(the Grand Jury come into Court and answer to their names and return the Indictment The King against Timothy Grady for Felony and Murder Endorsed a true Bill, and also deliver in a further Information of Thos Rawson taken before them against the said Timothy Grady) —

John Deacon Sworn on behalf of the Prisoner —

Question by the Prisoner, do you Know that Thomas Storey when in the Hospital on the twenty fifth of May last sent for me —
Answer I do —
Question why and what happened in Consequence —
Answer I was present when the Prisoner came into the Hospital to Thomas Storey at Thomas Storeys —

Storey's Request – I heard Thomas Storey say to the Prisoner Thomas Short "I hear you a
" the man that Stabbed me If it is so, I freely forgive you for I do not think I was
" the Person you meant to Stab" – and I shall not die Easy unless I can get you
released"

Question by the Jury – what Character did the Prisoner bear previous to the Circumstance
of his having Stabbed Thomas Storey –

Answer I know nothing against him –

The Prisoner has no other witnesses to call and is called upon to say
if he has any defence to make and makes the following defence ——

Prisoner's Defence

I came off Guard on May the twenty fourth and asked Thomas Storey if he would
go out and take a drink of Toddy – I came in about nine O'clock in the morning and
met Thomas Byrne just at the Pittah Gate as I was coming in I had got a Gingliff
with some Toddy in it and he Knocked me down and would have used me worse
if it had not been for Thomas Storey – Then Thomas Storey and I went into the
Barracks and Thomas Byrne followed us in and bred a disturbance in the
Barracks, and with that I asked Thomas Storey if he would go over with me to
John Deacon in the third Company, we went over there and got in Liquor when we
went home I went and lay upon my Cot – Thomas Byrne came in – in Liquor into the
Barracks and took me by the two legs and pulled me off and struck me five or six times
with a Stick he had in his hands, with that I told him if he did not leave off I would
Knock him down, he kept on striking me, I went to strike him and he got hold of the socket of
my Bayonet, in forcing the Bayonet out of his hands it went two Inches and an half into
Thomas Storey's Belly –

John Deacon is again called into Court by desire of the Prisoner and asked
if he was present when Thomas Storey was stabbed by the Prisoner – he says no –

The

The Petty 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 came into Court
and answered 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 Foreman

Clerk of the Peace — How say you is Thomas Short 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 of 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 Short 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 committed or at any time since and so you say all –

Jury — Yes

The Prisoner is thereupon remanded into the Custody of the
Sheriff —

Ranganeadom Sworn as Interpreter to the Grand Jury –

William Wilson Roger Wynne and Thomas Furnell are brought into Court by their
Bail and put to the Bar to receive Judgement –

Clerk of the Peace — William Wilson Roger Wynne and Thomas Furnell you stand here convicted of Conspiracy what
can you say for yourselves why the Court should not proceed to give Judgement against
you as the Law directs –

The Clerk then addressed the Defendants as follows

The Indictment on which you have been tried charges you with Conspiring
& Plotting first in Conspiring together to procure Philip Mayne to be commanded
of Cruel and inhuman treatment to several of the men Commanded &
with Intention which he then Commanded and for Subornation Guilty of this Felony and
Doctor to swear falsely that one Yankee a Camp Colour
Captain Mayne —

Prisoner

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Secondly in Conspiring together to procure him to be convicted of Shameful and indecent behaviour to several of the Battalion and Subborning Deen Mahomed and Yankee to swear falsely that Captain Mayne had attempted to commit Sodomy with the said Deen Mahomed —

The Verdict of the Jury pronounced you all guilty of Conspiracy. but it declared that part of the Evidence which went to prove Subornation of Perjury not sufficiently Credible to establish the fact — This latter part of the Verdict the Court Consider equivalent to an acquittal and do therefore discharge you of the Subornation of Perjury. But the Conspiracy of which they have found you guilty is a very heinous offence, and severely punishable have you any thing to offer why the Court Should not proceed to Judgment —

Mr Samuel of Counsel on the part of the Defendants moves an Arrest of Judgment and assigns the following Reasons in Support of his motion in that Behalf —

First — That the Indictment doth not state that the Charges preferred against Captain Philip Mayne before the Court Martial were false and Malicious or that they were without probable and Reasonable Grounds which Circumstances always ought to be Stated in every Indictment for Conspiracy The Indictment further doth not aver that Captain Mayne was not guilty of the Charge of Cruel and Inhuman Conduct but that he was not Guilty of the Particular Instance of Inhuman Treatment of Yankee a Camp Colour man, that he did not Kick him and that the said Yankee did not die of any Kick Received from the said Captain Mayne —

Second — And in the Second Count — it is not averred that Captain Mayne was innocent of Indecent behaviour but that he was not Guilty of Sodomy with one Deen Mahomed instead of a full Clear and comprehensive Averment of his Innocence to the whole of the said Charge for cruel and inhuman treatment and of Indecent behaviour —

Third — The Indictment charges that the Defendants "Wilson Warne and Gurnell did unlawfully and wickedly conspire together and did Solicit, instigate and in fact Subborn one Deen Mahomed an Asiatic a Black doctor and so forth — and in a Second Count — "that they did conspire together and did Solicit Instigate and in fact Subborn one Deen Mahomed and one Yankee to appear as a true Evidence and falsely to swear" and so forth. The only act of Conspiracy, therefore, charged and alledged, or meant to be charged and alledged in the said Indictment is the supposed Subornation of the said Witnesses named — and the Jurors have returned a Verdict — that they do not think that part of the Evidence which goes to prove a Subornation of false Witness sufficiently Credible to Establish the fact — and therefore — the said Jurors in returning that the only fact given them in Charge is not Sufficiently Established, have pronounced a Verdict tantamount to a full Acquittal of the Offence charged in the said Indictment —

Fourth — That the said Indictment is Endorsed for Subornation of Perjury" and only issue that could have been joined by the Defendants thereupon, must have been if he was for at issue on the said Charge of Subornation of Perjury and that merely and ... from a view of the Endorsement of the said Indictment. It will not allow ...

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that as such issue was proposed to be joined in by and between the said parties to the said Indictment but that the Grand Jurors had found the Bill true only as to that single and Specific point — and the Petit Jurors in the trial of the said Issue could not go Beyond what the Indictment charged and what the Grand Jurors had presently found, and that consequently Issue of "Subornation of Perjury" was Actually and bona fide joined by and between the said parties to the said Indictment and no other — and the Jurors could not have taken cognizance but of that particular Issue joined; for the admission of a Contrary doctrine would go to the Extent of rendering an accused Person liable and Subject to a Verdict and a punishment consequent to that Verdict for a Crime to which he had not been required to plead and was not in any way advised of — and further would Sanction the Petit Jurors in all Cases to Originate or Change — or an Indictment, a doctrine Contrary to the Spirit of the Criminal Code and to the form and method observed and to be Observed in Criminal Proceedings —

Fifth — — — And further if there had been an Endorsement on the said Indictment for Conspiracy "as well as for" Subornation of Perjury" the said Indictment would have been bad and insufficient — in as much as the said Indictment would have set forth and charged two Separate and distinct Charges in one and the Said Count — and have made and aggregate Offence out of Several Misdemeanours and not only have Created a Confusion in Pleading which the Law abhors but would have introduced a Multiplicity of Charges in which the Defendants could not have joined in a Separate and distinct Issue and of which the Defendants could not have had a Separate and distinct Acquittal —

And Lastly that the said Conspiracy against Captain Philip Mayne of which the Defendants are said by the Verdict returned by the said Jurors to have been guilty is presumed from the Defendants having preferred Certain Charges against Captain Philip Mayne before a Court Martial duly constituted and so forth, but as the said Charges so preferred, were substantiated on due proof afterwards Exhibited thereunto and as it is holden, that no Indictment for Conspiracy can be but where two Charges on which the Conspiracy is assigned be both false and malicious; so no Judgment ever had the Conspiracy been clearly, certainly and Syramitically charged which it has not could have been grafted on the Defendants in the event of a Conviction thereof on the Verdict of the said Jurors, much less have when the only fact, the Result and event of that Conspiracy which is Charged have been found by the said Jurors not to have been sufficiently Established —

It is to be conclu ded therefore, that the said Jurors have exceeded their Province, for the Reasons before assigned in returning the said Verdict of "Guilty of Conspiracy" — a matter not in Issue and it being returned that the "Subornation of Perjury" the only Offence charged and Alledged against the Defendants, is not for that the said Jurors have Returned a Verdict of Virtual Acquittal — and it is ... irregular upon — that no Judgment may pass on the Defendants but that they may be discharged and delivered of the said Indictment —

Mr Wilkinson Replies in Support of the Verdict — guilty of this Felony and

The Court having taken the S... leave to acquiesce in the Reasons offered by Mr S... Prisoner

... therefore arrest the Judgment for insufficiency.

The Defendants William Wilson Roger Wanne and Thomas Gurnell are accordingly discharged by Proclamation—

Mr Humphries moves for a Copy of the Indictment for Conspiracy against the said William Wilson Roger Wanne Thomas Gurnell Dun Mathew and Curran Said and also a Copy of the decision of the Court as to the printing of the Indictment—

Ordered Accordingly—

John Kenworthy Esquire on being appointed a Justice of the Peace takes the Oaths of Allegiance and of Office

The following Indictment is then delivered to the Grand Jury

The King against Swanny otherwise called Ringapun and Condapan for Felony—and the Witnesses Sworn thereon before Mr John Wallace one of the Gentlemen of the Grand Jury—

Timothy Grady is then put to the Bar and Arraigned as follows

Clerk of the Peace — You stand Indicted by the name of Timothy Grady late of Pondicherry within the Jurisdiction of this Court a Private Soldier in the third 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 Prisoner — your Eyes but being moved and seduced by the Instigation of the devil on the ninth day of Clerk of the Peace — September in the thirty fourth Year of the Reign of our Sovereign Lord George the third Prisoner — King of Great Britain France and Ireland defender of the Faith and so forth with force Clerk of the Peace — and Arms at Madras aforesaid within the Jurisdiction aforesaid in and upon one Certain Person whose name is unknown 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 Timothy Grady a Certain Gun or Musket of the value of ten Shillings then and there loaded and charged with Gun Powder and one leaden Bullet which Gun or Musket you the said Timothy Grady in your right hand of the value of ten Shillings then and there held and held to against and upon the said unknown person then and there feloniously Wilfully and of your Malice aforethought did shoot and discharge and that you the said Timothy Grady

out of the Gun or Musket aforesaid then and there by force of the Gun Powder shot discharged and sent forth as aforesaid the aforesaid person unknown in and upon the right side of him the said person unknown then and there with the leaden Bullet aforesaid out of the Gun or Musket aforesaid by you the said Timothy Grady 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 as aforesaid shot discharged and sent forth out of the Gun or Musket aforesaid by you the said Timothy Grady in and upon the right side and through the Body 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 then and there Instantly died, and so you the said Timothy Grady the said person unknown 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 Timothy Grady 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 then offers the following affidavit—

The King
against
Timothy Grady for Felony and Murder

Before the Court of Sessions of Oyer and Terminer and Lord the King Delivery for the Town of Madras aforesaid and the

The Affidavit of the above named Timothy Grady the Prisoner — Guilty of this Felony and

and Saith that Andrew Rice of the fourth Company of the third Battation 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 James Mickey of the Same Company and of the Battation aforesaid Patrick Shuttle of the first Company of the third Battation of European Infantry aforesaid in the Service aforesaid James Rochford of the sixth Company of the Same Battation and Service aforesaid, William Hamilton of the fifth Company of the Battation aforesaid and Daniel Mc Cracken of the third Company of the Battation aforesaid are very material witnesses on the part of this deponent and without the Benefit of their Testimony he cannot with Safety proceed to trial—

Sworn to in Court this
28th January 1795

The mark of
X
Timothy Grady

Robert Williams
Clerk of the Peace

to which he being Sworn and the Same hearing been read the Court is pleased to postpone his trial to the next Sessions—

The Court then Proceeds to the Trial of Goonen, ninen, Latchmanan Chinen, and Coopen For Grand Larceny—

The Prisoners are accordingly sent to the Bar and arraigned as follows—

Clerk of the Peace: Goonen, ninen, Latchmanan, Chinen and Coopen hold up your Right hands—

You Stand Indicted by the names of Goonen late of Madras within the Jurisdiction of this Court Inhabitant ninen late of the Same Latchmanan late of the Same Coopen late of the Same and Chinen late of Monnavoor within the Jurisdiction aforesd for that you together with one Kistnan late of Madras within the Jurisdiction aforesd on the night of the twentieth 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 defr. and Jurors with force and Arms at Madras aforesaid within the Jurisdiction aforesaid in the aforesaid one Prison containing one hundred and Eighty pieces of Gold Coin of Portugal and Lawful Coin of Madras called Pagodas of the Value of Seventy pounds Sterling and of Silver and one Gold chavey or hand Joys of the value of Eight Pounds Sterling and Gold Beads or hand Joys of the value of Eight Pounds, one Gold Pattaudy Money or Neck Joys of the value of three Pounds and four Shillings, one Gold Mattychoolly or Joy for the forehead of the value of two Pounds, one Gold Jadabelly or head Joy of the value of two Pounds and Eight Shillings one pair of Gold Jumickay or Ear Joys of the value of one Pound and four Shillings one Gold Doolladay money or neck Joys of the value of two Pounds and eight Shillings, one Gold nose Joy of the value of one Pound and four Shillings one Small Gold nose Joy of the value of Eight Shillings, two Gold Bottoo or neck Joys of the Value of Eight Shillings, one Gold Bead of the value of Sixteen Shillings, one pair of Gold Cadoocheum or Ear Joys of the value of one Pound and four Shillings one Gold Bottoo Moondally of the value of four Shillings one Gold Poochely Coodoo of the value of one Pound and four Shillings, one Small Gold Poochahy of the value of eight Shillings one pair of Gold Coppoo and Cheain Ear Joys of the value of two Pounds and eight Shillings one pair of Gold Moorvoyo set with Rubies of the value of four Pounds of the value of Eight Shillings, one pair of Gold Nagaradeum or Ear Joys of the value of two Pounds one pair of Gold Poocady set with Stone of the value of one Pound, one Pair of Silver Padaseum or leg Joy of the value of four Pounds one pair of Silver Tunday or leg Joys of the value of two Pounds and Eight Shillings, one pair of Silver Padachavam or leg Joys of the value of three Pounds and four Shillings one pair of Silver Baujebundoo or arm Joys of the value of two Pounds and Eight Shillings one pair of Silver Cunganum or hand Joys of the value of Sixteen Shillings one blue Striped Surman's Cloth of the value of three Pounds and four Shillings one Gorah Shargay of the value of three Pounds and four Shillings, one Silk Cloth of the value of two Pounds and Sixteen Shillings, one Silk Red Cloth of the value of two Pounds, one Silk Green Cloth of the value of one Pound and twelve Shillings one Petticoat of Coottony of the value of one Pound and eight Shillings one Gold laced Cholay of the value of Sixteen Shillings one Cambrick Cholay of the value of Sixteen Shillings One Coottony Petticoat of the value of Eight Shillings, two Yards of Lace of the value of Eight Shillings, two Yards of Dorias Gown of the Value of two Shillings, five Ribbons of the value of Eight Shillings and three Childrens Ribbon Baskets of the value of Eight Shillings Chattels and monies of one Antee otherwise

Clerk of the Peace: Prisoners hold up your Right hands—

You Stand Indicted by the names of Goonen late of Madras within the Jurisdiction of this Court Inhabitant ninen late of the Same Latchmanan late of the Same Coopen late of the Same and Chinen late of Monnavoor within the Jurisdiction aforesaid for that you together with one Kistnan late of Madras within the Jurisdiction aforesaid on the night of the twentieth 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 defr. and Jurors with force and Arms at Madras aforesaid within the Jurisdiction aforesaid in the aforesaid one Prison containing one hundred and Eighty pieces of Gold Coin of Portugal and Lawful Coin of Madras called Pagodas of the Value of Seventy pounds Sterling and of Silver and one Gold chavey or hand Joys of the value of Eight Pounds Sterling and Gold Beads or hand Joys of the value of Eight Pounds, one Gold Pattaudy Money or Neck Joys of the value of three Pounds and four Shillings, one Gold Mattychoolly or Joy for the forehead of the value of two Pounds, one Gold Jadabelly or head Joy of the value of two Pounds and Eight Shillings one pair of Gold Jumickay or Ear Joys of the value of one Pound and four Shillings one Gold Doolladay money or neck Joys of the value of two Pounds and eight Shillings, one Gold nose Joy of the value of one Pound and four Shillings one Small Gold nose Joy of the value of Eight Shillings, two Gold Bottoo or neck Joys of the Value of Eight Shillings, one Gold Bead of the value of Sixteen Shillings, one pair of Gold Cadoocheum or Ear Joys of the value of one Pound and four Shillings one Gold Bottoo Moondally of the value of four Shillings one Gold Poochely Coodoo of the value of one Pound and four Shillings, one Small Gold Poochahy of the value of eight Shillings one pair of Gold Coppoo and Cheain Ear Joys of the value of two Pounds and eight Shillings one pair of Gold Moorvoyo set with Rubies of the value of four Pounds of the value of Eight Shillings, one pair of Gold Nagaradeum or Ear Joys of the value of two Pounds one pair of Gold Poocady set with Stone of the value of one Pound, one Pair of Silver Padaseum or leg Joy of the value of four Pounds one pair of Silver Tunday or leg Joys of the value of two Pounds and Eight Shillings, one pair of Silver Padachavam or leg Joys of the value of three Pounds and four Shillings one pair of Silver Baujebundoo or arm Joys of the value of two Pounds and Eight Shillings one pair of Silver Cunganum or hand Joys of the value of Sixteen Shillings one blue Striped Surman's Cloth of the value of three Pounds and four Shillings one Gorah Shargay of the value of three Pounds and four Shillings, one Silk Cloth of the value of two Pounds and Sixteen Shillings, one Silk Red Cloth of the value of two Pounds, one Silk Green Cloth of the value of one Pound and twelve Shillings one Petticoat of Coottony of the value of one Pound and eight Shillings one Gold laced Cholay of the value of Sixteen Shillings one Cambrick Cholay of the value of Sixteen Shillings One Coottony Petticoat of the value of Eight Shillings, two Yards of Lace of the value of Eight Shillings, two Yards of Dorias Gown of the Value of two Shillings, five Ribbons of the value of Eight Shillings and three Childrens Ribbon Baskets of the value of Eight Shillings Chattels and monies of one Antee otherwise

Prisoners

found them and them feloniously did steal take and carry away against the Peace
of Our said Lord the King His Crown and Dignity—

Clerk of the Peace — Now say you Gomun, Nimin, Lattimanan, Chimin and Cooper are you Guilty of the
Grand Larceny whereof you stand Indicted or not Guilty—

Gomun — Not Guilty
Nimin — Not Guilty
Lattimanan — Not Guilty
Chimin — Not Guilty
Cooper — 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 been informed of their Privilidge desire a Jury of Europeans—

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—

Mr. Peter Massey Cafsin Foreman

William John Chater — Thomas Hurst
Thomas Fraser — Charles Hely
Edward Jones — Richard Ashton
Andrew Burchet Bone — Alexander Stewart
Joseph Sykes — Edward Bent
and Daniel Reid

Clerk of the Peace — Gentlemen of the Jury look upon the Prisoners and hearken unto your Charge you shall Know that they stand Indicted by the names of Gomun Lattimanan, Chimin and Cooper (here the Indictment is read as in Page 1st and 2nd) upon this Indictment they have been arraigned and they have severally and each of them pleaded thereunto Not Guilty and for their Trial have put themselves upon God and their Country which Jury you are—your Charge therefore is to enquire whether they or any of them are Guilty of the Felony and Burglary whereof they stand Indicted or not Guilty and hear your Evidence—

Antee otherwise called Hannah Sworn—on the part of the Crown—

Question — do you recollect to have lost any money and Goods and Clothes and other various articles and how long ago

Answer — Yes about two months ago from the Hospital, one morning I went to the Room where I was accustomed to Keep my things and found that several Articles of value belonging to me were taken away—I don't Exactly now recollect what they were—

Question — would you Know them if you were to see them

Answer — Yes

Here two Bundles of things which were sealed up by the Sheriff are shewn to her and she is asked if she Knows them or any and which of them to be her property and she declares them all to be her Property—

She is then desired to say by what marks she knows them

Answer — I Know the Sadabelly by some Red wax that is upon it and can swear to all the Clothes being my property and the Padachanume and the rest of the Joys now produced I Know to be my own I was in the habit of wearing them and am therefore certain as to their being my own (and on trying some of the Joys on her arms they are found to fit her) I do not Know particularly how they were taken away—

Question — do you Know the Prisoners or any of them—

Answer — I Know only Gomun he is a Gardiner at the Hospital—

Question — Is the place where your things were Kept at or near the Hospital—

Answer — within the Hospital Wall and opposite to Doctor Bailey's who also live within the Hospital Compound—

Question — Have you any Reason to suppose that Gomun had any thing to do in and aiding those things—

Answer — none

The Prisoners not having any Questions to ask the Witness—the Witness is then ordered to withdraw—

Kistnamah naig — Look upon the prisoners and say if you Know

Prisoners — Lord the King

Answer — I Know them all —

Question — do you Know any thing of a Robbery committed by any of the Prisoners at the Bar —

Answer — I did not see the Prisoners commit any Robbery —

Question — do you recollect having heard of any Robbery having been committed at the Hospital —

Answer — Yes in November Last —

Question — did you hear who had Committed the Robbery

Answer — I am a Paliar, and was desired by the Polgar to go and find out who had Committed the Robbery —

(Here the Grand Jury come into Court and Answer unto their names and deliver in the following Indictments

The King against Chonnachelluna For Felony — Endorsed Ignoramus

The King against Saurny otherwise called Rungapen and Condapeah Endorsed a true Bill, and also deliver in the following Present=ment —

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 accruing to the Place by the Gracious Dispensa of the Royal Charter as it has pleased with it the Laws of England are prescribed the proper methods Juries and have those Laws into Execution in the

Clerk of

Do Present that it has come to our Knowledge Perjury and ment, Evidence on the Indictment Given in charge to the Jurors have been Guilty at Sessions endorsed The King against Chonnacha" unanimously and the 28th day of the present months depose upon Oa

touching the Indictment aforesaid before Thomas Lewis Esqr one of his Majesty's Justices of the Peace which said Circumstances so deposed as aforesaid, having been particularly Explained by the Jurors aforesaid to the aforesaid Morteo he the aforesaid Morteo has upon his Oath declared to the Jurors aforesaid that the Circumstances so set forth as aforesaid are false, and that he was induced to make the Deposition before his Majesty's Justices of the Peace as aforesaid upon the Influence of Fear — And the Jurors aforesaid upon their Oath aforesaid deposeth that it appears to them that the said Morteo has been guilty of Perjury against the form of the Statute in that Case provided and against the Peace of our Sovereign Lord the King His Crown and Dignity —

Robert Gardiner Fox
Wm. Skardon
Jos. DeBee Porcher
R. Dashwood
George Barry
Cecil Smith
John Jervis
Edwd. Holland
Geo Coleman
Wm. Hesp Gordon
J Wallace Junr.
John McDonall
Richard Chase
Richd. Yeldham
R Abbott

Town Hall of Madraspatnam 28th January 1795

which being Read Morteo is Ordered into the Custody of the Sheriff — by Order and of Court —

and Chonnachelluna is brought to the Bar and Arraigned for Felony against Our Lord the King

Court and discharged by Proclamation)

in Consequence I and three more Peons went in quest Committed the Robbery and found Goonen one of the guilty of the Felony and Masanoor in Company with several others of them both, whereupon the Village people ca

Prisoner

told the Village People that the Prisoners Goonen and Ninen had committed a Robbery and pointed out two womens Cloths that were found upon Goonen and Ninen—

Question— could you Know the Cloths again

Answer— Yes—(he points Out the two Cloths, the whole having been Shewn to him)

Question— did you find any thing else upon Goonen and Ninen—

Answer— and at that time, afterwards the Village People Interrogated Goonen and ninen and ninen brought to them an Earthen Pot containing Joys and money (which on being Shewn to him he knows the Joys are the same that were produced by Ninen) the village People then made a list of the Articles and delivered it to me—

Question— do you Know that the other Prisoners at the Bar had any thing to do in the Robbery—

Answer— the two Prisoners Goonen and Ninen at that time Confessed to me that they were two of the Robbers and then brought one of the other Prisoners named Chinen and declared he was Concerned with them and afterwards at madras pointed out the Other two Prisoners by name Lattumanan and Cooppen and said they were also concerned & Paid the other Palaiers delivered the Articles so found together with the list of them to the Poligar who sent them to the Fort—

Question— was any of the Stolen Property found on Chinen at the time he was brought to the Paliars by Goonen and Ninin at Mannavoor—

Answer— NO

Question— Was any of the Property found on Lattumanan and Cooppen when Seized at Madras—

Answer— two Cloths (pointing them Out)

Question— On which of them were the Cloths found—

Answer— one on each (describing particularly which of the Cloths were found on each)—

The Prisoners not having any questions to put to the Witness he retires

Condaloo is next Sworn on the Part of the Crown—

Question— do you Know any thing of a Robbery committed at the Hospital some time ago

Answer— Yes, my Master the Poligar Pedda Nayik was directed by the Justices of the Peace to enquire into the theft committed at the Hospital in consequence the Poligar directed me, and the Paliars to go in quest of the thieves I and the Other Paliars went to the Village and enquiring where Goonen the Gardener used at that time, and understood he had been absent for some days, and therefore suspected him, and Ninen, and Chinen, to be concerned in the Robbery accordingly we apprehended them and brought them to the Poligar who sent them to the Fort—

Goonen and ninen in a Village called Mannoor Puchavy about twelve at night upon whom were found a Red Cloth, those two pointed out Chinen as a third person still Justices were apprehended, the Village People came and enquired why we had apprehended Goonen, Ninen and chinen, to whichwe answered that they had Committed a Robbery at the Hospital— the Village People and a Vakeel of Bowcarays put some questions to the prisoners Goonen Ninen and chinen— thereupon Ninen one of the Prisoners brought an Earthen Pot containing some Joys (which he declares to be the same now produced) whereupon the village People made a List of the Articles found upon the Prisoners Goonen ninen and Chinen and delivered them together with the said Prisoners to our charge, we then came away with them to Madras when the said three Prisoners pointed out two others by name Lattumanan and Cooppen upon Cooppen was found a Petticoat and another womens Cloth in the hands of Lattumanan (he then points them out and describes particularly which of the Cloths were found on each of the Prisoners Lattumanan and Cooppen)—

Question— Was any of the property found upon Chinen—

Answer— Yes one Cloth (pointing it Out)—

Question— when you was desired to go in quest of the Persons who had committed the Robbery what induced you to suspect Goonen one of the Prisoners—

Answer— Because Goonen who was one of the Gardeners at the Hospital was at that time absent from his Duty—

Question— was Chinen apprehended at the same time with ninen and Goonen—

Answer— Chinen was in a Separate House the other two were together—

The Prisoners not having any questions to put to the Witness he retires

And **Sawmy** is next Sworn on the part of the Crown—

Question— do you Know the Prisoners, and by name

Answer— Yes

Question— was you ever Employed in Conjunctions with Other Peons to apprehend any of the Prisoners

Answer— Yes, I with Others apprehended three of the Prisoners at Mannavoor namely Goonen and Ninin and Chinen for a Robbery they had Committed—

Question— look upon the Joys and Cloths and say if any and which of them is the property of any and which of the Prisoners—

Answer— all the Joys and two Cloths were found in the House of Goonen and Ninen—Chinen was apprehended in a Separate House—

Question— Were any and which of the Articles found in the possession of the Prisoners—

Answer— Only one Cloth (pointing it out)—

The Prosecution is then Closed—

And

The Prisoners not having any Witnesses to produce are desired to say any thing they may have to urge on their behalf accordingly Chinien proceeds to make the following Defence—

Prisoner Chinien's Defence—

I bought the Cloth which the Witnesses have deposed was found upon me, for two Pagodas from Ninen one of the Prisoners and when Ninen was apprehended by the Saliers he pointed me Out as the Person who had bought the Cloth from him, but the Saliers seized me and took me along with the other Prisoners—

Condaloo, recalled—

Question — at the time ninen was apprehended by you and others, and when he went to point out Chinien did he (ninen) say that Chinien had bought a Cloth from him (Ninen) for two Pagodas —

Answer — I do not Recollect—

Question — did ninen point out Chinien as one of the Robbers or only as a purchaser of the Goods—

Answer — Gomen and Ninen told me that Chinien was one of the Theives—

Condaloo retires and Kistnumals Naig is recalled and the same Question is put to him as to Condaloo—

Answer — Gomen mentioned to me that Chinien was one of the Parties with the other Prisoners—

He then retires—

Coopen's Defence—

I am a Seller of Arrack I had no Concern in any Robbery and all I know is that Lattimanan was indebted to me twenty eight fanams and before he discharged his debt he came me and desired one bottle of Arrack which I refused unless he would pay me what he owed me in Consequence of which Lattimanan pledged to me the Cloth which has been proved to have been found on me, I was afterwards seized by the Saliers, and the truth of this Declaration will be proved by Lattimanan—

Ninen's Defence

I am Inhabitant and Vettian of Mannavoor and came to Madras to report the Death of a Woman at Mannavoor and being acquainted with the Prisoner Lattimanan I went to him who in Company with me Gomen and Kistnan went to Coopen Arrack Seller and we were drinking together when one Kistnan who had stolen goods things and desired me and Gomen to carry those things to the Village where, we came and apprehended me and Gomen at my house those things demanded the same which had been stolen by Kistnan which I delivered over to them—

Gomen's Defence—

I wish to say the same as Ninen for that what he

Lattimanan's Defence—

that I pledged the Cloth to Coopen and the Cloth that

was given to me by Kistnan who has run away—

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 to their names—

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

Jury — Yes

Clerk of the Peace — who shall say for you

Jury — Our Foreman—

Clerk of the Peace — How say you are Gomen, Ninen, Lattimanan, Chinien and Coopen Guilty of the Grand Larceny whereof they stand Indicted or not Guilty—

Foreman — 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 Gomen Ninen Lattimanan Chinien and Coopen are Guilty of the Grand Larceny whereof they stand Indicted and do you say all—

Jury — Yes

The Foreman Observes that he has it in charge from his Brethren to recommend Coopen to the Clemency of the Bench —

The Court is then adjourned till tomorrow the twenty ninth Instant at nine O'Clock in the forenoon for Continuing the Present Sessions ——

W Mahaney Clerk of the Peace

and

a malicious

Lord the King

guilty of the Felony and

Prisoner

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At an Adjourned Court of General Quarter 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 twenty ninth day of January one Thousand seven Hundred and Ninty five —

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 Justices assigned to Keep the Peace as also Commissioners of Oyer and Terminir and General Goal Delivery for the Town of Madraspatnam Garrison of Fort Saint George and its Dependencies —

And

Thomas Leavin Esquire one of the 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 duely authorized by the Governor in Council so to do —

The Court being duly Opened proceeds to the Trial of Sawny otherwise called Rungapen and Condapan for Felony —

The Prisoners are thereupon put to the Bar and arraign-ed as follows —

Clark of the Peace — Sawny otherwise called Rungapen and Condapan hold up your Right Hand

