179

Series
XIII

Mayor's Court records (cont'd)
Quarter Sessions (Vol 12)
13-1-1796 - 31-10-1796

25,000—4-5-12.

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634

At a General Court

of Quarter Sessions of the Peace, Oyer and Terminer and General Gaol Delivery holden at the Town Hall in Fort S.t George on Wednesday the Thirteenth day of January in the Year of our Lord One Thousand Seven hundred and Ninety Six

Before

Edward Saunders and Ernst William Tallofield Esquires Members of the Council, Justices assigned to keep the Peace and 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 Sheriff returns his Precepts and the Court was then Adjourned to Wednesday the Twenty Seventh Instant at Ten oClock in the forenoon for continuing the Present Sessions

Stevens Town
Clerk of the Peace.

27 January 1796

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 twenty seventh Day of January in the Year of our Lord, One Thousand seven hundred and ninety Six

Before

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

and

Edward Saunders and Ernst William Fallofild 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 Mr Thomas Chase one of the Grand Jury requests by Letter, to be excused from attending on account of Bad Health, Mr William Chater one of the Petet Jury requests leave of absence on account of particular Business The Court are pleased to dispense with their attendance.

The following Gentlemen were then sworn on the Grand Jury

Robert Gardener Esquire Foreman

George Barry
Cecil Smith
Frances Alexander Grant
George Colman
George Read
John Wallace Junr
Richard Yeldham
John Hunter
John Tulloh
Frank Day
William Cockell
Thomas Fraser
Henry Burnaby
Edward Dent
John Goldingham
George Hay

a

27 January 1796

(3)

A Bailiff. Thomas Newman sworn to attend the Grand Jury during the present Sessions

Mr Frances Alexander Grant one of the Grand Jury remains and the following Witnesses are sworn to give their Evidence on the Indictment

The King against Appasawmy. For Felony and Murder

Mootiah - - - - - - - - first Sworn
Gungareddy - - - - - - - Sworn
Vencataramadoo - - - - - - Sworn
Ramadoo - - - - - - - - Sworn
Yanaudee - - - - - - - - Sworn
Henry Davison - - - - - Sworn

The Indictment was then delivered to Mr Francis Alexander Grant who retires

The Court proceeds to the trial of Dennis Shea for Murder The Prisoner is thereupon put to the Bar and Arraigned as follows

Clerk of the Peace — Dennis Shea, hold up your Right hand

You stand indicted by the name of Dennis Shea for that you Dennis Shea Private 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 St George not having the fear of God before your Eyes, but being moved and seduced by the instigation of the Devel, on the twenty third Day of November in the thirty sixth 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 Poonamalee, within the Jurisdiction of this Court, in and upon one Mootoo Chitty in the Peace of God and our said Lord the King then and

there

there being feloniously wilfully and of your malice aforethought did make an Assault and that you the said Dennis Shea, a certain Musket or Gun of the Value of ten Shillings, then and there loaded and charged with Gun powder and one leaden bullet, which Musket or gun, you the said Dennis Shea in both your hands then and there had and held to against and upon the said Mootoo Chitty, then and there feloniously wilfully and of your malice aforethought, did shoot and discharge and that you the said Dennis Shea with the leaden bullet aforesaid out of the Musket or Gun aforesaid then and there by force of the Gun Powder shot &c and sent forth as aforesaid, the aforesaid Mootoo Chitty in and upon the left side, and thro' the lower part of the belly of him the said Mootoo Chitty then and there with the leaden bullet aforesaid out of the Musket or Gun aforesaid by you the said Dennis Shea so as aforesaid shot discharged and sent forth feloniously wilfully and of your malice &c aforethought, did strike Penetrate and Wound, giving to the said Mootoo Chitty then and there with the leaden bullet aforesaid so as aforesaid shot discharged and sent forth out of the Musket or Gun aforesaid by you the said Dennis Shea, in and upon the left side and thro' the lower part of the Belly of him the said Mootoo Chitty, one Mortal Wound of the Depth of ten Inches, and of the Breadth of one Inch of which said Mortal Wound the aforesaid Mootoo Chitty did languish and languishing, did live for the space of ten Hours and then of the said Mortal Wound died And that you the said Dennis Shea the said Mootoo Chitty 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 Dennis Shea, are you Guilty of the Felony and Murder wherof you stand Indicted, or not Guilty?

Prisoner — Not Guilty

Clerk of the Peace — How will you be tried

Prisoner — By God and my Country

Clerk of the Peace — God send you a good deliverance

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

Peter Massey Cassin - Foreman first Sworn	John Standever Sherman
Edward Jones	Edward Bent
William Hope	John Steuart
Richard Ashton	Joseph Sykes
John Wright	James Munro &
A B. Bone	Samuel Moore

Clerk of the Peace — Gentlemen of the Jury Look upon the Prisoner, and hearken unto his Cause, you shall know that he stands Indicted by the name of Dennis Shea private in the third Battalion of European Infantry (here the Indictment is read as in the Arraignment) upon this Indictment he has been arraigned and thereunto has pleaded not Guilty and for his Trial has put himself upon God and his Country, which Country you are, Your Charge is therefore to enquire whether he is Guilty of the Felony and Murder wherof he stands Indicted, or Not Guilty, if you find him Guilty you shall enquire what Goods and Chattles Lands and Tenements he had at the time of committing this Felony and Murder, or at any time since, if you do find him not Guilty, you shall enquire if he fled for the same, if you do find that he fled for the same, you shall enquire what Goods and Chattles he had the same as if you had found him Guilty, if you find him not Guilty and that he did not flee for the same

same you shall say to and no more and hear the Evidence.

Lieutenant John Lloyd Jones Fort Adjutant of Poondamallee is first called in and sworn on the part of the Crown

Question by the Clerk of the Peace - Do you know the Prisoner at the Bar

Answer - - - I do. he is a private in the 3d Battalion of Carnjuan Infantry.

Question - - - Please to relate to the Court the Circumstances that happened at Poonamalee, when the Prisoner was apprehended on suspicion of having perpetrated the Crime with which he stands charged

Answer - - - On the 23d November between 7 & 8 in the morning, while I was waiting at Colonel Trents Quarters, a Black man whose name was Mostor was brought there on a Colt, who was said to have been shot by an European. He was ordered to be taken to the Hospital; while the man was lying there, Lieutenant Coghlan the Adjutant of the Corps came there, and reported a man was missing from Drill, on that Morning upon which the Prisoner the man who was missing from Drill was sent for, and brought before the Wounded man, and the Wounded man was asked by Lieutenant Coghlan and Colonel Trent who was present, whether he could point out the Person who shot him, to which he answered yes- upon which the man was conveyed to the Hospital. and a Committee, of which I was a Member, was ordered to take the Deposition of the Wounded man. The Wounded man was asked when it happened? he replied it was about Gun fire as he was leaving Poonamallee Pettah. That he had met the Prisoner with his firelock and made Salam to him when he had walked on about 10 yards distance from the Prisoner, he received the shot. and when he the Wounded man was lying down, the Prisoner beat him but was not sensible with what

he was struck. The Prisoner was afterwards brought before the Committee consisting of the Witness, Mr Norman and Lieutenant Thomas Coghlan, when the Wounded man pointed out the Prisoner (four several times) being mixed with Others) as the Person who had shot him.

Question - - - Is the Prisoner at the Bar the Person whom the Wounded man said had shot him

Answer - - - He is.

Question - - - What became of the Wounded man

Answer - - - It was reported to me by the Hospital Guard that the man died about five o'clock in the afternoon

Question by the President } Did the Wounded man say there had been any dispute between him and the Prisoner.

Answer - - He did not

Question by the Jury Were the Prisoners cloaths changed at the time he was shewn to the Wounded man

Answer - - - I do not recollect

Question - - - - Was the Gun belonging to the Prisoner examined

Answer - - - The Piece was examined at the Barracks and afterwards at Colonel Trents Quarters. It appeared to me as if it had been lately fired off, the Pan was Damp.

Question - - Did the Prisoner appear Sober at the time he was apprehended,

Answer - - Perfectly so.

The Grand Jury come into Court and answer to their Names and deliver in the following Indictment

The King against Appasawmy - for Felony and Murder endorsed "a True Bill"

Cross examined by Mr Wilkinson Counsel for the Prisoner - - } Did the Dying man before the Committee point out any other Person

Answer - - He did not that I recollect,

Question - - Do you recollect whether he pointed out one Corporal Harris,

Answer - - I do not.

Do

Question — Do you know Corporal Harris

Answer — I am not immediately doing Duty with the Corps, I dont know a person of that name.

Question by the Jury — Did the Committee ask the Prisoner why he had fired at the Wounded man

Answer — There were no questions put to the Prisoner by the Committee

Question by Mr. Wilkinson — Were there any other Persons confronted (except the Prisoner) at Colonel Irents Quarters before the Dying man

Answer — Three or four I believe of the Privates, but I am not certain

Here the Deposition of Mootoo the Black man taken before the Committee at Coondamallie and sworn to by them before Mr. Justice Jones was produced.

Question — Is that your Signature to the Paper now produced

Answer — It is

Lieutenant Thomas Coghlan was next called in and sworn

(Here the Deposition is shewn to the Witness)

Question — Are you acquainted with the contents of this Paper

Answer — I am, it is the Deposition of Mootoo, a Black man taken at the Hospital by the Committee.

Question — Is that your hand Writing subscribed thereto

Answer — It is

Question — Do you know the Prisoner at the Bar

Answer — I do

Question by the President — Is the Prisoner at the Bar the Person pointed out by Mootoo to be the man from whom he received the Wound

Answer — He is

Question — Was the Prisoner at the Bar absent from Roll call on the morning of the 23d November last

Answer — He was absent from Drill, he was reported to me absent between Six and seven Clock in the Morning At

Question — At what hour did he return, or was brought to the Guard?

Answer — He was reported to me by the Serjeant of his Company as confined in the Main Guard, for having been absent from Drill, and having lost his Arms and Accoutrements

Question — Do you know the Reason why he was brought to Mootoo the Dying man, and Mootoo asked if he was the man who had wounded him? —

Answer — It was by my directions, I suspected him from the circumstance of his having been absent from Drill and losing his Arms and Accoutrements

Question — Had you any other reasons from general Character or otherwise to suspect the Prisoner, except the Circumstance of his having lost his Arms and Accoutrements?

Answer — I had not

Question — How soon after the man was wounded, were the Arms and Accoutrements found?

Answer — They were brought in the Course of the Morning

Question — Did you examine the Arms when they were brought?

Answer — I did, the piece had the appearance of having been just fired off. —

Question — What particular reason had you for apprehending the Arms and Accoutrements belonged to the Prisoner?

Answer — The Prisoner himself acknowledged them to be his Arms —

Question by the President — Should you as Adjutant of the Corps have known them from those of any other man?

Answer — I should not there were no particular Marks

Question — Were any other persons Arms reported missing that Morning

Answer — There were not. —

Question — Were there any other Person reported to be absent from Roll call or Drill that Morning?

Answer — To the best of my recollection there were not

Question by the Jury — What sort of Character in General did the Prisoner bear previous to his being suspected of this Crime

Answer — In different

Question by the Jury — Was he addicted to Drinking

Answer — He was not particularly

Question by the Jury — Was there any other Person sent by you with the Prisoner to Colonel Irents Quarters, as lying under a Suspicion of having shot the Deceased

Answer — There was not

Question by Mr. Wilkinson — Did the Dying man immediately upon the Prisoners being brought before him and asked if he was the Man, immediately point him out without hesitation?

Answer — He did

Question — Did the Dying man appear to have his Senses about him?

Answer — He did

Question — Did he point out the Prisoner more than once?

Answer — He did four times at the Hospital, and once at Colonel Irents Quarters.

Question by the Court — How was the Prisoner dressed when he was brought under a Guard to Colonel Irents Quarters?

Answer — He had his Regimental Jacket on to the best of my recollection

Here Mr. William Jones Justice was called in, and the Deposition of the Committee taken by him at Pomamalee on the 23d of November was sworn to by him and his signature to the Paper

Mr Jones then retired

Question by the Jury — Do you know if the Prisoner and Mootoo the Deceased had any previous acquaintance with each other?

Answer — I do not know

(Cross examined by Mr. Wilkinson)

Question by Mr. Wilkinson for the Prisoner — I believe you are Adjutant of the Corps

Answer — I am

Question by Mr Wilkinson — Do you know Corporal Harris of that Battalion?

Answer — I do

Question by Mr Wilkinson — Was Corporal Harris or any other person confronted with the Prisoner?

Answer — He was

Question by Mr. Wilkinson — Where

Answer — At the Hospital at the same time with the Dying man

Question by Mr. Wilkinson — Did Mootoo the Deceased point out Corporal Harris at any time as the Person who shot him?

Answer — He did

Question by Mr. Wilkinson — At what hour of the day was the examination before the Committee?

Answer — Between Eleven and Twelve

Question by Mr. Wilkinson — At what hour was the Examination at Colonel Irents Quarters

Answer — To the best of my recollection between Seven and Eight in the Morning

Question by Mr. Wilkinson — At what hour did Mootoo Die

Answer — About five. I can not be particular as to the time

Question by Mr. Wilkinson — Upon the Examination before the Committee did the dying man seem to wander in his certainty about the person who had shot him?

Answer — Only at the time when he pointed out Corporal Harris

Question by Mr. Wilkinson — You have spoken of the General Character of the Prisoner and said he was not particularly addicted to Drinking, have you ever heard of any charge of Cruelty against him?

Answer — I have not

Question — Was it before the Prisoner was brought before the dying man that he fixed upon Corporal Harris?

Answer — The Prisoner was present when he pointed out Corporal Harris

Question — Had Corporal Harris been absent that Morning

Answer — He had not been reported to me as absent

Question — Is there any resemblance between Corporal Harris and the Prisoner

Answer — Not the least I think

Question — Was the Deceaseds Turban found upon the Prisoner

Answer — I do not know that it was

Question by the Jury — Was there any search made for the Turban among the effects of the Prisoner

Answer - - - I do not know that any search was made, nor do I know that the Turban was found.

Question by the Jury - - - Do you know where the Prisoner was found?

Answer - - - The Serjeant reported to me, it was between the Hospital and the Barracks

Mr. George Read one of the Grand Jury comes into Court and the Witnesses are Sworn on the Following Indictment

The King against Ershun and Mootoo for Grand Larceny

Syd Mahomed - - - - - - - - - - - - - - - 1st Sworn

Sabapady Chitty - - - - - - - - - - - - - - - Sworn

Veeragava Chitty - - - - - - - - - - - - - - - Sworn

Cyany - Sworn

The Indictment is then delivered to Mr. George Read who retires.

Enoch Stokes is called in and Sworn

Question - - - - - Are you a Serjeant in the 3d Battalion of European Infantry

Answer - - - - - I am

Question - - - - Did you confine the Prisoner in the Guard for being absent from Duty

Answer - - - - I did on the 23d of November

Question - - - - Where did you apprehend the Prisoner

Answer - - - - In the Barracks

Question - - - - How was the Prisoner dressed when you apprehended him

Answer - - - - - He had on his Regimental Jacket, a Pair of Gayters & a Straw hat made of Leaves.

Question - - - - - - - Had he his Arms and Accoutrements?

Answer - - - - - - - He had not

Question - - - - Were the his Arms and Accoutrements found afterwards

Answer - - - - - They were, I dont know where

Question - - - - How do you know they were his Arms and Accoutrements

Answer - - - - The Prisoner confessed they were his

Question - - - - Did you examine the firelock

Answer - - - - No I did not

Question - - - - Was you Present at a Committee of Inquiry respecting the Death of a Native?

Answer - - - No I was not.

Question - - - What did you confine the Prisoner for

Answer - - - For Absence from Drill and losing his Arms and Accoutrements

Question - - - Was he in the Barracks the Night before

Answer - - - - He was

Question - - - Was he Drunk or sober when you confined him

Answer - - - He was perfectly Sober

Question - - - Where did he Sleep the Night before

Answer - - - He slept in the Cantoonments on the outside of the Fort

(Cross examined by Mr. Wilkinson)

Question - - - - At what hour did you confine the Prisoner

Answer - - - Between Six and Seven oClock in the Morning

Question - - - Do you mean to speak of the Barracks and Cantoonments as the same.

Answer - - - We lay on the outside of the Fort, in the Cantoonments

Question - - - Did you report the Crime for which you confined the Prisoner to the Adjutant

Answer - - - I shewed it to the Adjutant, and he signed it

Question - - - Where did you first see the Prisoner.

Answer - - - - Before I confined the Prisoner, I saw him coming from the Hospital towards the Barracks between six and seven oClock in the Morning and I confined him in the Barracks.

Question - - - Was he clean or Dirty at that time

Answer - - - He was Dirty, his Gayters were Dirty and wet above the Knee.

Question - - - Do you know where the Deceased fell, or where it is reported he fell.

Answer - - - I do not.

Question - - - - Do you know Thomas Flinn.

Answer - - - - I do, he was then in the Hospital Sick.

Question - - - Is that man living or Dead.

Answer - - - He is since Dead; some time in the last Month.

Question - - - - Have you not heard that the Prisoner had been at the Hospital some time that Morning with Flinn

(14)

Answer --- The Prisoner had been at the Hospital that morning, but I do not know particularly if with Him

Question by the Jury — How do you know that the Prisoner had been at the Hospital that Morning).

Answer -- By the Report of Other People.

The Grand Jury come into Court, and answer to their Names and return the following Indictment

The King against Orshun and Mootoo for Grand Larceny Endorsed a "True Bill"

William Norman Surgeon is then called in and Sworn

Question by the Clerk of the Peace — Do you know of a Native named Mootoo being killed on the 23d of November last at Boondamallie?

Answer --- A person of that name was brought to the Hospetal on the 23d.

Question -- What did that Person die of.

Answer -- He died of a Wound he had received from a Musquit Ball, the Wound was on the left side, the Ball had penetrated thro' the Body from the left side to the Right.

Question -- Did you perceive any marks of Violence on the Body.

Answer -- He had a Violent Contussion on his Face.

Question -- Did the faculties of the Deceased seem sufficiently clear at the time he was brought to Colonel Irvine's Quarters (where you I think were present) so as to be able to point out the person who had shot him

Answer -- Perfectly so.

Question -- And the Wound which he had received with the Musquet Ball which penetrated thro' his Body, was the Cause of his Death

Answer -- It was.

Question --- How long did he survive after he was brought to the Hospital.

Answer --- He was brought there between seven and eight oClock in the morning and he lived till near five oClock in the afternoon.