You stand Indicted by the names of Sawny otherwise called Rungapen late of Madras and within the Jurisdiction of this Court Inhabitant and Condapan late of the Same for that you on the eighteenth day of January in the thirty fifth Year of the Reign of our Sovereign Lord George the Third King of Great Britain France and Ireland defender of the Faith and Soforth the Hour of twelve in the night of the same day with Force and Arms in the within the Jurisdiction aforesaid, one Round Mahogany Card Table of the Value of two Pounds, three printed Books being the Second fifth and Seventh Volumes of a Certain Publication entitled the Encyclopaedia Britannica and two Pounds one Small Black writing Box of the value of eight Shillings, three Green Cloths being Covers for three Mahogany Tables of the value of one Pound and four Shillings and two Portrait Pictures of Children drawn in Crayons and set in Small oval Gilt Frames with an Inscription on the Back of each Picture of the value of two Pounds of the goods and Chattels of one Joseph Greenhill in the Dwelling House of him the said Joseph Greenhill there and there being found there and then feloniously did Steal take and carry away against the Peace of our said Lord the King his Crown and Dignity

1st Jurors

2nd Jurors

Globe Lamps of the value of eight Pounds, one Chintz

Clerk of the Peace — How say you are you Guilty of the Felony whereof you Stand Indicted — not Guilty

Sawny otherwise called Rungapen — Not Guilty

Condapan — 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 they might Object to any of them as they came to the Book to be Sworn and before they were Sworn —

Hugh Jones	Foreman —
James Sutherland	Nayaroo Bauley Chitty
Joseph Sykes	Nagary Madavah Chitty
Marcus Armstrong	Mambalam Sawmy Nauk
James Munro	Paraloor Iyah Moodelly
John Stewart —	Madapawkum Vindaraya Moodelly

Maliampawkum Yagapah Chitty —

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 Sawny otherwise called Rungapen late of Madras and within the Jurisdiction of this Court Inhabitant and Condapan late of the Same (here the Indictment is read as in the Arraign-ment) upon this Indictment they have been arraigned and thereunto have and 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 and the King are Guilty of the Felony whereof they Stand Indicted or not Guilty

Then Guilty you are to enquire what goods and Chattels the Prisoners had at the time of the Felony Committed or at any not Guilty you are to enquire if they fled for it

Prisoners

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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 for it, you are to say so and no more, and hear your Evidence—

Joseph Greenhill Sworn on the part of the Crown

Question— Have you lately lost any things from your House at Cognore—

Answer— Yes

Question— Have you any Knowledge how they were taken away—

Answer— I conceive they were taken away through the Windows, the doors of the Hall having been locked and bolted—I suppose they must have been taken away on the night of Sunday the Eighteenth, or early in the morning of Monday when I missed them—

Question— what things have you lost—

Answer— One Europe Mahogany Card Table two large Globe lamps with silver plated Chains, the third fifth and ninth Volumes of the Encyclopedia Britannica with sundry other Books a Black writing Box or Inkstand a striped Chintz Couch Cover and two Pillows with Chintz Covers of the same pattern—three Green Cloths being the Covers of Dining Tables and three portrait Pictures of three Children drawn in Crayons set in small Oval Gilt Frames with an Inscription on the back of each Picture—

Question— Have you ever Recovered any of your Property back since you lost them—

Answer— the whole except two Green Cloths and a few other Trifling Articles

Question— By what means were they restored to you—

Answer— on the Evening of Saturday the twenty fourth Instant about seven or half past seven Oclock I received a note from Mr John Batley by his Servant Jaunapah in charge of one of the Prisoners whose name I have since learnt to be Condapah Jaunapah brought with him the two Pictures the Card Table and the writing Box I immediately Ordered the Prisoner to be secured he had previously made his Escape but was retaken on my alarming the neighbourhood—I then Replied to Mr Batley's note and said I would wait upon him the next morning being Sunday; for before I had finished my note to Mr Batley I received another note from Mr Batley's another Servant of his, who had in charge the Other Prisoner whom, from information I have since Learnt was Jaunny alias Rungapah—

Having secured both the Prisoners I gave Orders that the Constables should have Servants to get my Bandy Ready that I might See them both safely lodged in the main Guard for that night—while the Housekeepers were getting the Bandy Ready I ordered my Boy and Mr Batley's Servant Jaunapah to search the Prisoners for Property and Arms which must have been taken at the time to ask the Prisoner Condapah where he had put the Globe

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and Pictures to which he made no Reply—I then Ordered them to question the other Prisoner Jaunny alias Rungapah, who from being in a State of intoxication confessed part of the Robbery, on asking him how he got into the Hall he replied through the Window, that four People had previously surveyed the House and from being many entitles in the Hall had determined to rob it that evening and accordingly came to the number about twelve Oclock at night—on his being Questioned by Mr Hawdon's Boy named Etien why he did not take all three of the Lamps—he replied he had loaded six People and could take away no more that night previous to my getting into the Bandy to go to the Fort I put another Question to the Prisoner Condapah asking where he had carried the Lamps and the Books to which he replied if I went to his house at Triplicane I should there find them—I then conveyed the Prisoners to the Fort and Lodged them in the main Guard and on Sunday Morning the twenty fifth I went to Mr Batleys House at Triplicane and acquainted him that the Prisoner Condapah told me if I sent my Servant with his (Batleys) who knew the house they would there find my Lamps and Books, Mr Batley gave Orders to his Servant Jaunapah to send my Coachman the house—On coming to the house they found every thing the People who had before occupied it had absconded—the doors were then opened and they entered the house, but could discover nothing but a few Shatties and Gunny Bags—the Coachman on Stroking the Terrace of the House with his Whip heard a Jingling as of Chains which he conceived to be those of my Lamps and on pulling down part of the false Terrace he there found the two Globe Lamps and the Books secreted in one Corner and brought them to me at Mr Batleys—

Question— Examine those things—

Answer— I cannot Swear positively as to the Lamps, but firmly believe them to be mine from having a third of the same number but the two Pictures the three Volumes of the Encyclopedia Britannica and the Inkstand I can Swear Positively to be my property and I have also every Reason to believe the Card Table to be my property from the Circumstance of having the fellow to it—

Question— by the Bench—was you present when Jaunny (whom you say was in a State of Intoxication at the time) made the Confession of part of the Robbery you related

Answer— I was

Question— did you question either of the two Prisoners Regarding the rest and assisted them—and what Answer did they give—

Answer— the Prisoner Jaunny said they were six in number, the City of Madras Jaunny said Salair had shown the thieves the way

Prisoner

They entered to Rob the house —

Question — you have said that Condapah on being first Interrogated refused to answer and you have also said that he afterwards acknowledged that the Books and Lamps would be found in his house at Triplicane — how do you account for this subsequent disclosure of Condapah —

Answer — I account for it by the Question having been put to him which he answered and I suppose this disclosure might have been occasioned by hearing something already discovered to much —

Question — by the Prisoner Sammy otherwise called Rungapen — Are you Certain that I said in your Presence the Confession which you have stated to the Court —

Answer — I perfectly understood that he said four men had come to the house, and that he had entered it at night. the rest I learnt through our Interpreter —

John Batley Sworn —

Question — Examine those Articles now before you and declare if you have ever before seen them and how long since and where —

Answer — On Wednesday the twenty first Instant three men brought the Card Table the two Pictures and the Writing Box and offered them for sale I questioned them how they came by those things they told me they belonged to a Merchant of Bengal who had delivered those Articles to them to dispose of promising them something for their trouble I observed the Inscription on the back of the Pictures, and told them that there was a Gentleman's name upon the Pictures, they said it was but the Gentleman was gone to Europe and his Effects had been sold at Auction I thought it was true as I did not then know there was such a person as Mr. Greenhill in the Settlement. and I was told by my Servant Canapah and several other of my Servants that the Persons who had brought those things for sale were Persons of Family in Triplicane and had houses there on this I directed my Servant Canapah to purchase them which he accordingly did for nine Pagodas

(here the Gentlemen of the Grand Jury come into Court and return the Indictment the King against Mootoo Vallaumah for Felony Endorsed Ignoramus — and deliver to the Court a Petition which has been delivered to them and also return the Indictment the King against David Griffiths for Murder Endorsed a True Bill)

and so the Business ended for that time — On Saturday last the two Defendants I observed in the Madrass Gazette an Advertisement of a Robbery in the house where I lived (which had been Committed at Mr Greenhill's Garden house at Egmore, in particularly described the two Pictures wherein I concluded the Globe Lamps through not particularly specified. and when I came Home (which was after I had read the Gazette) my Servant Canapah

to Madrass and was not there returned but shortly afterwards Came and I ordered him to go with the rest of my Servants in search of the Persons who had sold the things to me he was accordingly going and met at the door the same one of the Prisoners namely Condapah coming with a Chaise in his Mouth he Called Condapah and entered him into my house, when I secured him in a room and sent my people in Pursuit of the other two men, I waited until Six o'Clock in the Evening or a little later, and neither of the other two being taken, I then wrote a letter to Mr Greenhill and sent Canapah with the man I had taken and the three Articles, and then I went to the Durbar to my business, I had been about half an hour there when a Servant told me another man was caught I wrote another Chit and Directed my Servant to take it with the other man to Mr Greenhills —

The two Prisoners at the Bar are the Persons I sent in Charge of my Servants to Mr Greenhill and are two of the three who brought the Articles to me for Sale — Mr Greenhill wrote me a note on the Arrival of the first man in which after thanking me he told me he would call upon me the next morning — He did so — and then he Informed me that the Prisoners at the Bar or one of them had Confessed the Robbery, and informed him that the Globe Lamps and the Books which he had lost were in one of their houses — and Mr Greenhill requested me to allow my Servants to accompany his Servant to the house of one of the Prisoners to search for those things; Several of my Servants I believe accompanied Mr Greenhills Servants, but I particularly directed Canapah To attend them, which he did with others and found the Globe Lamps and Books which they brought with them to my house to Mr Greenhill — Mr Greenhill said they were his own and sent them away with his own Servants except the Books which he took with him in his Chaise — when the Lamps were brought to Mr Greenhill at my house we were informed that the house in which they had been found was unoccupied and had been deserted —

The Prisoners on being asked if they have any Questions to ask and to the Witness reply in the Negative — the witness then retires — and

Syed Canapah is next Sworn —

Question — Have you ever before seen any of the Articles now pro-

Answer — On the twenty first Instant the two Pictures the Globe Lamps and Books were purchased by me and my Master from the Prisoners

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the Prisoners at the Bar are two. I paid the nine Pagodas and received the Custom - on Saturday Morn my Master Returned from the Durbar and told me that he had Observed in the news paper that the Pictures and other things had been stolen he therefore told me to go and find out the Persons as they are Inhabitants of Triplicane, on Coming out of my Master's House I met Cundapah and Carried him to the entrance of my Master's House - Cundapah was Secured by Order of my Master and I went with him to Mr. Greenhills and while I was there the other Prisoner was brought - Sawmy alias Rungapen was questioned and asked by desire of Mr Greenhill who it was had taken away his Globe Lamps Books and Couch Cover - Sawmy Alias Rungapen answered in Barrad them, he was further asked were those Articles then were, he answered the Globe Lamps the Books and Couch Cover are at Cundapahs house - Cundapah was asked and acknowledged that those things were at his house. Mr Greenhill afterwards told me that he would wait upon my Master the next morning and gave me a note to my Master - Mr Greenhill accordingly came next morning and I was then desired to go with Mr Greenhill's Coachman to Cundapah's House, Mr Greenhill's Coachman and Mr Greenhill's housekeeper went with my Master's Housekeeper who shewed us the way to Cundapah's House, we went there together - there were two small houses like huts one of the same belonged to Cundapah's Father in Law and the other to Cundapah - we visited my House of Cundapahs Father in Law and found nothing and then Excha Cundapahs House (in which Cundapahs Brother also lived he Cundapahs Servant was the third person who had brought the things for Sale and had run away) Mr Greenhill's Coachman entered the house first & then Mr Greenhill the Globe Lamps and the Books (now produced to him) were brought to my Masters house (Mr Bailey) and Mr Greenhill took the in this house by the Coolys —

had you any acquaintance with the Prisoners at the Bar prior to the Cundapahs Brother brought the Articles for Sale —

Knew them to be living at Triplicane and by that — Family, I only Know Sawmy's house, but I was not

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whose Cundapahs House was

Question — did Cundapah at the time of his Confession point out his House to be in the Situation in which the Housekeeper took you —

Answer — he did not particularly point it out I asked if any of my Masters Servants knew the House, the Housekeeper said he knew the House —

Question — by the Prisoner Cundapah — into whose hands were the nine Pagodas paid for those Articles

Answer — Into the Hands of Sawmy —

Question — did you see Sawmy give away the money into the hands of either of those Persons

Answer — I did not, but those three persons came again to me and demanded another Pagoda they having received only seven Pagodas in Gold and one in Fanams the first time - I then paid to Sawmy the other Pagoda —

Question — when you searched Cundapahs house did you find any other things besides those belonging to Mr Greenhill —

Answer — only some Guineas and Chattics and some Biscuits —

The Prosecution is Closed —

The Prisoners on being asked if they have any witnesses to call, they say they have ready - they are then asked if they have any evidence to prove how they came by the Articles they offered for Sale at Mr Bailey's, they say they have not —

and on being called upon, their Defence Cundapah proceeds to make his Defence as follows —

Cundapahs Defence —

As Taniapah said the Money was paid to Sawmy why was I accused One Pauapah Naig who is said to be my Brother but is not so, brought the Couch Table the two Curtains and the Writing Box to Cundapahs Chitty's Garden, the other Prisoner Rungapen went to Pauapah Naig who asked him if he could Sell the things for him, Sawmy alias Rungapen and Pauapah Naig Carried them and Sold them, and I accompanied them Rungapah received the money and gave it to Pauapah Naig and Rungapah gave eighteen Pagodas to the Durbash and Pauapah Naig gave Rungapah ten for his Trouble out of which Rungapah gave me four —

Sawmy alias Rungapen says he has no defence

The Petit Jury retire to Consider of their Verdict on the Prisoners and having been first Sworn to keep them and

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 Sawny alias Rungapun and Cundapah Guilty of the Felony whereof they Stand Indicted or not Guilty—

Foreman — Guilty—

Clerk of the Peace — what goods and Chattels Lands or tenements do you find they had at the Time of the Felony 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 Sawny alias Rungapun and Cundapah are guilty of the Felony whereof they stand Indicted and that they had no goods and Chattels Lands or Tenements at the time of the Felony so Committed or at any time since and so you say all—

Jury — Yes

The Prisoners are thereupon remanded into the Custody of the Sheriff—

an Indictment against David Griffiths for Felony and Murder having been delivered to the Grand Jury and the same having been this day found a true Bill, the Court proceeds to the Trial of the said—

David Griffiths —

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

Clerk of the Peace — David Griffiths hold up your Right Hand—

You Stand Indicted by the name of David Griffiths late of Saint Thomas's Mount within the Jurisdiction of this Court a Matross in the first Battalion of Artillary 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 David Griffiths not having the Fear of God before your Eyes but being moved and seduced by the Instigation of the Devil on the night of the Seventeenth day of December 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 soforths with force and arms at Saint Thomas's Mount aforesaid within the Jurisdiction aforesaid in and upon one Kamatchee 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 David Griffiths with a certain Stick of wood of the value of one Penny, which you the said David Griffiths then and there in your Right hand had and held the said Kamatchee in and upon the Head and neck of her the said Kamatchee then and there feloniously wilfully and of your Malice aforethought did strike and beat giving to the said Kamatchee then and there by the Striking and beating of you the said David Griffiths with the Stick aforesaid upon the Head and Neck of her the said Kamatchee in manner aforesaid several mortal bruises - And that you the said David after the said Several Mortal Bruises so as aforesaid given by you the said Griffiths upon the head and Neck of her the said Kamatchee to wit on the said night of the said Seventeenth day of December in the Year aforesaid did then and there bind and tie together the arms and Legs of her the said Kamatchee and that you the said David Griffiths did then and there cast and throw the said Kamatchee so bounden and tied as aforesaid into a certain Well of which said Several acts of violence the said Kamatchee on the night of the said Seventeenth day of December then and there died,—and so the Jurors for our Lord the King upon their oath aforesaid do say that you the said David Griffiths by the Several acts of Violence so as aforesaid by you done and Committed in manner and form aforesaid the said Kamatchee 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 David Griffiths are you Guilty of the Felony and whereof you stand Indicted 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 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—

Thomas Fraser Foreman

Andrew Burchet Bone — Hugh Jones
Thomas Hurst — James Sutherland
Richard Ashton — Marcus Armstrong
Edward Bent — George Bold
William John Chater — Alexander Steward—
Edward Jones—

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 David Griffiths late of Saint Thomas's Mount within the Jurisdiction of this Court as Matross in the first Battalion of Artillery in the service of the United Company of merchants of England trading to the East Indies under this 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 of 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 and that he did not fly for it you are to say so and no more and hear your Evidence—

James Brownley Corporal of the first Battalion of Artillery Sworn on the Part of the Crown—

Question. Do you Know any thing of a woman having been lately found dead in a Well at the Mount

Answer— I Know no thing of the Business any further than the Confession of the Prisoner at the Bar—

Question

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Question what was the Confession of the Prisoner at the Bar—

Answer— The Prisoner came into the Barracks at a late hour on the night of Saturday the third Instant and Stumbled against the Cot of John Ritfield a Matross in the same Company, Ritfield enquired who it was there the Prisoner answered "it is me" saying "you are happy man Ritfield I wish I was the same" "I have not been happy night or day since I threw the Woman into the Well nor ever shall be happy again" I supposed from his Speech that he was intoxicated at the time, I took no further notice of it till the next morning, the next morning between five and six O'Clock being the Prisoner drew himself for duty, and as I supposed sober I asked him what he meant by the Expressions he had made use of the night before about throwing a woman into a Well and warned him not to make use of such Speeches as it tended to Criminate himself and might endanger his life—he replied that he was really Guilty of the murder and that if I would attend to him he would relate the particulars and he then said "that on the night the murder was Committed that he was Drinking in the Pacharree with another man of the Battalion, that they wanted some more drams and had no more money to purchase any, they then went out of the House where they had been drinking determined to rob the first Person they met—in passing through the Moormans Bazar the Prisoner pulled a large Stick out of a faggot Bundle of wood they then proceeded down the high Road towards Colonel Geils's Garden—by Colonel Geils's Garden they met two native Women Griffiths Knocked one of the women down by a Blow on the head with the Stick, he then wanted to have Carnal Knowledge of her the woman made some Resistance, he then Repeated his Blows twice more over the head till the woman appeared to be Speechless, he then pulled off her cloth to Examine if there was any thing tied up in it but not finding any he swore he would throw her into the Well his Companion desired him not to do it, but he persisted, on which his Companion left him, he then dragged the woman from the place where he Knocked her down to the well tore her Cloth in two tied her hands under her Arms, threw her into the well and left her "that is all that he Confessed to me—the Prisoner was in Consequence conveyed to the main Guard and afterwards to a Separate Confinement in the Corjee House—

Question— by the Bench—did he appear to you perfectly Sober when he made this Confession to you on the Sunday Morning—

Answer— he appeared to be Sober—and on the next Day Monday he again said that he was the Man that was Guilty of the Murder and that he wished to die that day and desired me to acquaint Colonel Geils of it—

The Prisoner

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

John Pitfield Matross in the first Battalion of Artillery is Sworn on the part of the Crown—

Question — do you know any thing of a Woman having been Lately thrown into a Well at the Mount and by whom—

Answer — I have heard so — about the third of this month the Prisoner came into the Barracks about midnight and Stumbled against my Bed, he seemed to be in liquor at the time, I said who is there and he answered "me, David Griffiths," I then asked him what was the matter with him, he said he was very much troubled in his mind I asked him the Reason why he was troubled in his mind, he said ever since he had murdered the woman and thrown her into the well he could get no Rest, I told him he should mind what he said, that, that was a serious affair I then heard no more and went to Sleep—

Question — Did you ever hear him make any further Confession

Answer —

Question — have you related every thing that passed between you and Griffiths that night—

Answer — Yes—

The Prisoner on being asked if he had any Questions to put to the Witness and answering in the Negative—

Ramasawmy is then Sworn on the Part of the Crown—

Question — do you know any thing of a Woman having been found dead in a Well at the Mount—

Answer — two days after the late feast at the mount my master Lieutenant Hammonds Housekeeper came and called me and Carried me to a Well and Shewed me a dead woman in the well there was one or two persons more present I saw the woman taken out of the well she was naked and her hands and legs were bound and tied with a piece of Cloth and her belly was bound with a Small Rope and I discovered upon her neck some marks as if of nails, she had an Ear Ring on each Ear —

Question — were there any other marks of violence about her head and neck—

Answer — I did not see that

Question — were her legs and Arms tied together—

Answer — her legs and Arms were tied together by the same piece of Cloth though the Cloth

Cloth was torn it was half a piece of Cloth I do not know when the other half was—

Question — by the Jury — was the woman's hair tied up tight or was it hanging about loose—

Answer — her hair was plaited—

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

Mrs James Brownley is again called into Court—

Question — by the Jury — you have said that the Confession of the Prisoner was made to you on Sunday the fourth Instant — had you at any time before that day heard of a Woman being found dead in a Well—

Answer — I said, I cannot charge my memory particularly on what day it was. but it was several days before, and I think before Christmas—

Question — by the Bench — was the Confession on the part of the Prisoner quite voluntary —

Answer — it was quite Voluntary

Question — has the Prisoner ever shewn any Signs of Insanity.

Answer — not in the least—

Question — what is the Character of the Prisoner at the Bar—

Answer — I have known him near two Years he is much addicted to drink but I never knew any thing otherwise vicious in his disposition —

Bularow is then next Sworn on the part of the Crown—

Question — have you any Sister and what is her name—?

Answer — I had a Sister her name was Ramatchee the last time I saw her was at the mount feast, she was then alive and in two days after, I saw her body dead she had a wound on her breast and near to the place where I saw her there was a large stone, I suppose the wound which I saw on her breast had been inflicted by that Stone her hands and legs were Swelled, I heard from other People that when the Body was taken out of the Well her hands and legs were tied together—

Question — by the Jury — were there any other marks of Violence except those you have stated—

Answer — on her Neck and Breast and cheek there were marks of Violence—

Question — did you leave any body with your Sister when you last saw her at the mount—

Answer — I left my Brother with her—

Question — when was your Brother on the night of the day you last saw your Sister —

Answer — my Brother Slept in another Street at the mount—

Question — did you afterwards see your Brother on the night you left him in Charge of your Sister—

Answer

on the Indictment on which he had been Arraigned on the Twenty eighth of January

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Answer on that night I saw him

Question did your Brother give you any account of your Sister—

Answer I asked him where my Sister was and he answered that she said she would go and sleep in another Street—

Question do you Know that any Quarrel had happened between your Brother and Sister on that night or at any time previous—

Answer there was none on that night there might have been before—

Question do you Know of any particular Quarrel between them before that night—

Answer I do not Know of any enmity between them, there might have ban some family dispute

Question who was the First person that gave you information of your Sisters death—

Answer one Annamuntarow—my Relation—

The Prosecution being Closed, the Prisoner is asked if he has any witnesses to produce on his behalf and not having any one on whom he wishes to call he is then desired to say any thing he has to urge in his Defence—

Prisoner's Defence—

I am entirely innocent of the murder I am charged with, I told Corporal Brownley on the Sunday morning after he had told me [illegible] to be Cautious in making use of such expressions as he said I had done on the night before (but which I had no recollection of) that though I had done it what was it to him, Corporal Brownley's mentioning such a circumstance to me put me into a passion, which was the Cause of my speaking to him in the manner I did—

The Prisoner having closed his Defence the 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 Foreman—

Clerk of the Peace How say you Gentlemen is David Griffiths Guilty of the Felony and murder whereof he stands Indicted or not Guilty

Foreman Guilty

Clerk of the Peace Gentlemen of the Jury Hearken unto your Verdict as the Court hath Recorded it—you say that David Griffiths 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 Court is then adjourned till Saturday the thirty first Instant at nine O'Clock in the forenoon for Continuing the Present Sessions—

W Petrie Cl[illegible] [illegible] at [illegible]

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At an Adjourned Court

of General Quarter Sessions of the Peace Sessions of Oyer and Terminer and General Gaol Delivery holden at the Town Hall in Fort Saint George on Saturday the Thirty first day of January one Thousand Seven hundred and ninty four—

Before—

The Right Honorable Robert Hobart commonly called Lord Hobart

President and Governor of Fort Saint George

And

Edward Saunders and Ernst William Tallofield Esquires

Members of the Council thereof 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—

Thomas Lewin Esquire one of the 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 having been duly opened Sawmy otherwise called Rungapin and Condapah are then put to the Bar to receive Sentence—

Clerk of the Peace— Sawmy otherwise called Rungapin and Condapah hold up your hands—You Stand here Convicted of Felony what can you Say for yourselves why the Court should not proceed to give Judgment of Death against you as the Law directs—

The Chairman then passed Sentence on Sawmy otherwise called Rungapin and Condapah as follows—

You Sawmy otherwise called Rungapin, 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 Body is dead and the Lord have mercy on your Soul—

You Condapah, 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 Body is dead and the Lord have mercy on your Soul— The

The Prisoners were then taken from the Bar by the Sheriff—

William Harcourt Soriano Esquire having been appointed a Justice of the Peace takes the Oaths of Allegiance and of Office as prescribed by Order of Court—

David Griffiths is put to the Bar to receive Judgment—

Clerk of the Peace — David Griffiths 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—

David Griffiths not having any thing to offer in Arrest of Judgment—

The Chairman after a short address to the Prisoner on the Enormity of the Crime he had been found Guilty of and exhorting him to Repentance proceeds to pass Judgment 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—

David Griffiths — Altho' your Lordship has passed this dreadful Sentence of the Law upon me I most solemnly declare in the presence of Almighty God and before this Court that I am Innocent of the Murder I have been charged with —

The Prisoner is then taken from the Bar

Thomas Short is put to the Bar to receive Judgment—

Clerk of the Peace — Thomas Short hold up your hand you stand here Convicted of Felony and Murder what can you say for your-Self why the Court should not proceed to give Judgment of death 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 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 —

Thomas Short is then taken from the Bar—

Goonen, Menin, Chinnien, Latchmanan and Cooper are then put to the Bar to receive Sentence —

Clerk of the Peace — Goonen, menin, Chinnien, Latchmanan and Cooper hold up your Right 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 Law directs —

The Chairman then proceeded to pass Sentence as follows —

Goonen, Menin, Latchmanan, Chinnien and Cooper you have severally been found Guilty of Grand Larceny — but Cooper having been recommended to the

the Clemency of the Court by the Jury who tried you - the Judgment of the Court is — that you Cooper be burned in the hand in the face of this Court and be forthwith discharged - and that you Goonen, menin, Latchmanan and Chinnien and each of you shall be severally publickly whipped three times, and further that you and each of you be kept to hard labour on the Roads and public works for the term of two Years —

The Sentence was accordingly Executed on Cooper by the Gaoler in Open Court - and Cooper discharged by proclamation —

Goonen, Menin, Latchmanan and Chinnien were remanded into the Custody of the Sheriff —

Christopher Hewitson is called upon to renew his Bail and he then offers William Simpson and Narrain Branning as his Bail to appear at the next Sessions —

The Clerk of the Peace then takes their Recognizances —

Clerk of the Peace — Christopher Hewitson you acknowledge to owe to our Sovereign Lord the King the Sum of ten Pounds on Condition that you shall be and appear at this Court at the next General Quarter Sessions of the Peace to be holden for the Town of Madraspatnam and not depart the Court without Leave, are you Content —

Christopher Hewitson — Yes —

Clerk of the Peace — William Simpson and Narrain Branning you and each of you Acknowledge to owe to our Sovereign Lord the King the Sum of five Pounds —

Upon Condition that Christopher Hewitson shall be and appear at this Court at the next General Quarter Sessions of the Peace to be holden for the Town of Madraspatnam and not depart the Court without Leave, are you Content —

William Simpson — Yes

Narrain Branning — Yes

Christopher Hewitson is then delivered into the Custody of his Bail —

an Indictment the King against Mootoo for Perjury with the Presentment of the twenty Eighth Instant is delivered to the Grand Jury —

after a short time the Grand Jury come into Court and Answer unto their names and return the said Indictment: the King against Mootoo for perjury endorsed a true Bill, and also deliver in their 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 has connexed with it the Laws of England and provided the proper method for putting these Laws in Execution —

Do Present that Certain Regulations formerly Established under the Sanction of Government for conducting the police of this Town have from the want of proper attention fallen into disuse and that no other Regulations have been adopted in their stead notwithstanding the Presentments made by former Grand Juries on this Subject, and the Jurors aforesaid do present the continued high Price of Labor and provisions as extremely inconvenient and Burthensome to the Inhabitants and highly deserving the immediate attention of the Honorable Bench —

And the Jurors aforesaid do further present that it has fallen under the Observations of a former Grand Jury — and the said Grand Jury did accordingly present that the Town Hall or Session house of Madraspatnam hath from the want of timely and needful repair fallen into a State of Decay so as to excite apprehension for the safety of his Majesty's Subjects attending the Sessions of the said Town and the Jurors of our Lord the King do present the continued dangerous state of the said Town Hall or Session House as highly deserving the immediate attention of the Honorable Bench —

Town Hall of
Madraspatnam
31st. January 1795 —

John Mc Donall
Richard Chase
Richd. Yeldham
R. Abbott —

Robert Gardiner Foreman
Ths Skardon
Jos DuPre Porcher
Rl. Dashwood —
George Parry
Cecil Smith
John Jervis
Edwd. Holland
Geo: Coleman
Wm Hesse Gordon
J Wallace Junr.

the —

The Grand Jury are then asked whether they had any business to proceed upon and Answering in the negative, the Gentlemen of the Grand Jury are thanked for their Services and dismissed for this Sessions —

Mootoo is then put to the Bar and arraigned as follows —

Clerk of the Peace — Mootoo hold up your Right hand — You Stand Indicted by the name of Mootoo late of Madras Inhabitant for that formerly to Wit. on the twentieth day of January 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 at Madraspatnam aforesaid and within the Jurisdiction of this Court you the said Mootoo came before Thomas Lewin Esquire then and yet being one of his majestys Justices of the peace of our said Lord the King in and for the Town of Madraspatnam aforesaid and then and there did take your Corporal Oath and were Sworn according to the Customs of your Cast before the said Thomas Lewin he the said Thomas Lewin then and there having sufficient and competent power and Authority to administer the said Oath to you the said Mootoo — and that you the said Mootoo not having the Fear of God before your eyes but being moved and seduced by the Instigation of the devil then and there before the said Thomas Lewin upon your Oath aforesaid falsely and maliciously, wickedly, wilfully, and corruptly did say, depose Swear, and make Information — (amongst other things) in Substance and to the effect following that is to say — That on Friday the Sixteenth Instant (meaning the Sixteenth day of the said Month of January in the said thirty fifth Year of the Reign of our said Sovereign Lord the King) being the day when the things of your Master (meaning one George Chalmers whose Servant you the said Mootoo then was) were removed to another house by the said Mootoo by the direction of one Chinnachellum the Boy of the said George Chalmers did take off the Padlock from a Trunk of the Value of upwards of Pagodas of the said George Chalmers) was found (among the said Padlock to the Old house deposited, and did take (meaning the house wherein the

Attorney for the Prosecution is ready
on the Indictment on which

the things of your Master the said George Chalmer had been Removed as afore said) and that you the said Mootoo between the hours of Seven and eight of the Evening of the same day cleaned the China Ware and Silver Plate and belonging to your said Master the said George Chalmer and after having cleaned them as aforesaid you the said Mootoo put them into the Chest (meaning the Chest from which the Padlock had been taken and removed as aforesaid) leaving a Certain Silver Tea Kettle or Urn a Coffee Pot and four Candlesticks uppermost and covering the whole with a Table Cloth. That the said Butler (meaning the said Chunnachellum) ordered you the said Mootoo to Sleep near the Chest (meaning the said Chest from which the Padlock had been taken and removed as aforesaid, and in which you the said Mootoo had put and deposited the said China Ware and Silver Plate which you had so cleaned as aforesaid) and that you the said Mootoo did accordingly Sleep near the said Chest - that about one O'Clock in the morning being Saturday (meaning about the hour of one in the night of Friday the said Sixteenth day of the said month of January in the said thirty fifth Year of the Reign of Our Sovereign Lord George the third aforesaid) the Butler (meaning the said Chunnachellum) came there (meaning to the Place where the said Chest was) and Carried away the Tea Kettle, Coffee Pot four Candlesticks and one Silver Salt Cellar (meaning the said Tea Kettle or Urn the said Coffee Pot and the said four Candlesticks and a Certain Salt-cellar which you the said Mootoo had as aforesaid cleaned and put into the Chest aforesaid) and that you the said Mootoo was at that time lying close to the Chest (meaning the Chest aforesaid) and being awakened by the noise of a Cat feeding upon some scraps of mutton you the said Mootoo perceived the Butler (meaning the said Chunnachellum) - and that you the said Mootoo then asked who is there that the Butler (meaning the said Chunnachellum) answered it is only me and then Opened the Chest (meaning the Chest aforesaid) - that you the said Mootoo asked him (meaning the said Chunnachellum) what he (meaning the said Chunnachellum) meant by carrying away the things (meaning the Tea Kettle the Coffee Pot the four Candlesticks and Salt cellar aforesaid) adding that it would come to the Knowledge of your master (meaning the said George Chalmer) that the Butler (meaning the said Chunnachellum) replied dont trouble yourself (meaning you the said Mootoo) about it, say nothing about it, and I (meaning the said Chunnachellum) will take Care of you (meaning you the said Mootoo) that he (meaning the said Chunnachellum) desired you the said Mootoo to say to your master (meaning the said George Chalmer) if enquiry should be made this

you the said Mootoo knew nothing about it - That the Butler (meaning the said Chunnachellum) then gathered up the things (meaning the Tea Kettle the Coffee Pot the four Candlesticks and Salt cellar aforesaid) in his hand (meaning the hand of him the said Chunnachellum) and went away leaving the Lid or Top of the Chest (meaning the Chest aforesaid) open and when he (meaning the said Chunnachellum) went away he (meaning the said Chunnachellum) told you the said Mootoo to shut it (meaning the Chest aforesaid) which you the said Mootoo did, that Soon after you the said Mootoo went and told the Ayah (meaning a certain woman servant) who was also in the House of what had happened, and went with the Ayah (meaning the woman servant aforesaid) to your Master (meaning the said George Chalmer) to acquaint him (meaning the said George Chalmer) with it - that you the said Mootoo informed the Ayah (meaning the woman servant aforesaid) that a Thief had come there (meaning the place you the said Mootoo was then lying) and pushed you the said Mootoo off the Chest (meaning the Chest aforesaid) and stolen away the Plate (meaning the Tea Kettle Coffee Pot four Candlesticks and Salt-Cellar aforesaid) you the said Mootoo having been directed by the Butler (meaning the said Chunnachellum) to say so - that you the said Mootoo and the Ayah (meaning the woman servant aforesaid) went together and awakened their Master (meaning the said George Chalmer) in his Bedchamber (meaning the Bedchamber of the said George Chalmer your the said Mootoo's said Master) — Whereas in truth and in fact the said Chunnachellum never did take away the Tea Kettle the Coffee Pot, the four Candlesticks and Salt Cellar, nor did he the said Chunnachellum ever hire or instruct you the said Mootoo to inform the said Ayah or your said Master that a Thief had Come and pushed you the said Mootoo off the said Chest and stolen away the said plate, as you the said Mootoo on the said twentieth day of January in the Year aforesaid at Madras aforesaid, on your Corporal Oath before the said Thomas Lewin being such Justice as aforesaid (and then and there having sufficient and Competent power and Authority to administer the said Oath to you the said Mootoo) did falsely, maliciously, wickedly, wilfully and Corruptly say depose, Swear and inform — and so you the said Mootoo on the said twentieth day of January in the Year aforesaid at Madras aforesaid before the said Thomas Lewin being such Justice as aforesaid (and then and there having Sufficient and Competent power and Authority to administer the said Oath to you the said Mootoo) by your own act and Consent, and of your Own most wicked and Corrupt mind and disposition in manner and form aforesaid did falsely wickedly wilfully and Corruptly commit wilful and corrupt Perjury to the great Displeasure of Almighty God to the evil and Pernicious example of all others in the like Case Offending and against the Peace of Our said Lord the King his Crown and Dignity —

Clerk of the Peace

How say you Mootoo are you Guilty of the Perjury whereof you stand Indicted or not Guilty —

Prisoner —

on the Indictment on which he had been Arraigned on the Twenty eighth of

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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 Court are pleased to postpone the Trial of the said Mootoo until the next Sessions, and direct that if the said Mootoo can find Bail for his appearance at the next Sessions he be allowed to give it before Thomas Lewin Esquire himself in ten Pounds and each his Securities in five Pounds —

The Prisoner is then remanded into the Custody of the Sheriff —

The Court directs the Clerk of the Peace to furnish the Sheriff with a Schedule or list of the names of Persons who have been Summoned to serve upon the Grand and Petit Juries this Sessions, and who in Consequence of their non attendance when called upon have been Ordered to be fined each in a Sum of Forty Shillings or five Pagodas for every default — and do further Order and direct that the Sheriff do Collect from the said Several Persons the fines which have been Respectively imposed upon them —

Messrs William Jones, John Jervis and John Stuart Smith having conformable to an Order of the Court of Sessions held on the eighteenth of July one thousand seven hundred and ninety four laid before the Court lists of houses Buildings and Grounds within their Respective divisions of the Black Town with the value of each and also the Estimates of charges for cleansing watching and repairing the streets of their said respective Divisions the Court now direct that the following minute be read and recorded — the same is then Read as follows —

Messrs William Jones, John Jervis and John Stuart Smith appointed Overseers, Surveyors and Collectors of the three Divisions of Madras at the General Quarter Sessions of the Peace held the sixteenth July one thousand seven hundred and ninety four, having delivered into Court their Estimates of the annual Value of the houses buildings and Grounds in their several Divisions the Court do think fit to order and direct that five per cent on the annual Value of the said houses buildings and Grounds be assessed on the owners or occupiers thereof and that the same be levied and collected by the said John Stewart Smith and by Mr William Cockell by first demanding the same and in default of payment for eight days after such demand, by distraining and selling a sufficiency of their goods and Chattels to pay such Assessment and by returning to the Owners any overplus that may be after such sale after deducting the Expences of such sale and the Court do further think fit to order and direct that the sums of money so levied and collected be applied to the Cleansing watching and Repairing the Streets

* These lists and Estimates are with the Surveyor Mr William Cockell and were delivered to him and for which he gave his receipt dated eighteenth February one thousand seven hundred and ninety five —

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and that they the said John Stewart Smith and William Cockell do cause Public notice to be given that they will receive proposals for Repairing the Streets and employ such Person or Persons as shall agree to make such Repairs at the most Moderate Rate and that they shall oversee and direct the said Repairs — and the Court do think fit to nominate and appoint the said John Stuart Smith and William Cockell to be Scavengers for cleansing the streets of Madras aforesaid and do order and direct that they do provide a Sufficient number of Carts for that purpose and further that they the said John Stuart Smith and William Cockell do appoint a sufficient number of Watchmen for the said Town of Madras and cause the same to be duly and effectually watched and Guarded —

The Court is then adjourned to Wednesday the fifteenth of April next at ten of the Clock in the forenoon for holding another Sessions —

William Clerk of the Peace

At a General Court of Quarter Sessions of the Peace; Sessions of Oyer and Terminer and General Gaol Delivery, holden at the Town Hall in Fort Saint George on Wednesday the fifteenth day of April in the Year of our Lord one thousand, seven Hundred and ninety five

Before

The Right Honourable 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, Justices assigned to keep the peace, as also Commissioners of Oyer and Terminer and General Gaol-Delivery for the Town & Madrasapatnam Garrison of Fort Saint George and its Dependencies.

The Court being duly opened the Sheriff returns his Precepts and the following Gentlemen are sworn on the Grand-Jury.

The Honble Basil Cochrane Foreman.

Robert Hughes	Henry Sewell
Matthew Yeats	William Fraser
James Strange	Edward Watts
Charles Baker	George Yeats
John Wallace Senior.	George Stratton
Thomas Anstey	Charles Parke
Robert Andrews	Richard Augustus Mackland
William Cockell, and	William Pring.

The following Indictments are then delivered to the Grand Jury.

The Witnesses having been Jointly severally sworn to give Evidence thereon.

The King against Covore Ponnumbalum Moodely for Forgery.

The King against Dashamootoo, for Grand-Larceny.

Robert Blinksworth is then sworn to attend the Grand Jury.

Timothy Grady is then put to the Bar to take his Trial on the Indictment on which he had been Arraigned on the Twenty-eighth of

January last.

The following Gentlemen are 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 —

Mr Erskine Nimmo, Foreman

William Purser	John Baird
Robert Henderson	William Moore
Nicholas Connelly Thipsey	Hugh Gordon
John Reynolds	Edward Bent
John Wright	William Smith

and

Samuel Chaplin.

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 Timothy Grady late of Pondicherry within the Jurisdiction of this Court, a Private Soldier in the third 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 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;- 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 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.

Mr. Samuel is allowed to be of Counsel for the Prisoner at the Prisoner's request.

Hugh Hughes, Sworn on the part of the Crown.

Question — Do you know the Prisoner?

Answer — Yes.

Quest.n — Were you at Pondicherry in the Month of September last?-

Answer — Yes.

Question — Was the Prisoner there at that time?

Answer — Yes.

Question — Did you see the Prisoner at any time, and when, fire his Musket at any person, and whom?

Answer — No.

Question — Do you know any thing of the Death of a Black man at Pondicherry on the Ninth of September last, and if so, relate what you know?-

Answer — On the ninth of September last in the Evening, I took the Drill out at half past four o'Clock;- I ordered the Drill, and made them stand at their ease, when I first went to the Drill Ground, I walked about in front of the Drill myself, I heard the Report of a Musket in the Ranks;- I ran up and asked who had discharged his piece? the Prisoner answered, "it was me (the Prisoner) did it;" upon which I took hold of his fire lock and felt it warm, and at the same time I saw a Black man lay bleeding on the Ground I asked the Prisoner what he had done that for? the Answer he made me was that "he would sooner do that than starve in a Coryer House" — a short life "and a merry one" upon which I ordered him into the Guard, and I went and reported to the Commanding Officer of the Regiment;- next day the Prisoner was removed from the Barrack-Guard to the Main Guard in Irons, where he remained until he was brought on Ship-board to Madras.

(The Grand Jury come into Court and answer to their Names, and return the Indictment the King against Covore Ponniwcalum, Bloodily, for Forgery, endorsed a true Bill.)

Question by the Jury — Was it customary for the Men to have their Muskets loaded on such Occasions?

Answer — No.

Question — Did you examine the Wound of the Person who you saw bleeding on the Ground?

Answer — I did.

Question — Did the Wound bear the appearance as if he had just then been shot with a Musket?

Answer — Yes.

Henry

Question	Who do you mean by the Nabob?
Answer	The Nabob who had bought the Park and Guns at Pondicherry:— He was called the Nabob there.

The Prosecution is then closed.

William Hamilton sworn on the behalf of the Prisoner.

Question by the Prisoner's Counsel	Was you at Pondicherry on the Ninth of September last?
Answer	Yes.
Question	Was you at the Drill on that Evening?
Answer	Yes.
Question	How near did you stand to the Prisoner?
Answer	Two or three file to the Right of him.
Question	Did you see any one fire off a Musket?
Answer	No.
Question	Did you hear a Musket fired?
Answer	Yes.
Question	How near do you suppose it was that the Musket was fired?
Answer	I cannot tell;— I turned my Head round, and could not discover whence the Report came from.
Question	Did you turn your Head immediately on the Report?
Answer	Yes.
Question	Did you see any Piece levelled at that time?
Answer	No.
Question	Do you imagine that a Person so near to you as the Prisoner was, could have recovered his Piece so quickly (had he fired it off) when you heard the report
Answer	I am not certain;— I was a front Rank man;— the Prisoner was in the rear rank
Question	Do you know that Hughes, Bartz, and Rawson came up to the Prisoner soon after the report?
Answer	Hughes came up immediately.
Question	Do you know any thing of any Conversation that passed between Hughes and the Prisoner?
Answer	No.
Question	Did you hear the Prisoner say he had shot a Man?

Andrew Rion next sworn on the behalf of the Prisoner.

Question by the Prisoner's Counsel	Was you at Pondicherry at Drill on the Evening of the ninth of September last?
Answer	Yes.
Question	Did you stand near to the Prisoner?
Answer	I was about four or five file to the Right of him.
Question	Did you see or hear a Musket fired off?
Answer	I heard a Musket fired off.
Question	At how great a Distance from you do you suppose the Musket to have been fired off?
Answer	About five or six Yards.
Question	Did you look round immediately you heard the Musket fired?
Answer	Yes.
Question	Did you see any piece at that time levelled?
Answer	No.
Question	Do you recollect that Bartz and Rawson, and Hughes came up to the Prisoner after the Piece was fired off?
Answer	I recollect Serjeant Hughes came up to him.
Question	Do you know of any Conversation that passed between Hughes and the Prisoner at that time?
Answer	All I heard— Hughes asked him (the Prisoner) who shot the Black-man.
Question	What answer did the Prisoner make?
Answer	I did not hear him give any Answer;— there was such a crowd of People.
Question by the Jury	Did you see any Black-man lying dead there?
Answer	Yes.
Question	Was the Black-man lying dead in the Front or in the Rear of the Squad?
Answer	In the Rear of the Squad.

Daniel M.c Crackan, sworn on the part of the Prisoner.

Question by the Prisoner's Counsel	Was you at Drill at Pondicherry on the Evening of the ninth of September last?
Answer	Yes.

Question

Question — Was you standing near the Prisoner?

Answer — about three paces distant to the best of my knowledge.

Question — Did you see or hear any Musket fired off?

Answer — I heard a Musket fired off.

Question — Did you observe the Prisoner's Piece that Evening going to Drill?

Answer — Yes.

Question — Did it appear to have a flint in it?

Answer — I cannot say.

Question — Did you hear any, and what, Conversation between Serjeant Hughes and the Prisoner after the Piece was fired off?

Answer — Serjeant Hughes came up to the Squad, and enquired who had discharged his Piece; — the Prisoner answered, he had.

Question — Was not the Prisoner taken from the Conjee-house to the Drill that Evening?

(Mr Wallace, one of the Gentlemen of the Grand Jury, comes into Court, and the Witnesses on the Indictment, the King against Mostyn, for Grand-Larceny, are sworn before him, and the Indictment is accordingly delivered to him.)

Answer — Yes.

Question — Have Men usually their Arms with them at the Conjee-house?

Answer — No.

Question — Have the Men usually Ammunition in their Pouches when they go to Drill?

Answer — All but Prisoners; — Timothy Grady was a Prisoner at that time.

Question — Could a Man in the Ranks prime and load his piece without being seen by his Comrades?

Answer — No.

Question — Did you see the Prisoner prime and load his Piece that Evening?

Answer — No; — I was very near the Prisoner but did not see him.

Question — Do you know who delivered the Prisoner his Piece when he came from the Conjee-house?

Answer — No.

Question — Long before the Prisoner went to Drill do you suppose he had his Piece delivered to him?

Answer — I do not know.

Answer — The Prisoners are paraded by the Serjeant of the Guard, and their Arms are given to them at the door of the Conjee-house.

Question by the Bench — How near was you to the Prisoner when the Musket was fired?

Answer — About three Paces distant; — I was in the Front-rank, the Prisoner was in the Rear-rank.

Question by the Prisoner's Counsel — Does not the Serjeant examine the Pans of the Muskets, and see the Men drive down their Ramrods before they go to Drill?

Answer — He did not that Night.

John Williams sworn on the part of the Prisoner.

Question by the Prisoner's Counsel — Do you recollect that the Prisoner was confined in the Conjee-house on the Ninth of September last at Pondicherry?

Answer — Yes.

Question — Did you deliver the Prisoner's Musket to him at the Conjee-house that Evening before he went to Drill?

Answer — It was late that day before the Orders were given out and the Orderly Corporal asked me, if I would deliver the Prisoners Pieces to them, I said I would; — I went to the Corporal and told him there were no Snappers in the Pieces, and he desired me to make some; — I took the Flint out of the Prisoner's Piece, and put it in his Pouch; — there were four Rounds of Ammunition of Ball-cartridges in his Pouch at the time.

Question — Did you drive the Ramrod down the Prisoner's piece when you carried it to him at the Conjee-house?

(Here the Grand-Jury come into Court and answer unto their names, and return the Indictment the King against Mostyn, for Grand-Larceny, endorsed a true Bill.)

Answer — I did not.

Question by the Bench — Did the Prisoner go to Drill immediately after you delivered his Piece to him?

Answer — No; — I carried his Piece to the Guard about half-past three, and we went to Drill about half-past four O'Clock.

Question by the Jury — Did you examine the Prisoner's Pouch after the Piece was fired?

Answer — No; — I was not at Drill.

Prisoner

James Rochford sworn on the part of the Prisoner.

Question by the Prisoner's Counsel — Was you was Drill with the Prisoner at Pondicherry on the ninth of September last?

Answer — Yes.

Question — How near was you in the Ranks to the Prisoner?

Answer — To the best of my recollection I was about five Yards distant from him, and in the same Rank with him, the Rear Rank.

Question — Do you know of a Piece being fired off that Evening from the Ranks?

Answer — I heard a Piece go off, but did not see it fired.

Question — Do you recollect any and what Conversation between Hughes and the Prisoner after the Piece was fired?

Answer — I heard no further than that Hughes came down to the Prisoner and asked who fired off the Piece; the Prisoner answered "it was I," meaning himself the Prisoner.

Question — Do you think it was possible the Prisoner could have fired off his Piece without your knowing it?

Answer — The Prisoner might have fired off his Piece without my knowing it, because I was half faced to the right talking to the Man to the Right of me.

Question — Do you think it possible the Prisoner could when going to Drill, or at Drill, have primed and loaded his Piece without being seen by you?

Answer — It was impossible for me to see him going to the Drill, as I was marching in front of him, but he could not have primed and loaded his Piece when at Drill without being seen by me or somebody else.

The Prisoner not having any more Witnesses to produce makes the following Defence.

Defence — When the Drill was fallen in, about half past four, the Conjee-house door was unlocked; — as I came out of the Door of the Conjee-house my Firelock stood up against the Wall on the outside on the right hand side; — I took my Accoutrements and put them on me; — I took my Firelock in my hand, and we were marched into the Ranks; — we were then marched out to the Drill-Ground, and when we came, we ordered our Firelocks and stood at our Ease; — It is usual for the awkward Men to practise the motions, when the others are standing at Ease, and I was going through the Motions of the new Exercise, and happened to bring the Firelock to the Charge, and somehow my hand came the Guard and the Piece went off: she happened to be Loaded, which I knew not of; I do not see

Answer

of; — when the Piece went off Serjeant Hughes, Bartz and Rawson were two or three Hundred Yards off looking at a Gun the Lascars were pulling out of the Sand; — when Serjeant Hughes heard the Report of the Piece, he came running along the Ranks, enquiring whose Piece was that went off; — I told him it was mine, and that I might thank him for it, for if he had examined the Piece before I came to Drill, as he ought to have done, it would not have happened; he immediately took my Arms, and sent me home to the Barrack Guard.

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 to their names.

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

Jury — Yes.

Clerk of the Peace — Who shall say for you?

Foreman — I.

Clerk of the Peace — How say you; — is Timothy Grady 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 of 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 Timothy Grady 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 thereupon remanded into the Custody of the Sheriff.

John Humphry Shardon, William Jones, and Alexander Macleod Esquires, on being appointed Justices under a new Commission

Commission from the Supreme Court of Judicature at Calcutta, take the Oaths of Allegiance and of Office.

The Court next proceeds to the trial of Covore Ponnumbalum Moodelly, for Forgery.

The Prisoner is accordingly put to the Bar, and arraigned as follows;—

Clerk of the Peace. —— Covore Ponnumbalum Moodelly, hold up your hand;— You stand indicted by the name of Covore Ponnumbalum Moodelly, late of Madras Inhabitant;— for that you on the fifteenth day of December, 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 Madras aforesaid, within the Jurisdiction of this Court, feloniously did falsely make, forge, and counterfeit, and feloniously did cause and procure to be falsely made, forged and counterfeited, and feloniously did willingly act and assist in the false making, forging and counterfeiting, a certain paper-writing, partly printed and partly written, purporting to be a Bond, and to be signed by Sir Charles Oakeley Baronet, with the name of Charles Oakeley and by Ernst William Fallo-field Esquire, with the name of E. W. Fallo-field;— the said Sir Charles Oakely Baronet then being the Governor and President of Fort Saint George on the Coast of Coromandel in the East Indies; the aforesaid Fort Saint George being then, and now one of the Presidencies of the United Company of Merchants of England trading to the East Indies aforesaid;— and the said Ernst William Fallo-field Esquire then being one of the Members of the Government and Council of Fort Saint George aforesaid;— they, the said Sir Charles Oakeley and Ernst William Fallo-field being persons entrusted and employed by the said United Company to borrow money, and issue Bonds for the payment thereof, in the name and for the account of them the said United Company, and purporting to be sealed with the Common-Seal of the said United Company;— the tenor of which said false forged and Counterfeited Paper-writing, is and partly printed and partly written, purporting to be a Bond, is as follows, that is to say, No 4.

N.4.

Borrowed and received on Account of the Honourable United Company of Merchants of England trading to the East Indies of Covore Sobbaroy, Moodeliar ——

——

the Sum of Two thousand Pagodas

——

——

——

Seal of the company

Current of Madras; which we promise to pay on demand in Fort St. George, with Interest at the rate of Eight per Cent per Annum, to commence from the day of the date hereof.

Given under our Hands and the Seal of the said Company in Fort St. George this fifteenth Day of December, One thousand, seven Hundred and Ninety-two.

Chas. Oakeley
E.W. Fallo-field

Pagodas 2000. — —

Examined and registered
Robt. Woolf
Acct. Gen.
Fort St. George, this 16th. December 1793. I do hereby Certify that the within Bond is undischarged and that One Years Interest being Pagodas 160-- was due thereon the 15th. Instant

E.M.M.
P.C.A.

Cecil Smith
Acct. Dy. Acct.

Please to pay the Contents to Covore Ponnumbalam Moodeliar value received by Covore Sobbaroy

Covore Ponnumbalum.

with Intention to defraud the said United Company;— 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 you further stand Indicted by the name of Covore Ponnumbalum, Moodely, for that you, afterwards, To Wit, on the Twenty 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, with Force and Arms, at Madras aforesaid within the Jurisdiction aforesaid, feloniously did utter and publish as true a certain false, forged and counterfeited Paper writing, partly printed and partly written, purporting to be a Bond, and to be signed by the said Sir Charles Oakeley, Baronet with the name of him the said Sir Charles Oakeley, and by the said Ernst William Fallofield Esquire, with the name of him the said E. W. Fallofielde, they the said Sir Charles Oakeley and Ernst William Fallofield being persons intrusted and employed by the said United Company to borrow money, and issue Bonds for the payment thereof in the name and for the Account of them the said United Company; and purporting to be sealed with the common Seal of the said United Company; the Tenor of which said last mentioned false, forged and counterfeited Paper Writing, partly written and partly printed, purporting to be a Bond, is as follows: — that is to say,

No. 4

Borrowed and received on Account of the Honourable United Company of Merchants of England trading to the East Indies, of Covore Soobaroy Moodeliar. _____

_____

The Sum of two Thousand Pagodas

_____

_____

_____

Seal of the company

Current of Madras, which we promise to pay on demand in Fort St. George, with Interest at the rate of Eight per Cent. per Annum; to commence from the day of the date hereof.

Given under our hands and the Seal of the said Company, in Fort St. George, this fifteenth day of December, One Thousand, Seven Hundred and Ninety two.

Chas. Oakeley
E.W. Fallofielde

Pagodas 2000 — —
Examined and Registered
Robert Woolf
Asst. Genl

I do not rec

Fort St. George, This 16th December 1793. I do hereby certify that the within Bond is undischarged, and that One Years Interest being Pagodas 160 — was due thereon the 15th Instant.

E.M.M.
pd C.A.

Cecil Smith
Asst Dy Asst.

Please to pay the Contents to Covore Ponnumbala Moodeliar, Value received by — Covore Soobaroy —

Covore Ponnumbalum —

with intention to defraud the said United Company, (You, the said Covore Ponnumbalum Moodelly, at the time of the Uttering and publishing of the said last mentioned false, forged and counterfeited Paper-writing, partly printed, and partly written, purporting to be a Bond, then and there well knowing the said last mentioned false, forged and counterfeited paper writing, partly printed and partly written, purporting to be a Bond, to be 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.

And you further stand Indicted by the name of Covore Ponnumbalam, Moodely, for that you afterwards, To Wit, on the said fifteenth Day of December in the Thirty second Year, aforesaid, with Force and Arms, at Madras aforesaid, within the Jurisdiction aforesaid, feloniously did falsely make, forge, and counterfeit, and feloniously did cause and procure to be falsely made, forged, and counterfeited; and feloniously did willingly act and assist in the false making, forging, and counterfeiting, a certain Paper-writing, partly printed, and partly written, purporting to be a Bond, and to be signed by the said Sir Charles Oakeley Baronet, with the name of him the said Sir Charles Oakeley, and by the said Ernst William Fallofield Esquire, with the name of him the said E.W. Fallofielde, the said Sir Charles Oakeley Baronet, then being the Governor and President of Fort Saint George, on the East of

Commanded

Coromandel in the East Indies; the aforesaid Fort Saint George, being then and now, one of the Presidencies of the United Company of Merchants of England trading to the East-Indies aforesaid, and the said Ernst William Fallo-field Esquire, then being one of the Members of the Government and Council of Fort Saint George aforesaid, they, the said Sir Charles Oakely and Ernst William Fallo-field being Persons entrusted and employed by the said United Company to borrow money, and issue Bonds for the payment thereof, in the name and for the account of them the said United Company, and purporting to be sealed with the Common Seal of the said United Company, the tenor of which said last-mentioned false, forged and counterfeited Paper-writing partly printed, and partly written, purporting to be a Bond, is as follows, that is to say,

No. 4. Borrowed and received on Account of the Honorable United Company of Merchants of England trading to the East Indies, of Covore Soobaroy Moodeliar

the Sum of two thousand Pagodas

Seal of the Company

current of Madras, which we promise to pay on demand in Fort St. George with Interest at the Rate of eight per cent. per Annum, to commence from the day of the date hereof.

Given under our Hands, and the Seal of the said Company in Fort St. George, this fifteenth Day of December, One Thousand, Seven Hundred and Ninety-two

Pagodas 2000 — — —

Chas. Oakeley
E. W. Fallofielde

Examined and registered
Robert Woolf
Acct. Genl.

Fort St. George this 16th December 1790 — I do hereby certify that the within Bond is undischarged, and that One Year's Interest being Pagodas 160 — — was due thereon the 15th Instant.

Pagodas
Examined
Robert
Acct. Genl.

Cecil Smith
Acct. Jr. Acct.

Please to pay the Contents to Covore Ponnumbala Moodeliar, Value received by

Covore Soobaroy.

Covore Ponnumbalum.

with intention to defraud one Munnapully Tremalaroy; 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 you further stand indicted by the name of Covore Ponnumbalum, Moodely, for that you, afterwards, To Wit, on the said twenty second day of January, in the thirty fourth Year aforesaid, with Force and Arms at Madras aforesaid, within the Jurisdiction aforesaid, feloniously did utter and publish as true, a certain false, forged and counterfeited Paper-writing, partly printed and partly written, purporting to be a Bond, and to be signed by the said Sir Charles Oakeley, Baronet, with the name of him the said Sir Charles Oakeley, and by the said Ernst William Fallo-field, Esquire, with the name of him the said E. W. Fallofield, they the said Sir Charles Oakeley and Ernst William Fallo-field being persons entrusted and employed by the said United Company to borrow Money, and issue Bonds for the payment thereof, in the name and for the Account of them, the said United Company, and purporting to be sealed with the common Seal of the said United Company; — the tenor of which said last-mentioned false, forged and counterfeited paper writing, partly printed and partly written, purporting to be a Bond, was as follows, that is to say,

No. 4 Borrowed and received on Account of the Honorable United Company of Merchants of England trading to the East-Indies, of Covore Soobaroy Ponnumbalum Moodeliar

the Sum of Two thousand Pagodas

Seal of the Company

current of Madras,

on demand to Pay

and him guilty of the said offence, and that he the said Covore Ponnumbalum Moodely did thereby feloniously utter and publish as true the said

15th April 1795.

light per Cent. per Annum, to commence from the day of the date hereof.

Given under our [illegible] Madras, and the Seal of the said Company in Fort St. George, this fifteenth Day of December, One Thousand, Seven hundred and Ninety two.

Chas. Oakeley,
C.W. Falls Fielde.

Pagodas 2000.

Examined and registered
Robert Woolf
Asst. Genl.

Fort St. George, this 16th December 1793. I do hereby certify that the within Bond is undischarged, and that One Years Interest being Pagodas 160. "—" was due thereon the 15th Instant.

Wil. Smith
Asst. Dy. Acct.
P.C.A.

Please to pay the contents to Covore Ponnumbalam Modeliar, Value received by,

Soobaroy Ponnumbalam.

Covore

with Intention to defraud the said Mr. Pallu and the said Covore Ponnumbalam, Moodely, at the time of the uttering and publishing of the said last mentioned, false, forged and counterfeited Paper writing, partly printed and partly written, purporting to be a Bond, then and there well knowing the said last mentioned false, forged and counterfeited Paper writing partly printed and partly written, purporting to be a Bond, to be 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.

Exam

I do not

15th April 1795.

Clerk of the Peace — How say you, Covore Ponnumbalum, Moodely, Are you Guilty of the matters 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 having been informed of his Privilege, desires to have a Jury of half Europeans and half Natives.

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

Mr. David Young Foreman

Matthew Freeman	Chittoocaudoo Chinnatomby, Moodelly.
Alexander Goodhall	Tremashey Maureyapah, Moodelly.
John Anderson	Sadras Ninnapah, Moodelly.
John Storey	Tottecallay Ramana, Moodelly.
John Pettefar	Triplicane Rungapah, Moodelly.

and

Chinnavaravanom Cheliapah, Moodelly.

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 Covore Ponnumbalum, Moodely, late of Madras Inhabitant, (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 Matters whereof he stands indicted, or Not guilty; — If you find him guilty, you are to enquire what Goods and Chattels, Lands or Tenements 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 him guilty of the Felony and flight, as the Court hath directed, you are to enquire of his Goods and Chattels, Lands or Tenements Ponnumbalum Moodelly stands Indicted, and that he

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.

Robert Woolf, Accountant General, Sworn on behalf of the Crown.