The Deposition of William Norman Surgeon, Lieutenant John Loyd Jones Lieutenant Thomas Coghlan sitting as a Committee at Boondamallie was now read by Order of the Court

(15)

The Grand Jury request that Mr Thomas Chase may be sworn to give Evidence before them who accordingly comes in and is sworn

Here the Prosecution closes

Mr Wilkinson Counsel for the Prisoner --- } Spoke in behalf of the Prisoner and declining to call any Witnesses on his Part;

The Petit Jury then retire a Bailiff (Thomas Newman) having been first sworn to keep them

The Clerk of the Peace by Direction of the Bench sends to enquire of the Foreman of the Grand Jury if the Gentlemen of the Grand Jury have any busines to lay before the Court.

The Grand Jury accordingly come into Court and deliver in the following Presentment (*) the Clerk of the Peace is directed to read the same.

(*) Entered after the conclusion of this Trial

Messrs John Stuart Smith and William Cockell the Collectors and Surveyors of the Black Town, deliver in their Accounts of the last years Assessments and Disbursements and are sworn to the same.

The Court Order the said Book of Assesments to be deposited in the Office of the Clerk of the Peace, and direct a new Assessment of Five p Cent to be levied for the ensuing year.

The Clerk of the Peace is directed to prepare a Warrant for that purpose and to present the same in Court for the Signature of the Bench of Justices on the next meeting

After having retired for about three hours and a Verdict being proclaimed, the Petit Jury 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 } Dennis Shea hold up your hand (to the Jury) look upon the Prisoner. How say you Gentlemen is Dennis Shea Guilty of the Felony and Murder whereof he stands Indicted or not Guilty?

Jury --- Not Guilty

(16)

Clerk of the Peace -- Gentlemen of the Jury Hearken unto your Verdict as the Court hath recorded it, you say that Dennis Shea is not Guilty of the Felony and Murder whereof he stands Indicted And so say you all.

The Prisoner is thereupon Discharged by Proclamation —

The Court is Nun Adjourned to Wednesday the Tenth Day of February in the Year of our Lord One Thousand Seven Hundred and Ninety six for continuing the present Sessions.

Stevens Sutton
Clerk of the Peace

Town of Madraspatnam Sessions

We the Grand Jury of the Town of Madraspatnam Sworn to enquire for the Body of the said Town, being justly sensible of the many advantages arising to this Place by the Gracious dispensation of his Majestys Royal Charter, as it hath Conveyed with it the Laws of England, and prescribed the Method of putting those Laws into Execution. —

Do present, that it has come to their knowledge and particularly by the Deposition upon Oath of Mr Thomas Chase which the Jurors aforesaid Judge necessary to annex hereunto that one Sunkaraporam Vencata= =chella Chitty was on the twenty fourth Day of March in the Year of our Lord 1784 in consequence of various malpractices subversive of the good Order of Society sentenced by the Worshipful Bench of Justices to receive twenty five strokes of the Chabuck in the Fort Square, to be flogged in the Black Town and torn tonsured out of the Settle= =ment "not to return" And it has farther come to the knowledge of the Jurors aforesaid that notwithstanding the Sentence of Banishment so passed upon the said Sunkaraporam Vencatachella

(17)

Chitty he has since appeared and resided in the Town of Madras= =patnam in open Contempt of the Authority and above Cited Sentence of the said Worshipful Bench of Justices And farther that the said Sunkaraporam Vencatachella Chitty was at the Quarter Sessions held at Fort Saint George in the month of July 1792 found Guilty of a Conspiracy against Mr David Haliburton and sentenced to pay a fine to the King of five hundred Pounds and to Imprisonment for two years and untill the fine be paid and further to stand in the Pillory in the usual manner for one hour which Crime the Jurors aforesaid Do present in proof of his Contenued Evil and malicious Disposition — And the Jurors aforesaid do further present that subsequent to the Release from Prison of the said Sunkaraporam Vencatachella Chitty he hath been, and resided in the Town of Madraspatnam and that he hath within the Latter mentioned Period, in various instances which have individually come to the Knowledge of the Jurors conducted himself in a manner subversive of good Order and the Welfare and happiness of his Majestys peacable Subjects residing within the Jurisdiction of this Honble Court — And so the Jurors aforesaid Do present the said Sunka= =raporam Vencatachella Chitty as a Dangerous and malicious Character unworthy of the Protection of this Honorable Court and farther submit to the Worshipful Bench the

Propriety

Propriety of adopting such measures as shall to it appear — expedient to carry into full execution the Sentence of Banish- =ment so passed as aforesaid upon the said Sunkaraporam Vencatachella Chitty. —

(Signd) Robert Gardiner Freman

George Barry
Cecil Smith
Fras Alexr Grant
George Coleman
George Read
J Wallace Junr
R Yeldham
John Hunter

J. Tulloh
Frank Day
W Cockell
T Fraser
H. Burnaby
Edd. Dent
A Goldingham
G Hay

Town Hall — — —

Madraspatnam 27th Day of January in the year of our Lord 1796 — — —

Appendix N° 3.

Fort St George 24th March 1784

At a Meeting of the Worshipful Justices

Present

The Right Honble Lord Macartney K. B.
Alexander Davidson Esqr Cotton B. Dent Esqr
John Turing — Esqr Robert Maunsell Esqr

Robert Barclay Esqr indisposed.

Agreed that Vencatachella Chitty Mr Jones Dubash receive 25 Chabucks in the Fort Square, be flogged in — the Black Town, and Tom Tommed out of the Settlement not to return. —

Agreed, also, that Trevedy Vencatachellum Gomastah of Mr Dents Dubash Soobaroyaloo Chitty that he be also Tom Tommed out of the Settlement not to return. —

Soobaroyaloo Chitty Mr Dents Dubash who had been committed to the care of the Boligar by Mr Barclay, having been bailed and fled from the Boligar and his Securities not appearing, the Consideration of his case is deferred. the Bolygar who — found the Bail is Ordered to produce the said Soobaroyaloo Chitty before the next Quarter Sessions. —

A true Copy of the Proceedings

(Signed) Thomas Chase
Clerk to the Justices

27th January 1796

Fort St. George 5th June 1792

Having perused the foregoing Circumstances with all attention, I declare that to the best of my recollection, they are True Transcripts of the Proceedings of his Majestys Justices therein named and summoned by Order of the Right Honble Lord Macartney, and that the said Bench of Justices did meet on or about the Day therein mentioned, and passed those resolutions the first of which alluding to Venkatachellum Chitty was instantly carried into effect in presence of all the Justices before named, and he was Chabuckied in the Fort Square and the Other parts of the Sentence were carried into effect the same Day. I further declare that by Order of Lord Macartney I furnished the Civil Secretary with the Original of these Proceedings

(Signed) Thomas Chase
Mem and Still Clerk to the Justices

Sworn to the 25th Day
of June 1792 Before me
(Signed) J. Daly
Comp.

(Signed) A. Falconar
Ext.

We do certify this is to be a true Copy,
(Signed). Henry Chichely Mitchell
Daniel Puce
Chas Baker.

Mr. Thomas Chase having been duly sworn in Court

Jany. 27th 1796 Deposeth before the Grand Jury, that to the best of his knowledge and recollection, the above is a true Extract from the Proceedings of the Bench of Justices under date the 24. March 1784

(Signed Thomas Chase

Stevens Totton
Clerk of the Peace

At

10th February 1796

At an Adjourned Court

of Quarter Sessions of the Peace Sessions of Oyer and Terminer and General Gaol Delivery, held at the Town Hall in Fort Saint George on Wednesday the tenth Day of February in the year of Our Lord one Thousand Seven Hundred and Ninety Six.

Before

Edward Saunders & Ernst William Fallofield Esquires

Members of the Council Justices assigned to keep the Peace as also Commissioners of Oyer & Terminer & General Gaol Delivery for the Town of Madraspatnam Garrison of Fort Saint George and its Dependencies.

The Court being duly opened was adjourned to Wednesday the 17th Instant at 10 o'clock in the Forenoon for continuing the present Sessions.

Stevens Totton
Clerk of the Peace

At

17th February 1796

(22)

At an Adjournd Court of General Quarter Sessions of the Peace Sessions of Oyer and Terminer and General Gaol Delivery held at the Town Hall in Fort Saint George this Seventeenth Day of February in the Year of our Lord One Thousand Seven hundred and Ninety Six.

Before

Edward Saunders & Ernst William Fallofield Esquires Members of the 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 was Adjourned to Wednesday the 2d Day of March at 10 oClock in the forenoon for continuing the Present Sessions.

Steven Fotton
Clerk of the Peace

2 March 1796

(23)

At an Adjourned Court of Sessions of the Peace Sessions of Oyer and Terminer and General Gaol Delivery held at the Town Hall in Fort Saint George on wednesday the second day of March in the year of our Lord one thousand seven hundred and Ninety Six

Before

The Right Honorable Robert Hobart commonly called Lord Hobart

President and Governor of Fort Saint George

and

Edward Saunders and Ernst William Fallofield Esqrs 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 Warrant of Assessment pursuant to the order of the Court was delivered by the Clerk of the Peace, The Justices having signed it, it was delivered to Mr Cockell the Surveyor

Mr Gardiner the Foreman of the Grand Jury came into Court and the following witnesses are Sworn on the Indictment.

The King against Christopher Johnson for Felony and Murder Viz

James Upfold	Henry Neil
William Groves	James Brown
Matheus Eberhard	Dr George Baillie

The Indictment was then delivered to Mr Gardiner

The Court then proceeds to the Trial of Appasawmy for Felony and Murder

2 March 1796

The Prisoner is thereupon put to the Bar and Arraigned upon the Indictment for Felony and Murder as follows

Clerk of the Peace — Appasawmy hold up your hand

You stand Indicted by the name of Appasawmy Moodeliar for that you together with one Lingadoo a Palanquein Bay Indabi-tants of Triplicane within the Jurisdiction of this Court, and divers others the Servants and Palanqueen Boys of you the said Appasawmy moodeliar, whose names to the Jurors aforesaid are at present unknown, not having the fear of God before your Eyes, but being moved and seduced by the Instigation of the Devil, on the first day of December in the Thirty sixth 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 Tripliane aforesaid within the Jurisdiction aforesaid in and upon one Paupadoo in the Peace of God and our said Lord the King then and there being, feloniously, wilfully, and of your malice afore thought, did make an Assault, and that the said Lingadoo and divers other persons to the Jurors at present unknown, or some or one of them, both the hands of him the said Paupadoo did fasten and bind to his knees thrusting a Stick between them and the said Paupadoo so bound and tied as aforesaid to and against the Ground did cast and throw down and him the said Paupadoo so cast and thrown down then and there did beat and bruise giving unto him the said Paupadoo divers mortal Blows and Bruises upon the Head Temple and mouth of him the said Paupadoo with a Cord or Rope doubled of the value of one Penny of which said several mortal Blows and Bruises he the said Paupadoo did languish and languishing did live for the space of Five hours and then

Died, and the said Jurors for Our Lord the King do present that you the said Appasawmy then and there feloniously wilfully and of your malice aforethought was present commanding aiding abetting comforting assisting and Maintaining the said Lingadoo and divers other persons to the Jurors aforesaid at present unknown the said Felony and Murder aforesaid in manner and form aforesaid to do and Commit, and so the Jurors aforesaid upon their Oath aforesaid do say that you the said Appasawmy the said Lingadoo and the said other persons to the Jurors at present unknown as aforesaid, him the said Paupadoo 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 Appasawmy 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 Prisoners Counsel claims the priviledge of a Jury half Europe-ans and half Natives

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

Peter Massey Capsin Foreman	John Wright
Edward Jones	A. B. Bone
Richard Ashton	John Standiver Sherman

Gopaulo

Gopaulso Moodeliar — Bombay Vencatachella Moodeliar
Chidumbera Moodeliar — Jeromanium Moodu Muniapah moodeliar
Dighton Tegarey Moodeliar — Sanatalara Chidumbera Moodeliar

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 Appasawmy Moodeliar Inhabitant of Triplicane (here the Indictment is read as in the arraignment) upon this Indictment he has been arraigned and thereunto has pleaded Not Guilty, and for his Trial has put himself upon God and his Country, which Country you are, your Charge is therefore to enquire — whether he is Guilty of the Felony and Murder whereof he stands Indicted or Not Guilty if you find him Guilty you shall enquire what Goods and Chattels Lands and Tenements he had at the time of Committing this Felony and Murder or at any time since, if you do find him not Guilty, you shall enquire if he fled for the same, if you do find that he fled for the same you shall enquire what Goods and Chattels he had the same as if you had found him Guilty, if you find him not Guilty — and that he did not flee for the same you shall say so and — nomore and hear the Evidence

Shunmogaroy moodeliar the Sworn Malabar Interpre=ter to the Justices attends in Court to perform the Duties of his office

Gungareddy called in and Sworn on the part of the Crown

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

Answer I do

Question Did you know Paupadoo

Answer I did

. . . . . when

Question when and where did you last see Paupadoo

Answer Some time ago at the house of Nagapah Moodeliar at Triplicane

Question what was Paupadoo doing at that time at the house of Nagapah moodeliar

Answer I and my Son Vencataramadoo Paupareddy alias Paupadoo and Yanaudee were living at that time in the house of Na=-gapah moodeliar

Question Do you know any thing of the said Paupareddy alias Paupa=-doo having been flogged and his hands tied

Answer Yes he was flogged and I was flogged also

Question was the Prisoner at the Bar present when Paupadoo was — flogged

Answer He was present

Question Did the Prisoner give orders for flogging Paupadoo

Answer He was present and gave the orders

Question Do you know what he said when he ordered him and the — others to be flogged

Answer He ordered them to be flogged but not so as to cause their death

Question where did the Talanqueen Boys strike Paupadoo, what part of his person

Answer Upon the Temple and Mouth

Question was it by the Prisoners order that they struck him on the Temple

Answer He told them to flog him but not on the Temple

Question Did the Talanqueen Boys give Paupadoo many Blows on the Temple

Answer Only one Blow on the Temple, the rest on his Back

Question was the rope they beat him with doubled

. . . . . they

Answer They doubled it

Question what size was the rope

Answer It was a Cotton rope four times doubled the rope was about the size of my finger

Question what was the reason Paupadoo was flogged

Answer The Prisoner's uncle Rungasaya Moodeliar had lost a Chest the Prisoner accused me and other Coolies with being concerned in stealing it

Question Do you know what became of that Chest

Answer I do not know

Question was you examined before the Justices

Answer I was

Question Do you recollect what you swore before the Justices

Answer I do

Question Do you recollect whether any Message was sent from Appasawmy's uncle about the Chest

Answer One Girl came from the Prisoner's uncle to the Prisoner

Question what did the Girl say, did she say any thing about the Chest

Answer The Girl said the Prisoner's uncle sent word why do you flog Paupadoo and the rest I have found the Chest

Question Is Paupadoo alive

Answer He died at the same time

Question How soon did he die after the flogging he received

Answer About Ten O'Clock in the morning

what

Question what time was Paupadoo the man who died flogged

Answer He was taken up in the middle of the Night and they continued to beat him and the rest of us till day break

Question was it at Ten O'Clock in the Morning that Paupadoo Died

Answer It was

Question was the Prisoner at the Bar present the whole time that Paupadoo the deceased was flogged

Answer He was present the whole time the deceased was flogged

Question when was you released from Confinement

Answer I was taken up in the middle of the night and discharged on the following afternoon about lamp light

Question by the Chairman } Did the Prisoner receive any money from you or the others

Answer He received four Pagodas from me

Question Have you received the four Pagodas back again

Answer I have not

Question Did you ever ask the Prisoner to return the money

Answer I never did

Question How came you to give four Pagodas to the Prisoner

Answer On Account of the Property the Prisoners uncle had lost

Question why did you give the four Pagodas

Answer The Prisoner told us a Chest was lost and we must make it good in Consequence of which we were bound and told we should not be released till we had made it good, at the rate of two Pagodas each

Question by the Jury Did they pay the money before they were released

Answer They paid the money before they were released

Question Do you know if the Deceased paid any money

Yanaudee

Answer Yanaudee paid Two Pagodas for himself and two for Paupados the deceased

Question was the money paid before or after Paupados was flogged

Answer the money was paid after Paupados was flogged

Question In what proportion was the money paid

Answer I paid four Pagodas for myself and my Son Vencataramados Yanaudee paid four Pagodas two for himself and two for Paupados the deceased and Ramados paid two Pagodas

Question by the Native Jury Where did they get money to pay Ten Pagodas

Answer I got it from different People and paid it

Question Did you go yourself to borrow money to pay the Prisoner or did any one go for you

Answer I went myself along with the Prisoners Palanqueen Boys my hands being tied together to get the money, when the money was paid, they untied us and Confined us in a Godown

Question Was the money paid into the prisoners hands or whose

Answer The Prisoner told his Palanqueen Boys to receive the money

Question Did you hear the Prisoner give orders to his Palanqueen Boys to receive it

Answer I heard the Prisoner tell them to receive it and I paid it

Question by the Jury Was Paupados the deceased carried out of the house

Answer He was not Carried out but his Son in Law yanaudu was Carried out

Question what time was the money paid

Answer It was paid after seven Oclock in the Morning

Question what time did the Girl come to give information that the Chest was found

After

Answer After day break the Girl came and said the Chest was found

Question was it before or after the money was paid

Answer Before the money was paid

Question where did the deceased die

Answer In the Old House of Nagapah Moodelias

Question was it before or after the Girl brought word that the Chest was found that the witness went out to borrow the money

Answer It was after she brought word

Question Did they pay the money before Paupados died

Answer Before Paupados's Death

Question was you present when Paupados died

Answer I, yanaudee, Vencataramados, and Ramados, were present

Question what became of Paupados when he died

Answer When he died the witness and the others began crying the Palanqueen Boys brought the Prisoner there

Question How long had the Prisoner been absent

Answer He had been absent about two Malabar Hours

Question Did the Deceased continue bound till the time of his decease

Answer He was untied after he was flogged and left in the room

Question Did you see any wound and where

Answer He had a Blow on the Temple and on the mouth

The Grand Jury come into Court and answer to their names and return the Indictment

The King against Christopher Johnson for Felony and Murder endorsed a True Bill

The Court then proceed on the Trial of Appasawmy

Your

Question by the Jury — You say the Palanqueen Boys went to bring the Prisoner Do you know what happened when the Prisoner came

Answer — When the Prisoner came he ordered three Palanqueen Boys and my Son Vencatasamador to carry the deceased from the Godown into the Hall adjoining

Question — Do you know How the Body was disposed of was it burnt or not according to the Custom of the East