Question. — Is the signature "Robert Woolf" subscribed at the foot of the Paper now exhibited to you, purporting to be a Bond, or the addition of "Acct. Genl." also subscribed thereto of your proper hand-writing?

Answer. — No.

Question. — Is the Signature "Chas. Oakeley" thereunto subscribed of the proper Hand-writing of Sir Charles Oakeley, Baronet, late Governor and President of Fort Saint George?

Answer. — I think not.

Question. — Are you acquainted with the hand-writing of Sir Charles Oakeley?

Answer. — Perfectly.

Question. — As positively as I could speak to any other person's hand writing, except my own.

Is the signature of "E. W. Fallo Fielde" thereunto also subscribed, of the proper handwriting of Ernst William Fallo Field, Esquire, then and now one of the Members of the Government and Council of Fort Saint George?

Answer. — I think it is not; — I can only depose to this Circumstance with the like degree of certainty that I could as to the hand-writing of Sir Charles Oakeley.

Question. — Are you acquainted with the hand writing of the Prisoner?

Answer. — Yes; — I have some knowledge of it.

Question. — Have you reason to believe that any, and what part of it is of the hand-writing of the Prisoner?

I think the whole of it is like the Hand-writing of the Prisoner; but more particularly the Signatures "Chas. Oakeley, E. W. Fallo Fielde, and Robert Woolf —

Did the Prisoner ever write in your Office?

Ans. He [illegible]

The Prisoner not having any Questions to put to the Witness retires. —

Cecil Smith, sworn on the part of the Crown.

Question. — Is the name "Cecil Smith" written on the Paper now exhibited to you and purporting to be a Bond, of your proper hand-writing?

Answer. — No; — it is not.

Question. — Are you acquainted with the Signature of Sir Charles Oakeley, Baronet, late Governor of Fort Saint George? —

Answer. — Yes.

Question. — Is the Signature "Chas. Oakeley" thereunto subscribed of the proper hand writing of the said Sir Charles Oakeley?

Answer. — I do not think it is.

Question. — Are you acquainted with the hand-writing of Ernst William Fallo Field, Esquire?

Answer. — I have had frequent Opportunities of seeing Mr. Fallo Field's signature.

Question. — Look at the signature, "E.W. Fallo Fielde," and say whether that is the proper hand writing of the said Ernst William Fallo Field? —

Answer. — I do not think it is.

Question. — Does it in any manner, and how, vary from the signature of Mr. Fallo Field?

Answer. — It seems to be spelt with a Letter too many; — whether it is a flourish at the end of the name, or not, I cannot say.

Question. — Are you acquainted with the hand-writing of the Prisoner? —

Answer. — Ye, the Prisoner was a Writer in the Accountant Generals Office, and therefore I can speak to his hand-writing having frequently seen him write.

Question. — Do you suppose any, and what part of the said Paper to be of the hand writing of the Prisoner? —

Answer. — The whole of it I believe to be of his hand writing; but particularly the signature of "Robert Woolf" and the Certificate for Interest at the back of it.

Question. — Does the signature "Cavore Ponnumbalum" at the bottom of the said Paper subscribed appear to be of the hand writing of the Prisoner?

Answer. — I do not think it does; — there seems to have been pains taken

Question. — Examine the Seal on the said Paper, and say if it Common Seal of the United Company of Merchants of England to the East Indies? Ponnumbalum Mootelly

Answer. — I think it is. — [illegible] Indicted, and that he

Question — Had the Prisoner as you know any and what means of access to, or getting the Common Seal of the said Company into his possession, or of making use of it?

Answer — The seal was kept in the Military Office, and I dont know any means the Prisoner could have had of getting it.

Question — Do you usually keep any of these Bonds ready sealed in the Accountant Generals Office, but not otherwise filled up?

Answer — Never; — the Seal is always affixed after the Bonds have been signed by the Governor and Council; — The seal is brought from the Military Secretary's Office, and the Seal affixed to the Bond in the Accountant Generals Office.

Question — Were any Bonds, of the nature that would purport to be, issued out of the Accountant General's Office at the period the said Paper appears to be dated?

Answer — Yes.

Question — Did you then and now belong to the Accountant Generals Office, and in what capacity?

Answer — Yes; — at that time I was acting Deputy Accountant.

Question — Have you any reason to believe the Prisoner might at any time have been sent to the Military Secretary's Office for the Seal?

Answer — Possibly he might, as he was a Writer in the Office; — but it was customary to send either the Dubash or the Moochee of the Office.

Question — Is it usual to have any Blank Bonds, of the nature that Paper would purport to be, in your Office?

Answer — At that time it was usual.

Question — Had the Prisoner any Opportunity of getting at any of these Bonds?

Answer — I do not know that he had; — they were kept in Charge of the Dubash of the Office.

Question — Who was the Dubash in the Office at that time?

Answer — The same man that now is, — one Govindoo.

Question by the Jury — Is the Common Seal of the Company brought from the Military Secretary's Office to the Accountant Generals Office, under Lock and Key?

No.

The Prisoner not having any Questions to put, the

Robert Woolf recalled.

Question by the Bench — From what particular circumstance do you infer that the Paper relative to which you have before been examined, is of the hand-writing of the Prisoner?

Answer — From having in my possession some writing of the Prisoner.

(Here he produces a Book in which different Papers have been copied by the Prisoner.)

Question — Was the Prisoner at any time, and when a Writer in the Accountant Generals Office?

Answer — He was at the time the said Paper bears date.

Question — Do you believe the Seal on that Paper to be the Common Seal of the Company?

Answer — I do.

Question — Where is the Seal usually kept?

Answer — In the Military Secretary's Office.

Question — Do you know or believe the Prisoner could have had any Opportunity of getting at the Seal?

Answer — He might have had Opportunities of getting at the Seal occasionally when it was brought to the Accountant Generals Office.

Question — Was it customary to send the Prisoner at any time to the Secretary's Office for the Seal?

Answer — No; — but it is possible he might have been sent on some occasion.

Question — Is it usual to keep Blank Bonds of the nature of that relative to which you have been examined, would purport to be, in your Office?

Answer — Yes, it was; — and at that time there were in the Office Blank Bonds — similar to that.

Question — Were they kept in charge of the Prisoner, or of whom else? or had the Prisoner any means of getting at them?

Answer — They were kept by the Dubash; — but the Prisoner might possibly have had an Opportunity of getting at them, as they sometimes lay about when there is business in the Office.

Question — Are you Accountant-General to the Government of Fort Saint G

Answer — Ayes; — and was at the time of the date of the said Paper.

Question — Are these Bonds printed here?

Answer — Ayes.

Question by the Jury — Who was accustomed to keep the Key of the Pinumbalum Moodelly in the Military Secretary's Office?

[illegible] dict, as the Court hath [illegible] under Indicted, and that h

Answer — I cannot tell — It is an Office distinct and separate from mine.

(The native Jury desire to see any paper having to it the Signatures of Sir Charles Oakeley and Mr. Fallofield — An old Precept having the Signatures of the said Sir Charles Oakeley and Mr. Fallofield is accordingly produced to them for their Examination.)

Josiah Webbe, Civil Secretary to the Government of Fort Saint George, sworn on the part of the Crown.

Question — Examine the Signatures "Chas. Oakeley" and "E.W. Fallofield", subscribed to that paper, (the Bond is here exhibited to him) and say if you believe them or either of them to be respectively of the hand-writing of Sir Charles Oakeley, Baronet late Governor of Fort Saint George, and of Ernst William Fallofield, Esquire, then, and now one of the Members of Government of Fort Saint George?

Answer — I believe neither of them to be of the proper hand-writing of the said Sir Charl Oakeley, or Mr. Fallofield.

Question — Have you ever seen Sir Charles Oakeley, and Mr. Fallofield sign their names

Answer — Both of them frequently.

The Prisoner not having any Questions to put to the Witness he retires; —

And John Hunter is next sworn on the part of the Crown.

Question — Examine the paper-writing now produced to you (Here the Bond is exhibited to him) and say if you have ever before, and when, seen it?

Answer — I saw it on the seventeenth of February last; — it was brought to be left as a Collateral Security at the British Bank, of which I am the Secretary; — on examination it was supposed to be forged, and consequently refused; — Mr. Lewin, who was then present sent for the Man Venceta Narrain Chitty, who had applied for the Loan, who said the Bond belonged to one Tremalaroy; — Tremalaroy was then sent for, and he declared he had got it from Covore Ponnumbalum, the Prisoner; — Mr. Lewin then ordered Tremalaroy to give Security for the appearance of the Prisoner, from whom Did said he had got the Bond.

Yes. Prisoner produced before you at that time?

Exa is to the Southward. —

e retires.

The Prisoner not having any questions to put to the Witness he retires. —

Munnapully Tremalaroy, is then sworn on the part of the Crown.

stion — Examine the Paper writing now produced (here the Bond is produced to him) have you ever before seen it, or had it in your possession?

Answer — Yes.

Question — When did it first come into your possession, and from whom did you get it?

Answer — On the Twenty-second of January, One thousand, seven hundred, and ninety-four, the Prisoner Ponnumbalum brought it to me to borrow a Sum of Eighteen Hundred Pagodas — on lodging it with me as a Security; the Prisoner told me it was a Company's Bond, and gave it to me as such, on which I lent him the Eighteen hundred Pagodas. —

Question — Did the Prisoner at the time he lodged the Bond with you, give you any other receipt for the Eighteen hundred Pagodas?

Answer — Yes; — he gave me a Mortgage Bond signed by himself; (which the Witness now produces)

Question — Did the Prisoner sign his own Name on the Paper he said was the Company's Bond, at the time he lodged it with you?

Answer — Yes; — I desired him (the Prisoner) to subscribe his name, in order that I might transfer it over to any one else, in case the Prisoner did not pay the amount within the limited time.

Question — Can you positively say, that is the identical Bond you received from the Prisoner at the Bar, on the twenty-second of January, One thousand seven hundred, and ninety-four?

Answer — It is the same Bond.

Question by the Prisoner — Did you, or not ask me at the time I brought the Bond, how I a Bond in the name of Soobaroy Moodelly?

Answer — I did; — and the Prisoner answered that Soobaroy Uncle, and that he the Prisoner got the Bond from his Share of the division of the Family Concer

The Prisoner having n

Witness he retires. —

Goondama Raize Latchoomyah, Sworn on the part of the Crown.

Question — Have you ever before seen the produced Paper?

Answer — I have; — I know it by the signature Covore Ponnumbalum, and the mark of two thousand Pagodas.

Question — Can you read or write English?

Answer — I cannot write English; — I can read the Letters but very little.

Question — Do you know if the Prisoner ever and when borrowed any and what Sum of Money, from any and what Person, on the deposit of that Bond?

Answer — On the twenty-second of January One thousand, seven hundred and ninety four, the Prisoner brought the produced Bond to Tremalaroy, and borrowed Eighteen hundred Pagodas upon the Mortgage of the Bond; Tremalaroy gave the Eighteen hundred Pagodas, and desired me to sort out the money and deliver it to the Prisoner, which I did, and the Prisoner took the Money away with him.

The Prisoner not having any Questions to put to the Witness he retires. —

Govindoo Dubash in the Accountant General's Office, sworn on the part of the Crown.

Question — Examine the Bond and the Seal, (Here the Bond is produced to him) and say if you believe that to be the Common Seal of the United Company of Merchants of England?

Answer — Yes.

Question — Where is the Seal itself usually kept?

Answer — At the Military Secretary's Office; — it is brought occasionally to the Accountant General's Office to seal the Company's Bonds. —

Question — Who is it usual to send for the Seal on such Occasions?

Answer — Sometimes myself, and sometimes the Moochee.

Question — Do you know whether the Prisoner was ever sent to the Secretary's Office

Answer — [illegible] retires Prisoner was never sent.

Question — Do you know that the Prisoner had any means of getting at the Seal at any time?

Answer — I do not know.

Question — Do you think the Prisoner could ever have had an Opportunity of making use of the Seal, when it was brought to the Accountant General's Office?

Answer — I do not think he could.

Question — Is it usual to keep Blank Bonds of the nature of that you are now examined to, in the Accountant General's Office?

Answer — Yes.

Question — Are they ever kept ready sealed?

Answer — No.

Question — In whose Charge are they kept?

Answer — Under my charge, in the Draws of an Almira which are not kept Locked.

Question — Was the Prisoner at the time of the date of the said Paper, employed in any and what Capacity in the Accountant General's Office? —

Answer — Yes; — and he was in the Office for a period of four Years, as a Writer.

Question — Are you acquainted with the hand-writing of the Prisoner?

Answer — Yes.

Question — Do you believe any and what part of the Paper now shewn to you to be of the hand-writing of the Prisoner? —

Answer — I believe the part filled up between the printed parts to be of the Prisoners hand-writing; — but not the Endorsement, or Certificate of Interest, or the Signature Covore Ponnumbalum.

Question — Was the Prisoner usually employed in filling up the Bonds? —

Answer — Not the Bonds; — but was sometimes accustomed to write the Certificate

The Prisoner not having any Questions to put Witness, he retires.

The Prosecution is the

And the Prisoner being

to produce, he asks for what reason he

Answer. — Covore Soobaroy.

Question. — Do you know the hand-writing of your Father-in-law? —

Answer — I am not very well acquainted with his hand-writing.

Question — Examine the Paper now produced, and say if any part of that Paper is of his hand-writing? —

Answer — I cannot answer unless I compare it with other Papers that have been signed by him; — I am not sufficiently acquainted with the signature of my Father-in-Law to answer that question without making a comparison with other writings that he has signed.

Question — Do you know, or have you heard if your Father-in-law ever made any Transfer of any Company's Bond to the Prisoner on any Occasion?

Answer — I do not know, nor have I heard.

The Prisoner not wishing any further Questions to be put to the Witness, he retires, — and the Prisoner then proceeds with the rest of his Defence, as follows,

(Continuation of the Prisoner's Defence)

Seven or eight days before the death of my Uncle Soobaroy, I was fanning him one night, when I was alarmed, and cried on Account of his being so dangerously ill, and told him that I had trusted to him on all occasions for assistance, as my Uncle Mootiah had quarrelled with him; — My Uncle Soobaroy then asked me, if the cause in the Mayor's Court was settled, I said No; — my Uncle then said, you did not hear me at the time I advised you, the Court charges will be enormous to the Amount of two thousand Pagodas: — I then repeatedly requested of Soobaroy to forgive every thing that was passed, and to advise me what I ought then to do, as he was so ill; — Soobaroy told me he would give me anything if I would agree to the Proposal he had formerly made; — I then said I would agree, and desired to know the Amount he would give, and then I would execute the Agreement: Soobaroy then said he would give two thousand Pagodas to discharge the debts; — I then told my Uncle I had some other debts, If he would now give me that Sum, I would execute the Agreement; — my Uncle said if I would execute the Agreement he would order payment of the amount; — and said that he would give a Company's Bond the next day; — on the next night I went alone to my Uncle's who asked me if I consented to give the Agreement, I told him, I would execute the Agreement; — then my Uncle gave the Key of a Box that was under the bett, and desired me to open it, which I did, and ordered me to take out the Company's Bond which was in the Box; my Uncle took it, and subscribed his name to the Endorsement which had been before written there, and delivered it to me.

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 some time a Verdict being proclaimed, they come into Court and answer to their names.

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

Jury — Yes.

Clerk of the Peace — Who shall say for you?

Jury — Our Foreman.

Clerk of the Peace — How say you, Is Covore Ponnumbalum Moodelly, Guilty of the Matters whereof he stands indicted, or not guilty?

Foreman — Guilty.

Clerk of the Peace — What Goods and Chattels, Land or Tenements do you find he had at the time of the Matters whereof he stands Indicted were committed, or at anytime since?

Foreman — None,

Which being recorded,

Clerk of the Peace — Gentlemen of the Jury, hearken to your Verdict as recorded it; — You say that Covore Ponnumbalum Moodelly is Guilty of the Matters whereof he stands

Goods and Chattels, Lands or Tenements, at the time the Matters whereof he stands Indicted were committed, or at any time since, — and so you say all?

Jury — — — — — Yes.

The Prisoner is thereupon remanded into the Custody of the Sheriff. —

Clerk of the Peace — — Gentlemen of the Jury, the Court dismisses you for this time, and enjoins you, and every of you to give your attendance here again on Wednesday the twenty-second Instant at ten O'Clock in the Forenoon.

The Court is then adjourned to Wednesday the twenty-second Instant at ten O'Clock in the Forenoon, for continuing the present Sessions.

R Williams
Clerk of the Peace

At an adjourned Court

of General Quarter Sessions of the Peace, Sessions of Oyer and Terminer, and General Gaol-Delivery, holden at the Town-hall in Fort Saint George on Wednesday the Twenty second day of April in the Year of our Lord, One thousand, seven hundred and ninety five,

Before

Edward Saunders, and Ernst William Fallofield, Esquires, Members of the Government and Council of Fort Saint George, aforesaid, Justices assigned to keep the Peace, 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 opened, the same is adjourned to Saturday the Twenty fifth Instant, at ten O'Clock in the Forenoon for continuing the Sessions. — — —

R Williams Clerk of the Peace

25th April 1795.

At an adjourned Court

of General Quarter Sessions of the Peace, Sessions of Oyer and Terminer, and General Gaol Delivery, holden at the Town hall in Fort Saint George, on Saturday the twenty-fifth day of April in the Year of our Lord, One thousand, seven hundred, and ninety-five,

Before

Edward Saunders and Ernst William Fallofield, Esquires, Members of the Government and Council of Fort Saint George, aforesaid, Justices assigned to keep the Peace, as also Commissioners of Oyer and Terminer, and General Gaol Delivery for the Town of Madrasputnam, Garrison of Fort Saint George, and its Dependencies,

The Court being duly opened, the same is adjourned to Friday the first day of May next, at Ten O'Clock in the Forenoon for continuing the Sessions.

W. Williams Clerk of the Peace

1st May 1795.

At an adjourned Court of

General Quarter Sessions of the Peace, Sessions of Oyer and Terminer and General Gaol Delivery, holden at the Town Hall in Fort Saint George, on Friday the first day of May in the Year of our Lord, One thousand, seven hundred and ninety-five.

Before

The Right Honourable 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, Justices assigned to keep the Peace, as also Commissioners of Oyer and Terminer and General Gaol delivery for the Town of Madrasputnam, Garrison of Fort Saint George and its Dependencies.

The Court being duly opened, The Foreman of the Grand Jury comes into Court, and Henry Davidson, Vencatashum, and Eyah, Moodelly, are sworn before him to give Evidence to the Grand Jury on an Indictment, the King against Vencataramasoo, for an Assault with an Intent to kill; and the Indictment is then delivered to the Foreman, who retires.

Mootoo is then put to the Bar to take his trial, on the Indictment for Perjury, on which he had been Arraigned on the Thirty first of January last, and thereunto had pleaded not Guilty.

The following Gentlemen are 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.

Mr Erskine Nimmo Foreman

William Purser — John Wright
David Young — John Card
Robert Henderson — James Brown
Alexander Melvin — William Moore
John Reynolds — Matthew Freeman

and

Hugh Gordon.

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 Mootoo late of Madras, and within the Jurisdiction of this Court, Inhabitant (Here the Indictment is read as in the Arraignment) Upon this Indictment he hath been arraigned, and thereunto he 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 Perjury whereof he stands indicted or not Guilty — and hear your Evidence.

The following Presentment of the Grand Jury of the last Sessions, dated the twenty eighth of January, One thousand seven hundred and ninety-five, given in Evidence, and Mr George Parry called upon to swear to his hand writing,

"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 justly and truly sensible
"of the many advantages arising to this Place by the grace
"dispensation of the Royal Charter, as it has conveyed with
"the Laws of England, and prescribed the proper meth
"of putting those Laws into Execution,

"Do present, that it has come to their knowledge, that one Mootoo,
"an Evidence on the Indictment given in charge to the Jurors aforesaid at
"the present Sessions endorsed (The King against Chonnachellum for
"Felony,) did on the Twentieth day of the present Month depose upon
"Oath, sundry Circumstances touching the Indictment aforesaid,
"before Thomas Lewin, Esquire, One of his Majesty's Justices of the Peace,
"which said Circumstances so deposed as aforesaid, having been parti-
"cularly explained by the Jurors aforesaid to the aforesaid Mootoo, he
"the aforesaid Mootoo, has upon his Oath declared to the Jurors afore-
"said, that the Circumstances so set forth as aforesaid, are false, and
"that he was induced to make the Deposition before his Majesty's Justice
"of the Peace, as aforesaid, under the influence of Fear; — And the Jurors
"aforesaid, upon their Oath aforesaid, do present, that it appears to
"them, that the said Mootoo has been guilty of Perjury, against the form
"of the Statute in that Case provided, and against the Peace of our
"Sovereign Lord the King, his Crown and Dignity."

Town Hall of Madraspatnam
28th January 1795

Robert Gardiner Foreman

J. H. Shardon
Jos. Du Pre Porcher
Rt. Dashwood
George Parry
Cecil Smith
John Jervis
Edward Holland
Wm. Coleman
Wm. Hesse Gordon
J. Wallace, Junr.
John Mc Dowall
Richard Chase
Richd. Yeldham
R. Abbot

George Parry Sworn on the part of the Crown.

Here the original Presentment is given to him to peruse and examine. — He acknowledges the Signature George Parry to be of his proper hand-writing.

Question — — — — Is that Paper the Presentment that was given into Court on the twenty-eighth of January last?

Answer — — — — It is. —

Here the following Information of Mootoo, which was sent with the Indictment the King against Channachellum to the Grand Jury at the last Sessions, is shewn to the Witness, who is asked if he had ever seen it before.

Town of Madraspatnam ss

"The Information of Mootoo taken upon "Oath before me, Thomas Lewin, Esq.r One "of his Majesty's Justices of the Peace.

"This Informant upon his Oath saith, that on Friday "the 16th Instant being the day when his Master's things were removed "to another house this Informant took off the Padlock from the Chest "(where his Master's Plate was deposited) by Direction of the Butler "and carried the Padlock to the Old house; In the Evening between "7 and 8 O'Clock of the same day, this Informant cleaned the China "Ware, and the Silver Plate, and after cleaning the things he put them "into the Chest, leaving the Silver Tea-kettle or Urn, Coffee Pot, and four "Candlesticks uppermost; covering the whole with a Table Cloth. — "The Butler ordered this Informant to sleep near the Chest, which "he did: — About One O'Clock in the Morning being Saturday the "Butler came there and carried away the Tea-kettle, Coffee Pot, four "Candlesticks, and one Silver Salt Cellar: This Informan

"the noise of a Cat feeding upon some Scraps of Mutton, perceived the "Butler, and this Informant asked who is there: — the Butler answered, "it is only me" and "then opened the Chest; This Informant asked him what he meant "by carrying away the things, adding that it would come to the Know- "ledge of his Master and Mistress. — The Butler replied, don't trouble "yourself about it, say nothing about it, and I will take care of you, "he desired him to say to his Master and Mistress, if Enquiry should "be made, that he knew nothing about it. The Butler then gathered "up the things in his hand and went away, leaving the Lid of the "of the Chest open, and when he went away he told this Informant "to shut it, which he did; — Soon after, this Informant went and "told the Oyah, who was also in the House of what had happened, "and went with the Oyah to his Master, to acquaint him with it — "This Informant informed the Oyah that a Thief had come there "and pushed him off the Chest and stolen away the Plate, the Inform- "ant having been directed by the Butler to say so —

"This Informant and the Oyah went together "and awoke their Master and Mistress in their Bed Chamber." —

Sworn to at the Public Office in Fort St. George this 20th Day of January 1795 Before me Tho.s Lewin Justice of the Peace

This mark of Mootoo

Answer — — — — Yes; — I saw it on the Twenty-eighth of January, when it was exhibited before the Grand Jury.

Question — — — — Look at the Signature Thomas Lewin, at the foot of the said Information subscribed, and say if that is Mr. Lewin's handwriting?

Answer — — — — I have seen Mr. Lewin's Signature, and I believe that to be his Hand-writing. —

1st May 1795.

The Prisoner Mootyen is accordingly put to the Bar, and arraigned as follows;

Clerk of the Peace — Mootyen hold up your right Hand — You stand indicted by the name of Mootyen, late of Madras, and within the Jurisdiction of this Court, Inhabitant, for that you on the fourth day of April, 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 Kilpauck within the Jurisdiction aforesaid, one Saddle of the Value of two Pounds, one Bridle of the Value of one Pound, of the Goods and Chattels of one Nicholas Connolly Hussey, and one other Saddle of the Value of two Pounds of the Goods and Chattels of one Thomas Stephens, 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.

Clerk of the Peace — How say you Mootyen; — 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 Prisoner on being informed of his Privilege, desires to have a Jury of half natives and half Europeans.

The following persons are 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.

Jury — Mr. William Smith, Foreman

Alexander Goodhall
John Storey
Mathew Dr[illegible]zeman
William Moore
Brown
Chittacaudoo Chinatomby, Moodelly
Tremashey Mauneyapah, Moodelly
Sadras Vineapah, Moodelly
Tripliciane Rungapah, Moodelly
Chinnacauvan om Cholia pah Moodelly

1st May 1795.

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 Mootyen late of Madras, within the Jurisdiction of this Court Inhabitant; (Here the Indictment is read as in the Arraignment) —

Upon this Indictment he hath been arraigned, and thereunto 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 Grand Larceny whereof he stands indicted, or not Guilty; — and hear your Evidence.

Nicholas Connolly Hussey, sworn on the part of the Crown.

Question — Have you lately, and when, and from whence lost a Saddle and Bridle?

Answer — On the sixth of April last I returned from Innore, where I had been; — a Servant of mine and a Servant of Mr. Stephens's brought the Prisoner at the Bar, with two Saddles and one Bridle, which they said had been taken away on the Evening of the preceding Saturday; and missed on the Sunday; — the Servants accused the Prisoner of the Theft, and after beating him, the Prisoner acknowledged to have taken the Saddles and Bridle out of the Harness-Godown (the Witness swears to the Bridle and one of the Saddles (which he points out) to be of his Property, and that the Saddles and Bridle now produced are the same that were brought by the Servants aforesaid —)

Question — What is the name of the Place where the Harness-Godown is situated?

Answer — At Mr. Stephens's Garden at Kilpauck.

Question by the Jury — Was you present when the Confession was made by the Prisoner?

Answer — No.

Question by the Native Jury — Did you beat the Prisoner?

Answer — No.

The Prisoner not having any Que[illegible]

1st May 1795.

Thomas Stephens sworn on the part of the Crown.

Question — Have you lately, and when, lost a Saddle from your Garden House at Kilpauck?—

Answer — Yes; — On the 29th of April last I returned from Ennore, when Colundaya Horsekeeper of mine, and another Person, a Servant of Mr. Hufsey's, brought the Prisoner at the Bar with the two Saddles and the Bridle; — they related to me that on Saturday the fourth of April the Saddles and Bridle were stolen from the Harness-Godown, and miſsed by them on Sunday Morning, and that as they had reason to suspect the Prisoner of the Theft, they went to his House, near which they met the Prisoner and accused him of the Theft; — after some Altercation, and blows passing, the Prisoner confeſsed having stolen the Saddles and Bridle; — and at the Request of the two Servants the Prisoner sent a Person to his (the Prisoner's) House for the Saddles, which were accordingly brought; the Servants then secured the Prisoner, and brought him with the Saddles to my House at Kilpauck, where they kept him (the Prisoner) — until my return on Monday Morning; — on which I thought it advisable to carry him before the Justices.

Question — Are either, and which, of those Saddles your property?—

Answer — Yes, one of them: — (The Witneſs points out the one which Mr. Hufsey had not declared to be his, (Mr. Hufsey's) property). The Prisoner when he was brought before me, on the Monday-morning, confeſsed having taken the Saddles and Bridle; — but said he was drunk at the time, and did not know what he was doing.

Question by the Court — Was the door of the Godown locked?—

Answer — There was no Key to the Godown.

Question — At what O'Clock did the Prisoner come to your Master on the day your Master went to Ennore?

Answer — About ten O'Clock in the morning he came, and went

1st May 1795.

Question — Do you know whether any Saddles were taken out of your Master's Godown at Kilpauck?—

Answer — Yes.

Question — By whom?—

Answer — By the Prisoner; — when my Master was at Ennore about fifteen or twenty days ago. — On the day that my Master went to Ennore, the Prisoner who was my Master's Horsekeeper, came and received his wages and went away again; — on that night the Saddles were stolen, and I suspected the Prisoner, as the Dogs about the house would not have allowed any Strangers to come near the House; — On the next Morning I asked Mr. Hufsey's Mate-boy, if he knew any thing about the Saddle, then I and the Mate-boy went together to the Prisoner's house (after consulting with the other Servants) we met the Prisoner, and brought him out of the Garden, and accused him of stealing the Saddles, which he denied; — we brought the Prisoner with us to my Master's Garden at Kilpauck; — we repeatedly asked him if he had committed the Theft, and on his not giving proper answers, we tied him up and flogged him; — whereupon the Prisoner confeſsed that he had stolen the Saddles; — the Prisoner brought us as far as Comany Swaron Pagoda, where he said the Saddles would be found; — but not finding them there, the Prisoner acknowledged that the Saddles were in his House at Sahib Dadu's Garden; — I then sent a Person by name Mootoo, to the Prisoner's House; — Mootoo then went to the Prisoner's house, and brought the two Saddles and Bridle, now in Court (particularly describing to whom they belong) — we then took the Prisoner and the Saddles to my Master's House, where I confined the Prisoner.

Question by the Court — Who had the Key of the Godown where the Saddles were kept?—

Answer — There was no Key to the Godown.

Question — At what O'Clock did the Prisoner come to your Master on the day your Master went to Ennore?

Answer — About ten O'Clock in the morning he came, and went

Trial of Mootoo

The Witnesses on the Indictment the King against Appoo, otherwise called Royan, are called to prosecute against the said Appoo, otherwise called Royaw, but do not appear, or answer unto their names

Appoo, otherwise called Royan is then called, and does not appear, or answer unto his name.

The Court then proceeds to the trial of Dashamoot.

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

Clerk of the Peace — Dashamootoo, hold up your right Hand.

You stand indicted by the name of Dashamootoo late of Madras, within the Jurisdiction of this Court, Inhabitant for that you on the seventh Day of February 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 Vipery, within the Jurisdiction aforesaid, - Pounds Weight of Wax-Candles of the Value of Sixteen Shillings the Goods and Chattels of one Richard Gilbert, 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? -

Not Guilty.

Du — Answer — ision —

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John Sc
Mathew Sm
William Mac
Brooker

Did you will you be tried?

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of the Peace
upon
Peace

Prisoner and my Country.

Juries not a good deliverance.

and was one ho been informed of his Privilege de
upon Jury of Ew
that Werner's Wife delivered to you?

the Jo

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.

Mr. Erskine Nimmo Foreman

William Purser.	John Reynolds
David Young	Hugh Gordon
Robert Henderson.	John Anderson
Alexander Melvin	Joseph Sykes
John Wright	Peter Massey Capsin.

and

Nicholas Connolly Hussey.

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 Dashamootoo, late of Madras, and within the Jurisdiction of this Court Inhabitant; - (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 Grand Larceny whereof he stands indicted, or not guilty; - and hear your Evidence; -

Richard Gilbert, having been sworn in Verdict
zana to appear and prosecute the said Dasharno
after a
not appearing, or answering to his name, his
answer to
or dis-

George Innis, he on your Verd
Sheriff as a Witness for the Prosecut
appear, or answer to his name.

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trial of Mootyen

1st May 1795.

Question — Do you know the Prisoner?

Answer — Yes.

Question — Do you know any thing of the Prisoner's having stolen any Candles?

Answer — One Night in the Month of February, I was sleeping in my Master's House in Black Town, seven or eight Chests of Candles were kept in the place where I was sleeping, I was awakened by the noise, and went to the plaa where the Chests were kept, and saw the Prisoner standing there, and asked what he was doing; — the Prisoner answered that he was going to sleep there, and I brought a Candle light, and saw one of the Chests was broken; I asked the Prisoner if he had taken any thing out of it; — the Prisoner denied that he had; — finding that there were some Candles deficient, I told the Prisoner that he must be answerable, as he was there; — In the mean time, our Maty happened to be there; — I told the Maty, that the Maty and the Prisoner should be answerable for what was lost, and I went away to my own House; — the Prisoner also followed me, and confessed to me that he had stolen some Candles from the Chest, and that he would bring them back to me, to put them again into the Chest; — and desired me not to inform against him; — I went away to my house, and the next morning the Prisoner brought to me thirty nine Candles, which I received from the Prisoner, and informed Mr. Innis my Master as soon as I saw him of the Prisoner was then confined.

Did the Prisoner confess to have stolen the Candles?

Yes.

Do you know whose Candles they were?

They were belonging to Mr. Gilbert.

The Prisoner has no questions to put to the

Privilege de

upon Oath

Peace

1st May 1795.

Question — Did you lately buy any Candles from the Prisoner?

Answer — The Prisoner brought some Candles to me for sale, for which I gave ten fanams, and bought them, and went to the Dubash of Mr. Gilbert, by name Vencataroyaloo, and told him that the Prisoner had brought some Candles to sell, which I had made, and sold to Mr. Gilbert; — I considered the Candles to have been stolen. —

Question — Why did you not secure the Prisoner?

Answer — It was not in my power to secure the Prisoner.

Question — How long after you had purchased the Candles from the Prisoner did you go to inform Vencataroyaloo of the circumstance?

Answer — Immediately.

Question — Why did you not go before the Justices, and inform against the Prisoner?

Answer — I immediately went and informed the Dubash of the Gentleman, Who is supplied with Candles.

Question — What did you do with the Candles that you purchased from the Prisoner?

Answer — I delivered them at the Justices.

The Prisoner not having any questions to put to the witness he retires.

The Prosecution is closed.

The Prisoner being asked if he had any Witnesses to produce, or any Defence to make, says he has none.

The Petit Jury retire to consider on their Verdict, Bailiff having been first sworn to keep them; — and after a short time the Verdict being proclaimed they come in to Court, and answer to their names, or dissent

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

Yes.

of the Peace — Who shall say for you?

Our Foreman

Trial of Moothyen

1st May 1795.

Clerk of the Peace. — How say you, is Dashamootoo Guilty of the Grand Larceny whereof he stands indicted, or Not Guilty?

Foreman — Guilty of Petit 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 Dashamootoo is Guilty of Petit Larceny, and so you say all? —

Jury — Yes.

The Prisoner is thereupon remanded into the Custody of the Sheriff. —

The Court then proceeds to the Trial of Vencataramadoo.

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

Clerk of the Peace. — Vancataramadoo, hold up your right hand:

You stand indicted by the name of Vencataramadoo, late of Madras within the Jurisdiction of this Court, Inhabitant, for that you on the third day of April, 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 Madras aforesaid within the Jurisdiction aforesaid, with a certain Dagger, which you the said Vencataramadoo in your right Hand then and there had and held, in and upon one Vencatashum, in the Peace of God, and our said Lord the King, then and there being, did make an assault, with the said Vencatashum, then and there feloniously, wilfully, and of your malice aforethought, to kill and murder, and other wrongs to the said Vencatashum, then and there did; to the great damage of the said Vencatashum, and against the Peace of our said Lord the King, his Crown and Dignity.

And you the said Vencataramadoo, are now arraigned upon this Indictment, and stand indicted, by the name of

1st May 1795.

Vencataramadoo, for that you on the said Twenty third day of April in the Thirty fifth Year of the Reign of our Sovereign Lord George the Third aforesaid, with Force and Arms, at Madras aforesaid, within the Jurisdiction aforesaid, in and upon the said Vencatashum, in the Peace of God, and our said Lord the King, then and there being, did make an Assault, and him the said Vencatashum, then and there, did beat, wound, and ill-treat, so that his life was greatly despaired of; and other wrongs to the said Vencatashum, then and there did; to the great damage of the said Vencatashum and against the Peace of our said Lord the King, his Crown, and Dignity.

How say you, Vencataramadoo, 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 Prisoner being informed of his Privilege, desires to have a Jury of half Europeans and half Natives.

The following Persons are 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.

Mr. John Card — Foreman

Edward Bent.	Pagodom Narnapial, Natik.
William Smith.	Poondamully Rama yooloo, Natif
Alexander Goodhall	Codecala poonjey Vencatasa the
John Storey	Petty Tamboo, Nai[illegible] in dis-
Richard Ashton.	Munpam Goorroo[illegible]ices:

and

Taragoo Gopaul Ristn[illegible] vatsal of Mootyen

1st May 1795

Clerk of the Peace — Gentlemen of the Jury, look upon the Prisoner and hearken to his Causes. You shall know that he stands indicted by the name of Vencataramadoo late of Madras, within the Jurisdiction of this Court, Inhabitant, (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 Assault with intent to kill, whereof he stands indicted, or not Guilty; — and hear your Evidence.

Vancatashum, a Palanquin Bearer, sworn on the part of the Crown.

Question — Do you know the Prisoner?

Answer — Yes.

Question — Did the Prisoner at any time and when give you any blow with a Creese?

Answer — Yes; — about seven days ago.

Question — Relate the Circumstances attending his striking you.

Answer — Sometime ago I was in the Nabob's Service, and resided at Triplicane, a Woman came to me, and lived with me, and about fifteen days after the Prisoner came and brought away the Woman from Triplicane; five days after she came back to me; — I left the Nabob's service, and came to reside at Madras, when about seven days ago, about four O'clock in the Evening the Prisoner came to my house and laid hold of the Woman that lived with me; — He drew a Creese or Dagger which he had with him, and attempted to strike the Woman with it; — she cryed out aloud that the Prisoner was stabbing her; — the People that were passing came and separated the Woman from the Prisoner; — the Woman ra[illegible] away and got into a house and shut the door; — the Prisoner pursued her; — [illegible] Prisoner soon after stabbed himself, and then turned towards me, and stab[illegible] a Creese went through my Arm into my back; — I was told by [illegible] Peo[illegible] Hospital to get my Wound dressed; — I then went to the Hospital and got my Wound dressed; — the Prisoner was taken to the Fort, and I was ordered to attend at the Justices the next morning.

1st May 1795

Question by the Jury — Was the Woman any relation to the Prisoner?

Answer — The Prisoner said she was his Wife, but she denied it.

Question — Did the Woman live any length of time with the Prisoner, or had she any Children by him?

Answer — I do not know; — she had no Children by him.

Question — Was the Prisoner intoxicated at the time he attempted to stab the Woman, and stabbed you?

Answer — No.

The Prisoner on being asked if he had any Questions to put to the Witness, and replying in the negative, the Witness is ordered to retire.

Cyah, Moodelly, is then next sworn on the part of the Crown.

Question — Have you ever before seen the Prisoner?

Answer — Yes; — on the day of the Assault.

Question — Do you know any thing of the Prisoner's having stabbed Vencatashum?

Answer — I was told so, but did not see it.

Question — Relate what you know about any Assault of the Prisoner upon Vencatashum.

Answer — About seven days ago, at three O'clock in the Afternoon, hearing some disturbance in my Street, I went out of my house to enquire into the reason, when I was informed by a crowd of Persons, that the Prisoner had stabbed one Vencatashum with a knife (the Creese being shewn to the Witness, he says it was the same that he was told the Prisoner stabbed Vencatashum with;) I saw the Prisoner and Vencatashum there at the time.

Question — Did it appear that Vencatashum had been wounded?

Answer — Yes; — it appeared that he was wounded in the Arm; — I after[illegible] that the Prisoner had stabbed himself; — I after[illegible] trial of Mootyen[illegible] stable Mr. Davison to apprehend the Prisoner, took charge of the Prisoner, and carried him

same time one of the People brought the Dagger and gave it to Mr. Davison in my presence; - I then went away to my house.

Question by the Jury. — Were either the Prisoner or Vencatashum intoxicated?

Answer. — I did not observe that they were.

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

And Henry Davison, is then sworn on the part of the Crown.

Question. — Are you one of the Constables for the Town of Madraspatnam?

Answer. — Yes.

Question. — Relate what you know respecting the Assault with an intent to kill, whereof the Prisoner at the Bar stands indicted.

Answer. — Last Thursday sennight between three and four in the afternoon, the Deputy Interpreter told me there was a Quarrel in the Street he lived in between two Black men, and that there was a large Mob round them, and he was afraid the Prisoner would do some more mischief, as he had wounded one already, and begged that I would go to secure the Prisoner; - I went, and when I came there, there was a large Mob of People round the Prisoner, at the same time one who was bleeding himself from a small wound just under his Ribs; - the People told me he had wounded himself, and shewed me a small Dagger with which he had done it; - they gave to me at the same time in Charge the Dagger now lying here in Court; - I then asked where the Person was that this Man (the Prisoner) had wounded; - immediately Vencatashum came up with his Arm all over Blood; - he had just been dressed at the Hospital.

Did the People who were about you say that Vencatashum was the Person whom the Prisoner had stabbed?

Yes; - I got somebody to ask Vencatashum (the wounded Man) in Mal[abar] if the Prisoner was the Person who had wounded him; - He made a Sal[aam] and pointed to the Prisoner, signifying that he (the Prisoner) was the Person.

who had wounded him; - I then took the Prisoner to the Hospital, seeing that he was bleeding, and asked the Doctor if he was dangerously wounded; the Doctor examined him, and told me he was not, and that if he was a Man who had committed any Crime, I might put him in Prison; I then took him to the Public Office to Mr. Totton, who gave him over in charge to the Taliars.

Question by the Jury — Was the Prisoner intoxicated at the time?

Answer. — No; - he was very peaceable with me.

The Prosecution being closed, the Prisoner is asked if he has any Witnesses to produce, he says he has; - on being desired to produce them, he says some are in Triplicane, some in the Black town; - he is then asked what those Witnesses would prove, if they were in Court to be examined, he says, that he has Witnesses to prove that the Woman was married to him (the Prisoner) and that Vencatashum enticed her away; - and that Vencatashum first assaulted him; - that he was married to the Woman, that she went away from him to live with Vencatashum; - that he was much alarmed and ashamed at her Conduct, and went and seized her; - when Vencatashum and several others interposed, and beat him, and threw him on the ground, and released the Woman from him; - that she run away into a house, and shut the door; at which he was provoked, and the People beat him with Clubs and Sticks to make him give up the Knife, which he refused to do, and stabbed himself; - That he does not know how Vencatashum came to be hurt; it must have been by accident, when they were pushing him about.

Eyah Moodelly, is called into Court and sworn.

Question. — When you went to enquire of the Disturbance, did you hear or see any one say that the Woman who had been the occasion of the Quarrel was (the Prisoner's) Wife?

Answer. — No.

The Petit Jury [illegible] the Trial of Mootyen

Torriano, George Andrew Ram, James Strange, Cornish Gambier, Benjamin Bromfill, John Rowley, John Snow, Nathaniel Webb, Michael Keating, George Wilson, Thomas Snodgrass, William Gordon, Andrew Scott, Arthur William Gregory, William Hawkins, George Thompson, John Renworthy, Walter Balfour, Lionel Place, Alexander Macleod, Harry Taylor, John Lennox, Edward Hare, William Jones, Nathaniel Edward Kindersley, John Clerk, George Powney, Robert Malcolm, Richard Dillon, George Sullivan Marten, Edward Atkinson, John Wrangham, William Brown, Henry Wilson, Hugh Donnel Ogilvie, Peter Cherry, Alexander Stodart, Francis Alexander Grant, George Balmain, John Lewis, Charles Carpenter, Charles Harris, Robert Alexander, Francis Archibald Savage, Evans Marsh White, Samuel Skinner, John Chenney, Thomas Bowyer Hurdis, John Benward Travers, Thomas Norris Auspere, The Honorable L. G. Keith Murray, Gordon Vines, and Charles Wetherell Esquires; — Captain Alexander Read, Lieutenant William Macleod, and Lieutenant Thomas Munro of Madras; — Whereas, in and by an Act made and enacted in our Parliament holden at Westminster in the Thirty third Year of our Reign, and entitled, an Act for continueing in the East India Company for a further term the posession of the British Territories in India, together with their exclusive trade under certain Limitations; for establishing further regulations for the Government of the said Territories and the better administration of Justice within the same; for appropriating to certain Uses the Revenues and Profits of the said Company, and for making provision for the good Order and Government of the Towns of Calcutta, Madras and Bombay, it is for certain reasons and considerations therein recited, among other things enacted, that it shall and may be lawful to and for the Governor General in Council of Fort William in Bengal for the time being, by Commission from time to time issued under the Seal of our supreme Court by the name of [illegible] there, in the name of us, our Heirs and Successors, Directors

in the name of the Chief Justice of our said Court (which said Commissions the said supreme Court is by the said Act authorized and required from time to time by any Order or Warrant from the said Governor General in Council to issue accordingly) to nominate and appoint such and so many of the Covenanted Servants of the 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 Town of Madras and Presidency of Fort Saint 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, and by virtue thereof, and 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, in and for the Provinces aforesaid, and the Places subordinate thereto: And Whereas the Governor General in Council now being, has, in and by a certain Order and Warrant, by the said Governor General in 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, and Peter Speke, Esquire, 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 [illegible] and the places subordinate thereto, or of one of them, to be Justices of the Peace for the Town of Madras and Presidency of Fort Sacred into the Custody of Mootyen [illegible] and appointed Justices of the Peace for the Town of Madras, and Presidency of Fort Saint George and the places subordinate thereto, according to the Powers and Authorities in the said Commissions expressed and contained. Allegiance

accordingly assigned you, and by these Presents do accordingly assign you, and every one of you jointly and severally our Justices to keep our Peace within the said Town of Madras and Presidency of Fort Saint 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 the conservation of the same, and for 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 Saint George, and Places (as well within Liberties as without) according to the Force, Form and Effect of the same, and to chastize and punish all persons offending against the Form of those Ordinances or Statutes, or any of them, within the Town of Madras and Presidency of Fort Saint George, and Places aforesaid, as according to the Form of those Ordinances and Statutes shall be fit to be done; and to cause to come before you, or any of you, all those persons who shall threaten any of our People touching their persons, or of burning their Houses, to find sufficient Security for the Peace, and for their good Behaviour towards us and our People, and if they shall refuse to find such Security, then to cause them to be kept safe in some of the Prisons of the said Town of Madras and Presidency of Fort Saint George and Places, untill they shall find such Security: and further to do and cause to be done all and every other Act and Acts, Matter and Matters, Thing and Things in particular, and all and whatsoever in general, which under and by Virtue of the said Statute first herein above mentioned, or by any other Law or Laws, Statute or Statutes, can, may or ought lawfully to be done or caused to be done by any Justices or Justice of Peace, jointly or severally, who under and by Virtue of the said Statute [illegible] in first above mentioned, or of any of the Powers or Provisions therein [illegible]ment-ed, can lawfully be nominated and appointed for and within the Certain reason[illegible]drass and Presidency of Fort Saint George, and therefore [illegible] enacted, the [illegible] diligently to apply yourselves to the keeping of our Peace in Council of [illegible] Statutes, and all and singular other the Premisses, [illegible] from time to [illegible] (perfo[illegible]

[illegible]k of the Peace

Chairman

Clerk of the Peace

perform and fulfill the same in form aforesaid; doing therein that which to Justice appertaineth, according to our Laws and Statutes, Saving to us the things to us in respect thereof belonging. In Witness whereof we have caused this Commission to be made patent under the Seal of our said Supreme Court at Fort William aforesaid.

Witness, Sir Robert Chambers, Knight, Chief Justice of our said Court, the twenty-eighth day of March, in the Thirty fifth Year of our Reign. (Signed) Robert Chambers,

accordingly take the prescribed Oaths of Allegiance and of Office.

Timothy Grady is put to the Bar to receive Judgment.

Timothy Grady, hold up your Hand:— You stand here convicted of Felony, Murder; what can you say for yourself, why the Court should not proceed to give Judgment of Death against you, as the Law directs?—

The Prisoner Timothy Grady, not having any thing to offer, the Chairman (after a short address to the Prisoner) proceeds to pass sentence on him 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 untel you be "dead, and the Lord have Mercy on your Soul."—

The Prisoner Timothy Grady is then delivered into the Custody of the Sheriff—

Covore Ponnumbalum, Moodely, is put to the Bar [illegible]ing Judgment—

Clerk of the Peace — Covore Ponnumbalum Moodely, hold up your hands. [illegible] then dis- [illegible]vices. here convicted of Forgery;— what can you say for [illegible] not proceed to give Judgment of Death against [illegible] trial of Moottyen

2nd May 1795

acknowledge to owe to our Sovereign Lord the King, the Sum of Ten Pounds upon condition that Naugalingum shall be and appear at this Court at the next General Quarter Sessions of the Peace, to be holden for the Town of Madraspatnam, and that he shall not depart the Court without Leave; Are you content?—

Mootoo Caulatee — Yes.
Kylayah Pundarum — Yes.—

Naugalingum is accordingly delivered over to the cusody of his Bail—

The Witnesses for the Prosecution on the Indictment the King against Appoo (otherwise called Royan), are again called, and not appearing or answering to their names, their Recognizances are forfeited, and Appoo (otherwise called Royan) is accordingly brought to the Bar, and discharged by Proclamation.—

The following Petitions having been handed over to Mr. Cockel in order that the merits thereof respectively might be by him enquired into and reported, the same are read by order of the Court, and the following orders made thereon respectively—

To the Right Honble Lord Hobart
and other His Majesty's Justices of the Peace,
for the Town of Madraspatnam—

The Petition of Sunca Pulla Muttanah, Chitty,
Inhabitant of Madras

Humbly

2nd May 1795

Humbly Sheweth,

That your Petitioner is Proprietor of several Houses in Black Town, which have been valued and assessed under a late Order of the Quarter Sessions;—

That the Estimate made of your Petitioner's Houses being far beyond the actual value thereof, and the Assessment of consequence grievous to your Petitioner, he stated his case to the Gentlemen appointed to collect the assessment, offering to establish the fact by Proof, if they should require it, but those Gentlemen declared themselves incompetent to give any redress, as the Error, if such it was, had not arisen with them, and recommended an Application to his Majesty's Justices at the next Quarter Sessions.

Your Petitioner therefore humbly begs your Lordships permission to state the particulars in which he conceives himself aggrieved.

His House No. 57 in Anderson Street hath been usually let when taken by the Year @ Pags 10 p/M — amounting Yearly to Pags 120 and subject on the principle of the present assessment to Pags 6—, which however is assessed Pags 7½ — His House No. 17 in Francisco Street which lets when the same is tenanted for Pags 6½ p/Month, is assessed Pags 8.10 — being equal to a rent of Pags 14 p/ Month; and Your Petitioner's dwelling house in Suncalamah Street is assessed with the Houses for the sole reason that it has two Doors —

Your Petitioner therefore humbly relies with confidence on your Lordships & Justice for relief in the Particulars above stated, in each case offending assessment being in the two first instances grossly excessive, and in the last to prove, in an erroneous valuation, and in the

Madras
11th April
1795

Humbly

Ordered, that the Assessment on the House No. 17 be lowered to four and an half Pagodas –

To the Right Honble Lord Hobart President and Governor of Fort Saint George –

The Humble Petition of the whole Body of the Pariars residing in the Parcherry within the Bounds Hedge of Madras

Most humbly sheweth,

That from time immemorial your Petitioners Ancestors have resided in the said Parcherry without paying the Scavenger's Taxes, or any other Tax whatever.

That your Petitioners shew that several Orders passed since the Administration of Governor Bourchier to receive from your Petitioners and their Ancestors the said Taxes, but your Petitioners and their Ancestors did remonstrate to the Governors of those times, that your Petitioners were very poor, and that their distressed Situation in Life would not permit them to pay any Tax whatever, and in consequence of this your Petitioners remonstrance, those Gentlemen were pleased to withdraw those Orders, and your Petitioners have lived in quiet and peaceable possession of their Houses in the Parcherry without paying any taxes untill the Administration of Sir Charles Oakeley, when the Board of Revenue thought proper to make the same demand as was formerly made, and your Petitioners were obliged again to lay before them their Poverty and distress, in consequence of which the Board of Revenue were pleased to prevent any further proceedings against your Petitioners

That your Petitioners farther shew, that lately the appointed by Government have made a demand on your paying the Assessment –

Your

Your Petitioners therefore with the most profound respect take the liberty to lay before your Lordship that since the Establishment of the British Nation on the Coast of Coromandel your Petitioners and their Ancestors have always been very obedient, and have rendered many services to the Honble Company and to the Community in general by supplying the Army and the Community in their most critical Situations at a moments warning with Servants of every discription; and such has been the rule and custom of your Petitioners Cast, that they and their Ancestors have been obliged to confine themselves to their low stations, by which very few Emoluments could be derived, & that hardly sufficient to maintain themselves and Family, and therefore they are totally unable to pay any Assessment or Scavengers Tax. –

Your Petitioners therefore prostrate themselves at your Lordship's feet, as the Patron of the Poor and distressed and most humbly prays that your Lordship will be pleased to order the Collectors not to demand any Assessment for your Petitioners houses situated in the Parcherry

For which Act of Humanity your Lordship will restore Peace and Satisfaction to the minds of your Petitioners and their distressed Families, and your Lordships name shall perpetually be held in grateful remembrance by them and their Offspring, who will never cease in offering up their fervent Prayers to Heaven for your Lordship's Health Happiness, and Success in all your Lordship's undertakings

Signed

2nd May 1795.

Ordered, that the Assessment be remitted.—

To the Right Honorable Robert Lord Hobart,

President and Governor &c. Members

In the General Quarter Sessions of Oyer and Terminer and Jail delivery of the Town of Madraspatnam and the districts thereof

The humble Petition of Ninaapah Moodelly an Inhabitant of Madras.—

Sheweth

That in pursuant to the order of this Honorable Court under date the thirteenth of February last for the leveying of Five Per Cent on the annual Value of the respective Houses and other Buildings in and about the Black Town your Petitioner is demanded payment of a Sum of Five Pagodas per Year upon the Valuation of his House at Eight and a half Pagodas per Month which Valuation your Petitioner humbly conceives to highly exorbitant on his part for he never could let it even at Five Pagodas per month nevertheless your Petitioner is much reduced in his Situation, by having been long since unemployed, that he is easily able to support his numerous family and self, and consequently unable even to pay the usual Quit rent.

Your Petitioner therefore humbly submits the above indigent circumstances to the serious consideration of this Honorable Court, and humbly implores this Honorable Court will be so compassionate as to order that he may be indulged to pay the present assessment by reducing the Valuation of his said House to that moderate term that may in their Wisdom appointed by act in confering which act of indulgence and charity your Petitioner in duty bound shall ever pray

(Signed)

Petition. in consequence then proceeding

paying the

ought be lowered to four Pagodas and nine fanams

Answer

2nd May 1795

To the Right Honble Robert Lord Hobart,

President and Governor &c. Members.

In the General Quarter Sessions Of Oyer and Terminer and Jail delivery of the Town of Madraspatnam and the district thereof

The humble Petition of Saulapatum Terovangada Pillay an Inhabitant of Madras.—

Sheweth,

That in pursuant to the order of this Honble Court under date the 13th of February last, for the leveying of 5 per Cent on the annual Value of the respective houses and buildings in and about the Black Town, your Petitioner is demanded payment of a Sum of 15 Pagodas per Year, upon the valuation of his House at 25 Pagodas per Month, which valuation your Petitioner humbly conceives to be highly exorbitant on his part, for he never could let it even at 10 Pagodas per Month; nevertheless your Petitioner is much reduced in his situation both by having met with many obstacles one way or other, in his due and owings, and as well from having been long since unemployed, owing to his infirmities, that he is [illegible] to support his numerous family and self, and consequently unable even to pay the usual Quit Rent.

Your unfortunate Petitioner therefore humbly submits his above indigent circumstances to the serious consideration of this Honble Court, and humbly implores this Honble Court will be so compassionate as to order that he may be indulged to pay the present assessment by reducing the Valuation of his said House to that moderate term that may in their Wisdom seem most meet, from his above circumstances, in confining which act of Indulgence your unfortunate Petitioner and his numerous family shall ever pray

Petition not complied

To the Right Honorable Lord Hobart
and other of his Majesty's Justices
of the Peace for the Town of
Madraspatnam—

My Lord and Gentlemen,

I take the liberty to represent to your Lordship and the Honorable Bench, that in the late general Assessment of the Black Town, an error has occurred with respect to two houses in Pariana Mastry Street, belonging to me, Viz.t One house which lets for Pag.s 20 p.M.t is valued at Pag.s 300—
One D.o which lets occasionally
for Pag.s 25 p.M.t but most
usually for 20— is valued ——————— 360—
an estimate which you will perceive to be considerably more than the annual produce at the highest calculation, and far beyond the Average amount of the Rents—

I am therefore led to hope that the grievance here suggested will have a place in the consideration of the Honorable Bench; and that I shall obtain such relief as upon enquiry on a new survey of the Pr.s in question I shall appear to be entitled to

I have the Honor to be

My Lord and Gentlemen

Your most obedient
and most humble Servant
(signed) Johnson Kennedy
Capt.n 3.d Regt. Eu. I.

Ber.
in consequ
thereof Procamalie
d. 1795)

appointed
that the House assessed at twenty Pagodas, be lowered to
paying Bil
use for twenty five Pagodas be lowered to fifteen Pagodas

To the Right Honorable Robert Lord Hobart,
Chairman &c.a Justices of the Quarter Sessions—
The humble Petition of Choca Pilla,
Church Warden, and the Hereditary
Bramins of Chinny casava & Chinny
Mullaswara Pagoda at Madras,—
commonly called the Town Pagoda—

Sheweth/

That your Petitioners most humbly beg leave to represent to your Lordship, that ever since the English Government was established at Madras, they, out of regard, used to shew their indulgence and assistances towards the Charity of the abovesaid Pagoda, but it so happened, that in the year 1757 or 1758 a French War approached, and the Government of Madras then had occasion to extend the North Esplanade of the Fort and to that purpose they have demolished the above Pagoda together with the Town that were to the Northside of the Fort, but after Monsieur Lally's War against Madras was over in 1759, Governor Pigot have been pleased to bring the subject of the Pagoda into Counsil: 1760 and with their concurrence allotted Ground in Peddy Naig's Pettah (where the Pagoda is now situated) in lieu of the one demolished as above; the resolution of which may be seen in the Company's record of that period, and after which the said Governor Pigot himself came to the above Spot, and got the Foundation laid on the Spot for the Pa.s and re-established it thro' his assistance of recovering the Balances due from the native Merchants and by other charitable contributions—

Your Petitioners further beg leave to represent that the several individuals by way of supporting the Charity for the daily and annual Ceremonies &c.a thereof they could, and built several Shops, the rent thereof being the Charitable use of the Pagoda, some of the Pagoda for the Bramins that are to be as also there are Stone Choultrys and

damage
on her
case offending

the
Annavoyah Bramin, for
the thirty third Year aforesaid,
aforesaid, of your wicked mind,
forged paper writing or instrument
purporting to be a draft for the payment
of, and to be signed by the said Mayor Thomas
on the said Annavoyah Bramin, then, to wit,
on

2nd May 1795

the aforegoing circumstances to your Lordship & your Petitioner trust that the said Gentlemen would have made a report thereof.

Lastly your Petitioner most humbly begs and entreats, that your Lordship will be pleased to order the said Assessment of 5 P. Cent. upon the said Houses and Peticks be remitted & thereby prevent the said charitable purposes being defeated; in doing which a great Charity will oblige your Lordship, & your Petitioner as in duty bound.

Shall ever pray.

(Signed) Chedumbarum
Church warden

Ordered, that the Assessment be remitted. —

To the Right Honble Lord Hobart, President, Edward Saunders and Ernest William Fallofield, Esquires, Justices of Oyer & Terminer & General Goal Delivery for the Town of Madraspatnam

The humble Petition of the Persons in charge of a few Charity Inns who have here under subscribed their names

That with great respect & submission to your Lordship &c. your Petitioners beg leave to state that for no other purpose than for the reception & accommodation of the poor Travellers travelling from one part of the World to another by way of Pilgrimage & coming into this Madras (which is known to be Metropolis of English Government on the Coast of Coromandal and a rich and populous Town) for lodging & spending a few days in their way to distant places, the said Charity Houses had been built in former times with Subscriptions of trifling Sums made by persons of charitable dispositions commonly called, or known by the names of Mattams & Sathrums appropriated for the convenience of the Pilgrims, Monks &c. to appointed to eat the Alms which they procure from persons inclined to paying Duty to attend to divine services for the promotion of the happiness of Government under which they reside.

The said Charity Houses are esteemed and regarded by the Natives in general equal to Churches, as they are set aside for the accommodation of pious persons, who prefer divine Service, and whose time is constantly devoted to Devotions & Prayers, therefore they had been hitherto exempted from paying any Quitrent or Scavenger's duty for the said Charity Inns as will appear upon reference being had of the Company's Registry.

But the Assessment of 5 P. Cent. is now demanded from the Persons in charge of these Charity Houses (which are not the Property of any Individual) it appertaineth unto your Lordship &c. as the Administrator of Government to render every encouragement towards the promotion of all charitable uses & purposes, therefore and as the said Pilgrims, Monks, & other Travellers are not admitted to lodge in any of the Houses occupied by Families especially as no body would undertake to pay the Amount of Assessment upon the said Charity Houses, Your Petitioners trust & confide in your Lordship Humanity & Compassion, & most humbly beg and entreat that it may please your Lordship &c. to order that the amount of Assessment upon the said Charity Inns to be remitted, in order that the said charitable purposes may be continued and promoted, instead of being defeated. These Charity Inns have been at all times exempted from paying the Quit-rent, & Scavenger duty; — in doing which a great Charity will oblige your Lordship &c. —

And your Petitioners as in duty bound

Shall ever pray.

Madras
the 15 April 1795

Ordered that the Assessment

2d May 1795.

To the Right Honble Lord Hobart President.
Edward Saunders and E. William Fallofield. Esqr. Justices
of Oyer & Termener & General Goal-Delivery for the Town of Madraspatnam

The humble Petition of
Paroor Pundarum—

Sheweth.

Your Petitioners Ancestors have erected an Inn or Charity House by means of Alms in which your Petitioner's and family are lodging and continues to maintain themselves and give Alms to Poors by means of Alms, on which Inn or Charity House the Annual value is prefixed to 100 Pagodas, which valuation is too heavy on the Premises, notwithstanding your Petitioner being poor and unable to pay any assessment on the same — may your Petitioner therefore most humbly implores your goodnesses will be so benign as to forgive the said assessment, for which act of Indulgence and Charity, your Petitioner will in duty bound,

Ever pray—

(Signed)

Ordered, that the Assessment be remitted.

2d May 1795.