Answer — The Body was left in the Hall while the Prisoner went to the Nobobs in the afternoon he returned ordered the Body of the deceased to be Kept in one Room and the witness and the two others to be divided into two other Rooms

Question — Do you know what became of the Body was it publicly burnt

Answer — I do not know what became of the Body I was discharged in the evening

Question — Have you ever made enquiry since you was released what became of the Body of Paupadoo

Answer — I did not return to Triplicane to enquire about the body, for the Prisoner told me and the rest of us at the time we were released from Confinement and discharged not to return there or we should be blown up by a Cannon's Mouth

Question by the Native Jury — Had you any Conversation with Paupadoo the deceased in the Room before his decease

Answer — Paupadoo did not speak to me he cried and said I am dying I am dying

The Foreman of the Grand Jury represents to the Court that their Numbers were reduced on account of the absence of some of their Members from the Presidency and others indisposed

indisposed and requests that two other Gentlemen may be Sworn in

Messrs John Stuart Smith and Thomas Wallace who attended in Court were Sworn as Members of the Grand Jury in the Room of Messrs John Wallace Junr and Frank day absent from indisposition and afterwards remain in Court to see the witnesses Sworn on the Indictments

The King against Kistnun — and The King against Balakistamah Chitty } for Nuisances

Mr Thomas Ledsham the Assistant Surveyor is Sworn accordingly

Mr Samuel one of the Counsel for the Prisoner then proceeds to Cross examine the witness

Question — Can you tell how long ago it is since Paupadoo was flogged

Answer — I do not Know it was one day when there was much wind

Question — How long was it after Paupadoo was flogged that they came to make their Complaint to the Justices

Answer — about a month afterwards

Question — How came you to think of making your Complaint to the Justices

Answer — The deceased's wife and Children came from the Northward and heard of Paupadoo's death they went to different people crying to get redress but could not at last one Chinsoo came and asked the witness how Paupadoo came by his death I related the Circumstances to him we went to one Mootoo Pillay alias Mootyah Moodeliar he carried us to a Moorman who said he would get a Petition drawn by a Portuguese man

man to present to the Justices and they would give him redress
The next day the Petition was written delivered to the Moor=
=man who gave it to the witness He presented the Petition
to the Governor

Question Do you know the name of the Moorman or Portuguese

Answer I do not

Question where are Chinsoo and Mootoo Pillay alias Mootiah =
moodeliar to be found

Answer They are in Court

Question where did you live from the time of your being liberated to the
time of making your Complaint before the Justices

Answer I resided in a Gentoo man's house

Question Do you know the name of that Gentoo man

Answer His name is Ackadoo

Question How came you to go and reside with ackadoo

Answer I went of my own accord he gave me leave to dress Victuals
there and lie on the Pyal

Question are you a Cooly

Answer I am

Question How was you Maintained from the time of your release
did you follow your business of a Cooly

Answer I lived upon the Rice I had Got from my Cooly work before
the time of my Confinement

Question Do you know one Condapah at Triplicane

Answer I do not know any such person

Question were you and the rest of the Coolies flogged or punished equally

Answer Three of us were punished alike yanaoudee Paupadoo and Tamadoo

Had

Question Had the Prisoner at the Bar any malice or Ill will against the
witness the deceased or any of the others

Answer No the witness does not know of any

Question by the Chairman what do you mean by saying there was no malice between
the Prisoner and the witness

Answer There was no quarrel between us

Question you have said that Paupadoo received a Blow on the Temple
do you believe it was Accidental or on purpose

Answer I Cannot tell whether it was accidental or on purpose

Question Do you think the Blow on the Temple was the occasion
of his death

Answer I believe the Blows on the Temple and mouth were the
occasion of his death

Question by the Chairman was Paupadoo in good health when he was first Appre=
=hended and put in the Godown

Answer He was in good health on the day he was put in the
Godown or Room

Question by Mr Samuel was you present the whole time Paupadoo was flogged

Answer The first time I was not the next time I was flogged =
with him

Question What distance is the Godown from the Place they =
were carried to and flogged

Answer They were flogged in the Verandah nearly adjoining
to the Room where they were confined

Question Was you present the second time Paupadoo was
flogged

Answer I was present and flogged also

Question Did they make a great noise at the time Paupadoo
the deceased died

He

Answer He and his Son Vencataramadoo and Yanaudee made a great noise

Question was it the kind of noise the natives are accustomed to make on the death of a Person

Answer It was

Question Did any persons came to see what was the matter on hearing such a noise and enquire the occasion of it

Answer Nobody came into the house the Front door and Inner Backyard Door were fastened

Question How do you know the Inner Backyard Door was fastened as you was confined in another part of the house

Answer I heard the Prisoner give orders to his Palanqueen Boys to shut the Doors and let nobody in

Question How long after you was flogged did you go out with the Palanqueen Boys to get money

Answer about two malabar hours after I was flogged

Question In what situation was Paupadoo at the time when you went out accompanied by the Palanqueen Boys to get the money

Answer Paupadoo was crying out saying he should die he should die

Question Did Paupadoo complain of any particular pain at that time

Answer He was complaining he had a pain in his head

Question What is the name of the person from whom you borrowed the money

Answer I did not borrow the money I went to collect what was due to me for Cooly work I got one Pagoda from Mungah ballance due to me for some Rice I had one Madras Pagoda and fifty three fanams thirty fanams the

the remainder I borrowed from a Banyan

Question Did you mention to any of these persons the occasion or need you had to collect the money

Answer I only told mungah

Question at what hour of the day was you carried about bound and tied in the manner you have before discribed to collect the money

Answer Four malabar hours after day break

Question where is Nagapah Moodeliar's house situate

Answer at Triplicane

Question where did mungah live

Answer In the same Street at Triplicane in the opposite house

Question where did the Banyan live

Answer About the distance from hence to the Fort wall

Question Did any of the Passengers as you was going along speak to you -

Answer Nobody spoke to me

Question what space of time was you going about and collecting the money

Answer About half a malabar hour

Question was Paupadoo living when you returned

Answer He was living

Question Do you know where the deceased was when you and the others were released at lamp light

Answer He was in a Room

Question where is mungah from whom you received one Pagoda

Answer She is at Triplicane

Question Do you know the name of the Banyan

His

Answer — His name is Paupah Chitty he resides at Triplicane

Question — Do you believe that you and the rest were flogged in order to discover who had stolen the Chest

Answer — yes I believe so

Question — Do you know whether the deceased received the Blows on the mouth and Temple at the first or second time of being flogged

Answer — I do not know

Question — Had he any wound on the Temple or mouth apparently the second time he was flogged when the witness was present and flogged also

Answer — It was dark I could not see then I saw the Blow in the Morning at Day break

Question by the Chairman — whether do you know that Paupadoo the deceased received any blow on the Temple the second time he was flogged

Answer — after day break I saw the wound on the Temple and mouth I dont know at what particular time he received that Blow

Question by the European Jury — Were there any lights in the place where they were flogged

Answer — I did not observe

Question by the European Jury — How was the Blow given

Answer — with a Cotton Rope

Question by the European Jury — You say it was dark you did not see when the Blow was given how do you know it was given with a Cotton Rope

Answer — They beat us with a Cotton Rope

He

Question by Mr. Samuel — He said a moorman recommended him to a Portuguese to draw a Petition and that he does not know his name did he mention his name to the Justices

Answer — He did not

Question — Does he know if Mootiah moodeliar is the Brother of Condapah

Answer — He does not

Question — was he ever at Mootiah moodeliar's house

Answer — He was at Mootiah moodeliar's house Chinsoo carried him there

Question — Have you resided at any time at Mootiah moodeliar's house Subsequent to your release

Answer — I have not

Question — Be very certain whether you resided at any time after Paupadoo's death and the day of your going to the Justices's office at the house of Mootiah moodeliar

Answer — I resided there two or three days Chinsoo carried me there

Question — Is there not a man of the name of Condapah living in the same house with Mootiah moodeliar

Answer — There is

The Prisoner having a pain in his Leg requests he may have leave to sit down

Allowed a Chair

Question — was it not by the advice of that Condapah that he carried his Petition to the Justices

Answer — Not Condapah but by the advice of Mootiah moodeliar and the moorman

Question — How many persons altogether were confined with the witness

There

Answer There were five Confined the witness his Son Vencataramadoo yanaudee Paupadoo the deceased and Ramadoo

Question How many were flogged

Answer Four persons yanaudee Paupadoo Ramadoo and the witness

Question why was not Vencataramadoo flogged also

Answer I do not Know perhaps because he was a young man

Question was it not because Vencataramadoo was the person who had found the Chest

Answer No that was not the reason that I know of the Prisoner said to Vencataramadoo I dont flog yow, yow are a young man yow had better accuse the rest

The Prisoner does not wish to put any Questions to the witness whereupon he with draws

Vencataramadoo called in and Sworn on the part of the Crown

Question by the Clerk of the Peace Do yow know the Prisoner at the Bar

Answer I do

Question Bid the witness relate what persons were confined with him at Triplicane and when

Answer About four months ago I and four others were sleeping at the house of one Nagapah moodeliar at Triplicane myself Paupadoo the deceased Gungareddy yanaudee and Ramadoo, Rungasaye moodeliar the uncle of the Prisoner at the Bar had lost a Chest and we were accused of the Theft by the Prisoner and were bound and tied and carried into another Old house of the said Na=gapah moodeliar by his the Prisoner's orders we were carried by the Prisoner's Palanqueen Boys who put us into a Godown ya=naudee was brought out first and flogged they tied both his han=ds and Knees together thrusting a stick between them Rama=doo was the neat he was carried out of the Godown and flogged after Ramado

Ramadoo was flogged Paupadoo was flogged

Question by the Chairman Did any body give orders to the Palanqueen boys to flog Paupadoo

Answer Appasawmy did

Question Did you see him (Paupadoo) flogged more than once

Answer They flogged him several times

Question what do yow mean by several times

Answer Four times

Question what was he flogged with

Answer with a Cotton Rope

Question Where was he struck

Answer One Blow on his Temple and one on his mouth

Question at what time was he flogged

Answer In the Night three hours before day break

Question Do yow know when Paupadoo died.

Answer at Ten oblock in the morning

Question Were you present when he died

Answer I was there

Question was the Prisoner at the house of his uncle Rungasaye moodeliar that evening or was he at his own house

Answer He slept at his own house

Question what did the Prisoner say when he ordered the Palan=queen Boys to flog the deceased Paupadoo and the others

Answer The Prisoner was present with a stick in his hand and pointed out the Places Legs hands and arms where the Palanqueen Boys should strike

Do

Question — Do you recollect the Prisoner having told the Palanqueen Boys not to strike him any where that might occasion his death

Answer — He desired them not to strike him the deceased in such places as may occasion his death as upon the Belly and Face

Question — was you one of them that assisted in carrying out Paupadoo out the Godown

Answer — The Palanqueen Boys and myself carried him out of the Godown

Question — where did they place him

Answer — In the Hall

Question — was Paupadoo living or dead when you assisted in carrying him from the Godown

Answer — He was dead

Question — How long did the Deceased survive after he was flogged

Answer — He was flogged about the middle of the night and died about Ten Oclock in the morning

Question — where was the Prisoner when the deceased Died

Answer — The Prisoner was in his own house

Question — How far distant is Appasawmy's house from the place where they were confined

Answer — In the same street

Question — Did they ask Permission of the Prisoner to bury the deceased according to the Custom of the East

Answer — They did not ask at that time but the next day he was told some other Coolies applied to Appasawmy and insisted on the Body being produced

was

Question — was the Body produced accordingly

Answer — The Prisoner when he was applied to by the Coolies told them nabody was dead

Question by the Chairman — was Paupadoo a Servant of the Prisoner

Answer — He was not

Question — whose Servant was the Deceased

Answer — He was a Cooly he was nobody's Servant

Question by the Clerk of the Peace — Did you see the Body again removed to any other place or Situation after you saw it placed in the Hall as you have related

Answer — Four Malabar hours after I saw the Body of the deceased removed by four persons into a Room adjoining

Question by the Clerk of the Peace — were any Rags burnt under the nose of the Deceased to see if he was dead before he was removed from the Godown

Answer — Rags were burnt under the nose of the Deceased by direc=tions of the Prisoner, he was dead at that time

Question — Do you Know any of the names of any of the Palanqueen Boys who flogged the Deceased and the others by the directions of the Prisoner

Answer — I do not

Question — Do you know the names of any of the Coolies who applied to the Prisoner the next day to bury the Body

Answer — I do not know their names

The witness cross examined by Mr. Samuel one of the Counsel for the Prisoner

Question — Has the witness lived with Gungareddy his Father — since the time he was released

Answer — We both lived together at Madras in a Gentoo man's house

Did

Question Did you live at the house of Condapah some time afterwards

Answer yes by desire of a Cooly man and my Father lived there with me

Question For how long a time did you live in the house of Condapah

Answer Two days

Question at what place did you first see the Prisoner on the evening when you were bound and put into the Godown and flogged

Answer I saw the Prisoner first at his own house on that evening then at the house where we were confined and in the morning at day break I saw him again when the money was paid

Question He has said they were all confined in a Godown and taken out separately and flogged where was the witness during that time

Answer He was present when they were flogged

Question was he confined with them in the Godown before that

Answer He was

Question was he in the Godown when yanaudee was taken out

Answer He was

Question Did you remain there after yanaudee was taken out

Answer I did remain there afterwards

Question was you in the Godown when Paupadoo was taken out

Answer First yanaudee was taken out then Ramadoo then the witness and afterwards Paupadoo

Question Did they all remain out of the Godown or were they sent back each after he was flogged

They

Answer They all remained out of the Godown except Gungareddy my Father who was in the Godown

Question was Paupadoo flogged in the presence of yanaudee Ramadoo and the witness

Answer He was

The Prisoner does not wish to put any Questions to the witness whereupon he with draws

Ramadoo called in and Sworn on the Part of the Crown

Question Do you know the Prisoner at the Bar

Answer I do

Question Desire the witness to relate what persons were confined with him at Triplicane

Answer about three months ago five of us myself yanaudee Gungareddy Paupadoo the deceased Vencataramadoo and myself were taken up and carried to an Old house of Nagapah moodeliar at Triplicane

Question By whose derections and on what account

Answer They were carried by the Palanqueen Boys of the Prisoner and put into a Godown from Suspecion of being concerned in stealing a Chest which Rungasaye moodeliar the uncle of the Prisoner had lost

Question by the Chairman Did any body give orders to flog Paupadoo the deceased

Answer The Prisoner did

Question Did you see Paupadoo flogged more than once

Answer Three or four times

Question what was he flogged with

Answer with a Cotton rope

Question where was he struck

Answer On the Temple

at

2 March 1796

Question at what hour was he flogged

Answer They were taken up in the middle of the night and flogged till day break when they were carried to a Godown

Question Do you know when Paupadoo died

Answer an hour after day break

Question was you present when Paupadoo died

Answer I was present the deceased was lying between me and Yanadoo

Question what did the Prisoner say when he ordered the Palanqueen Boys to flog the deceased Paupadoo

Answer The Prisoner said Paupadoo was the head man meaning as the witness imagines the Oldest man and unless he be flogged the rest will not declare the truth and the property will not be discovered

Question Did the witness hear the Prisoner give any particular directions about beating him

Answer He gave no particular order

Question How long did the deceased survive after he was flogged

Answer He lived about three English hours after

Question where was the Prisoner when the deceased died

Answer He was in his own house

Question How far is it from the Prisoner's house to the place or Godown where they were confined

Answer A Small distance

The Prisoner has no Questions to put whereupon the witness with draws

Here the Evidence for the prosecution closed

Messrs Emanuel Samuel and John Wilkinson Counsel for the Prisoner called no Evidence but severally addressed the Court

At five Oclock in the afternoon the Petit Jury retired to consider of their Verdict a Bailiff (Thomas Newman) having been first duly sworn to keep them

At Seven Oclock the Court adjourned for one hour

At one Oclock in the morning the Court met and was duly opened when no probability of a verdict appearing the Court was adjourned till Ten Oclock in the morning

The Court direct that the European Jury be allowed one Bottle of Madeira and three Loaves of Bread during the night — The Native Jury to have an Allowance of Beetle Leaf —

3 March 1796

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 third day of March in the year of Our Lord one thousand seven hundred and Ninety Six

Present

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

and

Edward Saunders and Ernst William Falloficld 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 was duly Opened (the Prisoner having been at the Bar from the time of Adjournment to the Opening of the Court) and Adjourned for one hour.