To the Right Honble Lord Hobart
Governor &c. Justices of the Quarterly Sessions for the Town of
Madraspatnam—

The humble Petition of Vydenada Pillo.
Churchwarden of Yagambaraswara
Pagoda in the Black Town—

The Charities of this and all other Pagodas in the Black Town, have been performed under the Government of the Honble the English Company by the Incomes of the Rents of the Houses and Gardens originally allotted to that purpose, the Government have always assisted the Charities of the Pagoda, and not only dispensed the collection of the Annual rent and other Tax but also made other encouragement to enable the Church Warden to perform the Charities decently—

The Surveyors and Collectors demand now the payment of the present Assessment for the charitable Houses belonging to this Pagoda which in some respects proves discouragement to the Charities.—

Your Petitioner humbly submit this Circumstances to pious consideration of the Court, most earnestly entreating, that Justice may be done, to order the Assessment to be dispensed for the charitable Houses of the Pagoda, in order that the performance of the Charities may not be diminished from the usual System.

For which Indulgence Your Petr as in duty bound will ever pray.

Fort St. George
15th April 1795

Ordered, that the Assessment be remitted.

2d. May 1795

To the Right Honble Lord Hobart,

President and Governor &c. in the Session of Oyer and Terminer.

Fort St. George.

The humble Petition of Vaira Pudra Pundarom, a Deacon, or Worshipper of Salavenayger Pagoda.

Most humbly sheweth,

Your Petitioner with most submission begs leave to lay his case before this Court, that from time immemorial the Ancestors of your Petitioners have peaceably held the service of worship to the said Pagoda, and dwelled in its Madum or Charity-house, situated in Pully Street at Marrot-Town, without paying any kind of Tax, or Assessment hitherto, which is by the right of inheritance devolved unto your Petitioner, but now Messrs. Smith and Cockel the Collectors of the Assessment, through their People insist your Petitioner to pay an Assesment on the annual Value of the said Madum or Charity-house.

Your Petitioner therefore with most submission pray, may it please your Lordship &c. to take his distressed case into your serious consideration and order to abolish the Assesment imposed the Value of the said House, for which Act of Piety, as in duty bound,

Your Petitioner,

Shall ever pray

(Signed)

Ordered, That the Assessment be remitted.

2d. May 1795.

To the Right Honble Lord Hobart,

Governor &c. &c. &c.

The humble representation of Tomboo Gruroul, Priest of the Vulaboo Pillia Pagoda.

Having a small Wranda attached to the said Pillia Pagoda in the Black Town situated at Pedda Naig's Pettah in Aadeapah Naig's Street, which Wranda has been let out for the monthly allowance of Measure of Oil for keeping a Lamp in the said Pagoda, The Surveyor demand the payment of Assessment. This Wranda built for the use of the Pagoda.

The Government has been pleased out of regard to the Charity, dispensed the payment of the Quit-rent.

Therefore I humbly submit this to the candid Judgment of the Court, through you, intreating that the Assessment may be excused, in order that I may be enabled to perform the charitable of continuing to keep a Lamp in the Pillia Pagoda, which a pious Charity, I, as in duty bound,

Shall ever pray

(Signed)

Madras
15th April 1795

Ordered, That the Assessment be remitted.

2d May 1795.

To Robert Williams Esqr.

The humble Petition of

Wynuh Lauman

Sheweth,

Your Petitioner relying on your benevolent & charitable disposition, humbly states, that he is a Pensioner, & receives a Pension of two Pagodas P. Month from the Company, so that he has been exempt from paying the Quitrent for a space of these 30 Years past. He is very poor & crouded with a numerous Family, who all depends on his Hands. He is now arrived to the last stage of his Life, & he has no Serial nor Assistant to help his poor Family, and this miserable circumstance of your Petitioner is well known to your worship's serious Consideration. He therefore humbly prays your goodness will be pleased to commeserate his condition & exempt him from the present Assessment as the former Scavengers have exempted him from paying the collecting money in consideration of his inability.

And this Act of charity would bind your Petitioner as in Duty bound, shall ever pray.

The Court defer passing any Order upon the above Petition.

Ordered,

That the Merchants in the Black Town do pay the present Assessment on the Bankshall or Warehouses.

The following Letter from Mr William Cockell is then read:—

2d May 1795.

The Right Hon.ble Lord Hobart, and other His Majesty's Justices of the Peace.

My Lord,

I beg leave to report to your Lordships that on an examination of the Carts belonging to the Contractor for cleansing the Black Town, near thirty out of the number allotted (60) were found insufficient, and the Town itself in many parts very much neglected.

I have the Honor to be with the greatest respect,

My Lord,

Your obed.t & humble Servant

Fort St. George
May 2d 1795

W.m Cockell Surveyor

Mr Thomas Ledsham, is then called upon by the Court to report as to the state of the Carts employed for the cleansing of the Black Town, who accordingly reports them to be in a very bad state, and not many more than half of them fit for use, many of them being broken, and in size under the usual Standard of Carts generally employed for that purpose, and appear as if they had been collected merely for the form of being exhibited at Muster.

The above report is then Sworn to by Mr Thomas Ledsham

The following Affidavit of Mootoo Vallear

Sworn to and

The Affidavit of Mootoo Valleummah of Madras, Widow –

This Deponent maketh Oath and saith, that about twelve Months past, one Armooga Chitty of Madras rented a part of this Deponent's House in Mahratta Town at and after the rate of one Pagoda and an half per month, that the said Armooga Chitty now owes this Deponent ten Pagodas and upwards on Account of Rent for the part of the said House which the said Armooga Chitty agreed to take from this Deponent; that this Deponent hath frequently and peaceably required of the said Armooga Chitty to pay the Rent so due as aforesaid, and to quit her said House; but this Deponent saith that the said Armooga Chitty forcibly continues in the possession of the said House, and doth also absolutely refuse to pay this Deponent the Rent so due as aforesaid. –

Sworn to in Court this second day of May one thousand Seven Hundred and Ninety-five.

Signed Robert Williams
Clerk of the Peace

The mark of
+
Mootoo Valleummah
Widow.

Having been previously explained to the Deponent Mootoo Valleummah by Shunmoogaroy the Court Interpreter.

The Court having taken the same into consideration informs Armooga Chitty that if he does not put the said Mootoo Valleummah in possession of her House, and pay her the Rent due for the same, and move his goods therefrom by Thursday Sennight they will be under the necessity of issuing Warrants directing him before the Court of Sessions for the forcible possession of the same, and also directs the Sheriff to see that the same be done.

The Court is then adjourned to Thursday the fourteenth Instant at Ten in the Forenoon for continuing the present Sessions. –

At an adjourned Court of General Quarter 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 fourteenth day of May in the Year of our Lord One thousand, seven hundred and ninety-five.

Before

The Right Honble 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, 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.

The Court being duly –

Covore Ponnumbalum Moodely is put to the Bar –

The following reasons in Arrest of Judgment are then read, by order of Court

The King
against
Covore Ponnumbalum Moodely –

Causes or Reasons in Arrest of Judgment.

delivered to me by Ponnumbalum Moodely. 6th. May 95 –
Signed Robert Williams
Clerk of the Peace

First, – – – That it is a general and established Rule of Construction of a penal Statute that it shall not be presumed to have a further Operation, than the plain common Acceptation, shall be of which it is composed, and that the Expounders of the British Courts of Judicature have no Authority to annex to any Statute any Meaning or Intendment, but what the Legislature appears in the Statute. And it is holden Law and sanctioned by Practice, that a Statute made in Great Britain cannot be extended to any Colony, or to any Subject of the Crown of Great Britain residing or being planted and established in such Colony, or to any Subject residing in any Colony, but where the Legislature appears in the Statute to have had that Intention. And it is holden Law and sanctioned by Practice, that a Statute made in Great Britain cannot be extended to any Colony, or to any Subject residing in any Colony, but where the Legislature appears in the Statute to have had that Intention.

Second, – – – That the Indictment is bad, for that it charges the Defendant with having on the thirty third Year of the Reign of our Sovereign Lord the King, and on divers other days and times between that day and the day of the taking of the Inquisition, with a false, wicked and malicious Intent, to defraud one Annavoyah Brauming of a certain Paper writing or Instrument of writing to be a draft for the payment of Money to be signed by the said Mysoor Ponnal Annavoyah Brauming, then to wit, on

shall carry and communicate its particular Force and Influence. —

Secondly, — That the Statute under which the Prisoner, Covore Ponnumbalum Moodely hath been tried and convicted, contains not any words, (which are the best signs, from which the intentions of the Legislature can be collected) that give the Statute an external Operation and Authority beyond the immediate Kingdom of Great Britain, in which the same was made and enacted; nor do the reason or spirit of the Statute, so far as they can be understood from the Letter of the same, or the concurrent testimony of the Times in which the Statute was framed, serve to enlarge the Force and Effect thereof, by extending its Operation to any foreign possessions either immediately or mediately attached to or connected with the Crown of Great Britain. But the said Statute in its general provisions, and more especially in the enacting Clause, on which the Prisoner hath been tried and convicted, appears to have in contemplation the preservation of Property of a very refined and specific nature, and peculiar to Great Britain: And therefore as the Legislature hath not declared that the said Statute shall have Effect and Force out of the Kingdom of Great Britain, and as the said Statute, from the face of it, hath in contemplation solely to preserve and secure a species of property, peculiar and particular to the said Kingdom, the said Statute is negatively excluded from all operation here to the disadvantage and detriment of the Prisoner under the circumstances of his Case; the Legislature, at the time of passing the said Statute, evidently not intending or meaning to include and subject him the said Covore Ponnumbalum Moodely in and to the Penalties enacted and enforced by or by the same.

And lastly, — That the said Paper Writing purporting to be a [illegible] which is charged by the said Indictment to have been forged and counterfeited by the said Covore Ponnumbalum Moodely, and to have been published by him, as true, he the said Covore Ponnumbalum Moodely having [illegible] me to have been forged and counterfeited is not of that nature [illegible] tion, in remedy and prevention of the forging and counterfeiting of which the Penalty inflicted by the said Statute was intended to act.

(signed) E. Samuel
On behalf of
Covore Ponnumbalum Moodely

Mr. Emanuel Samuel of Counsel for the Prisoner argues in Support of the Reasons in Arrest of Judgment; —

The Court having taken the same into Consideration, do not think proper to arrest the Judgment on the Grounds of the reasons assigned — and the Chairman after a speech to the Prisoner of some length, proceeds to pass sentence as follows; —

Chairman. — "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 Court informs the Prisoner that the Sentence shall not be put in Execution, until the pleasure of His Majesty be known.

The Prisoner Covore Ponnumbalum Moodely, is then remanded into the Custody of the Sheriff.

Christopher Hewitson, is brought into Court and surrendered by his Bail; he then offers the same persons, William Simpson, and Narrain Braminy, who thereupon severally acknowledge themselves bound — the said Christopher Hewitson in the sum of ten Pounds, and the said William Simpson, and Narrain Braminy each in the sum of five Pounds; on Condition that he, the said Christopher Hewitson do appear at the next Quarter Sessions of the Peace to be holden for the Division of Jaffnapatnam, and not depart the Court without leave. — Jah Braminy, for thirty third Year of preceding

Christopher Hewitson is then delivered out of Custody.

Robert Hughes, Esquire, having received a certain paper writing or instrument purporting to be a draft for the payment of Peace, accordingly takes the Oaths of and to be signed by the said Mayor to and said Annavoyah Braminy, then to act

The Court think fit to make the following Order.

Ordered,

That those who have readily complied with the requisition of the Sheriff, in paying the fines respectively imposed upon them, shall have their fines returned to them, and that a Warrant be made out and delivered to the Sheriffs, to compel the payment from those who have been contumacious: And that a Warrant be made out and delivered to the Sheriff to levy the fines imposed upon the several Persons respectively, at the present Sessions for their non-attendance.

The Court is then adjourned to Thursday the Sixteenth day of July next at Ten O'Clock in the forenoon, for holding another Sessions.

B Williams Clerk of the Peace

16th July 1795.

As a General Court of Quarter 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 Sixteenth day of July in the Year of our Lord one Thousand seven Hundred and ninety five —

Before

Edward Saunders and Ernst William Falkofield Esquires — Members of the Government and Council of Fort Saint George, 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 —

The Court being duly opened the Sheriff returns his Precepts — Wednesday

The Court is then adjourned until the Sixteenth

of September next at ten of the Clock in the Forenoon for continuing the present Sessions —

B Williams Clerk of the Peace

16th September 1795

(2)

At an adjourned Court of General Quarter Sessions of the Peace Sessions of Oyer and Terminer and General Gaol delivery holden at the Town Hall in Fort Saint George on Wednesday the Sixteenth day of September in the Year of our Lord one thousand seven Hundred and ninety five –

Before

Edward Saunders and Ernst William Fallofield Esquires, Members of the Government and Council of Fort Saint George, 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 –

The Court being duly opened the same is adjourned until Wednesday the Thirtieth Instant at ten of the Clock in the forenoon for continuing the present Sessions –

P Williams Clerk of the Peace

30th September 1795

(3)

At an adjourned Court of General Quarter Sessions of the Peace, Sessions of Oyer and Terminer and General Gaol delivery holden at the Town Hall in Fort Saint George on Wednesday the Thirtieth day of September in the Year of our Lord one thousand seven Hundred and ninety five –

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, 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 –

The Court having been duly opened – the following Gentlemen are called and Sworn on the Grand Jury –

Robert Gardiner Esquire Foreman

Josias Dubbe Archer	John Wallace (Junior)
Thomas Chase	William Cockell
Cecil Smith	Richard Yeldham
Henry Brown	James Dent
John Jervis	George Hay
George Edeman	Edward Dent
George Reed	John Goldingham. –

Mr. Harry Taylor and Mr. Frank Day having been from the Panel of the Grand Jurors duly called over by their names to serve as such and not appearing or answering unto their names the Court are pleased to impose a fine of twenty five Star Pagodas on each of the said persons –

Robert Blinksworth is sworn to attend on the Grand Jury during the present Sessions –

Mr. George Parsley the Coroner delivers into Court the following Inquests –

an Inquisition held in the Black Town on the twenty second day of July one thousand seven hundred and ninety five, on the Body of Letchmee together with the depositions of Mr. Andrew Ponton Surgeon and of Munga taken thereon and Recognizance of the said Munga. –

as also an Inquisition held in the Black Town on the – age of August one thousand seven hundred and ninety five on the Body of – as also depending together with a deposition of Andrew Ponton Surgeon taken the said

The following Indictments are delivered to Jah Bramley for The King against Michael Finey for Felony thirty third Year aforesaid The King against Kistreen and Moo said of unsound mind

The following lected paper or Instrument Evidence to the Grand Jury on the purporting to be a draft for the payment and to be signed by the said Mayor Council said Annu. mind, then to wit,

4)

On the Indictment against Michael Finey are sworn
Robert Gordon, Vecraye and Cholzy
On the Indictment against Kistnen and Morton
John Stewart and Henry Davison
The Grand Jury then retire with the two Indictments

Mr Cecil Smith one of the Gentlemen of the Grand Jury returns into Court and an Indictment the King against Crohan and Morton for Grand Larceny is delivered to him, upon which Indictment are (viz his proving) sworn to give Evidence to the Grand Jury Audenpaudorn — Nemenga Row, Condaloo and Pallecondetan —

as also an Indictment the King against Clowzy Rayagam for a Misdemeanor and Chinnadoe, Chundan and Morton are sworn in his presence to give Evidence to the Grand Jury thereon —

a Petition from Peter Deyze a Prisoner in the Felon's Gaol and another from having been presented to the Court the same are given to Mr Smith to be laid before the Grand Jury for their Consideration, he then withdraws —

Mr Henry Brown one of the Grand Jurymen comes into Court with the Indictment against Michael Finey and Mr Charles Oram (Surgeon) is sworn before him to give Evidence to the Grand Jury thereupon, he then retires —

After a short time the Grand Jury come into Court, and answer unto their names and return the Indictment the King against Michael Finey for Felony and Murder, endorsed, true Bill — the Grand Jury then retire

The Court proceeds to the trial of the said Michael Finey

He is accordingly put to the Bar and arraigned as follows —

Clerk of the Peace — Michael Finey hold up your hand —

You stand Indicted by the name of Michael Finey a private Soldier in the Service of the united Company of Merchants of England trading to the East Indies under the Presidency of Fort Saint George; for that not having the fear of God before Your Eyes but being moved and seduced by the Instigation of the devil on the fourteenth day of August 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 Fort Saint George within the Jurisdiction of this Court, in and upon one Poonen 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 Michael Finey a Certain Musket or Gun of the value of ten Shillings then and there loaded and charged with Gun Powder and two Leaden Bullets, which Musket or Gun you the said Michael Finey in both your hands then and there had and held to against and upon the said Poonen then and there feloniously wilfully and of your Malice aforethought did Shoot and discharge, and that you the said Michael Finey with one of the Leaden Bullets aforesaid out of the Musket or Gun aforesaid then and there by force of the Gunpowder so shot and sent forth as aforesaid, the aforesaid Poonen in the throat of him the said Poonen then and there with one of the Leaden Bullets aforesaid out of the Musket or Gun aforesaid by you the said Michael Finey so as aforesaid shot discharged and sent forth feloniously wilfully and of your Malice aforethought did strike penetrate and wound giving to the said Poonen then and there with one of the Leaden Bullets aforesaid, so as aforesaid Shot, Discharged, and sent forth out of the Musket or Gun aforesaid by you the said Michael Finey, in and upon and through the Chest and a little above the right Breast of him the said Poonen, one Mortal wound of the depth of one Inch and of the breadth of half an Inch of which said Mortal wound the aforesaid Poonen then and there instantly died, and so you the said Michael Finey the said Poonen 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 —

And you further stand Indicted by the name of Michael Finey for that not having the fear of God before your Eyes but being moved and seduced by the instigation of the devil on the said fourteenth day of August in the said thirty fifth Year of the Reign of our Sovereign Lord George the third aforesaid with force and arms at Fort Saint George aforesaid within the Jurisdiction aforesaid, in and upon one Poothen 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 Michael Finey with the Musket or Gun aforesaid of the value of ten Shillings as aforesaid then and there so loaded and charged with Gunpowder and two Leaden Bullets aforesaid which Musket or Gun you the said Michael Finey in both your hands then and there had and held as aforesaid, to against and upon the said Poothen, then and there feloniously wilfully and of your Malice aforethought did Shoot and discharge as aforesaid, and that you the said Michael Finey with one of the Leaden Bullets aforesaid out of the Musket or Gun aforesaid then and there by force of the Gunpowder so shot and sent forth as aforesaid, the aforesaid Poothen in and upon the right Breast of him the said Poothen, then and there with one of the Leaden Bullets aforesaid out of the Musket or Gun aforesaid by you the said Michael Finey so as aforesaid shot discharged and sent forth, feloniously wilfully and of your Malice aforethought did strike penetrate and wound giving to the said Poothen then and there with one of the Leaden Bullets aforesaid, so as aforesaid Shot, Discharged, and sent forth out of the Musket or Gun aforesaid by you the said Michael Finey, in and upon and through the Chest and a little above the right Breast of him the said Poothen, one mortal wound; of which said Mortal wound the aforesaid Poothen died languish and languishing died live for the space of one hour and then died, and so you the said Michael Finey the said Poothen 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 Michael Finey are you guilty or not 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 Jury Sworn and Charged

on the Petit Jury the Prisoner thereto

5.

out of the Musket or Gun aforesaid by you the said Michael Finey in and upon the said throat of him the said Poonen one Mortal wound of the depth of one Inch and of the breadth of half an Inch of which said Mortal wound the aforesaid Poonen then and there instantly died, and so you the said Michael Finey the said Poonen 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 —

And you further stand Indicted by the name of Michael Finey for that not having the fear of God before your Eyes but being moved and seduced by the instigation of the devil on the said fourteenth day of August in the said thirty fifth Year of the Reign of our Sovereign Lord George the third aforesaid with force and arms at Fort Saint George aforesaid within the Jurisdiction aforesaid, in and upon one Poothen 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 Michael Finey with the Musket or Gun aforesaid of the value of ten Shillings as aforesaid then and there so loaded and charged with Gunpowder and two Leaden Bullets aforesaid which Musket or Gun you the said Michael Finey in both your hands then and there had and held as aforesaid, to against and upon the said Poothen, then and there feloniously wilfully and of your Malice aforethought did Shoot and discharge as aforesaid, and that you the said Michael Finey with one of the Leaden Bullets aforesaid out of the Musket or Gun aforesaid then and there by force of the Gunpowder so shot and sent forth as aforesaid, the aforesaid Poothen in and upon the right Breast of him the said Poothen, then and there with one of the Leaden Bullets aforesaid out of the Musket or Gun aforesaid by you the said Michael Finey so as aforesaid shot discharged and sent forth, feloniously wilfully and of your Malice aforethought did strike penetrate and wound giving to the said Poothen then and there with one of the Leaden Bullets aforesaid, so as aforesaid Shot, Discharged, and sent forth out of the Musket or Gun aforesaid by you the said Michael Finey, in and upon and through the Chest and a little above the right Breast of him the said Poothen, one mortal wound; of which said Mortal wound the aforesaid Poothen died languish and languishing died live for the space of one hour and then died, and so you the said Michael Finey the said Poothen 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 Michael Finey are you guilty or not 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 Jury Sworn and Charged

on the Petit Jury the Prisoner thereto

to any of them as they came to the Book to be Sworn and before they were Sworn —

Wm. Peter Mafay Cafsin Foreman

Edward Jones	Marcus Armstrong
William John Chater	Edward Dent
Thomas Hurst	Joseph Sykes
Alexander Stuart	James Munro
Richard Ashton	Thomas Blyth

John Reily

(The following Persons namely, James Sutherland, John Sharp, William Hart, James Dobbin, John Scott, William Smith and John Lenham not having appeared or answered unto their names, they having been duly called over from the Panel of the Petit Jury to serve as such on this Trial, are according to the Order of Court hereinafter mentioned, severally and respectively fined in the sum of ten Pagodas each) —

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 Michael Finay a private Soldier in the service of the united Company of Merchants of England trading to the East Indies under the Presidency of Fort Saint George (here the Indictment is read and 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 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 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 —

Veeran a Palanquin bearer, is then called and sworn on the part of the Crown — Shunmogaroy Mondelliar the Sworn Interpreter to the Justices attends in Court to perform the duties of his Office —

Clerk of the Peace — did you know one Boonen and Coothen —

Answer — Yes they were Mr Henderson's Palanquin Boys

Question — are they dead or alive —

Answer — Dead —

Question — How did they come by their death

Answer — one month and an half ago, About nine O'Clock at night we carried Mr. Henderson's Palanquin to Mr Melvins and left it there together with the other Palanquin Boys Boonen and Coothen; and Choly and Coly were returning home, at the distance from Colonel Close's Office I heard the report of a Musket as aforesaid & was walking behind me fell down — and Coothen who was before, that is also fell down — Boonen immediately died —

Question — did you see the Person who fired off the Gun —

Answer — I turned round and saw only one Person, a Sentry —

Question — do you believe that the Prisoner at the Bar was the Person who was then standing as a Sentry —

Answer — I cannot tell, it was dark

Question — was the person who was Sentry pursued or secured —

Answer — some Europeans came and apprehended him —

Question — where did the Europeans take the Sentry —

Answer — I do not Know, I did not go with them

Question — where was Coothen taken to, after he was wounded

Answer — to the main guard

Question — did you accompany Coothen to the Main Guard —

Answer — I did —

Question — did you see nothing of the Prisoner at the Bar at the Main Guard —

Answer — I did not, I was attending on Coothen

Question — where was Boonen taken to after he died —

Answer — Boonen was left in the place where he fell

Question — Had the Sentry whom you saw when you turned round a Musket in his hand

Answer — He had —

Question by the Jury — Did you see the flash of the Gun when you heard the report of it —

Answer — I heard the report and saw the flash —

Question — do you suppose the Gun was fired off from the spot where you saw the Sentry

Answer — Yes —

Question — do you believe the Sentry fired off that Gun —

Answer — Yes —

The Prisoner does not wish to put any Question

withdraws — Choly a Palanquin Boy Sworn

Clerk of the Peace — do you Know any thing of the death of one Boonen

Answer — Yes —

Question — Relate what you Know relative thereto

Question — what do you suppose was the Reason of Boonen and Coothen's falling down —

Answer — a Ball went through Boonen's Throat —

Question — where was Coothen wounded —

Answer — Coothen was wounded in the Breast and the Ball went through his Back —

Question — how long did Coothen live —

Answer — about half an hour — or about a Malabar Hour —

Question — do you believe that the death of Boonen and Coothen was occasioned by the Gun that was fired off —

Answer — I do —

Question — did you see the Person who fired off the Gun —

Answer — I turned round and saw only one Person, a Sentry —

Question — do you believe that the Prisoner at the Bar was the Person who was then standing as a Sentry —

Answer — I cannot tell, it was dark

Question — was the person who was Sentry pursued or secured —

Answer — some Europeans came and apprehended him —

Question — where did the Europeans take the Sentry —

Answer — I do not Know, I did not go with them

Question — where was Coothen taken to, after he was wounded

Answer — to the main guard

Question — did you accompany Coothen to the Main Guard —

Answer — I did —

Question — did you see nothing of the Prisoner at the Bar at the Main Guard —

Answer — I did not, I was attending on Coothen

Question — where was Boonen taken to after he died —

Answer — Boonen was left in the place where he fell

Question — Had the Sentry whom you saw when you turned round a Musket in his hand

Answer — He had —

Question by the Jury — Did you see the flash of the Gun when you heard the report of it —

Answer — I heard the report and saw the flash —

Question — do you suppose the Gun was fired off from the spot where you saw the Sentry

Answer — Yes —

Question — do you believe the Sentry fired off that Gun —

Answer — Yes —

The Prisoner does not wish to put any Question

withdraws — Choly a Palanquin Boy Sworn

Clerk of the Peace — do you Know any thing of the death of one Boonen

Answer — Yes —

Question — Relate what you Know relative thereto

Answer — about one and an half month ago about nine at night I and other Palanquin Boys left Mr. Henderson's Palanquin at Mr. Melvin's and were returning home

Then the Grand Jury send into Court for a Malabar Interpreter, and Anna Saromy is sworn to attend the Grand Jury as Interpreter during the present Sessions —

Deponent — when I was going along I heard the report of a Musket, I turned and saw Pomen and Coothen fall down, their fall was occasioned by the shot of a Ball. Pomen was shot in the neck and gone through the Throat. Coothen was shot in the Back and went through the Breast a doctor and others came and dressed the wounds of Coothen — Pomen immediately died and Coothen died in about one or two Malabar Hours —

Question — Do you suppose the death of Pomen and Coothen to have been occasioned by the shot which you heard fired off

Answer — Yes —

Question — did you see the Person who fired off the Gun —

Answer — I heard the report but did not see the Person —

Question by the Jury — did you see the flash of the Gun —

Answer — Yes — I turned round and saw a Sentry —

Question — How far distant was it from where the men fell to the place where the Sentry was

Answer — about as far as from [illegible] to the wall. (about the distance of ten Yards)

Question — do you believe that the Prisoner at the Bar was the Person who fired off the Gun —

Answer — It was dark, I cannot tell I did not see his face —

Question — do you believe it was the Sentry who fired off the Gun —

Answer — Yes —

Question — where about was the Sentry —

Answer — Opposite to Mr. Roebuck's House —

The Prisoner not having any Questions to put, the Witness retires —

Charles Oram Surgeon, Sworn —

Clerk of the Peace — You are a Surgeon —

Answer — Yes —

Question — was you at any time and when called upon to attend two Natives who had been shot

Answer — Yes — on the fourteenth of last month about half past ten at night I went to the spot between the Military paymaster Generals Office, and Mr. Henderson's Office Room where the Bodies where — on Examination I found one of the dead with a leaden Bullet lodged in the Windpipe, the other I [illegible] covered had a wound in the chest, immediately above the right Breast — which had penetrated the lungs with a Counter opening a little above one of the lower extremity of the right Shoulder blade, he had the every symptoms of approaching death, and I left him in that State —

Answer — I believe not

Question — do you know any thing how the two Men came by those wounds —

Answer — I do not —

Question — do you believe that the wounds that you found on the two natives were the Causes of their death —

Answer — I certainly do —

Question — the last person who you say you examined was not dead at the time you left him

Answer — he was not, I heard he died about an hour afterwards —

The Prisoner has no questions to put

Robert Gordon — Sworn —

Clerk of the Peace — do you know any thing of two Palanquin Boys having been lately shot, and by whom —

Answer — Yes on the fourteenth of last month about half past nine at night I was sitting before the door of Mr. Gordons shop in the Fort, the Sentry then placed at the adjutant Generals Office stopped his piece twice, and after wards began to walk fast towards Mr. Henderson's and then returned to his sentry Box, and then passed over from the Sentry Box towards the Corner of Mr. Roebuck's Office, he then put the butt end of his piece to the Ground — about half a minute after some Palanquin Boys past the Sentry immediately lifted up his piece and fired at the Palanquin Boys — Immediately two of the Palanquin Boys dropped down about ten Yards from each other — I then went to the Main Guard for a Guard to secure the Sentry —

Question — By the Bench — do you know that the person who was then Sentry and whom you saw fire the shot, was taken to the main Guard —

Answer — he was taken to the Main Guard —

Question — you say that you saw the sentry stop his piece twice — did it go off either of those times

Answer — no —

Question — did he level his piece at any person at either of the times he stopped it —

Answer — no, he held it down by his thigh —

Question — how far was you from the Sentry when the shots went off —

Answer — about twenty five or thirty Yards, I could distinguish the Sentry very plain from the light from the Officers Quarters —

Question — did you hear the sentry challenge the Palanquin Boys —

Answer — I do not know whether it was that Sentry or another but I heard the Palanquin answer very Plain —

Question — at the time you saw the Sentry put the Butt end of his piece to the ground did you see him load his piece —

Answer — no, I did not see him load, but it had that appearance

Question by the Jury — did not the person who was sentinal at the Admiralty say any thing to you about the time the other Sentinel was shot, if so what was it he said —

Answer — He did, he said another person and he were supporting to be a draft for the Prisoners into the house for that the Sentry at the [illegible] and to be signed by the said Major Normal Surgeon and Major in the morning of the said Annawoyah Brahmin, then to wit

(10)

either Shot himself or some other Person before he came off Guard.

Question by the Bench — do you Know the Person who was Sentry at the Admirals door

Answer — I Know his Person but not his name —

Robert Boyce is called into Court and the Witness identifies him to be the Person who was Sentinel at the Admirals door —

Question by the Jury — How do you Know the Sentry that fired off the Shot was taken to the Main Guard —

Answer — I Know by seeing the Soldiers (I think Europeans) taking him to the Guards, after the Boy had told me he could not get a Guard —

Question — did you hear any Conversation between the Sentry and the Malangum Boys before the Sentry fired off his piece —

Answer — none —

Question — how far distant were the Malangum Boys from the Sentry at the time the Shot was fired —

Answer — not more than eighteen or twenty Yards —

The Prisoner having no questions to put to the Witness

Robert Boyce Private in the second Battalion of European Infantry Sworn

Clerk of the Peace — were you placed as Sentinal at the Admirals House in the Fort on the fourteenth of last month

Answer — Yes — I was Sentinal there at nine O'clock at night —

Question — do you Recollect any thing of two Blackmen having been Shot that night —

Answer — Yes I saw the two dead Bodies —

Question — do you Know by whom they were shot —

Answer — I cannot swear to the Man but I saw the Prisoner at the Bar snap his piece twice or three times

Question — where was the Prisoner at that time —

Answer — under the Tree at the adjutant General's Office he was Sentry, I heard his piece goff it was about half past nine the two Blackmen were shot —

Question — do you believe that the two persons were shot at the time the Prisoners piece went off —

Answer — Yes —

Question — why do you suppose it was the Prisoners piece that went off —

Answer — I was inside the Commodores house and it is quite open on the other side, and dark — there were no lamps light about the place except the Commodores, it was so dark when the Piece went off, that the flash lighted all the Commodores house —

Question — were there any other Sentry near you except the Prisoner —

Answer — Yes there was one near the Wallajah Gate —

Question — might it not have been his piece that went off —

Answer — no the report came from the spot where the Sentry at the Adjutant Generals Office was —

Question by the Bench — do you mean to say positively that the Prisoner was Sentinel at the Adjutant General's Office at that time

Answer — Yes —

Question — was the Prisoner Relieved by any Person and whom —

Answer — he was Relieved by the Corporal that planted him — his name is William Howard —

(There the Grand Jury come into Court and answer into their names and return the following Indictments)

The King against Erskan and Master for Grand Larceny
endorsed, A true Bill

The King against Kistnan and Master, for Felony
endorsed, A true Bill

The King against Chowry Nayagum Jun. for Misdemeanor
endorsed, A true Bill

and also deliver in the following Paper, which having been read by the Clerk of the Peace, the Grand Jury retire to

(11)

Madraspatnam ss

We the Grand Jurors of the Town of Madraspatnam Sworn to enquire for the Body of the said Town being justly and truely sensible of the many advantages arising to this place by the Gracious dispensation of the Royal Charter, as it has conveyed with it the Laws of England and prescribed the Methods of putting those Laws into Execution —

Do therefore Present to this Honorable Court that it has come to their Knowledge from the Examination of Chowry Nayagum before his Majesty's Justices of the Peace, John Humphrey Marden, Alexander Macleod, and William Jones Esqrs. and against which said Chowry Nayagum a Bill of Indictment has this day been found that one Ramalingum being an Accomplice with the said Chowry Nayagum and having been taken into Custody for the same Crime was released without sufficient Legal authority, and the Jurors aforesaid do further on their Oaths present that it appears on the Examination of the said Chowry Nayagum that she has been for some time in the practice of stealing Children that she has confessed in her said Examination that she has at different times stolen and sold four Children but it does not appear to the Jurors aforesaid that any steps have been taken to discover and apprehend the persons who have been guilty of purchasing the Children and to bring them to Trial for such Offences —

And the Jurors aforesaid do further Present that no steps appear to have been taken to restore the Children so stolen, which acts are extremely detrimental to the Peace and happiness of Society and contrary to the Peace of our Sovereign Lord the King his Crown and Dignity —

Robert Gardiner Foreman
Jos. Dickie Rocher
T. Chase
Cecil Smith
Henry Brown
John Jervis
Geo. Coleman
Geo. Read
Wallace
W. Cockburn
R. Pybus

Town Hall
30th September
1795

Annawoyah Brahmin, for the thirty third Year aforesaid, of a wicked mind, forged Paper writing or instrument purporting to be a draft for the payment of Pags and to be signed by the said Mayore Ammal on the said Annawoyah Brahmin, then to wit,

on

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Question by the Jury — You have said the Prisoner snapped his piece two or three times in what direction was his piece presented —

Answer — I cannot say it was quite dark - but I saw the Sparks

The Prisoner has no Questions to put

William Howard Corporal in the second Battalion of European Infantry Sworn

Clerk of the Peace — do you Know whether the Prisoner was put at any and what Particular Place as Sentinel on the night of the fourteenth of last month —

Answer — Yes - I planted him as sentinel at the adjutant Generals Office at nine O'Clock at night of the fourteenth august Last —

Question — do you Know any thing of two Black men having been Shot that night —

Answer — I saw two Black men who had been wounded lay there between the adjutant Generals Office and the Commodores House —

Question — did you relieve the Prisoner from his post and when

Answer — I relieved him about half past nine

Question — how came you to relieve him so soon

Answer — on account of hearing a piece go off - I went to see where, and whose piece went off. I went and asked the Prisoner whose piece it was, some off - and he told me it was his —

Question — did you Examine his piece —

Answer — Yes I took the piece from him and could perceive it had been fired off —

Question — did you Examine his Cartridge Box

Answer — we it was Examined afterwards when he was taken to the Guard Room

Question — did you take the Prisoner to the Guard after you had relieved him —

Answer — no, I sent a file of men to him —

Question — what Reason did the Prisoner give to you for having fired off his piece —

Answer — he would give none —

Question — who were the Men that took him to the Guard Room

Answer — I really don't recollect their names they were two of the light Company

The Prisoner has no Questions to put —

Miles Miles Serjeant Major of the second Battalion of European Infantry Sworn —

Clerk of the Peace — do you ever Recollect the Prisoner's having told you that he intended Shoot himself or some Body else before he came off Guard —

Answer — no

Question by the Bench — What Character does the Prisoner Bear

Answer — I never Knew him guilty of any Misdemeanor before the time of his present confinement

Question — How long have you Known the Prisoner —

Answer — To the best of My Knowledge about nine or eleven Months —

The Prisoner not having any questions to put —

James Rannie is Sworn —

Question — do you know any thing about two Black men having been Lately Shot by any Person whom, and when —

Answer — on the night of the fourteenth of August Last about half past nine I Examined a Shower of Waddle and Deverit - but finding no light were undetermined whether or not going as far as to Mr Gordon with that intent I went to the end of Lines between the houses of Colonel Malcolm and Waddle a little to deliberate whether I should or not go. During which time a sentry who had been posted at the Adjutant Generals

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from his post towards the Admirals House and returned - he then went out of my sight my attention was not fixed upon him, where he went I don't Know - during which time I heard a Sentry challenge and immediately afterwards saw four or five natives make their appearance from between the Office of the adjutant General and Mr Roebuck's —

Question — did the persons who were challenged give any Answer

Answer — they did distinctly - they had not passed the adjutant Generals Office more than fifteen Yards when I saw a Man (a Soldier) come from the Corner of Mr Roebucks Office, and level his piece and fire - immediately he fired I saw one Black man fall and another run about eight or ten Yards and then he fell also - I was afraid to go up to the Bodies, immediately returned home staid about five minutes and then went and Examined the Bodies —

Question by the Bench — do you believe it was the Sentry at the adjutant Generals Office who fired the Piece —

Answer — To the best of my Knowledge it was the Sentry at the adjutant Generals Office that fired the Shot but I cannot be positive as to the indentity of the person who fired the Shot —

Question — if it could be proved to you that the prisoner was the person who was Sentry at the adjutant Generals Office at the time could you then say that it was the prisoner who fired the Shot —

Answer — I had seen the Sentry disappear from his post a few minutes before the Shot was fired, and looking at the Natives who were challenged saw a person apparently the Sentry come from the Corner of Mr Roebucks house, and fired his piece, so far I should believe it to be the Prisoner —

The Prisoner has no questions to put

The Prosecution is closed - and the Prisoner being asked if he has any Witnesses to produce, he says he has not, and being asked what he has to urge in his Defence, having heard what has been alleged against him, he says nothing at all —

President to the Prisoner — can you assign no Reason why you fired the Piece —

Prisoner — no —

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 are you agreed of your Verdict —

Jury — Yes

Clerk of the Peace — who shall say for you

Jury — Our Foreman -

Clerk of the Peace — Michael Finey hold up your hand - (to the Jury) look upon the Prisoner - how say you is he guilty of the Felony and Murder whereof he stands Indicted or not Guilty —

Foreman — Guilty

Clerk of the Peace — what goods and Chattels Lands or Tenements do you find he had at the time of the Felony and Murder Committed or at any time since —

Foreman — none —

Clerk of the Peace — Gentlemen of the Jury hearken unto your Verdict as the Court have recorded the same - you say that Michael Finey is Guilty of the Felony and Murder whereof he stands Indicted and that he had no goods Chattels Lands Tenements or Hereditaments at the time of the Felony and Murder committed or at any time since - and so you say all

Jury — Yes —

The Prisoner Michael Finey

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The Court then proceeds to the Trial of Kistnen and Mootoo

The Prisoners being put to the Bar are arraigned as follows—

Clerk of the Peace— Kistnen and Mootoo hold up your hands—

You stand Indicted by the names of Kistnen late of Madras and within the Jurisdiction of this Court Inhabitant and Mootoo late of the same for that you on the thirteenth day of May 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 Madrasapatnam aforesaid within the Jurisdiction aforesaid one hundred and twenty pieces of Gold of the Current and Lawful coin of Madras called Pagodas of the value of forty eight Pounds, seven pieces of Gold coin called Hyder Pagodas of the value of two pounds and fifteen Shillings, one other piece of Gold coin of the value of eight Shillings and five pieces of silver coin called Dollars of the value of twenty Shillings of the proper monies of one John Stewart in the dwelling house of him the said John Stewart there and then 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—

Now say you Kistnen and you Mootoo are you Guilty of the Felony whereof you stand Indicted or not Guilty—

Kistnen — — not Guilty
Mootoo — — not Guilty
Clerk of the Peace— How will you be Tried
God send you a good deliverance—

The Prisoners being informed of their Privilege desire to have a Jury of half Europeans and half Natives and they are informed of their right of objection to any of the Jurymen and that they make their same as they come to the Book to be sworn and before they are sworn—

The following Persons are then sworn on the Jury

Mr William Smith Foreman

Samuel Morse
George Innis
James Sutherland
Anthony Galloway Smith
William Hope

Boondumally Suvenashem Moodelly
Munro Mooloo Moodelly Yersapah Moodelly
Dighton Seegavaroy Moodelly
Rankeapah Moodelly
Myla Seatarapah Moodelly

and

Sanattalava Mooneapah Moodelly

The Prisoners challenged George Bold who was called upon and did appear to serve on this Jury—

The following are the names of the Persons who did not appear or answer to their names when duly called over (from the List of Petit Jurors returned by the Sheriff in the Panel) to serve as such on this Trial and each of whom are in consequence thereof fined in the sum of ten Pagodas—

John Sharp, William Hurd, James Dobbin, John Lenhaire, Gopaulloo Moodelly, Colattoor Seeguroy Moodelly, Vengapiah Vizyooda Moodelly, Roattegadaingoo Tondavaroy Moodelly, Bommicherry Moodelly and Colattoor Chundrapah Moodelly—

The Court directs that those of the Petit Jury who do not attend be fined each in the sum of ten Pagodas aforesaid that the Clerk of the Peace do from time to time give in the names of the several Defaulters and that the same be levied by Distress—

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The Clerk of the Peace then delivers his charge to the Jury as follows—

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 Kistnen late of Madras and within the Jurisdiction of this Court Inhabitant and Mootoo 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 therefore is to enquire whether they are Guilty of the Felony whereof they stand Indicted or not Guilty, if you find them Guilty you are to enquire what goods and Chattels Lands or tenements they had at the time of the Felony committed or at any time since, if you find them not Guilty you are to enquire if they fled for it, if you find that they fled for it 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 for it you are to say so and no more—and hear your Evidence—

John Stewart is then called and Sworn on the Part of the Crown—

Clerk of the Peace— have you been at any times and when, Robbed of any and what Articles by the Prisoners at the Bar or either of them—

Witness — — I have—the two Prisoners at the Bar were my Servants—On the thirteenth day of May last at three O'Clock in the afternoon having been engaged for the Evening I left my House in charge of the Prisoners at the Bar and gave particular Orders that they should take care of it till I came back, first securing the Keys of all the Godowns excepting the Street door, into one room which room I fastened with a Padlock and side and Kept the Key in my Pocket—I then departed and returned, about eight O'Clock the same Evening when I found the two Prisoners outside the door making a riot, and apparently intoxicated—I went into my House and unlocked the door that I had made fast, the two Prisoners got me a light, and I found that they were not any fit for duty, I turned them out of the House for that night and desired them to come back in the morning I then went to rest, not thinking that there had been any Robbery committed in the house, on the next day the fourteenth there was some Tea and Sugar found in the Verandah outside of the room that I had fastened; by comparing the Tea and Sugar which I found in the Verandah with the Tea and Sugar that was in the Room, they resembled each other—I then suspected that somebody had got into the Room by the means of false keys.—In the Interim the Prisoner Kistnen came into the house and I received him and Trusted him with opening my room and stealing the Tea and Sugar—which I made him find, I then proceeded to examine the draws in which I Kept my money and valuables I summed up my cash accounts and found that there was a deficiency of one hundred and twenty Star Pagodas, seven Hyder Pagodas, five Dollars and a Gold Coin of the value of Rupee, the Prisoner Mootoo did not come back the next morning (the fourteenth) as he had done, I interrogated the Prisoner Kistnen respecting the money and promised him some fair promises provided he would discover the case offending was, Kistnen at last confessed that he Kistnen knew where the money was, for Annavayah Branning, for he durst not let him go, he would bring it—he said he did not steal it—he the thirty third Year aforesaid the other Prisoner Mootoo had stole it, and he Kistnen was afraid of your wicked mind or four lines to Mr Ledsham requesting he would buy a forfeited Paper &c. or words to that purport Mr Ledsham sent me a Couple of Fakirs and Mr purporting to be a draft for the payment of Sooroom the Barber who had showed me an Ola, and to be signed by the said Mr Ledsham and seen Mootoo in the Street. I sent him with the said Annavayah Branning then to write on

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did and brought him to my house when the[y] was both together I asked Mostoo if he had stole the money? he denied it. I then sent Mr Davison and the two Sollders along with Kistnen to bring the money from where it was, they went away and in about half an hour brought me one hundred and two Star Pagodas, seven Hyder Pagodas and the Gold Coin of the size of about half a Rupee, Mr Davison told me that they met a Woman on the Esplanade, and that she, had the money which was in a cloth into the Prisoner Kistnen's hands and he gave it to Mr Davison who brought it to me immediately, when it was Examined in the Presence of two or three Witnesses there appeared a defficiency of Eighteen Star Pagodas and five Dollars, the Prisoner Kistnen said if I would not take him to the Justice he would make the woman find the eighteen Pagodas and five dollars that were wanting - I waited for some time - and Kistnen sent away this Woman whom he called his Wife to get the money and as I found that she stayed rather too long, I and Mr Davison and Mr Bond with the two Prisoners along with us went to the place where Kistnen said he lived, there we found the Woman but no appearance of the money, after exciting some time she went out to get the money and at last brought eighteen Star Pagodas - I then asked for the five Dollars or their Value in any other Coin but the Prisoner Kistnen declared he had no more they were then conveyed by Mr Davison the Constable to the Public Office where I accompanied them - and when they were interrogated there by the Justices, the Prisoner Kistnen confessed that he had stolen the Money - and the other Prisoner Mostoo confessed taking the Tea and Sugar, but denied having taken any part of the money, and pleaded as an excuse that they were both intoxicated, or would not have acted so -

The Prisoners being asked if they had any Questions to put to the Witness - and replying in the negative -

Henry Davison a Constable is next Sworn on the part of the Crown -

Clerk of the Peace - Relate what you know respecting the Felony whereof the Prisoners at the Bar stand Indicted -

Answer - On the fourteenth of May last, I received a Chit from Mr Ledsham which had come from Mr Stewart requesting a Robbery committed in his house the night before - I asked Mr Ledsham to lend me two Peons to see if I could apprehend the Prisoners or either of them going along I met Mr Stewarts Barber, he pointed out Mostoo on the Esplanade sitting with a Portuguese Woman, I went and laid hold of him, and brought him to Mr Stewarts house where I found Kistnen seized - Mr Stewart told me that Kistnen had confessed the Robbery and that if I would go with Kistnen to his house that he would deliver up the money that belonged to his Master with that I took Kistnen out with a rope round him, and I took with me two peons - We had got about as far as the Big bazar going towards Mayfield - a Woman in a Portuguese dress came and gave a small bag of money tied up, to Kistnen, Kistnen gave it to me - with that I told him that I would not untie it, till we came before his Master - I then untied it when we came before his Master, and in the presence of Mr Reed we counted it and found one hundred and two Star Pagodas, seven Hyder Pagodas and one Gold Coin about the size of half a Rupee, Mr Stewart said that he was still money short I spoke to Kistnen and told him that if he found the Rest of the money be something in his favor, he said that the Portuguese Woman who wife, would find what was defficient, with that I went and brought Stewart in the presence of Kistnen and Mostoo the Prisoners Malabars to get the money some where - and she was

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with it to Mr Stewarts immediately as soon as she had got it. the defficiency claimed by Mr Stewart was eighteen Pagodas and five Dollars she did not return - though we waited a considerable time Then Mr Stewart, me, and Mr Bond with the two Prisoners went to Kistnens house at Mayhill - I begged the Town of Kistnen to find the Money that were defficient - he said he could find no more at last he sent out the woman whom he called his Wife and she brought one eighteen Star Pagodas more - Kistnen then said he hoped I would look over it, and let him go, but that he could not find the five Dollars, upon that I took Kistnen and Mostoo, and the woman to the Justices - Mr Stewart and Mr Bond accompanied us -

Question - did you hear either and which of the Prisoners make any confession before the Justices -

Answer - I do not recollect that either of them confessed to the Robbery - I left them in charge of the Justices -

Question by the Jury - was it the Woman whom you saw sitting with Mostoo in the Esplanade that gave you the money

Answer - Yes - the time I saw her at Kistnens house she had changed her dress from a Portuguese to a Malabar Dress -

The Prisoners have no Questions to put to the Witness - he then retires -

The Prosecution is here closed and the Prisoners are asked whether they have any Witnesses to produce on their Behalf they say they have none - and being called upon for their defence - urge that they were intoxicated, and did not know what they were about

a Bailiff is then sworn to keep the Jury and they retire to consider on their Verdict -

The Court after having waited nearly the space of two hours and seeing no probability of a Verdict being shortly agreed upon it being then the hour of or about a quarter past six in the Evening, adjourns until eight Oclock this night for continuing the present Sessions.

The Court then again met pursuant to adjournment at the time of eight of the same day (Thursday the thirtieth September) and were present -

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 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 -

The Court being duly opened (the Prisoners having been at the from the time of adjournment to the opening of Court) the Bailiff proclaims a Verdict - and Jury come into Court and answer to their names -

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

Jury - Yes

Clerk of the Peace - who shall say for you

Jury - Our Foreman

Clerk of the Peace - Kistnen and Mostoo hold up your hands (to the Jury) look upon the Prisoners Kistnen and Mostoo Guilty of the Felony and Guilty -

Foreman - Guilty

Clerk of the Peace - what goods and Chattels Lands or Tenements do you find Committed or did any Crime since - none to our Knowledge

the same being on the said Annasvajah Brahmin, then to wit,

30th. September 1795

(18)

Clerk of the Peace — Gentlemen of the Jury hearken unto your Verdict as the Court hath recorded it - you say that Kistnen and Morton are Guilty of the Felony whereof they stand Indicted, and that they had no goods and Chattels Lands or Tenements at the time of the Felony committed or at any time since - and so you say all -

Jury — Yes -

The Foreman desires to say that he has it in charge from the Native Jury to mention to the Court that they the native Jury, beg to recommend the Prisoners Kistnen and Morton, to mercy -

The Prisoners are then remanded into the Custody of the Sheriff -

And the Court is adjourned to Thursday the eighth day of October next at ten O'Clock in the Forenoon for continuing the Present Sessions -

W B Williams Clerk of the Peace

8th. October 1795

(19)

At an adjourned Court of General Quarter Sessions of the Peace, Sessions of Oyer and Terminer and Gaol delivery holden at the Town Hall in Fort Saint George on thursday the Eighth day of October in the Year of our Lord one thousand seven hundred and ninety five -

Before

The Right Honorable Robert Mobart commonly called Lord Hobart -

President and Governor of Fort Saint George

and

Edward Saunders and Ernst William Fallofield Esquires, Members of the Council thereof, Justices assigned to keep the Peace as also commissioners of Oyer and Terminer and General Gaol Delivery for the Town of Madrasapatnam Garrison of Fort saint George and its Dependencies

The Court is duly opened

Mr. John Jervis one of the Gentlemen of the Grand Jury comes into Court, and an Indictment the King against Robert White for Felony and Murder is delivered to him upon which Indictment Mr. George Ogilby (Surgeon) Charles Gosling, Robert Day, William Hazeley, John Burgess, William Stevenson, and William Fox are sworn before Mr Jervis to give Evidence to the Grand Jury - Mr Jervis then retires with the Indictment and the several Witnesses before Mentioned -

Pitham and Morton are put to the Bar to take their Trial on the Indictment for Grand Larceny found against them -

The Clerk of the Peace then arraigns the Prisoners as follows -

Clerk of the Peace — Pitham and Morton, hold up your hands -

You stand Indicted by the names of Pitham late of Madras and within the Jurisdiction of this Court. Inhabitant and Morton late of the same for that you on the Eighteenth day of March 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 a place called the Washing Town within the Jurisdiction aforesaid four Piece of Cloth of the Value of one Pound and twelve Shillings of the goods and chattels of the united Company of Merchants of England trading to the East Indies 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 -

And you further stand Indicted by the Names of Pitham and Morton for that you afterwards to wit on the twentieth day of March in the said thirty fifth Year of the Reign of our Sovereign Lord George the Third aforesaid with force and Arms at the place the Washing Town aforesaid within the Jurisdiction aforesaid five other pieces of Cloth Value of five Pounds of the goods and Chattels of the United Company of Merchants 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 Pitham, and you Morton Guilty or not Guilty of the Grand Larceny whereof you stand Indicted or not Guilty -

Pitham — not Guilty

Morton — not Guilty

Clerk of the Peace — How will you be tried

Prisoners — by God and your Country

Clerk of the Peace — God send you a good Deliverance

If the Jury may Convict of half Europeans

damage the case affording

Annawojah Brauning for the thirty third Year aforesaid and aforesaid of your wicked mind deceitful paper writing or instrument and purporting to be a draft for the payment

The Prisoners say and to be signed by the said Mysoor Servant on the said Annawojah Brauning then to wit

one

8th October 1795

it to you for sale

Answer - - I asked them why they brought the Cloth to me, as I was a poor man and said I dont know whose property it may be - they said I need not be afraid that the Cloth was given to them by their Masters an account of Wages -

Question - - - when the Prisoners brought the Cloth to you in what Language did you converse -

Answer - - - they spoke to me in Gentoo Language which I understand but cant speak I spoke to them in Moors

Question - - had you any acquaintance with the Prisoners, before they came to you with the Cloth - -

Answer - - never -

Question - do you frequently purchase Cloth

Answer - no -

Question - do you know why the Prisoners went to you with the Cloth for sale -

Answer - They came the first day to get Jackets made for them and the next day brought the Cloth for sale, - I am a Tayler

Question - - you have said that you tore off the ends of the Piece of Cloth before you sold them, what was the Reason of your doing so -

Answer - I tore off a Bobit from each piece for my own use to make Jackets -

(it appears on Examination of the Cloths, by order of the Bench that the parts torn off from the pieces all bear the company's Mark, and the Writup acknowledges those produced to be the same pieces that he tore off)

Question by the Jury - how came you to tear off the part from those ends of the pieces of Cloth which bear the Company's Mark

Answer - - - I did not know the Company's Mark, had I known it, I would not have purchased the Cloth -

Question - - - who did you sell the pieces of Cloth to

Answer - - - to different People -

Question by the Jury - you said you was a poor man what enduced you to make a purchase to the amount of Eight Pagodas

Answer - - - I thought I should gain something by it -

Question - - - was the price which the Prisoners asked you for the Cloth as you thought, its fair value -

Answer - - I thought it a fair Price and that I should gain about four fanams by it -

Question - - - were the Prisoners present when you tore off the ends of the Piece -

Answer - - no -

The Prisoners have not any Questions to put -

William Jones Esquire one of the Justices of the Peace for the Town of Madraspatnam Sworn

Clerk of the Peace - are you a Justice of the Peace for the Town of Madraspatnam -

Answer - - Sworn -

Question - - - Look at the paper now produced to you (here the Examination of the Prisoners taken before Mr Jones is delivered to him) and say if your Signature is thereunto subscribed -

Answer - - Yes -

Question - - Look upon the Prisoners and say if you have seen them before -

Answer - - I cannot swear positively to their persons -

Question - Examine the paper now produced to you and say if it is the Examination taken before you on the day it bears date, and whether it appears to have been any way altered -

Answer - it is the same and does not appear to have been altered

The Examination is here read by order of Court by the Clerk of the Peace as follows

Examination of Mootoo and Sithien taken before me this 8th day of June

The Examinants acknowledge & confess that they have stolen & clandestinely taken away Mr. Cotes pieces of Company's Cloth from the Washing Room, one five Pieces and at another time they took one piece & cut four small pieces of Cloth two each and the whole Cloth together with the end of one piece with the Company's Mark upon it & carried it to Triplicane for which they received eight Pagodas & that they sold Sangler for his Trouble of selling at the rate of ten Pagodas per Piece

8th October 1795

The Prisoners have not any Questions to put to Mr Jones & thereupon declares

The Prosecution is here closed and the Prisoners say that they have not any Witnesses to produce on their behalfe nor any Defence to make -

whereupon the Petit Jury retires to consider on their verdict a Bailiff being first sworn to keep them and after a very short time, everyone being Proclaimed they come into Court and having Answered unto their names -

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

Jury - - - - yes

Clerk of the Peace - who shall say for you

Jury - - - - our Foreman -

Clerk of the Peace - Brohan and Mootoo hold up your hands (to the Jury) look upon the Prisoners how say you are they Guilty of the Grand Larceny whereof they stand Indicted or not Guilty -

Foreman - - - Guilty -

Clerk of the Peace - what goods and Chattels Lands and Tenements do you find they had at the time of the Grand Larceny committed or at any time since -

Foreman - - none

the same being duly recorded

Clerk of the Peace - Gentlemen of the Jury hearken unto your Verdict as the Court hath recorded it - you say that Brohan and Mootoo are Guilty of the Grand Larceny whereof they stand Indicted and that they had no goods and Chattels Lands or Tenements at the time of the Grand Larceny committed or at any time since and so you say all -

Jury - - - - Yes -

The Foreman of the Jury states that he has it in charge to recommend the Prisoners to the mercy of the Court in Consequence of their enrolled Confession -

The Prisoners are thereupon remanded into the Custody of the Sheriff

The Grand Jury come into Court and answer to their names and return the following Indictments

The King against Latchmeun Doss and Baleck Doss For Riot and Assault endorsed A true Bill -

The King against Latchmeun Doss and Baleck Doss For Robbery endorsed Ignoramus -

The Grand Jury then retire excepting Mr Cecil Smith one of the Gentlemen of the Grand Jury who remains in Court and to whom an Indictment **The King** against Alexander Macdonald For Felony and Murder is delivered and the following Persons are sworn in the presence of Mr Cecil Smith to give Evidence to the Grand Jury on the said Indictment -

Thomas Liddle, William Segeroy, Nathaniel Polehampton and John Peacock

Mr Cecil Smith then retires from Court with the Indictment and Witnesses -

William George, Bailiff, is sworn well and truly to answer such questions as shall be asked him by the Court -

William George is then asked whether he did in manner & form James Sutherland with notice to serve during the Petit Jury &c -

He Answers personally and the same Yeavogah Brahmin, for Hazel, John Scott, James Dobbin, John Denham and the thirty third Year aforesaid Petit Jury returned in the Panel he deposes to have done aforesaid, of your wicked mind Jurymen during the Present Sessions -

after a Recess the Grand Jury return into Court and deliver their names and return the Indictment - A Bill purporting to be a draft for the payment of Money and to be signed by the said Alexander Forrest for Felony and Murder - Endorsed A true Bill on the said Annawogah Brahmin then to answer

damage

case offending

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Alexander Macdonald being just to the Bar the Court proceeds to take Trial and thereupon he is arraigned as follows—

Clerk of the Peace — Alexander Macdonald hold up your hand—

You stand Indicted by the name of Alexander Macdonald late of Cuddalore on the Coast of Commandel in the East Indies and within the Jurisdiction of this Court, a Private Invalid in the service of the United Company of Merchants of England trading to the East Indies aforesaid and under their Presidency of Fort Saint George for that not having the fear of God before your Eyes but being moved and seduced by the Instigation of the devil on the tenth day of July 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 Cuddalore aforesaid within the Jurisdiction aforesaid in and upon one William Booth 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 Macdonald a Certain Musket or Gun of the value of ten Shillings then and there loaded and charged with Gunpowder and two Leaden Bullets, which Musket or Gun you the said Alexander Macdonald in Both your hands then and there had and held to against and upon the said William Booth, then and there feloniously wilfully and of your Malice aforethought did shoot and discharge and that you the said Alexander Macdonald with the two Leaden Bullets aforesaid out of the Musket or Gun aforesaid then and there by force of the Gunpowder shot and sent forth as aforesaid the aforesaid William Booth, under the left Breast of him the said William Booth and through the Body of him the said William Booth then and there with the two leaden Bullets aforesaid out of the Musket or Gun aforesaid by you the said Alexander Macdonald as aforesaid shot discharged and sent forth feloniously wilfully and of your Malice aforethought did strike penetrate and wound giving to the said William Booth then and there with the two leaden Bullets aforesaid so as aforesaid shot discharged and sent forth out of the Musket or Gun aforesaid by you the said Alexander Macdonald under the left Breast and through the Body of him the said William Booth two Mortal wounds of the depth of six Inches and of the Breadth of one Inch of which said Mortal wounds the aforesaid William Booth then and there instantly died and so you the said Alexander Macdonald the said William Booth 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 Alexander Macdonald are you Guilty of the Felony and Murder whereof you stand Indicted or not Guilty—

Guilty
Prisoner — If I am to be Tried
Clerk of the Peace — Then by God and my Country
Prisoner — I hope I shall have a good Deliverance

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The Prisoner was then informed that he might object to any of the Gentlemen that were now to be called, and that he do make known his Objections as they come to the Book to be sworn and before they were sworn—

The Prisoner declaring that he had no Objections to any of the undermentioned Gentlemen they were accordingly Sworn in the Order following—

Mr. James Sutherland Foreman

Edward Jones	Samuel Moore
John Stuart	George Bold
William Smith	William John Chester
James Munro	Peter Mafsey Caffin
John Reily	Thomas Hurst

and Richard Ashton

The following persons not having appeared or answered unto their names when duly called upon to save on this Day are each Respectively fined in the sum of five Pagodas

Alexander Stewart, William Hart, James Dobbin, Marcus Armstrong, John Scott, John Lenham and Thomas Blyth

Clerk of the Peace — The Clerk of the Peace then charged the 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 Macdonald late of Cuddalore on the Coast of Coromandel in the East Indies and within the Jurisdiction of this Court a private Invalid in the service of the United Company of Merchants of England trading to the East Indies aforesaid and 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 you are 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 are to enquire what goods and chattels Lands or Tenements he had at the time of 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 him to be flet for it you are to enquire of his goods and chattels Lands and Tenements to answer damage if you had found him Guilty—If you find him not guilty, and that case offending for it you are to say so and no more—and hear Your Evidence—

Nathaniel Belchar Annavoyah Brahmin for Invalids is then called and Sworn on the part of the

Clerk of the Peace — Prisoner — Do you know any thing of the death of one William aforesaid, of your wicked mind,
Answer — no
Question — and you Know such a person
Answer — Yes
Question — Is he dead or alive
Answer — dead

interfected Paper writing or instrument and purporting to be a draft for the payment of a Bill and to be signed by the said Messrs. Stewart on the said Annavoyah Brahmin, then to wit

on

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At An adjourned Court of General Quarter Sessions of the Peace Sessions of Oyer and Terminer and Gaol Delivery holden at the Town Hall in Fort Saint George on Monday the twelfth day of October in the Year of our Lord One thousand seven hundred and ninety five —

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 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 —

The Court being duly opened

Michael Finey is put to the Bar to receive Judgment of the Court

Clerk of the Peace — Michael Finey 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 —

The Prisoner not having any thing to offer, Proclamation for silence was made and the Chairman after a short address to the Prisoner proceeded to pass Sentence against him as follows —

Chairman — You Michael Finey 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 —

Michael Finey is then taken from the Bar —

Mr. John Jervis one of the Gentlemen of the Grand Jury comes into Court and an Indictment the King against Annaroyah Bramin for Forgery is delivered to him and Tremul Row, Prabood[illegible] and Coopiah are sworn in the Presence of Mr. Jervis to give Evidence to the Grand Jury thereon —

Alexander Macdonald being put to the Bar —

Clerk of the Peace — Alexander Macdonald 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 Law directs —

The Prisoner Pleads the Benefit of the Clergy

The Chairman then addressed the Prisoner which being done, sentence was passed on him thus —

Chairman — Alexander Macdonald you shall pay a fine of twenty Pagodas to our Sovereign Lord the King and be detained in Prison until your fine be paid —

Alexander Macdonald is then taken from the Bar —

Mistreen and Mootoo are put to the Bar to receive Judgment

Clerk of the Peace — Mistreen and Mootoo hold up your hands you stand here convicted of Felony in stealing out of the dwelling house of John Stewart what can you say for your selves why the Court should not proceed to give Judgment of Death against you as the Law Directs —

The Prisoners having nothing to urge the Chairman passed Sentence on them

Chairman — [illegible] and You Mootoo shall go to the Place from whence you came to the Place of Execution and there You shall be severally hung

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[illegible] necks until your Bodies are dead and the Lord have Mercy on your Souls —

The Chairman desires Thummagarry the Malabar Interpreter to inform the Prisoners that the native Jury having recommended them to mercy the Court will forward the Proceedings to his Majesty and that the Sentence passed upon them shall not be carried to effect until the pleasure of his Majesty be known, whereupon the Prisoners are taken from the Bar and remanded into the Custody of the Sheriff —

Ersham and Mootoo being put to the Bar

Clerk of the Peace — Ersham and Mootoo 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 Law directs —

The Prisoners plead the Benefit of the Statutes

Sentence was then pronounced against the Prisoners by the Chairman as follows

Chairman — You Ersham and You Mootoo shall be flogged upon two sundry Saturdays at the washing Town and there and there between the hours of eight in the Forenoon and ten in the afternoon to receive each twelve stripes, on each Saturday and thereafter to be discharged —

The Chairman informs the Prisoners through the Interpreter, that the Sentence would have been much more severe on them had it not been but for the recommendation of the Jury that tried them —

The Prisoners are then taken from the Bar —

The Court directs that the fines imposed by order of Court on those of the petit Jury who have not attended at all be levied by the Sheriff — and that a warrant for that purpose be made out accordingly — and that the others be remitted.