At half past Eleven Oclock the Court met again and was duly opened

The Foreman of the Grand Jury having represented a dificiency in their numbers on Account of the absence of Messrs Smith — and Cockell who were deemed Insterested in the Bill then — before the Grand Jury and had in consequence retired, the Grand Jury are sent for into Court, and their Names called over

Messrs Henry Sewell Edward Watts and Thomas Parry are thereupon Sworn in as Members of the Grand Jury in the room of Messrs John Tulloh John Stuart Smith and — William Cockell

The Indictment

The King against Sunkaraporam Vencatachella Chetty for Barratry is then delivered to the Foreman of the Grand Jury who retires

At Twelve Oclock the Court being desirous to know whether the

Petit

3 March 1796

Petit Jury have any legal doubts which they wish to have cleared up sent the Bailiff and desire their attendance

The Petit Jury accordingly came into Court and answer to their Name and expressed their doubts as to the probability of agreeing on a Verdict

The President informs them the Court are inclined to favor the prisoner from the facts that have been disclosed in Evidence — Whereupon they retire the Bailiff attending them

The Court then proceeds to the Trial of Christopher Johnson for Felony and Murder

The Prisoner is thereupon put to the Bar and Arraigned upon the Indictment for Felony and Murder as follows

Clerk of the Peace: Christopher Johnson hold up your right hand

You stand Indicted by the name of Christopher Johnson a Private Soldier in the Second Battalion of European Infantry in the Service of the United Company of Merchants of England trading to the East Indies under their Presidency of Fort Saint George not having the fear of God before your Eyes but being moved and seduced by the Instigation of the Devil on the Twenty Seventh day of December in the thirty Sixth year of the Reign of our Sovereign Lord George the third now King of Great Britain France and Ireland Defender of the Faith and so forth with force and arms at Madraspatnam within the Jurisdiction of this Court in and upon one Yuncamah 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 Christopher Johnson a certain Musket or Gun of the Value of Ten Shillings then and there loaded and charged with Gun powder and one Leaden Bullet which Musket or Gun you the said Christopher Johnson in both your hands then and there had and held to against and upon the said Yuncamah then and there feloniously wilfully and of your malice aforethought did Shoot and Discharge and that you

the said Christopher Johnson with the Leaden Bullet aforesaid out of the Musket or Gun aforesaid then and there by the force of the Gun powder Shot and Sent forth as aforesaid the aforesaid Yuncamah in and upon and through the Neck a little above the left Collar Bone of her the said Yuncamah then and there with the Leaden Bullet aforesaid out of the Musket or Gun aforesaid by you the said Christopher Johnson so as aforesaid Shot Discharged and sent forth feloniously wilfully and of your malice aforethought did strike penetrate and wound giving to the said Yuncamah then and there with the Leaden Bullet aforesaid so as aforesaid Shot discharged and Sent forth out of the Musket or Gun aforesaid by you the said Christopher Johnson in and upon and through the Neck a little above the left Collar Bone of her the said Yuncamah One mortal wound of which said Mortal Wound the aforesaid Yuncamah did languish and languishing did live for the space of fifteen hours and then of the said Mortal Wound Died And so the Jurors aforesaid upon their Oath aforesaid Do Say — That you the said Christopher Johnson the said Yuncamah 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 Christopher Johnson 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

God

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

Alexander Stewart Foreman
Edward Bent
John Stewart
James Munro
Thomas Blyth
Samuel Moore
William Ross
Francis Pierce
John Fitzgerald
James Sutherland
William Row
and
George Bold

At half past one Oclock the same Day March the 3d a verdict being proclaimed the Petit 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 — Appasawmy hold up your hand (to the Jury) look upon the Prisoner How say you Gentlemen is Appasawmy 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

Which being recorded

Clerk of the Peace — Gentlemen of the Jury Hearken unto your Verdict as the Court hath recorded it you say that Appasawmy is Guilty of the Felony and Murder whereof he stands Indicted and that he had no Goods and Chattels Lands or Tenements at the time the Felony and Murder was committed or at any time since And so you say all

Jury — yes

Mr P. M. Cassin the Foreman of the Petit Jury then delivers into Court the following Paper

The Jury beg leave to recommend the Prisoner in the strongest Terms to the Mercy of the Bench from circumstances which appeared in the Evidence to be so great a mitigation of the Crime for which he has been Indicted

The Court direct that the said Recommendation be recorded

The Prisoner is thereupon taken from the Bar and remanded into the Custody of the Sheriff

The Court then proceeds on the Trial of Christopher Johnson for Felony and Murder

Clerk of the Peace — Gentlemen of the Jury look on the Prisoner and Hearken unto his Cause you shall know that he stands Indicted by the name of Christopher Johnson (here the Indictment is read as in the Arraignment) upon this Indictment he has been arraigned and thereunto hath pleaded Not Guilty and for his Trial hath put himself upon God and his Country which Country you are your Charge therefore

3 March 1796

therefore is to enquire whether he is Guilty of the Felony and Mur-
der whereof he stands Indicted or Not Guilty if you find him
Guilty you shall enquire what Goods and Chattels Lands or
Tenements he had at the time of Committing this Felony and
Murder or at any time since if you do not find him Guilty
you are to inquire if he fled for the same if you do find that he fled
for the same you shall enquire what Goods and Chattels
he had the same as if you found him Guilty if you find him
Not Guilty and that he did not Flee for the same you
shall say so and no more and Hear the Evidence –

James Upfold called in and Sworn on the part of the
Crown

Question Do you know the Prisoner at the Bar

Answer I do. he is of the same Battalion

Question was you in the Barracks when a woman of the name of
yuncamah was shot by a person there, Relate the circum-
stances

Answer Between the hours of Eight and Nine Oclock on the morning
of the 25th of the December 1795 I came down into the Bomb
proof Barrack yard. My woman yuncamah the deceased was
standing in the Barrack yard I called to her to give me my
breakfast I then went into the Barracks and finding she
was not then coming I returned to the Barrack Door ag-
-in and looking to the right I there saw the Prisoner
with a Piece presented and hearing the Piece go off I
then looked to the right and saw the woman dropping
down upon her posteriors with her head hanging betwe
Her Thighs I then ran up to her assistance clasping her
round the waste She was then Bleeding on both sides
of her Neck I immediately said the woman is shot and
then sung out Murder, numbers came to my assistance

they took me away into the Barracks – Pleft Juncamah
the deceased there

Question Is that the Piece lying on the Table? (here the Firelock is produced and shewn to the Witness.)

Answer It is the Piece, it was picked up by Serjeant Eberhard
when the Prisoner threw it down

Question by the Jury Which Barracks does the Witness mean?

Answer The Company's Barracks

Question At what Door of the Barracks did the Deceased fall?

Answer Between the Doors in the Barrack Yard

Question At what time did the Deceased Die in the Hospital?

Answer At 12 Oclock at Night the same day being the 27th December

Question Did you see the Prisoner present the Piece?

Answer I saw him

Question Had Juncamah the Deceased given the Prisoner any provocation?

Answer Nothing; but that I heard She (the deceased) had abused him for having dealings with a Bitch –

Cross examined by Mr Wilkinson for the Prisoner

When did you first hear of a dispute between Juncamah the deceased and the Prisoner at the Bar?

Answer The night before, I heard it from the Prisoner at the Bar

Question How came he to tell you of it and for what Cause?

Answer He came and told me of it

Question Upon your Oath; Did he not tell you of it with an intention that you should Curb her Tongue?

Answer I believe, he did

Question Did You in consequence caution her against any such bad Language?

Answer I told her, "to go about her business, and mind no one;" the Prisoner then said "he would go to the Adjutant in the" "Morning and make his Complaint" –

Question — Did the Prisoner speak to you in the Morning before he had fired his Piece?

Answer — He did not, nothing passed

Question — Did the Prisoner bear a Good, or Bad Character in general in the Battalion?

Answer — He bore a good Character, the same as another Soldier. Saw his Orderly Serjeant 'till the accident happened

The Prisoner having no Questions to put the Witness retires.

Serjeant Groves is next called in, and Sworn

Question — Was you in the Barracks when a Woman of the name of Yuncamah was shot some time ago?

Answer — On the 27th day of December last between the hours of 8 and 9 in the Morning, about One or Two Paces from the Wall in the front of the Barracks, I saw a Piece in the Prisoner's hand, it was on the present, the next moment the piece went off; as soon as the Piece went off, the Prisoner threw it against the Wall, and Serjeant Upfold cried out "My poor Woman is Shot"; I saw the Deceased she was sitting about four or five Yards from the Prisoner

Question — Had the Deceased received a wound?

Answer — She had a wound in the Neck

Question — Did it appear a wound from a Gun?

Answer — It did

Question — At the time you heard the piece go off did you see Yuncamah the Deceased fall?

Answer — I did, almost directly

Question — Do you know who picked up the Piece?

Answer — The man is here; I believe his name is Eberhard

Question — What became of the Woman?

Answer — She was carried in a Dooly to the Hospital

Question — Do you know of any Quarrel or Dispute having previously subsisted between the

Answer — I do not

Cross examined by Mr Wilkinson — Do you know the Handwriting of the Adjutant — Lieutenant Armstrong?

Answer — I do not

The Prisoner having no Questions to put, the Witness retires

Serjeant Eberhard is next called in and Sworn

John Waxon is sworn as a Dutch Interpreter

Question — Do you know the Prisoner at the Bar?

Answer — I do.

Question — Did you pick up a Piece and a Bullet (here the Firelock and Bullet are produced and shewn to the Witness) in the Barrack Yard, and when? relate the circumstances

Answer — I saw the Prisoner throw away the Piece, I picked it up immediately; it was smoaking at the Muzzle; the Bullet I did not pick up, it was picked up by somebody else.

The Prisoner having no Questions to put the Witness retires

Dr George Baillie is next called in and Sworn

Question by the Clerk of the Peace — Was you at the Hospital on the 27th day of December last when a Woman of the name of Yuncamah was brought to the Hospital mortally wounded?

Answer — I was.

Question — Be so good to relate to the Court what was the appearance of the Body when you examined it

Answer — I examined the body, a Ball or some hard substance had passed thro' from one side of the Neck to the other

Question — How long did the Deceased live after being brought to the Hospital?

Answer — The deceased died the same Day

Question — Did the Prisoner speak to you in the Morning before he had fired his Piece?

Answer — He did not, nothing passed

Question — Did the Prisoner bear a Good, or Bad Character in general in the Battalion?

Answer — He bore a good Character, the same as another Soldier; I was his Orderly Serjeant 'till the accident happened

The Prisoner having no Questions to put the Witness retires.

Serjeant Groves is next called in, and Sworn

Question — Was you in the Barracks when a Woman of the name of Guncamah was shot some time ago?

Answer — On the 27th day of December last between the hours of 8 and 9 in the Morning, about One or Two Paces from the Wall in the front of the Barracks, I saw a Piece in the Prisoners hand, it was on the present, the next moment the piece went off; as soon as the Piece went off, the Prisoner threw against the Wall, and Serjeant Upfold cried out "My poor "Woman is Shot"; I saw the Deceased she was sitting about four or five Yards from the Prisoner

Question — Had the Deceased received a wound?

Answer — She had a wound in the Neck

Question — Did it appear a wound from a Gun?

Answer — It did

Question — At the time you heard the piece go off, did you see Guncamah (the Deceased) fall?

Answer — I did, almost directly

Question — Do you know who picked up the Piece?

Answer — The man is here; I believe his name is Eberhard

Question — What became of the Woman?

Answer — She was carried in a Dooly to the Hospital

Question — Do you know of any Quarrel or Dispute having previously subsisted between the

Answer — I do not

Cross examined by Mr. Wilkinson — Do you know the handwriting of the Adjutant — Lieutenant Armstrong?

Answer — I do not

The Prisoner having no Questions to put, the Witness retires

Serjeant Eberhard is next called in and Sworn

John Waxon is sworn as a Dutch Interpreter

Question — Do you know the Prisoner at the Bar?

Answer — I do.

Question — Did you pick up a Piece and a Bullet (here the Fire-lock and Bullet are produced and shewn to the Witness) in the Barrack Yard, and when? relate the circumstances

Answer — I saw the Prisoner throw away the Piece, I picked it up immediately; it was smoaking at the Muzzle; the Bullet I did not pick up, it was picked up by somebody else.

The Prisoner having no Questions to put the Witness retires

Dr. George Baillie is next called in and Sworn

Question by the Clerk of the Peace — Was you at the Hospital on the 27th day of December last when a Woman of the name of Guncamah was brought to the Hospital mortally wounded?

Answer — I was.

Question — Be so good to relate to the Court what was the appearance of the Body when you examined it

Answer — I examined the body, a Ball or some hard substance had passed thro' from one side of the Neck to the other

Question — How long did the Deceased live after being brought to the Hospital?

Answer — The deceased died the same Day

Question — Had the wound the appearance of a Gunshot Wound?

Answer — It had

Question — Did the wound, to the best of your Judgement appear to be cause of the Death of the Woman?

Answer — It was in my opinion

Cross examined by Mr Wilkinson — Do you know the handwriting of Lieutenant Armstrong?

Answer — I do

(A paper now produced and shewn to Dr Baillie, being a Certificate of Character from Lieutenant Armstrong in favor of the Prisoner)

Read in Court by the Clerk of the Peace —

"I do hereby certify that Christopher Johnson
"Private in the 2d Battalion of European Infantry was
"an exceeding Well behaved, Sober, Inoffensive, man, and
"never to my knowledge Guilty of the smallest offence
"from the time I joined the Corps, until the unfortunate
"circumstance for which he is now brought to Trial"

(Signed) Chas Armstrong
Adjutant

Madras
January 1796

(Addressed) Christopher Johnson
Town Gaol

Question — Are you acquainted with the handwriting of Lieutenant Armstrong?

Answer — I am, this is the hand writing and sent to the Prisoner from Pondicherry by Lieutenant Armstrong

The Prisoner having no Questions to put Dr Baillie

Here the Evidence for the Prosecution Closed —

Mr Wilkenson Counsel for the Prisoner called

William Revell, who was thereupon Sworn to give evidence for the Prisoner

Question by Mr Wilkinson — Do you know Juncamah the person supposed to have been killed by the Prisoner?

Answer — I do.

Question — Do you know of the Deceased ever having accused the Prisoner of Bestiality?

Answer — She accused him of having had connexion with a Bitch —

Question — Relate the Circumstances

Answer — On the 26th day of December last Juncamah the Deceased was standing at the Door, and James Upfold with her; the Prisoner came there, but whether he first spoke to the Deceased or the Deceased to him I don't recollect She called him "a Burrowa", and said "he had" "had connection with a Bitch". The Prisoner turned round to Sergeant Upfold and said "Do you hear this" "is it not very hard I should put up with this Charge" "wrongfully". Upfold told her to hold her Tongue. The Prisoner said no more and went away to his Cot —

Question — At what hour of the Night or Day did this happen?

Answer — It was about 10 or 11 Oclock of the forenoon.

Question — Do you know of any thing more passing that Day?

Answer — I do not

Question — Did you see the Prisoner on the Morning this accident happened?

Answer — On the Morning of the 27th I saw the Prisoner at his Cot.

Question — Did you not see the Prisoner with Sergeant Upfold on that Morning?

Answer — I did not.

Question — Did you see the Prisoner speak with Juncamah on the Morning of the 27th

Answer — I did not.

Jonathan Watts was next called in and Sworn on the part of the Prisoner.

Question by Mr. Wilkinson — Do you know Juncamah, the Person supposed to have been killed by the Prisoner?

Answer — I do

Question — Do you know of the Deceased ever having accused the Prisoner of Bestiality?

Answer — She accused him of having had connection with a Bitch

Question — Relate the Circumstances

Answer — I heard her accuse the Prisoner of having had connection with a Bitch, I said to her "Do you know what you have been saying to Johnson"; She answered "Yes; Johnson is very angry with me, but I was only in Play"

Question — Did you hear the Prisoner speak with Upfold respecting what the Girl had said?

Answer — I did not.

Question — On the Morning of the 27th did you see the Prisoner and Upfold, or the Prisoner and Juncamah together, or both or either of them?

Answer — I did not.

Question — Did you see the Prisoner going to the Necessary a little before retreat Beating on the Evening of the 26th?

Answer — I did not.

Question — Did you hear any of the Women in the Barracks Swearing or Deriding the Prisoner on account of the Charge made by the Deceased on the Prisoner?

Answer — I did not

John Smart was next called in and Sworn on the part of the Prisoner.

Question by Mr. Wilkinson — Do you know Juncamah, the person supposed to have been killed by the Prisoner?

Answer — I do

Question — Do you know of the Deceased having ever accused the Prisoner of Bestiality?

Answer — She accused him of having had connection with a Bitch

Question — Relate the Circumstances

Answer — I heard the Deceased accuse the Prisoner of having had connection with a Bitch on the Right before

Question — Was any Person, and who present when the Deceased made use of these Words?

Answer — I did not observe any persons, the Deceased was standing on the outside of the Bomb Proof Barrack Yard I was in the inside and heard her say so

Question — Did the Deceased speak so loud, and distinctly that every one could hear what she said?

Answer — She spoke so loud, I might have heard it at 15 or 20 Yards distance

Question — Might not other persons have heard it as well as yourself, tho' you did not see them?

Answer — I heard her myself, I cannot tell whether any other person heard her

Question — Did you not then see James Upfold there?

Answer — I did not.

Question — What did the Prisoner say upon hearing this?

Answer — I did not hear the Prisoner say any thing

Question — Did you afterwards speak to the Deceased or any other Person on the subject?

Answer — I did not. I went away to the Barracks.

Question — On the Morning this happened did you hear the Prisoner speaking either with James Upfold or the Deceased?

Answer — I did not —

The Counsel for the Prisoner called no more Witnesses

The Petit Jury then retire a Bailiff being first Sworn to keep them — — —

After a short space a Verdict being proclaimed the Petit Jury come into Court and answer to 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 — Christopher Johnson hold up your hand! (to the Jury) Look upon the Prisoner, How say you Gentlemen of the Jury, is Christopher Johnson Guilty of the Felony and Murder where of he stands Indicted or Not Guilty?

Foreman — Guilty —

Clerk of the Peace — What Goods and Chattels, Lands or Tenements &c do you find he had at the time of committing the said Felony and Murder, 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 Christopher Johnson is Guilty of the Felony and Murder &c. where of he stands Indicted, and that he had no Goods and Chattels, Lands or Tenements at the time

of committing the Felony and Murder, or at any time since. And so say You all?

Jury — — Yes

The Prisoner is taken from the Bar and re= =manded into the Custody of the Sheriff —

The Grand Jury come into Court and answer to their Names and Deliver in the following &c Presentment. The Clerk of the Peace is directed by the Court to read the same — —

Madraspatnam Ss

We the Grand Jury of the Town of Madraspat= =nam 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 his Majesty's Royal Charter as it has conveyed with it the Laws of England and prescribed the proper method for putting those Laws into Execution

Do Present

That the Indecent and offen= =sive Custom of the Natives exposing themselves upon their private occasions upon the Streets and Roads in the Neighbourhood of Madras, particularly on the Island, and near the Peniah Mootoo, and Villages of Vipery and Chindatrapettah, is a Nuisance very

dis=

3d March 1796

distressing to the Inhabitants of the Environs - And
as the Jurors do present the said Nuisance as de-
-serving the serious Consideration of the Honble
Bench

Robt. Gardiner Foreman

George Parry — Edd. Dent
Cecil Smith — J. Goldingham
Geo: Coleman — Geo Hay
Geo: Read — T. Wallace
Jnt. Hunter — Henry Sewell
J. Fraser — Jhs. Parry
H: Burnaby — C. Watts

(Signed)

Town Hall
3d. March 1796

The Court in consequence of the above presentment desire the
Foreman to acquaint them, if they were prepared with any
remedy for the Evil complained of. The Foreman
replied they would retire with leave of the Court, which
was Granted. The Grand Jury in a short time
return into Court and Answer to their Names And
Deliver the following paper which the Court directed
the Clerk of the Peace to lay before the Justices for
their Consideration - "Placing Stocks at proper"
"Interwals on the Roads &a, marking out spaces of"
"Ground of proper size in the vicinity of each Village, &"
"obliging the Natives to retire to the said Spots, and"
"appointing a few Tavalids or Peons to carry the regula-
-tion into effect, and Inflict Punishment by confining
"in the Stocks for a certain time such persons as"
"may not conform to this regulation".

The Grand Jury return the Indictments -

The King v. Keistnien

The King & v. Balakistnaima Chitty } for Nuisances

the Members not being able to come to any Decision

3d March 1796

The Court direct the said Indictments to be handed
over to the next Grand Jury -

The Grand Jury return the Indictment
The King against Sunkanapooram Vencatachella Chitty
for Barratry, with a List of Persons, whose Depositions
the Grand Jury desire may be taken before one of
the Justices

Mr. Frank Day
Gungabay, widow of Kistnadoss and her Attorney
Madradoss and
Govindanadadoss.
Poiloocannah Vencatarow
and
Condracoula Jaggernaut Row Ramurzoo -

The Court direct that a Summons for that purpose be
issued accordingly - -

The Court is then Adjourned to Wednesday the
Ninth Instant at Ten O'Clock of the Forenoon for
continuing the Present Sessions

Stevens Fotton
Clerk of the Peace

Town
3d

9th March 1796

At an Adjourned Court

of Sessions of the Peace Sessions of Oyer and Terminer and General Gaol Delivery held at the Town Hall in Fort Saint George on wednesday the 9th day of March In the year of our Lord one thousand seven hundred and Ninety Six

Before

The Right Honorable Robert Hobart commanly called Lord Hobart

President and Governor of Fort Saint George

and

Edward Saunders and Ernst William Falkofield Esqrs 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 Madras patnam Garrison of Fort Saint George and its dependencies

The Court being duly opened proceeds to the Trial of Chowry Naigum for a misdemeanor the Prisoner is put to the Bar and arraigned as follows

Clerk of the Peace — Chowry Naigum hold up your hand

You stand Indicted by the name of Chowry Naigum late of Madras and within the Jurisdiction of this Court for that you the said Chowry Naigum being an evil disposed person and of a wicked and malicious disposition on the first 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 a place called Periah Mootoo within the Jurisdiction aforesaid in

in and upon one Chindadre a Female Infant in the peace of God and our said Lord the King then and there being violently did make an assault and her the said Chindadre then and there did put in great danger of her life and her the said Chindadre with force and arms at Periah Mootoo aforesaid within the Jurisdiction aforesaid unlawfully and wilfully and against the will of her the said Chindadre did take force and carry away with Intention and for the sake of Lucre to Sell and dispose of her the said Chindadre 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 Chowry Naigum are you Guilty of the misdemeanor whereof you stand Indicted or not Guilty

Prisoner — Not Guilty

Clerk of the Peace — How will you be tried

Prisoner — By God and my Country

Clerk of the Peace — God send you a good deliverance

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

Edward Jones Foreman
William John Chater
John Wright
A. B. Bone
John Stewart
Joseph Sykes
Samuel Moore
William Ross
James Munro
John Standiver Sherman
Richard Ashton
William Smith

Clerk of the Peace — Gentlemen of the Jury look upon the Prisoner and hearken unto her cause you shall know that she stands Indicted by the name of Chowry Naigum late of Madras (here the Indictment is read as in the Arraignment) to which Indictment she was pleaded not Guilty & for her Trial has

has put herself upon God and her Country which Country you are — your Charge is therefore to enquire whether she is Guilty of the misdemeanor whereof she stands Indicted or not Guilty and hear your Evidence

Mootoo is then called in and Sworn on the part of the Prosecution

Shunmoogaroy moodeliar the Sworn Malabar Interpreter to the Justices attending in Court to perform the Duties of his office

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

Answer — I do

Question — Relate what happened, when you apprehended the Prisoner at Chepauk

Answer — about nine months ago when I was at Chepauk the Prisoner came to a Toddy man's House with a Child I asked the Prisoner whose Child it was the Prisoner answered the Child belonged to the Prisoners Sister who lived at Saint Thome — accordingly I and a Seopoy and Six other persons went to — Saint Thome with the Prisoner to find out the House where her Sister lived but the Prisoner did not point out her Sisters house at Saint Thome then I and several others began to — suspect her and insisted on the Prisoners disclosing the truth, at last the Prisoner told me and the other persons that she had stolen the Child at Peria Mootoo near Chindadre — pettah then the witness desired her to point out the House at Peria Mootoo from whence she had stolen the Child — accordingly the Prisoner carried us to Peria mootoo and pointed out the place where the Child was playing at the time she —

Stole

9th March 1796

stole her away then the Child's Parents came and claimed the Child as theirs and carried the Child away

Question Did the Parents say how long the Child had been lost

Answer They said they lost the Child on the same day

Question by the Jury } Was the Prisoner offering the Child for sale at Chepauk

Answer She was not

Question by the Jury } what was the reason you immediately suspected the Prisoner that you desired her to point out the house at Saint Thome where the Prisoner's Sister lived

Answer I had lost a Child belonging to my Brother alittle before The Prisoner having no Questions to put to the witness he with draws

Chinnadoo is called in and Sworn on the part of the Prosecution

Question Do you know the Prisoner at the Bar

Answer I do

Question was your Grand daughter Chinddre lost at any time from a village called Peria Mootoo

Answer On Friday the 1st day of April my Grand daughter Chindadre was lost at Peria mootoo at Ten Oblock in the morning

Question was the Child ever brought back again and by whom

Answer On the same evening about four oblock Elunden and Mootoo (the last witness) came and delivered the Child and carried the Prisoner away

Question Do you recollect the Prisoner at the Bar being there

Answer Elunden Mootoo and several other persons brought the Prisoner with them

The Prisoner having no Questions to put to the witness he with draws

Elunden is next called in and Sworn on part of the Prosecution

Question are you an Inhabitant of Chepauk

answer I am

Question Do you recollect having seen the Prisoner there at any time

answer In the month of April last I recollect having seen her there

Question was the Prisoner offering a Child for sale at that time

answer I do not know I was only told so

Question where was the Prisoner and the Child carried to

answer The same Evening about four Oblock the Child was carried to the new Pachery near Peria mootoo and deli=vered to the Parents

Question Did the Prisoner say in the hearing of the witness that she had stolen any Children and how many

answer She confessed to the witness she had stolen his Child and sold it to a moorman, she pointed out the house

Question Did the Prisoner speak of having stolen any more Chil=dren besides the witness's Child

answer She confessed having stolen many Children and in conse=quence of the Prisoner's Information and pointing out different places where she had Sold Children many of those Children were recovered and restored to their Parents

Question Have you ever found your Child

answer I have not

Question by the Jury Did the Prisoner confess that fourteen Children were stolen by herself

answer She did not Confess she herself had stolen them but she pointed out several places where Children had been sold by her and from whence those Children were recovered and restored to their Parents

Mr William Jones Justice of the Peace and then called in and Sworn

Do

Question by the Clerk of the Peace — Do you recollect being present at your Office when the Prisoner at the Bar was examined there

answer — I do

Question — Is this the Record from your office

answer — It is

Here the Records of the Proceedings of the Justices are produced and the Examination of the Prisoner read to Mr. Jones who declares the same to be a Just and faithful Record

The Petit Jury without retiring deliver their verdict

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 — Chowry Naigum hold up your hand (to the Jury) look upon the Prisoner How say you Gentlemen of the Jury is Chowry Naigum Guilty of the Misdemeanor whereof she stands Indicted or Not Guilty

Foreman — Guilty

which being recorded

Clerk of the Peace — Gentlemen of the Jury hearken to your verdict as the Court has recorded it you say that Chowry Naigum is Guilty of the misdemeanor whereof she stands Indicted and so say you all

Jury — yes

The Prisoner is then remanded into the Custody of the Sheriff

The Court then proceeds to the Trial of Lechmun Dofs and Baluck Dofs

The

The Prisoners being put to the Bar are arraigned as follows

Clerk of the Peace — Lechmun Dofs and Baluck Dofs hold up your hands You stand Indicted by the names of Lechmun Dofs late of Madras – Inhabitant and Baluck Dofs late of the same for that you the said Lechmun Dofs and Baluck Dofs together with divers other evil disposed persons to the number of eight or more to the Jurors aforesaid as yet unknown on the Sixteenth day of September in the thirty fifth year of the Reign of Our Sovereign Lord George the 3 now King of Great Britain France and Ireland Defender of the Faith and so forth with force and arms at a certain place called the Black Town at Madras aforesaid within the Jurisdiction of this Court did unlawfully riotously and routously assemble and gather together to disturb the peace of our said Lord the King and so being then and there assembled and gathered together in and upon one Gansham Dofs Saucar in the Peace of God and our said Lord The King then and there being unlawfully riotously and routously did make an assault and him the said Gansham Dofs then and there unlawfully riotously and routously did beat wound and ill treat so that his life was Greatly dispaired of and other wrongs to the said Gansham Dofs then and there riotously unlawfully and routously did to the great damage of the said Gansham Dofs and against the Peace of our said Lord the King his Crown and Dignity –

And the Jurors aforesaid upon their Oath aforesaid do further present that you the said Lechmun Dofs and you the said Baluck Dofs on the said Sixteenth day of September

in

in the year aforesaid with force and arms at a Certain place called the Black Town aforesaid at Madras aforesaid within the Jurisdiction aforesaid in and upon the said Gansham Dofs in the Peace of God and our said Lord the King then and there being did make an Assault and him the said Gansham Dofs did then and there beat wound and ill treat so that his life was greatly despaired of and other wrongs to him the said Gansham Dofs then and there did to the great damage of him the said Gansham Dofs and against the Peace of our said Lord the King his Crown and Dignity—

Clerk of the Peace — How say you Lechmun Dofs and Baluch Dofs are you Guilty of the Riot and Assault whereof you stand Indicted or not Guilty

Lechmun Dofs — Not Guilty

Baluch Dofs — Not Guilty

Clerk of the Peace — How will you be tried

Prisoners — By God and our Country

Clerk of the Peace — God send you a good Deliverance

The following Gentlemen are then Sworn on the Petit Jury the Prisoners being informed that they might object to any of them as they came to the Book to be Sworn and before they were Sworn

Edward Jones Foreman — Samuel Moore
William John Chater — William Rofs
John Wright — James Mann
A. B. Bone — John Standiver Sherman
John Stewart — Richard Ashton
Joseph Sykes — William Smith

Clerk of the Peace — Gentlemen of the Jury look on the Prisoners and hearken unto their cause you shall Know that they stand Indicted by the names of Lechmun Dofs and Baluch Dofs (here the Indictment is read as in the arraignment) upon which Indictment they have been arraigned and

and plead not Guilty and for their Trial have put themselves on God and their Country which Country you are your Charge is therefore to enquire whether they are Guilty of the Riot and Assault whereof they stand Indicted or not Guilty and hear your Evidence

Gansham Dofs called on the part of the Prosecution and Sworn

Question — Do you know the Prisoners at the Bar

answer — I do

Question — relate the Circumstances of an Assault having been committed upon you

answer — about Six months ago when I was returning from the house of Manoas Dofs about Lamp light to my own house the Prisoner Lechmun Dofs armed with a Dagger in his hand accompanied by Baluch Dofs and several others met me in the Road and Lechmun Dofs seized me by the hand and insisted on my paying him the sum of Six thousand Pagodas saying that the Prisoners Priest had entrusted that sum with my Uncle and troubled me much I then asked the Prisoner to Produce any Vouchers given by my uncle The Prisoner Lechmun Dofs replied that he had no Vouchers and said if you do not pay the money immediately I will take away your Life and immediately seized me by the throat and tore my Cloth and beat me and Tore away a Jay tied with a String which I had about my Neck at that time In the mean time one Brindavana dofs Doovaracawn dofs and Chaterboog dofs interfered and Separated us I called to them for Assistance if they had not interfered I think my life would have been in danger when they rescued me I run away and got in by the back door of my house the next day I went and made my Complaint to the Justices

Question by Mr. Chater — The Prisoner had a Dagger in his hand did he strike or attempt to strike you with it

answer — He did not

Had

9th March 1796

Question by the Jury — Had the Prisoner Baluck dofs and the rest who accompanied Lechmun Dofs any weapons in their hands

answer — They had small sticks in their hands but made no use of them

Question by the Jury — Did the Prisoners appear to be Intoxicated at the time

answer — They did not appear to be intoxicated they came for the purpose

Question — How do you Know the weapon was a Dagger was it drawn

answer — It was in the Scabbard Lechmun dofs. did not draw it he said he would Stab me and take away my life

Question — was you confined to your house by illness in Consiquence of the afsault and Ill treatment you had received

answer — I had a pain all over my body which confined me two days to the house

Question — Are there any marks of violence to be seen on your Body now

answer — there are not

Question by the Jury — The witness has said he went to lay his Complaint before the Justices the next day and afterwards he said that he was confined two days by sickness desire the witness to account for this Contradiction

answer — The witness corrects his evidence and says he now recollects he was confined on Tuesday and wednesday and on the Thursday went to the Justices

Crofs Examined by Mr Samuel Counsel for the Prisoners — Has there not been a long dispute between Lechmun dofs and you about a matter of private property

answer — The dispute happened on the day of my uncles death

Question — Has that dispute ever been Submitted to arbitration by the Derection of former Justices

answer — My uncle died about Six years ago our dispute was ordered to be referred to arbitration but the Prisoner did not agree to it

9th March 1796 (74)

Chaterboog Dofs called in and Sworn

Question — Do you know the Prisoners at the Bar

answer — I do

Question by the Clerk of the Peace — was you present when an Afsault was made by the Prisoners at the Bar upon Gansham Dofs

answer — I was

Question — Relate the Circumstances to the Court

answer — About five months ago as myself Gansham Dofs and several others were returning from the House of one Mainoar Dofs one of the Prisoners (Baluck Dofs) came towards Gansham Dofs and stopt him in the Street Gansham Dofs said you have no business to stop me here the dispute is already before the Justices afterwards the other Prisoner Lechmun Dofs came and seized Gansham Dofs by the throat and began to push him backwards and forwards and make a disturbance in the mean time several persons who were there separated the parties the witness was one of these persons Immediately after Gansham dofs ran away into his House The witness afterwards went to the house of Gansham dofs then Gansham Dofs told the witness he had lost a Joy which he wore about his neck after that he went to the Justices

Question — Did the Prisoner Lechmun Dofs Afsign no reason for seizing Gansham dofs by the throat

answer — He said That Gansham dofs did not settle the Balance of Accounts with him

Question by the Jury — What resistance was made by Gansham dofs when the Prisoners Afsaulted him

answer — He made no resistance

Question — when you went to Gansham dofs's house did you see any marks of Violence upon him or did he Complain of any Blows he had received

answer I was there only for a short time I did not hear Gansham dofs complain particularly except of having been beat

Question Did you see the Prisoners at the Bar strike Gansham dofs and with a weapon or with their hands

answer I saw both the prisoners at the Bar Strike Gansham dofs with their hands

Question by the Jury Did the witness see any weapons

answer I saw no weapons in their hands It was evening about lamp light

Mr Samuel Councel for the Prisoners Submits no Evidence has been given to prove the riot Towhich the Court delives their assent

Here the Evidence for the Prosecution Closed

The Petit Jury retire a Bailiff being sworn to keep them and in a short space of time a verdict being proclaimed the Petit Jury Come into Court and answer to their names

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

Jury yes

Clerk of the Peace who shall say for you

Jury Our Foreman

Clerk of the Peace Lechmun dofs and Baluch dofs hold up your hands (To the Jury) Look upon the Prisoners, How say you Gentlemen of the Jury are Lechman dofs and Baluch dofs Guilty of the riot and assault whereof they stand Indicted or not Guilty

Foreman Lechmun dofs Guilty of an assault but not Guilty of a Riot Baluch dofs 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 Lechmun dofs is Guilty of an assault but is not Guilty of a Riot and that Baluch Dofs is not Guilty and so say you all –

Jury yes.

Baluch dofs is thereupon discharged by proclamation and Lechmun dofs is remanded into the Custody of the Sheriff –

The Court then proceeds to the arraignment of Seetah for Grand Larceny and Mootoo and Irshun for Grand Larceny the Prisoners were put to the Bar and Seetah is first arraigned on the following Indictment

Clerk of the Peace Seetah hold up your hand

you stand Indicted by the name of Seetah late of Madras Spinster for that you the said Seetah on the second day of October in the thirty fifth year of the Reign of Our Sovereign Lord George the third now King of Great Britain France and Ireland defender of the Faith and so forth with force and arms at a Certain called Triplicane within the Jurisdiction of this Court One Gold Jadabilly or head Joy of the Value of Sixteen Shillings one pair of Gold Kuchatoo pavasham or hand Joys of the Value eighteen Shillings three Gold Jemekays or Ear Joys of the Value of twelve Shillings one Gold Coopay or head Joy of the Value of twelve Shillings One Ruby set in Gold of the Value of three Pounds One Silver Anoomunt a Vecheraham or an Image of the Value of one Pound One Silver Arna or Girtle Joy of the Value of one Pound and four Shillings One Silver Chapparah or Ornament of the Value five Shillings one Silver Chain and Key of the Value of Ten Shillings a piece of Silver String of the Value of one Shilling Three Silver Tayettoos or arm Joys of the Value of one Pound and Six Shillings one Silver hand Chain of the Value of Ten Shillings four Silver Rings of different sorts of the value of Sixteen Shillings Two Silver Guggaloo or Leg Joys of the Value of one Pound and four Shillings one pair of Silver Cuncanum or hand Joys of the Value of one Pound

and

9th March 1796

Stands indicted or not Guilty and hear your Evidence —
The above Charge having been Explained to the Native Jury
Poonen is called and Sworn on behalf of the Prosecution

Question by the Clerk of the Peace — Do you Know the Prisoner at the Bar

answer I do

Question are you a Peon belonging to Mr. Place the Collector

answer I am a Talias of the village of Valoor

Question where did you apprehend the Prisoner

answer On the 27th September the Prisoner Came to my house in the Chemaraporam Country and asked for some water to drink, I was not then at home I came home afterwards

Question where were the articles (now produced) found

answer They were found by me on the Prisoner

Question are those the articles you found upon the Prisoner (articles produced in Court)

answer I found these articles on the Prisoner and some more Joys

Question what was done in Consequence of the articles being found upon the Prisoner

Answer I asked the Prisoner where she came from, She answered from Madras I asked her first how she came by the silk Cloth She answered she purchased it for three Pagodas, I then asked her to let me look at it She refused; in about three hours I took the Bundle and untied it and found all the Joys there, I then desired my brother Mootoo to take down a List of the articles, and delivered the Prisoner and the Joys to my Brother Palliatten, and desired him to carry the Prisoner before Carikistnamah Rajah Poligar of the village I brought down the articles to the Justices office by the order of Mr. Place —

Question Did the Prisoner say how she came by the other articles besides the Silk Cloth

answer First the Prisoner said It was the property of her mother afterwards she said It was the property of her Sister