That the Fines imposed upon the Grand Jurymen who have not attended be in like manner levied —

Mr. John Jervis one of the Gentlemen of the Grand Jury comes into Court and the following Indictments are delivered to him —

The King against Aumeel Cauon For Perjury

The King against Tenmalladeen For Subornation of Perjury —

The following Persons are then Sworn in Court in the Presence of Mr. John Jervis to give Evidence to the Grand Jury on the respective

On the Indictment The King against Aumeel Cauon For
Thomas Serilla. offending
and
Laula Lutchimeedoss

On the Indictment The King against Annaroyah Bramin for the thirty third Year aforesaid for
Thomas Serilla of your wicked mind
and feited paper writing or instrument
Laula purporting to be a draft for the payment
and to be signed by the said Mysore Tremul
the said Annaroyah Bramin then to wit

Assistant Surgeon of the death of
Court by the Clerk of the Peace

At a General Court of Quarter Sessions of the Peace, Sessions of Oyer and Terminer and General Gaol Delivery holden at the Town Hall in Fort Saint George on Thursday the fifteenth Day of October in the year of our Lord one Thousand seven hundred and ninety five

Before

Edward Saunders and Ernst William Tallofield Esquires Members of the Government and Council of Fort Saint George aforesaid, 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.

The Court being duly opened, the Sheriff returns his Precepts and the Court is then adjourned until Thursday the twelfth of November next at ten of the o'clock in the Forenoon for continuing the present Sessions.

Williams
Clerk of the Peace

ge
ged by
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the case offending

Annawyah Brauming, for
, in the thirty third Year aforesaid
aforesaid of your wicked mind
counterfeited Paper writing or instrument
and purporting to be a draft for the payment
godas and to be signed by the said Myore Iyenul
upon the said Annawyah Brauming then to wit
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Thursday 12th November 1795

At an adjourned Court of General Quarter Sessions of the Peace Sessions of Oyer and Terminer and General Gaol Delivery holden at the Town Hall in Fort Saint George on Thursday the twelfth day of November in the Year of our Lord one Thousand seven hundred and ninety five.

Before

The Right Honorable Robert Hobart commonly called Lord Hobart

President and Governor of Fort Saint George

and

Edward Saunders and Ernest William Hallofield Esquires, Members of the Council 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.

The Court having been duly opened the following Gentlemen are called and sworn on the Grand Jury.

The Honorable Basil Cochrane Foreman

Matthew Yeats	James Brodie
Andrew Scott	Thomson Hankey
John Lennox	Stephen Harris
Charles Baker	George Stratton
John Wallace (senior)	James Taylor
Thomas Anstey	William Cockell
Nathaniel Edward Kindersley	and
	Henry Sewell

Mr. Arthur Brooke, who was called by his name to serve on the Grand Jury and having answered, stated to the Court that he was underage, and therefore disqualified to serve as a Grand Juror. He was accordingly desired to retire.

There being no — business for the Grand Jury to proceed upon at present they withdraw, a Bailiff (Robert Blinkensworth) being first sworn to attend them during the present Sessions.

The Court proceeds to the Trial of Annavoyah Brauniny against whom a Bill of Indictment was found at the last Sessions; for Forgery

He is then put to the Bar and arraigned on the following Indictment: (the same being interpreted to him in the Malabar Language by Shunnogaroy, the Sworn Interpreter to the Justices)

Annavoyah Brauniny, hold up your Hand

You stand indicted by the name of Annavoyah Brauniny late Madras Inhabitant, for that you falsely, unlawfully and wickedly devising, and intending one Mysore Iremul Row Pradaum late of the same Inhabitant, unjustly, maliciously and injuriously to aggrieve, oppress and impoverish, on the twenty third day of December in the thirty third year of the Reign of our Sovereign Lord George the third now King of Great Britain, Defender of the faith and so forth with force and arms at Madras aforesaid, within the Jurisdiction of this Court, of your wicked mind, invention, and imagination, unlawfully knowingly subtilly and falsely did forge and counterfeit a certain paper writing or instrument written in the Cunnady language, in the nature of and purporting to be a draft for the payment of Money to wit, for the Sum of two hundred Star Pagodas, and to be signed by the said Mysore Iremul Row Pradaum, with the name of Iremul Row, to the great damage and oppression of the said Mysore Iremul Row Pradaum, 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.

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12th November 1795.

And You further stand indicted by the name of Annavoyah Brauniny, for that You afterwards, to wit on the said twenty third day of December, in the thirty third Year aforesaid, with Force and arms at Madras aforesaid within the Jurisdiction aforesaid, of your wicked mind, invention, and imagination, a certain false, forged and counterfeited Paper writing or instrument written in the Cunnady language, in the nature of, and purporting to be a draft for the payment of Money to wit, for the Sum of two hundred Star Pagodas, and to be signed by the said Mysore Iremul Row Pradaum, with the name of Iremul Row, (You the said Annavoyah Brauniny then, to wit, on the same twenty third day of December, well Knowing that false, forged and counterfeited paper writing or instrument written in the Cunnady language, in the nature of and purporting to be a draft for the payment of Money to be falsely forged and counterfeited) unlawfully knowingly, subtilly and deceitfully as a true paper writing or instrument written in the Cunnady language, in the nature of and purporting to be a draft for the payment of money did pronounce and publish, to the great damage and oppression of the said Mysore Iremul Row Pradaum 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.

And you further stand indicted by the name of Annavoyah Brauniny, for that you falsely, unlawfully, and wickedly devising, contriving, and intending one Prabhoodoss of Madras aforesaid inhabitant, unjustly, maliciously and injuriously to aggrieve, oppress, and impoverish, on the said twenty third day of December in the thirty third year aforesaid, with force and arms at Madras aforesaid, within the Jurisdiction aforesaid, of your wicked mind, invention and imagination unlawfully, knowingly, subtilly and falsely did forge and counterfeit a certain paper writing or instrument written in the Cunnady language, in the nature of, and purporting to be a draft for the payment of money, to wit, for the sum of two hundred Star Pagodas, and to be signed by the said Mysore Iremul Row Pradaum with the name of Iremul Row, to the great damage and oppression of the said Prabhoodoss, 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.

And you further stand indicted by the name of Annavoyah Brauniny, for that you afterwards, to wit on the said twenty third day of December, in the thirty third Year aforesaid, with force and arms at Madras aforesaid, within the Jurisdiction aforesaid, of your wicked mind, invention, and imagination, a certain false, forged and counterfeited paper writing or instrument written in the Cunnady language, in the nature of, and purporting to be a draft for the payment of money, to wit, for the sum of two hundred Star Pagodas, and to be signed by the said Mysore Iremul Row Pradaum, with the name of Iremul Row, (you the said Annavoyah Brauniny then, to wit, on

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on the saine twenty third day of December well knowing that false, forged and counterfeited paper writing or instrument written in the Cunnady language, in the nature of and purporting to be a draft for the payment of money to be falsely forged and counterfeited) unlawfully, knowingly, subtilly and deceitfully as a true paper writing or instrument written in the Cunnady Language, in the nature of and purporting to be a draft for the payment of money did pronounce and publish to the great damage and oppression of the said Prabodoss, 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.

Clerk of the Peace. — How say you Annavayah Braminy, are you guilty of the Forgery 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 Jury the Prisoner being first informed of his right of objection to any of them, and that he state the same as they came to the book to be sworn and before they were sworn.

William Twiser. — Foreman.

Alexander Melvin	John Wright
James Waddle.	Hugh Gordon
Robert Henderson	Richard Ashton
John Laird	William Moore
Daniel Reid	Mathew Freeman

and

Edward Bent

Mr. Richard Ashton one of the Jurymen sworn on this Trial, was not called to serve as such, nor did his name appear in the panel: But Mr. James Brown having been summoned, and being called over by his name by the Clerk of the Peace, Mr. Ashton informed the Court that Mr. Brown being indisposed, begged to be excused, and that he had sent him to serve in his place, The Court were thereupon pleased to allow Mr. Ashton to be sworn on this Jury.

The Clerk of the peace then proceeded to deliver his Charge to the Jury which is as follows.

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 Annavayah Braming late of et as Inhabitant, (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 — ing al hath put himself upon God and his Country, which Country — Inhabitants verein, our — is therefore to enquire whether he is guilty of the Forgery whereof — n of our — not Guilty, — If you find him Guilty, you are to enquire what — eland. Deforis or Tenements he had at the time of the Forgery committed — If you find him not Guilty, you are to enquire if he fled — fled for it, you are to Inquire of his Goods and Cl —

Answer —

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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, —

Coopiah is then called and Sworn on the Part of the Crown.

Clerk of the Peace — Do you know any thing of a Forgery committed by the Prisoner at the Bar, for the purpose of defrauding one Tremul Row, and Prabodoss.

Answer — The Prisoner came to me, and desired I would be a Bail for his appearance; — I asked the Prisoner what crime he had committed, — The Prisoner told me that one one Tremul Row gave him a Note for One hundred and fifty Pagodas on one Prabodoss, and desired him to get the money from Prabodoss and bring it to Tremul Row. — That he the Prisoner kept the note, and made out another for the Sum of Two hundred Pagodas, as if it had been drawn by Tremul Row, — and carried it to Prabodoss and got Two hundred Pagodas from him, out of which he the Prisoner paid One hundred and fifty to Tremul Row and kept fifty to himself. — That in a month afterwards Tremal Row paid the Prisoner one hundred and fifty Pagodas, with the Interest being One Pagoda and an half, to Pay to Prabodoss. — That the Prisoner carried the one hundred and fifty Pagodas, and paid it to Prabodoss and then returned to Tremul Row the Original note which he Tremul Row had drawn on Prabodoss. — The Prisoner further said that afterwards Prabodoss sent to Tremul Row for the remaining fifty Pagodas due on the pretended note for Two hundred Pagodas — That thereupon Tremul Row insisted upon the Prisoner giving Bail for his appearance, — The Prisoner then desired me to become Bail for him for one month, — and that in the meantime he would settle with Prabodoss and Pay him the remaining fifty Pagodas, and take up the Pretended Note for Two hundred Pagodas, which he had forged. I and two Braminys, by name Trevanzadatan and Sirzyen, when the Prisoner desired us to be Bail for him, asked the Prisoner how we could trust him, — He then went with us to the Triplecane Pagoda, and there declared that he would not abscond, and that he would within one month settle with Prabodoss, by paying him the fifty Pagodas, and taking up the forged Note which he would then deliver to Tremul Row. — Accordingly I and the other two Braminys entered into a Security Bond with Tremul Row for the Prisoners appearance, within the term of three months. — The three months time having expired, and the Prisoner not having fulfilled his promise, we took him to Tremul Row, and got back our Security Bond, —

Question — Do you recollect the time when the Prisoner made this confession to you?

Answer — about the Twenty ninth of December last,

Question — Did the Prisoner declare in your presence, on what day it was he had made this pretended note for Two hundred Pagodas,

Answer — No, he did not declare on what it was.

Question — Have you ever seen the pretended note for Two hundred Pagodas?

Answer — Never, but once at the Justices Office. —

Question — Did you examine it there?

Answer — I only saw it there, but did not examine it particularly.

The note being shewn to the Witness, he says it is the same that he saw at the Justices, and that it is a note in the Cunnady Language, for Two hundred Pagodas payable in two Months with Interest at the rate of Twelve per Cent, bearing date the thirteenth of December according to the Malabar year about the Twenty third of December of the English year One thousand Seven hundred and Ninety three that the date according to the Malabar Month is thirteenth of Margaly, —

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Question ..... By whom does it appear to be signed?

Answer ..... It bears the Signature "Tremul Row"

Question ..... Do you know Tremul Row's hand writing

Answer ..... I do, - and the signature Tremul Row on this note is not the proper hand writing of Tremul Row, (Meaning my sone Tremul Row Pradawn)

Question ..... On whom does the draft appear to be drawn?

Answer ..... Prabendoss

Question ..... Do you know the Prisoners hand writing?

Answer ..... I do.-

Question ..... Is that note the Prisoners hand writing.

Answer ..... It appears to be the Prisoners hand writing

Question ..... Did you ever see the Prisoner write?

Answer ..... Yes. I have seen him write other Papers.

The Prisoner has no Witness to produce, nor any Defence to make, - whereupon the Petit Jury retire to consider on their verdict, (a Bailiff being first Sworn to keep them) and in 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 on your verdict?

Jury ..... Yes.

Clerk of the Peace .. who shall say for you -

Jury ..... Our Foreman

Clerk of the Peace Annavoyah Braming hold up your Hand (To the Jury) - Look upon the Prisoner How say you, is he Guilty of the Forgery whereof he stands indicted, or not Guilty?

Foreman ..... Not Guilty.

Clerk of the Peace Did he fly for it?

Foreman ... No,

The same having been duly recorded,

Clerk of the Peace Gentlemen of the Jury, hearken unto your verdict as the Court hath recorded it - You say that Annavoyah Braming is not Guilty of the Forgery, whereof he stands indicted and that he did not fly for it, and so you say all

Jury ..... Yes. -

The Prisoner Annavoyah Braming, is thereupon discharged by Proclamation, -

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The Sheriff having Reported to the Court that among the Persons fined at the last Sessions, some have paid their fines, and others have not - The Court is thereupon pleased to direct that a Warrant be issued to the Sheriff, to enforce the payment of the Fines from such persons, as have not paid the same, -

Patchipah, Conicaply of the Town Conicaply, is Sworn to answer truly such questions as shall be put to him by the Court, -

He is then asked whether he did demand of the undermentioned Persons the several fines imposed upon them respectively, and what was the answer to such demands -

Gopaulee Moodelly } That he has heard he is gone to Madura, and not to be found,

Collator Seagaroy Moodelly } That he did demand the fines imposed upon him, and that he did not pay the same, but promised to speak to Mr Lesham the Deputy Sheriff, -

Vin. Saukum Valayoodam Moodelly - answered as above

Roattigaa Londavaroy Moodelly } That he did demand the fines imposed upon Cl[illegible] but that he has not p[illegible] it -

Answer

(7)

and

Collator Chunorapah Moodelly } That he is not to be found

Robert Blinkworth is Sworn to answer truly such Questions as shall be put to him by the Court, -

Robert Blinkworth is asked whether he did demand of James Dobbin the fines imposed on him by the Court,

He answers that he did, and that the said James Dobbin has not paid it,

Latchmundoss is called, and appears. -

Baluck doss being duly called over by his name to come forth, and not appearing, His Pledges Aleb doss and Arechiotna Tauker are then called over by their names, to bring forth the said Baluck doss - who do not appear or answer unto their names - whereupon the Court direct that their recognizances be forfeited, and that a Warrant be issued under the Hands and Seal of the Clerk of the Peace, to apprehend the the said Baluck doss -

Latchmundoss is then bound for his appearance at the next Sessions himself in Twenty Pounds; and his Bail Taukoodoss and Velliapan, Inhabitants of Madras, each acknowledge to be bound in the Sum of ten Pounds, - upon Condition that the said Latchmundoss shall be and appear at this Court, at the next Quarter Sessions of the Peace, Sessions of Oyer and Terminer and General Gaol delivery, and not depart the Court without leave -

Latchmundoss is thereupon delivered into the Custody of his Bail, -

The Court is then adjourned to Wednesday the Eighteenth Instant at ten o'Clock in the Forenoon for Continuing the present Sessions -

B Williams Clerk of the Peace -

Wednesday 18th November 1795.-

(8) At an adjourned Court of General Quarter Sessions of the Peace Sessions of Oyer and Terminer and General Gaol delivery holden at the Town Hall in Fort Saint George on Wednesday the Eighteenth day of November One Thousand Seven hundred and Ninety five

Before

Edward Saunders and Ernst William Fallofield Esquires Members of the Government and Council of Fort Saint George Justices assigned to keep the Peace, as also Commissioners of Oyer and Terminer and Gneral Gaol delivery for the Town of Madraspatnam, Garrison of Fort Saint George, and its Dependencies,-

The Court being duly opened, the same is adjourned to Wednesday the Second of December next at Ten o'Clock in the forenoon for Continuing the present Sessions.

W Williams
Clerk of the Peace

Wednesday 2d December 1795

(9) At an adjourned Court of General Quarter 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 Second day of December One Thousand Seven hundred and Ninety five,-

Before

Edward Saunders and Ernst William Fallofield Esquires Members of the Government and Council of Fort Saint George Justices assigned to keep the Peace, as also Commissioners of Oyer and Terminer and Gneiral Gaol delivery for the Town of Madraspatnam Garrison of Fort Saint George and its Dependencies,

The Court being duly Opened the same is adjourned to Wednesday the ninth Instant at Ten of the Clock in the forenoon for Continuing the present Sessions.

W Williams Clerk of the Peace

9th December 1795.

At an Adjourned 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 Wednesday the Ninth day of December One thousand Seven hundred and Ninety five.

Before.

The Right Honorable Robert Hobart commonly called Lord Hobart.
President and Governor of Fort Saint George.

and

Edward Saunders and Ernst William Tillotfield Esquires,
Members of the Council thereof, and Justices assigned to keep the Peace, as also Commissioners of Oyer and Terminer and General Gaol Delivery for the Town of Madrasspatnam, Garrison of Fort Saint George and its Dependencies.

The Court being duly opened.

Mr. Andrew Scott was sworn in as a Justice of the Peace.

Mr. Thomas Anstey, one of the Grand Jury came into Court, to see the Witnesses sworn on the Indictment,

The King against Dennis Shea for Felony and Murder.

Lieutenant and Fort Adjutant John Loyd Jones ..... first Sworn.
Lieutenant and Adjutant Thomas Coghlan ..... — Sworn.
William Northan, Surgeon ..... Sworn.
Engh Stokes ..... Sworn.
Thomas Birch ..... Sworn.
James Dowling ..... Sworn.
John Marais ..... Sworn.

The following Witnesses are also sworn in the presence of Mr. Thomas Anstey on the Indictment

The King against Leetah for Grand Larceny

Goroomooly ..... first Sworn.
Ponen ..... Do.
Palliatan ..... Do.

The Indictments were then delivered to Mr. Thomas Anstey.

Mr. Robert Williams having been permitted to resign, Mr. Stevens Dimsdale Tolton now takes the Oaths of Allegiance, and of Office, as Clerk of the Peace.

R Williams Clerk of the Peace

Mr. Richard Ashton is sworn as Interpreter for the Witnesses on behalf of the Prosecution.

The Court then proceeds to the Trial of Aumed Cawn.

The Prisoner is thereupon arraigned on the Indictment for Perjury as follows.

S Tolton Clerk of the Peace

The Jurors for Our Lord the King upon their Oath present that Aumed Cawn late of Madras Inhabitant,

Inhabitant, wickedly and maliciously contriving and intending one Budder ul Deen unlawfully to aggrieve, and the said Budder ul Deen to great expence of his monies wickedly to put and bring, and to cause the Sum of Two Thousand Six hundred and twenty nine Pagodas, and Twenty six fanams Current Money of Madras aforesaid, to be endorsed upon a Process to be issued out of the Mayor's Court at Madras aforesaid, within the Jurisdiction of this Court, in order to cause and procure the said Budder ul Deen to be arrested thereon, to appear in the same Mayor's Court at the Suit of the said Aumed Cawn, and also with intent that the said Budder ul Deen should be compelled to find Bail for the aforesaid Sum of Two thousand Six hundred and twenty nine Pagodas, and Twenty six fanams, on the thirty first day of December 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, at Madras aforesaid, and within the Jurisdiction aforesaid, came in his proper person before Benjamin Roebuck Esquire, then and yet being the Mayor of Madrasspatnam aforesaid, and then and there did produce and exhibit a certain Affidavit in writing of him the said Aumed Cawn; and then and there the said Aumed Cawn in due form of Law was sworn, and did take his Corporal Oath, according to the Customs of his Cast, touching the matters in that Affidavit contained, before the said Benjamin Roebuck (he the said Benjamin Roebuck then and there having sufficient and competent power and authority to administer an Oath to the said Aumed Cawn in that behalf) and that the said Aumed Cawn then and there, upon his said Oath taken before the said Benjamin Roebuck as aforesaid did swear that the contents of his said Affidavit were true: and that the said Aumed Cawn so being sworn as aforesaid, not having the fear of God before his Eyes, but being moved and seduced by the instigation of the Devil, then and there, upon his Oath aforesaid, in his Affidavit aforesaid, falsely, wilfully, wickedly, and corruptly did say, depose and swear, (amongst other things) in substance and to the effect following, that is to say That Budder ul Deen (meaning the said Budder ul Deen before mentioned) stood justly and truly indebted unto him the said Aumed Cawn in the full and just Sum of Two thousand six hundred and twenty nine Pagodas, and twenty six fanams, Current money of Madras: Whereas in truth and in fact the said Budder ul Deen was not at the time of the said Aumed Cawn making the said Affidavit, or at any other time, indebted to him the said Aumed Cawn in the aforesaid Sum of Two thousand six hundred and twenty nine Pagodas, and Twenty nine fanams, or in any other Sum of Money whatsoever: and so the Jurors aforesaid, upon their Oath aforesaid, do say that the said Aumed Cawn, on the said thirty first day of December in the thirty fifth year aforesaid, at Madras aforesaid, within the Jurisdiction aforesaid, in his Affidavit aforesaid, before the said Benjamin Roebuck (so as aforesaid having sufficient and competent power and authority to administer the said Oath to the said Aumed Cawn) by his own act and consent, and out of his own most wicked and corrupt mind and disposition in manner and form aforesaid, did falsely, wickedly, wilfully, maliciously, and corruptly, commit wilful and corrupt Perjury to the great displeasure of Almighty God, to the evil and pernicious example of all others in the like Case offending to the great Damage of the said Budder ul Deen, and against the Peace of Our said Lord the King, His Crown and Dignity.

How say you Aumed Cawn, are you Guilty of the Perjury 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 being informed of his Privilege desires that the Jury may consist of Europeans.

The Jury are thereupon called over.

Mr. Erskine Nimmo	1 Sworn
William Purser	2 Sworn
Robert Henderson	Absent
Alexander Melvin	3 Sworn
Nicholas Conolly Macfey	Absent
James Waddle	4 Sworn
George Reynolds	Absent
John Baird	5 Sworn
Daniel Reid	6 Do
John Wright	7 do
Hugh Gordon	8 do
William Moore	Challenged on the part of the Prosecution
James Brown	
Mathew Freeman	9 Sworn
Edward Bent	10 Do
James Rennie	
Thomas Reid	11 Do
William Sylvester Cooper	Challenged on the part of the Prisoner
James Munro	12 Sworn.

The Jurors Sworn are

Mr. Erskine Nimmo	John Wright
William Purser	Hugh Gordon
Alexander Melvin	Mathew Freeman
James Waddle	Edward Bent
John Baird	Thomas Read
Daniel Reid	James Munro

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 Aumed Cawn late of Masulipatnam Inhabitant (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 Perjury whereof he stands Indicted or Not Guilty, and hear your Evidence.

The Grand Jury comes into Court and answer to their Names, and return the Indictment.

The King against Dennis Shea, for Felony and Murder, endorsed "A true Bill."

Mr. George Taylor, Register of the Mayor's Court, being Sworn in the Part of the Crown, and having produced the Original Papers in the Cause, — Mr. Robert Williams, as Counsel for the Prosecution puts the following Questions.

Question — Are these the Original Proceedings in the Suit in the Mayor's Court, Aumed Cawn, versus Budder Ul Deen?

Answer — They are.

Mr. Wilkinson on the part of the Prisoner admits the Authenticity of the Papers produced, and that the Affidavit was made by the Prisoner at the Bar, and that the Warrant of Arrest thereupon issued, and that Budder Ul Deen was thereupon arrested, and committed to Gaol.

The Affidavit was then read to the Jury in Court by the Clerk of the Peace.

Thomas Serill — Sworn.

Question — Have you ever seen the Prisoner at the Bar before?

Answer — Not before the Month of April last.

Question — Do you know the Crime for which he stands Indicted?

Answer — No.

Question — Do you know what Perjury is? You understand it to be false swearing?

Answer — I do.

Question — Did you ever hear the Prisoner at the Bar say he had made a false Affidavit in the Mayor's Court against one Budder Ul Deen? if so, relate the circumstances.

Answer — In the Month of April last the Prisoner at the Bar called at my Gardens he came to see one Lalla Lachmandoss, who also resides there, — after they had held a conference together a part Lalla brought the Prisoner to me, and desired me to hear what the Prisoner had to say, whereupon I asked the Prisoner what he had to say, then the Prisoner said, "all this time I was a friend to Jamaloodeen, but now knowing well his ill conduct I have quarrelled with him, on account of One hundred Pagodas that Jamaloodeen had promised the Prisoner, to come forward as a Complainant against Budder ul Deen, by means of a Bond, which the Prisoner said had been made by Jamaloodeen. He declared that Jamaloodeen had paid him fifty Pagodas in part of his Promise, — and he said that if Budder ul Deen would give him one hundred Pagodas now, and a Bond for payment of Five Thousand Pagodas more out of his demand of Twenty seven Thousand Pagodas against Mr. De Souza, he would again appear before the Mayor, and declare in the Mayors Court, that at the time of his making the said Affidavit, he was ignorant of the nature of an Oath, and that Jamaloodeen had induced him to take that false Oath, and stand as a Complainant, and that the Bond was in fact belonging to one Andy Silly Cawn, a Moorman, that the Signature to the Bond was not Budder Ul Deens handwriting, and acknowledged that Budder ul Deen owed the Prisoner nothing. — Afterwards asked the

9th December 1795

(16) Question — Were any other Persons present at the time? recollect

Answer — I believe Jamalodeen was there

Question — Can You say with certainty

Answer — To the best of my Recollection he was there, and the Mullah.

Question — Do you recollect by whom the Oath was interpreted?

Answer — By myself.

Question — Can you say for what purpose Jamalodeen attended upon the occasion?

Answer — I cannot.

Question — The Witnesses of the Prisoner's cast are sworn upon the Koran?

Answer — They are.

Question — In whose Custody is the Koran usually kept?

Answer — In the custody of the Mullah or Priest.

Question — When an Oath is administered to a Mussulman Witness, the Koran is delivered to him from the hands of the Mullah?

Answer — It is.

Question — Did the Mullah on that occasion deliver the Koran to the Prisoner?

Answer — He did to the best of my recollection.

On the Prosecution being closed

Mr Wilkinson Counsel for the Prisoner called no Evidence, but submitted to the Court that the Crime alledged against the Prisoner was not substantiated by collateral Proofs, but rested solely on the Prisoners Confession, and upon that Ground rested his Defence, Upon such a Confession unsupported by Evidence, he contended the Prisoner could not be found Guilty.

The Petit Jury then retire to consider of their Verdict, a Bailiff having been first duly sworn to keep them, after a short time a Verdict being proclaimed, the Petit Jury 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 Aumed Cauun Guilty of the Perjury 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 Aumed Cauun is Not Guilty of the Perjury whereof he stands Indicted, and so you say all?

Jury — yes.

The Court order the Indictment for Subornation of Perjury against Jamalodeen to be quashed.

The Prisoners are thereupon discharged by Proclamation.

The Court was then Adjourned till Wednesday next the 16th Inst. at Ten Clock in the Forenoon for continuing the present Sessions.

Stevens Sutton

16th December 1795

(17)

At an Adjourned 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 Wednesday the Sixteenth day of December One thousand Seven Hundred and ninety five.

Before

Edward Saunders and Ernst William Tolfield Esquires

Members of the Council, and 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.

The Court being duly opened was adjourned till Saturday next the Nineteenth Instant at Ten Clock in the Forenoon for continuing the present Sessions.

Stevens Sutton
Clerk of the Peace

19th December 1795.

(18)

At an Adjourned 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 Saturday the Nineteenth day of December One thousand Seven Hundred and ninety five.

Before

The Right Honorable Robert Hobart commonly called Lord Hobart.

President and Governor of Fort Saint George.

and

Edward Saunders and Ernest William Hollofield Esquires, Members of the Council thereof and 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.

The Court being duly opened

Baluck Doss was brought up, and offers as his Bail Valeapah and Nimbayee.

Baluck Doss acknowledges himself to be indebted to our Sovereign Lord the King in the Sum of — Pagodas 100.

Valeapah and Nimbayee acknowledge themselves to be indebted to our Sovereign Lord the King in the Sum of Pagodas — 50 each.

Upon Condition that the said Baluck Doss shall be and appear at the next Quarter Sessions, 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 Grand and Petit Juries are then thanked for their Services, and dismissed.

The Court is then Adjourned to Wednesday the Thirteenth day of January One Thousand Seven Hundred and Ninety six for holding a new Sessions.

Stevens Tolson
Clerk of the Peace