Question Did you think she came by them honestly

answer I did not

Question by the Prisoner — Did I say the property belonged to my mother or my Sister

answer yes

Question Did I not say that a Banyan at Triplicane gave me the articles

answer you did not

The Prisoner having no Questions to put to the witness he withdraws

Gooroomoorty is called and Sworn on the part of the Prosecution

Question by the Clerk of the Peace — Were the articles (now produced) stolen from you at any time and when

answer They were

Question Relate the Circumstances to the Court

answer About Six months ago the street Door was found open about four Malabar hours before Day light

Question was that customary

answer It was not, I immediately discovered upon going into the room that the property was lost

Question Had the witness ever any reason to suspect the Prisoner of being Concerned in stealing the property

answer I had not at that time, but some time afterwards. I had seen the Prisoner sitting on the Pyal of my house the evening before the things were lost

Question Did you immediately suspect the Prisoner

answer I did not, I suspected her when she was shewn to me at the Justices office —

was

Question was the prisoner the person whom he had seen sitting on the Pyal of his house

answer She was sitting on the Pyal the whole day from Morning till evening

Question by the Jury } Did the witness know the Prisoner before he saw her sitting on the Pyal

answer I did not

Question where were the articles kept in the witness's house

answer The Joys were kept in one Chest the Cloths in another

Question were the Chests locked

answer The Chest containing the Joys was locked the other was not

Question by the Court } when did you last see the Joys

answer I saw them on Saturday and on Sunday I missed them

Question what time on Saturday did you see them

answer In the afternoon

Question what time on Sunday did you miss them

answer In the morning four Malabar hours before day light

Question when did you see the Prisoner sitting on your Pyal

answer I saw the Prisoner sitting on the Pyal the whole day on Saturday

Question what time on Saturday did you last see the Prisoner sitting there

answer Four hours before sunset

Question Did you see the Joys afterwards

answer No

Question Did you see the Joys after you had seen the Prisoner

answer I did

Question Did you ever see the Prisoner before

answer I have seen the Prisoner in the street but I was not acquainted with her

Question As you saw the Joys after you saw the Prisoner why do you suppose the Prisoner took them away

answer I did not suspect her till the Joys were found and the Prisoner and the Joys brought and Shewn to me at the Justices Office

Question were the Joys in Charge of any body

answer They were not

Question Do any other persons live in the house

answer Myself my mother my wife and a Boy my Sisters Son all live together in the house

Question In what state did you find the Box in which the articles were locked up

answer The Chest in which the Joys were contained was taken away

Question Did you lose any more property than what is now produced

answer Three articles besides

Question When the Street door was found open did it appear to have been forced open

answer It did not appear to have been forced open

Here the Evidence for the Prosecution Closes

The Prisoner being called upon to know if she has any witnesses says she has none

The President then addressed the Prisoner and told her if she could tell how she came by the Joys it would be the best defence she could make

Prisoners Defence

Prisoner as I was going thro Triplicane one day a Banyan asked me if I would live with him I said I would he desired me to stay at Triplicane on that day and he would take her

me to madras the day following I desired him to let me know where his house was situated he told me at Tripliane he shewed me his house and desired me to stay there, there was a Gold Smith working on the Pyal, I said to him if the house people ask me what I do there what am I to answer he told me to answer that one Chitty man owes me some money and that I was waiting for that, accordingly I sat on the Pyal till two hours before Sunset, while I was sitting there an Old woman asked me why I was sitting there, I replied I was waiting for a Chitty man who owed me money, afterwards I left that Pyal and was Sleeping on another Pyal in the middle of the night the Banyan came and wakened me and carried me into the house where I had been Sleeping and kept me there in the Entry about half an hour and gave me a Bundle I asked whose it was He answered It was his, and desired me to go and stay in a place where the Cloths are sold, and sleep there and that he would come and wake me accordingly I went there but finding a great number of people there, I went a little distance off and Slept there finding the man did not come there I went away to manaly Country from thence to Chemaraporam and asked for water, water was given me I then sat down then they asked me how I came by the Cloths then I told them all the this Circumstances I have now related to the Court

Question by the Court — What was the name of the Banyan

answer I do not Know his name

The Petit Jury then retire a Bailiff being first Sworn to keep them

after

after a short time a verdict being proclaimed the Petit 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

Seetah Hold up your hand (to the Jury) look upon the Prisoner

Clerk of the Peace How say you Gentlemen of the Jury is Seetah Guilty of the Grand Larceny whereof she 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 Seetah is not Guilty of the Grand Larceny whereof she stands Indicted and so say you all

Jury Yes

The Prisoner is thereupon discharged by proclamation

The Court is then adjourned till Saturday the 12th Instant at half past nine Oblock in the forenoon for Continuing the present Sessions -

Stevens Sotton
Clerk of the Peace

12th March 1796

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 12th day of March one thousand seven hundred and Ninety six

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

Appasawmy is put to the Bar to receive Judgement of the Court

Clerk of the Peace — Appasawmy hold up your hand you stand convicted of Felony and Murder what can now say for yourself why the Court should not proceed to give Judgement of Death against you as the Law Directs

The Prisoner not having any thing to offer the Chairman addressed the Prisoner in the following manner

Chairman — Appasawmy! I am a little inclined to add to the weight of shame and remorse you must experience at having by the severity of your orders occasioned the Death of a fellow Creature and consequently incurred that punishment which the Law has wisely provided for the enormity of your offence and altho' its apparently free from the imputation of malice and therefore may claim some degree of alleviation it still carries upon the face of it symptoms of a most cruel and tyranical disposition Some circumstances which came out in the examination of the evidence have however prevailed upon the Jury to consider you as an Object in whose favor an application for mercy to the foot of the Throne, would not be misplaced, and I must acknowledge that these circumstances have made some impression on my mind

Should I be induced to forward such a recommendation I shall at all events derive a cordial satisfaction from the Salutary principle confirmed by the result of your Trial, since it must afford an awful example to those who may be disposed to inflict illegal punishments within the British Territory, that if in the execution of those illegal punishments, the life of a fellow Creature shall happen to be sacrificed, let the condition of the wretched Individual be ever so low, or the situation of the Person, by whose orders he

shall have suffered ever so high, the course of the British Law will be found irresistible It is now my Duty to acquaint you of the Punishment it Inflicts

The Chairman then proceeds to pass sentence upon him as follows

Chairman — you Appasawmy 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!

The Prisoner Appasawmy is then taken from the Bar and delivered into the Custody of the Sheriff

Christopher Johnson is put to the Bar to receive Judgement of the Court

Clerk of the Peace — Christopher Johnson hold up your hand you stand here convicted of Felony and Murder what can now say for yourself why the Court should not proceed to give Judgement of death against you as the Law 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 Christopher Johnson 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

Christopher Johnson is then taken from the Bar

Chowry Naigum is put to the Bar to receive Judgement of the Court

Clerk of the Peace — Chowry Naigum Hold up your hand you stand here Convicted of a misdemeanor what can you say for yourself why the Court should not proceed to give Judgement against you as the Law 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 her as follows

Chairman — you Chowry Naigum shall stand on the Pillory three Successive market days one hour each day one day at Triplicane one day at Chindadre pettah and one day in the Black Town you shall pay a Fine of five Pagodas to the King and you shall be imprisoned for 12 months and until your fine be paid

Chowry

12th March 1796

Chowry Naigam is then taken from the Bar –

Lutchmun Dofs is put to the Bar to receive Judgement of the Court

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

The Prisoner not having any thing to offer Proclamation for silence was made and the Chairman proceeded to pass Sentence against him as follows –

Chairman — You Lutchmun Dofs shall pay a fine to the King of one hundred Pagodas and be imprisoned until your fine be paid –

Lutchmun Dofs is then taken from the Bar and all the Prisoners are remanded into the Custody of the Sheriff The Grand and Petit Juries are then thanked for their Services and dismissed and the Court is adjourned to Wednesday the 6th day of April next at Ten oClock in the forenoon for holding a new Sessions –

Steven Fotton
Clerk of the Peace

6th April 1796

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 Sixth day of April in the Year of Our Lord One thousand Seven hundred and Ninety Six

Before

Edward Saunders, and Ernst William Tallofield 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 Sheriffs returns his Precepts

– The Court is then adjourned untill Wednesday the Thirteenth Instant at Ten oClock in the forenoon for continuing the present Sessions –

Steven Fotton
Clk 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 Thirteenth day of April in the Year of Our Lord One thousand seven hundred and Ninety Six

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 of 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 following Gentlemen are called and Sworn on the Grand Jury

The Honble. Basil Cochrane ... Foreman

John Lennox	George Gilbert Heeble
John Stuart Smith	Henry Burnaby
Thomas Anstey	William Cockell
James Brodie	Edward Watts
Arthur Brooke	William Fraser
Robert Farquhar	Thomas Dent
Andrew Ilingsby	George Garrow
James Taylor	John Abbott

Mr. Cochrane remains in Court to see the following Evidences Sworn on the Indictment

The King against Lieutenant Samuel Godfrey for Felony & Murder

Mahomed Khaseem	first Sworn
Shik Mulleak	Do.
Reddy Pilly Reddy	Do.
Wangah Jaggaloo	Do.
Caitalah Reddy	Do.
Gollah Veeraska	Do.
Catacumsetty Atchenah	Do.
Wungala Addynarain	Do.

The Indictment is then delivered to him, as also the Indictment

The King against Sirinkaraporam Vencatachella Chitty for Barratry

Mr. Cochrane then retires

The Court then proceeds to the Trials of Mootoo and Ershun for Grand Larceny. The Prisoners are put to the Bar to take their trial on the Indictment upon which they had been Arraigned on the Ninth day of March. And being informed of their priviledge Chuse a Jury half Europeans, and half Natives. The following Persons are then Sworn on the Petit Jury. the Prisoners being informed of their right to object to any of them as they come to the Book to be Sworn, and before they are Sworn

Robert Henderson ... Foreman
Erskine Nimmo
William Purser
John Card
John Reynolds
Mathew Freeman
Munro Moodoo Moodely Irsapah Moodelly
Jannapah Moodelly
Chingleroy Moodelly
Vencata Kistna Pilly
Moodoo Kistnah Moodelly
Tonderoy Moodelly

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 Mootoo and Ershun late of Madras Inhabitants, and within the Jurisdiction of this Court, here the Indictment is read as in the Arraignment upon this Indictment they have been arraigned, and thereunto have pleaded Not Guilty. and for their Trial have put themselves upon God and their Country. which Country, you are. Your Charge is therefore to enquire, whether they are Guilty of the Grand Larceny whereof they stand Indicted or Not Guilty. if you find them Guilty, you are to enquire what Goods and Chattels Lands or Tenements they had at the time of the Grand Larceny 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 or 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 shall say so, and no more, and hear your Evidence

Sabapaty Chitty is then called in and Sworn on the part of the Crown

Question — Are you a Merchant and live at Poonamalee?

Answer — I am

Question — Did you at any time lose any property from your Shop at Poondamalee Pettah?

Answer — I did

Question — Relate the Particulars

Answer — On Thursday evening the fifteenth December last I locked my Boutique at Poondamalee Pettah, and went home, on the next morning being Friday I went to my Shop; when I came there I discovered a large hole in the Wall, large enough to admit a Person to get in; and a piece of Iron lying near the place; I then opened the door of the Shop and went in and found all the Cloths taken away except three pieces. I acquainted the Amuldar of the Village of the Robbery —

Question — Is this the property (Property produced in Court six Cloths and One Turban) which was stolen from your Shop?

Answer — This is part of the property stolen from my Shop

Question — Where was this property first restored to You?

Answer — Some of my Relations at Commaneewaran Pagoda sent a message to me that some of the property had been discovered desiring me to come and see whether it was my property, I accordingly came to the Barracks near the Governor's Garden where the Cloths were produced to me, and the Prisoners

Question — Were the Prisoners under confinement?

Answer — They had Fetters upon them

Question — Were the Prisoners pointed out as the Persons who had Stolen the Property?

Answer — I understood they were the Persons —

Question — Do you know the Cloths to be your property?

Answer — I do, I can swear to them

Question — [illegible]

Question by the Jury — What particular mark do you know them by?

Here the Witness points out the particular mark —

The Prisoners having no questions to put to the Witness

Syed Mahomed was next called in and Sworn

Question — Where did you apprehend both or either of the Prisoners?

Answer — About two or three months ago when I was at the Barracks, Mahomed Cawn a Subidar directed me to take charge of one of the Prisoners called Mootoo, and carry him before Capt. Grant, saying "that he was charged with" "having attempted to break open the door of a Moonchi's" "house belonging to Capt. Grant;" accordingly I carried Mootoo before Capt. Grant, and related the circumstances to Capt. Grant, who asked the Prisoner "what he had" "stolen"; the prisoner answered "he had stolen nothing;" "but had been apprehended in the mean time". Capt. Grant then asked the Prisoner, "if he had stolen any thing" "before"; the Prisoner declared "that he and another Person had" "stolen some things at Poondamalee", and said "that he" "would point out the other Man who was concerned with" "him in the Robbery, who lived at Sydapet. Capt. Grant ordered me to go with Mootoo the Prisoner to apprehend the other man at Sydapet. We went accordingly, but could not find him that evening, on the next day as we were returning to Madras, We met the other Prisoner Krishnan on the Road, Mootoo pointed him out as the Man. They secured him immediately, and brought him before Capt. Grant. Capt. Grant asked them "what they had stolen," The Prisoners answered "They had stolen some Cloths in" "a Chitty's Shop at Poondamalee, and that they would" "point out the Person to whom they had given the Cloths" The Witness went with the Prisoners by order of Capt. Grant to the man's house at Triplicane, where they found the Cloths now produced.

The Grand Jury come into Court, and answer to their Names, and return the Indictment

The King against Lieutenant Samuel Godfrey, for Felony and Murder endorsed "A True Bill" - and the Indictment

The King against Sunkaraporam Vencatachella Chitty, for Barratry endorsed "Ignoramus" -

The Grand Jury are then thanked for their services and dismissed for this Sessions - - - - - - -

The Court then proceeds with the Trial of Oshun and Mootoo.

Question - Are the Prisoners the Persons who pointed out the Man's house at Triplicane?

Answer - They are

Question - - What did you do with the Cloths, when you had found them?

Answer - I carried the parties and property back to Capt.n Grant and Capt.n Grant directed them to be confined, and carried & before the Justices

Question by the Jury - Do you recollect, whether one or both of the Prisoners + + + + + + + + said "they would shew the house at Triplicane where the property was"?

Answer - Both - - - - -

The Prisoners not having any questions to put to the Witness

Veeragava Chitty is next called in and Sworn - -

Question - Do you know the Prisoners at the Bar?

Answer - I know their persons -

Question - Have you been in the habit of purchasing Goods from the Prisoners?

Answer - I have not. I purchased once some Cloths from the Prisoners -

Question - Do you recollect when and where the Prisoners, or either of them, came and offered you the Cloths for sale?

Answer - About four or five months ago, both the Prisoners came to my house at Chepauk with several Cloths, as well as the Cloths now produced (twenty three pieces in all) and offered to sell them, accordingly I purchased them from the Prisoners for Nine Pagodas, and sold twenty pieces again to a Merchant

called Pyany, for Nine Pagodas, keeping three pieces myself

Question - As you did not know the Prisoners before, did you question them, in what manner they came by the Cloths?

Answer - They said "they had brought them from Conjeveram"

Question by the Jury - { Do you know those are the Cloths you purchased from the Prisoners by any, and what particular Mark?

Answer - - I do, and can swear to them - -

Question by the Jury - - { Do you think Nine Pagodas the full value of Twenty three pieces?

Answer - The Prisoners asked me no more

Question - When you found they were sold so cheap, had you no suspicion that they were dishonestly come by?

Answer - - I had no suspicion

Question - To whom did you give the Nine Pagodas which Pyany gave you

Answer - - I gave them to the Prisoners, three pieces of Cloth I kept myself -

The Prisoners having no Questions to put. Here the Prosecution closes. The Prisoners called no Evidence.

The Petit Jury then retire, a Bailiff being first sworn to keep them - and after a short space of Time a Verdict being proclaimed, they again come into Court, and answer to their Names

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

Jury - Yes -

Clerk of the Peace - Who shall say for you?

Jury - Our Foreman

Clerk of the Peace - How say you Gentlemen of the Jury, are Mootoo and Oshun Guilty of the Grand Larceny whereof they stand Indicted, or Not Guilty?

Foreman - Guilty -

Clerk of the Peace - What Goods and Chattels, Lands or Tenements do you

send they had at the time of the Grand Larceny com=
=mitted, 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 Mootoo and Vishun are Guilty of the Grand Larceny wherof 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 say you All?

Jury — Yes. — —

The Petit Jury are then thanked for their Seraices and dismissed for this Sessions. — — —

Clerk of the Peace — Mootoo and Vishun, 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 Judgement against you as the Law Directs?

The Prisoners having nothing to offer. The Chairman proceeds to pass Sentence as follows.

Chairman — You Mootoo and Vishun shall be imprisoned and be employed on the Public Roads and Highways for the space of Three Years, and be then Discharged. — —

The Prisoners Mootoo and Vishun are then remanded to the Custody of the Sheriff. — — —

Messieurs Smith and Cockell the Collectors and Surveyors then deliver in the following Letter. .

To The Right Honble Lord Hobart
Governor and Others His Majesty's Justices
of the Peace for the Town of Madraspat=
=nam.

My Lord

We have the honor to inform your Lordship that the Contract for cleansing the Town of Madraspatnam expires on the 1st July next.

We therefore request to receive your directions

on that subject, and to know if we may advertize for fresh proposals.

We remain with all due respect
My Lord
Your Most Obedient and
Very Humble Servants
Signed J. J. Smith. } Collrs
W. Cockell } Survrs

Fort St George
4th April 1796

The Court authorize the Surveyors and Collectors to ad=
=vertize for fresh proposals in the Public Papers. .
Messrs Smith and Cockell having reported that the Nuisances complained of are repaired. The Indictments against Vishnu and Balakistnamah Chetty are ordered to be withdrawn. — — — —

The Sessions are then Closed. And the Court is Adjourned to Wednesday the Thirteenth day of July next at Ten of the Clock in the forenoon for holding another Sessions. — — — — —

Stevens Totton
Clk of the Peace

13th July 1796

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 thirteenth Day of July in the year of Our Lord One thousand seven hundred and Ninety Six -

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 Sheriff returns his Precepts.

The Court is then adjourned to Wednesday the third Day of August at Ten Oblock in the fore noon for continuing the present Sessions

Steve S Totton
Clk of the Peace

At

At an Adjourned Court

of Sessions of the Peace Sessions of Oyer and Terminer and General Gaol Deli=very holden at the Town Hall in Fort Saint George on Wednesday the third Day of August one thousand seven hundred and Ninety six -

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 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 The following Gentlemen are then called by name and are Sworn upon the Grand Jury -

Robert Gardener Esqr. Foreman

Nathaniel Edward Kindersley
Thomas Chase
George Parry
Cecil Smith
John Stuart Smith
John Wallace Junr.
Richard Yeldham
John Hunter
John Tullok
Frank Day
William Cockell
Thomas Fraser
Edward Dent
John Goldingham
William Hart
Edward Watts

A Bailiff Thomas Newman is Sworn to attend the Grand Jury during the present Sessions

Mr. Gardener remains in Court and the following Witness Lieutenant James Smith is Sworn on the Indictment -

The King
against
Lieutenants Thomas Henry Somerset Conway Richard Butt

and William Sherer for Murder

The Indictment was then delivered to Mr. Gardener who retires -

The Court proceeds to the Trial of Lieutenant Samuel Godfrey against whom a Bill of Indictment for Murder had been found the last Sessions -

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

Clerk of the Peace Samuel Godfrey hold up your hand you stand indicted by the name of Lieutenant Samuel Godfrey for that you the said Samuel Godfrey late of Tolicole on the Coast of Coromandel in the East Indies within the Jurisdiction of this Court a Lieutenant 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 not having the fear of God before your Eyes but being moved and seduced by the Instigation of the Devil on the twenty Eighth Day of December in the thirty sixth year of the Reign of our Sovereign Lord George the third now King of Great Britain France and Ire=land Defender of the Faith and so forth with force and Arms at Tolicole aforesaid within the Jurisdiction aforesaid in and upon one Naganah in the Peace of God and our said Lord the now King then and there being feloniously wilfully and of your malice aforethought did make an assault and that you the said Samuel Godfrey a certain Musket or Gun of the value of Ten Shillings then and there loaded and charged with Gun powder and one leaden Bullet which Musket or Gun you the said Samuel Godfrey in both your hands then and there had and held to against and upon the said Naganah then and there feloniously wilfully and of your malice aforethought did shoot and discharge and that you the said Samuel Godfrey with the leaden Bullet aforesaid out of the Musket or Gun aforesaid then and there by force of the Gun powder shot and sent forth as aforesaid the aforesaid Naganah in and upon the Back of him and through the lower part of the Belly of him the said Naganah then and there with the leaden Bullet aforesaid out of the Musket or Gun aforesaid by you the said Samuel Godfrey so as aforesaid shot discharged and sent forth feloniously wilfully and of your malice

afore

aforethought did strike Penetrate and Wound giving unto him the said Naganah then and there with the leaden Bullet aforesaid so as aforesaid shot discharged and sent forth out of the Musket or Gun aforesaid by you the said Samuel Godfrey in and upon the Back and through the lower part of the Belly of him the said Naganah one Mortal Wound of the depth of six Inches and of the Breadth of one Inch of which said Mortal Wound the aforesaid Naganah did languish and languishing did live for the Space of Ten hours and then died And so the Jurors aforesaid upon their Oath aforesaid do say — that you the said Samuel Godfrey the said Naganah 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 Samuel Godfrey 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

Mr Wilkinson attends as Counsel for the Prisoner

The following persons are then called and Sworn on the Petit Jury the Prisoner being informed by his Counsel of his Right to Challenge them or any of them as they come to the Book to be Sworn and before they are Sworn —

Edward Jones Foreman

John Wright
William John Chater
Richard Ashton
John Stewart
George Innis
Thomas Reid
James Monro
William Smith
Samuel Moore
William Cooper
Daniel Vanderwart

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 Lieutenant Samuel Godfrey late of Policole on the Coast of Coromandel in the East Indies and within the Jurisdiction of this Court (here the Indictment is read as in the arraignment) and 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 inquire whether he is Guilty of the Felony and Murder whereof he stands indicted or not Guilty if you find him Guilty you are to inquire 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 inquire if he fled for it if you find that he fled for it you are to inquire 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 shall say so and no more and hearken unto the Evidence

Mahomed Khaseem is then called in and Sworn on the part of the Crown

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

Answer — I do

Question — Do you know any thing of the Prisoner having shot a Native

Answer — I was present at the time

Question — Desire the Witness to relate the Particular Circumstances

Answer — About seven Months ago when I and another Sepoy called Mullick Mahomed were passing from Muglatore to Samulcotta as we came near the Village of Tolicole a Talanqueen Boy belonging to the Prisoner came and said his Master Lieutenant Godfrey wanted to speak to us, we accordingly came to the Prisoner's Garden House - The Prisoner asked us to what Battalion we belonged and where we were going - They answered that they both belonged to the eighth Battalion and that they were going to Samulcotta - The Prisoner then asked them the name of their Captain, they told him Captain Leighton he took them into the Garden and desired them to carry two Tiffinmans to Mrs Leighton - The Prisoner then called for his Servant and told him to bring a Knife - The Servant neglected bringing the Knife and went away - The Prisoner called him again he came, the Prisoner struck him with a Rattan - The Servant began abusing the Prisoner in Gentoos and began running away, then the Prisoner forcibly took out a Cartridge out of the Pouch belonging to

to the Witness and snatching up the Firelock which was lying on the Ground loaded the Piece and discharged the contents at the Boy who was running away. The Boy immediately fell down, The Witness went up to the Boy who was laying on the Ground, and perceived him wounded, The Ball appeared to have entred the Backside of the Deceased and to have passed out at the lower part of the Belly. I went immediately and related what had happened to the Cuttavall of the Village

Question by the Jury — Did you see the Deceased at the Cuttivall's Choultry afterwards

Answer — I made a report to the Cuttivall and then left the Village

Question by the Jury — What was the abusive language used by the Deceased

Here the Grand Jury came into Court and return the Bill of Indictment

The King
against
Lieutenants Thomas Henry Somerset Conway Richard Burn and William Sherer Indorsed "a true Bill"

Answer — He made use of indecent Language and called him a damned Son of a Whore and run away

Question by the Jury — Were there any Trees near the Place which might have occasioned the deceased to fall or did the deceased fall in consequence of his Speed in running

Answer — He fell after the loaded Piece was fired at him and in Consequence of the Shot he received

Question by the Jury — When the Prisoner loaded the Piece did he do it deliberately or was he in passion

Answer — He was in a great passion - the Witness was fearful of his own Life he thought it in danger

Upon the Application of Mr George Tarry one of the Grand Jury to the Court, Latchemy Boye is called and Sworn to give Evidence before the Grand Jury touching a matter then under their Consideration

Mr George Tarry then retires

John

John Fonseca is then Sworn Portuguese Interpreter to the Evidences on the Indictment The King against Frederick Ludwig for Murder

Mr Yeldham one of the Grand Jury comes into Court and the following Evidences are then called and Sworn

On the Indictment

The King
against
Frederick Ludwig
for
Murder

Witnesses Sworn
Johanna
Thomas Carvin
Susanna
Margaret Tring
Lanjsra
Antonio Monteiro
Dr John Duncan

Mr Yeldham then retires

Crofs examined by Mr Wilkinson for the Prisoner

Question — To whom did the Prisoner desire the Pumplemasses to be delivered

Answer — To the Captain his Lady and the Adjutant

Question — Did you hear the Words Choury Mootoo mentioned

Answer — The Prisoner told the Witness to tell his Master the Fruits were sent him from Choury Mootoo

Question — Who did you understand was meant by Choury Mootoo

Answer — I thought it was the name of a Black man

Question — Did the Prisoner tell you his real name

Answer — The Prisoner did not tell him his name

Question — When the Prisoner ordered the Servant to bring a Knife did you hear the Servant make any and what answer

Answer — The Servant did not answer, he went to look for a Knife

Question — Was there much anger Expressed by the Prisoner when the Servant returned without the Knife

Answer — yes he was in a passion and struck him with a Rattan

Did

Question Did he give him many Blows

Answer He did

Question What size was the Rattan

Answer About the size of the little Finger

Question After the Boy fell down having received the Waund did you hear the Prisoner say any thing

Answer The Prisoner said he fired at the Boy because he abused him

Question When the Prisoner fired did he appear what is called in Moors Duannee or out of his Senses

Answer When he fired he seemed to be like a madman

Question What force did the Prisoner use when he took the Cartridge from you

Answer The Prisoner fell upon the Witness and forcibly took the Cartridge from him, he did not ask for it

Question Were all the Cartridges, Ball Cartridges

Answer Yes

Mr. Gardener one of the Gentlemen of the Grand Jury comes into Court and returns the Bill of Indictment The King against Frederick Ludwig Indorsed "a true Bill"

Mr. Gardener remains in Court and the following Witnesses are Sworn

On the Indictment

The King
against
Isaac Godmand
for
Perjury

Witnesses Sworn
Madura Dofs
Narsing Dofs
Narsing Dut
Vane Dut

The King
against
Narrain Dofs. Subornation
of
Perjury

Neerbaram

On the Indictment

The King
against
Areeram
for
Murder

Witnesses Sworn
Luck meeram
Lutchemy Boyi
Proushotama Dofs
Venicoo Loll

The Indictments are then delivered to Mr. Gardener who retires

Mullick Mahomed is next called and Sworn as an Evidence on the part of the Crown

Question by the Clerk of the Peace — Did you travel lately from Muglatore to Samulcotta in Company with Mahomed Khafseem the last Witness

Answer I did about seven Months ago

Question Do you Know the Prisoner

Answer I do. I remember seeing him at the time when I passed through the village of Policole in my Road to Samulcotta—

Question Relate what you know or saw respecting the Prisoner shooting a Native there

Answer About seven Months ago when I and Mahomed Khafseem were traveling through the village of Policole the Prisoner's Palanqueen Boy came to us, and said his Master Lieutenant Godfrey wanted us, upon which we went to his Garden, he gave us two Pumplemasses, and called his Servant Boy to bring him a Knife - The Boy asked the Gardener for a Knife - The Gardener said he did not know where it was - some words passed between the Prisoner and the Boy, I did not understand them - The Prisoner was in a passion and gave the Boy some strokes with a Rattan, the Witness made Salam to the Prisoner and begged the Prisoner to forgive him - The Prisoner then desisted - and the Boy sat down - The Prisoner told the Witness the Servant is an Idle Boy and never minds his Business - The Boy hearing this began to abuse the Prisoner and ran away - This made the Prisoner very angry who immediately seized a Cartridge out of the Pouch belonging to Mahomed Khafseem and taking up the Firelock which was lying near the Door loaded the Piece

and

and ran after the Boy and fired at him the moment the Piece was fired the Boy fell down, I then told Mahomed Khaseem to report what had happened to the Cuttivall of the village, the Prisoner came away to the House and sat down - I remained on the spot till Mahomed Khaseem returned from the Cuttivalls Choultry and then we both left the Village together

Question by the Jury — Did the Prisoner appear during the time this happened to be like a Madman and out of his senses

Answer — When I first saw the Prisoner he did not seem to be like a Madman - afterwards when he spoke to his Servant he was in a great passion and seemed like a Madman

Question by the Jury — Do you know whether the Boy is dead

Answer — I do not know we both left the Village immediately

George Taylor Esqr. Register of the Mayors Court attends and is Sworn in Court to give Evidence before the Grand Jury on the Bill of Indictment

The King
against
Isaac Godmond
for
Perjury

Catacum setty Atchanah is next called in and Sworn as an Evidence on the part of the Crown

Question by the Clerk of the Peace — Are you a Peon belonging to the Cuttivall at Policole

Answer — I am

Question — Was a Wounded Person brought there at any time and when

Answer — About seven Months ago a Boy named Naganah the Prisoners Servant was brought there from Butchoo's Garden, where the Prisoner lived, wounded, upon Examining the Body it appeared he had been shot upon the Backside and that the Ball had penetrated through the lower part of the Belly - The Boy was brought

brought to the Cuttivalls Choultry about Ten Oclock in the Morning and survived till Eight Oclock in the Evening when he died -

Question — Was there any Doctor called to assist the Wounded man

Answer — A Native Doctor came and dressed the Wound

Question by the President — How do you know the Deceased was the Prisoners Servant

Answer — I know him, the Boy used to come to the Bazar to purchase things for his Master, I have frequently seen him there

Here the Prosecution closed

Mr. Wilkinson Counsel for the Prisoner then called

Captain Bowles who is Sworn on behalf of the Prisoner

Question by Mr. Wilkinson — Do you know the Prisoner at the Bar

Answer — I have known him from the year 1784

Question — Do you know that he was a Prisoner with Hyder or Tippoo in the late Wars

Answer — I have heard that he was a Prisoner with Tippoo in the late war

Question — Have you ever been in Garrison or frequently in Company with the Prisoner

Answer — I visited him five or six times a Day while at Amboor a few years ago

Question — Was he considered as a man perfectly possessed of his Reason and understanding, or at times flighty, and deranged

Answer — I have seen him frequently in a morning before Gun fire and after, walking about naked in a manner inconsistent with a person fully possessed of his rational Faculties

Question — Please to relate such Circumstances of Extravagance in the Prisoners Behavior and Conduct as have fallen immediately under your own Observation

Answer — I know none in particular but the Circumstance of his walking about Naked in a morning without his Cloaths

Have

Question Have you any thing further to relate to the Court

Answer I have not I can only say I always thought the Prisoner a good Soldier and a man of Honor and Feeling

Question Have you ever heard of the Prisoner firing at a Cloud of Musketoes

Answer I have heard of a variety of Acts of Extravagance committed by the Prisoner among the rest I believe of that

Mr Wilkinson the Prisoner's Counsel declaring he had no other Witnesses to call

The Petit Jury retire to consider on their Verdict, a Bailiff having been first Sworn to keep them, and after a Short time a Verdict being proclaimed, they came into Court and answer to their names

Clerk of the Peace Gentlemen of the Jury Have you agreed on your verdict

Jury yes

Clerk of the Peace Who shall say for you

Jury Our Foreman

Clerk of the Peace Lieutenant Samuel Godfrey Hold up your hand (to the Jury) Look upon the Prisoner How say you Gentlemen is Lieutenant Samuel Godfrey Guilty of the Felony and Murder whereof he stands indicted or not Guilty

Foreman Not Guilty

Which being recorded

Clerk of the Peace Gentlemen of the Jury Hearken unto your Verdict as the Court hath recorded it You say that Lieutenant Samuel Godfrey is not Guilty of the Felony and Murder whereof he stands indicted and so you say all

Jury yes

Lieutenant Samuel Godfrey is thereupon discharged by Proclamation -

The Court then proceeds on the Trial of Lieutenants Thomas Henry Somerset Conway Richard Burn and William Sherer, for Murder

The Prisoners are then put to the Bar and arraigned as follows

Clerk of the Peace Lieutenants Thomas Henry Somerset Conway Richard Burn and William Sherer Hold up your Hands you stand indicted by the names of Thomas Henry Somerset Conway, Richard Burn, and William Sherer for that you the said Thomas Henry Somerset Conway late of Pondicherry a Lieutenant in the second Battalion of European Infantry in the Service of the United Company of Merchants of England trading to the East Indies under their Presidency of Fort Saint George and subject and amesnable to this Court & Richard Burn and William Sherer Lieutenants in the same Battalion late of the same place and also subject and amesnable to the Jurisdiction of this Court not having the fear of God before your Eyes but being moved and seduced by the Instigation of the Devil on the fifth Day of June in the thirty sixth year of the Reign of our Sovereign Lord George the third now King of Great Britain France and Ireland Defender of the Faith and so forth in a Certain place called the Camps De mars in the vecinity of Pondicherry aforesaid in and upon one Robert Menzies in the Peace of God being feloniously wilfully and of your malice aforethought did make an Assault and that you the said Thomas Henry Somerset Conway a Certain Pistol of the Value of five Shillings then and there Charged with Gun powder and one leaden Bullet which Pistol you the said Thomas Henry Somerset Conway in your Right hand then and there had and held to against and upon the said Robert Menzies then and there feloniously wilfully and of your malice aforethought did shoot and discharge and that you the said Thomas Henry Somerset Conway with the leaden Bullet aforesaid out of the Pistol aforesaid then and there by

by force of the Gun powder shot and sent forth as aforesaid the afore=
=said Robert Menzies in and upon the Right Eye of him the said
Robert Menzies then and there with the leaden Bullet aforesaid
out of the Pistol aforesaid by you the said Thomas Henry Somer=
=set Conway so as aforesaid shot discharged and sent forth
feloniously wilfully and of your malice aforethought did &
Strike penetrate and Wound giving to the said Robert Menzies
then and there with the leaden Bullet aforesaid so as aforesaid
shot discharged and sent forth out of the Pistol aforesaid by you
the said Thomas Henry Somerset Conway in and upon the said
Right Eye of him the said Robert Menzies one Mortal Wound of
the depth of seven Inches and of the Breadth of half an Inch of &
which said Mortal Wound the aforesaid Robert Menzies then
and there instantly died and that you the aforesaid Richard Burn
and William Sherer then and there feloniously wilfully and of your
malice aforethought were present aiding helping abetting com=
=forting assisting and Maintaining & the said Thomas Henry &
Somerset Conway the Felony and Murder aforesaid in manner &
and form aforesaid to do and commit and so the Jurors aforesaid
upon their oath aforesaid do say That you the said Thomas Henry
Somerset Conway Richard Burn and William Sherer him the &
said Robert Menzies 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 Lieutenants Thomas Henry Somerset &
Conway Richard Burn and William Sherer are you Guilty of the
Felony and Murder whereof you stand indicted or not Guilty

Lieutenant Conway - - - not Guilty
Lieutenant Burn - - - not Guilty
Lieutenant Sherer - - - not Guilty

Clerk of the Peace — How will you be tried

By

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

John Card Foreman

Alexander Stewart	Andrew Bone
William Cowper	John Standiver Sherman
Samuel Moore	Hugh Gordon
William Smith	William Ross
James Monro	George Bold
	John Anderson

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 Lieutenants Thomas Henry Somerset Conway Richard Burn and William Sherer / Here the Indictment is read as in the Arraignment / upon this Indictment they have been arraigned and thereunto have pleaded not Guilty, and for their Trial have put themselves upon God and their Country, which Country you are, your Charge is therefore to enquire whether they are Guilty of the Felony and Murder whereof they stand indicted or not Guilty - If you find them Guilty you shall enquire what Goods and Chattels Lands and Tenements they had at the Time of committing the Felony and Murder, or at any time since, if you find them not Guilty, you shall enquire if they fled for the same, if you do find that they fled for the same you shall enquire, what Goods and Chattels Lands and Tenements they had the same as if you had found them Guilty, if you find them not Guilty - and that they did not flee for the same, you shall say is and no more and hearken to the Evidence

Lieutenant James Smith is then called in and Sworn

Question by the Clerk of the Peace — Was you at Pondicherry in the month of June last

Answer — I was doing Duty there at that time

Question — Was there any Report relative to a Duel having been fought there by the Prisoner Lieutenant Conway and Lieutenant Menzies

there

Answer There was a Report of a Duel and that the said Lieutenant Menzies had been shot by a Pistol Ball by Lieutenant Conway

Question Did you see Lieutenant Menzies

Answer I saw Lieutenant Menzies after the affair was said to have happened a Ball appeared to have passed through his Right Eye and I heard that the Ball had been Extracted from the Head of the Deceased

Mr. Wilkinson Counsel for the Prisoners said that the whole of the Evidence delivered by Lieutenant Smith amounted to Hearsay Evidence only, and there being no other Evidence

The Petit Jury without retiring, deliver their Verdict

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 Lieutenants Thomas Henry Somerset Conway Richard Burn and William Sherer, hold up your hands / to the Jury / Look upon the Prisoners, How say you Gentlemen are Lieutenants Thomas Henry Somerset Conway Richard Burn and William Sherer Guilty of the Felony and Murder whereof they stand indicted or not Guilty

Foreman not Guilty

Which being recorded

Clerk of the Peace Gentlemen of the Jury, Hearken unto your Verdict as the Court hath recorded it, you say that Lieutenants Thomas Henry Somerset Conway Richard Burn and William Sherer are not Guilty of the Felony and Murder whereof they stand indicted and so you say all

Jury yes

The Prisoners are thereupon discharged by Proclamation

The Court is then Adjourned tile Wednesday the Seventeenth Instant for continuing the present Sessions

Thos Totton
Clk of the Peace

At

17th August 1796

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 seventeenth Day of August One thousand seven hundred and Ninety six

Before

Edward Saunders and Ernst William Falkofield 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.

The Court is then adjourned to Wednesday the twenty fourth Day of August at Ten o'Clock in the forenoon for continuing the present Sessions

Thos Totton
Clk of the Peace

At

24th August 1796

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 twenty fourth Day of August One thousand seven hundred and Ninety Six

Before

Edward Saunders and Ernst William Fallofield Esquires Members of the Council thereof and Justices Assigned to keep the Peace as also Commissioners of Oyer and Terminer and General Gaol Delivery for the Town of Madraspatnam Garrison of Fort Saint George and its Dependencies

The Court being duly Opened was Adjourned till tomorrow at Ten A Clock in the Forenoon for continuing the present Sessions

Geo.s Totton
Clk of the Peace

At

25th August 1796

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 Thursday the twenty fifth Day of August One thousand seven hundred and Ninety Six

Before

The Right Honorable Robert Hobart commonly called Lord Hobart

President and Governor of Fort Saint George

and

Edward Saunders and Ernst William Fallofield Esquires Members of the Council thereof and Justices Assigned to keep the Peace as also Commissioners of Oyer and Terminer and General Gaol Delivery for the Town of Madraspatnam Garrison of Fort Saint George and its Dependencies

The Court being duly Opened

The Grand Juryare called over and answer to their names except Messrs Nathaniel Edward Kindersley, William Cockell, and Edward Watts- Mr. Gardiner The Foreman remains in Court, and the following Witnesses are sworn

On the Indictment

The King
against
Edward Allan and John Shin
for
Murder

Witnesses Sworn
Lieutenant James Smith
Mahomed Sherrer
Richard Wilson
Robert White
Serjeant Rodolph Eschilis

On the Indictment

The King
against
Tallavaroy Moodely
and Rungaroogaundoo
for
a Misdemeanor

Witnesses Sworn
John Balfour
Concallee
Veneaty gadoo

On

25th August 1796

On the Indictment.

The King
against
Vasodavun
for
Grand Larceny

Witnesses Sworn
Lieutenant James Smith
Lieutenant William Collins
Condaloo
Cooper.

The Indictments are then given to Mr Gardiner who retires

The Court then proceeds to the Trial of Isaac God=
=mond for Perjury

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

Clerk of the Peace Isaac Godmond hold up your hand, you stand indicted by the name of Isaac Godmond for that you the said Isaac Godmond late of Madras Inhabitant Bond assignee of Ane Shaha narrain Dofs Jagasevana Dofs wickedly and maliciously contriving and intending one Madura Dofs Laula Dofs unlawfully to aggrieve and oppress and the said Madura Dofs Laula Dofs to great Expence of his money wickedly to put and bring and to cause the sum of three thousand seven hundred and forty six Star Pagodas forty two fanamas fifty Cash Current money of Madras aforesaid to be endorsed on a process to be issued out of the Mayors Court at Madras aforesaid within the Jurisdiction of this Court in order to cause and procure him the said Madura Dofs Laula Dofs to be arrested thereon to appear in the same Mayors Court at the suit of you the said Isaac Godmond and also with intent that the said Madura Dofs Laula Dofs should be compelled to find Bail for the aforesaid sum of three thousand seven hundred forty six Star Pagodas forty two fanamas fifty Cash on the 26th Day of March in the thirty sixth 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 your proper Person before James Daly Esqr (then and yet being the Mayor

Mayor of Madraspatnam aforesaid) and then and there did produce and exhibit a certain affidavit in writing of you the said Isaac Godmond and then and there you the said Isaac Godmond in due form of Law was Sworn and did take your Corporal Oath upon the Holy Gospel of God touching the matters in that affidavit contained before the said James Daly (he the said James Daly then and there having Sufficient and Competent power and authority to administer an Oath to you the said Isaac Godmond in that behalf) and that you the said Isaac Godmond then and there upon your said Oath taken before the said James Daly as aforesaid did Swear that the Contents of your said affidavit were true and that you the said Isaac God=
=mond so being Sworn as aforesaid not having the fear of God before your Eyes but being moved and Seduced by the Instigation of the Devil then and there upon your Corporal Oath aforesaid in your affidavit aforesaid falsely wilfully wickedly corruptly did say depose and Swear (amongst other things) in Substance and to the Effect following (that is to say) that Madura Dofs Laula Dofs (meaning the said Madura Dofs Laula Dofs before mentioned) was stood Justly and truly indebted unto you the said Isaac Godmond as the Assignee of the said Shaha narrain Dofs Jagasevena Dofs (meaning the said Shaha Narrain Dofs Jagasevena Dofs before mentioned) in the full and Just sum of three thousand seven hundred and forty six Star Pagodas forty two fanams fifty Cash Current money of Madras whereas in truth and in fact the said Madura Dofs Laula Dofs was not at the time of you the said Isaac God=
=mond making the said affidavit or at any other time indebted to you the said Isaac Godmond in the aforesaid sum of three thousand seven hundred and forty six Star Pagodas forty two fa=
=nams fifty Cash or in any other sum of money whatsoever and so the Jurors aforesaid upon their Oaths aforesaid do say that you the

the said Isaac Godmond on the said twenty fifth Day of March in the thirty sixth year aforesaid at Madras aforesaid within the Jurisdiction aforesaid in your Affidavit aforesaid before the said James Daly Esq as aforesaid having sufficient and competent power and Authority to administer the said Oath to you the said Isaac Godmond) by your own Act and Consent and out of your 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 Madura Dofs Laula Dofs and against the Peace of our said Lord the King his Crown and Dignity.

Clerk of the Peace — How say you Isaac Godmond 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

Mr Wilkinson attends as Counsel for the Prisoner

The following persons are then called and Sworn on the Petit Jury the Prisoner being informed by his Counsel of his Right to object to them or any of them as they came to the Book to be Sworn and before they were Sworn —

Edward Jones Foreman

William John Chater
John Card
John Wright
Andrew Bone
Edward Bent
John Handsver Sherman
John Stewart
George Innis
James Monro
Thomas Blyth
John Riley

Clerk of the Peace — Gentlemen of the Jury Look upon the Prisoner and hearken unto his Cause you shall know that he stands — indicted

indicted by the name of Isaac Godmond 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 is therefore to enquire whether he is Guilty of the Perjury whereof he stands indicted or not Guilty and hearken unto the Evidence

George Taylor Esqr Register of the Mayors Court is then called and Sworn on the part of the Prosecution

Question by the Clerk of the Peace — Are those the Original Proceedings in the Mayors Court (now produced by you) in the Suit Saha narrain Dofs & Jagasevena Dofs by his Assignee Isaac Godmond against Madura Dofs Laula Dofs

Answer — They are

Original Papers and Documents produced by Mr Taylor The affidavit is read in Court

Question — Did a Warrant of Arrest issue in consequence of this Affidavit being filed

Answer — A warrant issued and Madura Dofs Laula Dofs the Defendant was arrested and put in the Debtors Gaol

Mr Wilkinson not having any Questions to put to Mr Taylor He retires

Neerbaram is next called in and Sworn

Question by the Clerk of the Peace — Do you know one Shaha narrain Dofs who is in the Debtors Gaol

Answer — I do

Question — Have you frequently seen Shaha narrain Dofs since he has been confined there

Answer — Only once

Question Was you sent for to the Gaol by Shaha narrain Dofs or Did you go of your own accord

Answer I went of my own accord

Question Did any Conversation pass there at that time about a Debt due from one Madura Dofs to him the said Shaha narrain Dofs

Answer After some Conversation had passed between us I told Shaha Narrain Dofs it was not proper for him to put Madura Dofs in Gaol the Guzzarat People in Madras talk very badly of it. Shaha Narrain Dofs in answer told me that he had sold or made over a Bond of his to an European who had deceived him but that he should take further steps to trouble the man again

Question Had you heard of Madura Dofs being in Gaol before you called upon Shaha Narrain Dofs

Answer I had heard some thing about it

Question What particulars had you heard relative to the Business which was the subject of Conversation

Answer I only heard that Madura Dofs had been put in Gaol by Shaha Narrain Dofs

Question Did Shaha narrain Dofs mention during the Conversation whether it was a Debt by Bond or otherwise

Answer Shaha Narrain only said he would trouble Madura Dofs

The Witness cross examined by Mr. Wilkinson –

Question Do you know the Hand writing of Shaha Narrain Dofs

Answer I do not

Question Have you ever seen Shaha narrain Dofs write his name

Answer no

Narsing Dofs Boocon Dofs is called in and Sworn

Question by the Clerk of the Peace } Do you know one Shaha Narrain Dofs.

Answer I do

Question Did you ever hear Shaha narrain Dofs speak of a Debt due to him by one Madura Dofs

Answer I have

Question Have you frequently visited Shaha narrain Dofs in the Debtors Gaol

Answer Yes frequently

Question Did you ever carry a sum of money by desire of Shaha Narrain Dofs to be given to the Prisoner

Answer Shaha Narrain Dofs gave me thirty Pagodas and desired me to go to Chindadre pettah and pay it to Sawmy Chitty and do as Sawmy Chitty directed me accordingly I carried and paid the money to Sawmy Chitty – Sawmy Chitty received the money and sent for the Prisoner who was not at home Sawmy Chitty gave me a Receipt for the money and desired me to send it to Shaha narrain Dofs and to stay there that Evening and Sawmy Chitty would send for the Prisoner in the morning – The next morning Sawmy Chitty sent for the Prisoner – He came there between eight and nine o'clock – The Prisoner asked me where I lived I told him at Madras – The Prisoner then took it down in writing and asked me who Madura Dofs and Shaha narrain Dofs were – I answered Madura Dofs was a Sowcar and Shaha narrain Dofs a Merchant – The Prisoner and Sawmy Chitty asked me if my Father was not a Witness to a Bond given by Madura Dofs to Shaha Narrain Dofs I answered I could tell if I saw the Bond – the Bond was not produced – the Prisoner then said I will send for you when I want you you may go away – he came away accordingly –

Did

Question Did you see the money paid to the Prisoner

Answer Part of the money was paid to the Prisoner in my presence but I do not know how much

Crofs examined by Mr Wilkinson

Question by Mr Wilkinson — Do you know any money Transactions between Shaha narrain Dofs and Madura Dofs

Answer I do not

Question Did you ever hear that Madura Dofs had given a Bond to Shaha Narrain Dofs and that your Father was a Witnefs to it

Answer Not that I recollect

Question Did you not declare in the presence of Sawmy Chitty Shona-chellum and Soobaroy naig that you knew of such a Bond and that your Father was a Witnefs to it

Answer I did not say so at all

Question Is that your writing - (a Paper produced with the Signature of the Witnefs to it)

Answer It is

Question Do you understand the English Language

Answer A little

Question Can you read that English Paper (same Paper shewed to the Witnefs)

Here the Paper was read in Court as follows

I do hereby voluntary and of my own accord declare, that I shall fully and fairly answer all such Questions as are required of me regarding a Bond given by Mathara Dofs &c. to Shaha-narrain Dofs - and to which Bond my Father Baukin Dofs Attahmaram is affixed as Witnefs and from the true and certain knowledge which I have of the Hand writing of my said Father I can safely and Justly swear to it I therefore from the motive of Justice only and without any fee or reward firmly Bind myself in the Penal sum of Twelve hundred Pagodas (1200) faithfully to declare all that I do know in these Premises - I also

firmly bind myself in the aforesaid Penalty to have no entercourse or Communication whatever with the said Mathara Dofs - and Should he make any overtures to me with a view to suborn my Evidence I hereby faithfully engage to relate the same to the present assignee of Shaha narrain Dofs - I do further bind myself to appear before such Gentlemen as I may be required by him for the purpose to declare without reserve, what I do know in this Business but it is to be understood that no expence is to be entailed upon me for I do not receive any fee or reward - I do also engage to appear before Mr Ricketts to declare upon my Corporal oath the Hand writing of my said Father - Likewise I engage to produce in a reasonable time the Hand writing of my said Father in order validate the Signature to the full and true performance of which I do hereby bind myself, under the aforesaid Penal sum of 1200 Pagodas - In Witnefs whereof I have hereunto set my hand and Seal this 12th Day of april in the year of Christ 1796

Witnefs
(Signed) Chonachellum

(Signed) Narsing Dofs Boocon Dofs
in the Guzarat Language

Question Were the contents of that Paper read to you in your own Language before you signed it

Answer It was explained to me by Chonachellum

Question What did you understand were the Contents of the Paper as explained to you by Chonachellum

Answer Chonachellum told me the Paper contained the place of my residence and that I therein promised to declare the truth respecting my Father's Signature as a Witnefs to the Bond when it was produced to me

Question Did not you read it in the English Language

Answer I read the Paper but did not understand it and desired the Contents might be explained to me

Question Did you not meet the Prisoner at Sawmy's Chetty House more than once and how often

Answer Only once

Do

Question — Do you know the Hand writing of Shaha Narrain Dofs

Answer — I do

Question — Do you believe that to be the Hand writing of Shaha Narrain Dofs (The Assignment of the Bond to the Prisoner with the Signature of Shaha Narrain Dofs produced)

Answer — I believe it is not

Question by the Jury — What is your Profession

Answer — I am a Goomasta

Question by the Jury — Do you usually sign papers before you know or without knowing the Contents of them

Answer — It is usual and Customary to examine and understand papers before they are signed

Narsing Dut Vane Dut is next called in and Sworn

Question by the Clerk of the Peace — Do you know Shaha Narrain Dofs

Answer — I do

Question — Did you frequently call upon Shaha Narrain Dofs in the Debtors Gaol

Answer — Frequently there being a Debt due to me from the said Shaha Narrain Dofs

Question — Do you know of any Debt Owing to Shaha Narrain Dofs by Madura Dofs from any Conversations that passed between you and Shaha Narrain Dofs

Answer — I do not know

Question — Was you ever asked by Shaha Narrain Dofs to put your name as a Witness to any Paper

Answer — I was – Shaha Narrain Dofs produced a paper and desired me to Witness it and told me it was a Receipt

Question — Is that the Paper to which you put your name as a Witness

(The Original Bond is here produced in the Guzzarat Language)

Answer — It is my hand writing

Question by the President — What did you understand it was a Receipt for

Answer — There was a person present paying money as I was told and I signed it as a Witness I did not understand the Contents of the Paper being not written in my own Language

Question — Was you told afterwards at any time and by whom that the Paper you had witnessed was in fact a Bond

Answer — I was told it was a Bond afterwards by Shaha Narrain Dofs and requested to support it as such

Question — When Shaha Narrain Dofs requested you to support it as a Bond What answer did you make

Answer — I refused

Question by the Jury — Is it Customary for persons to witness Receipts

Answer — It is usual to Witness Receipts when called upon by the party executing

Question — What are you

Answer — A Braminy of high Cast

Crofs examined by Mr. Wilkinson

Question — Did you ever see Shaha Narrain Dofs write

Answer — I have not

Question — Can you read the Language in which the Bond is written

(Here the Bond is shewn to the Witness)

Answer — I cannot

Question — Do you know whether that Bond is executed or not

Answer — I do not

Question by the Jury — You say it is Customary to sign a Receipt as a Witness if called upon by the Party executing and that you was told this was a Receipt, how then came you to Witness the Paper without seeing the party execute it

Answer A moorman was present and desired me to put my name to it

Question Did you receive any Consideration in money or in Writing for putting your name to that Paper

Answer Some time afterwards Shaha Narrain Dofs sent me some Cloth worth fifty Pagodas which I refused to accept

Question by the President } Was any promise whatever made to you previous to your signing the Paper

Answer I received five Pagodas in Cash and a Bond for twenty five Pagodas on account of a Debt of thirty Pagodas due to me by Shaha Narrain Dofs for Goods sold at Hydrabad on his Account

Question Did you receive any thing before you Witnessed the Paper

Answer I received the money and the Bond before I Witnessed the Paper

Question Was the note for twenty five Pagodas written in your presence

Answer It was not written in my presence it was written before, Shaha Narrain Dofs had told me before he would give me his Bond for twenty five Pagodas payable at the rate of twelve & half Pagodas for month

Prosecution Closed

Dwaracaun Dofs called in and Sworn on the part of the Defendant by Mr Wilkinson

Question Do you know Shaha Narrain Dofs who is in Gaol

Answer I do

Question Do you know the hand writing of Shaha Narrain Dofs

(Original Assignment is here produced and shewn to the Witness)

Answer It is

Question Do you know the Hand writing of Narsing Dut Vane Dut the last Witness

(Here Two Papers are produced and shewn to the Witness)

Answer I do

Narsing Dut Vane Dut is called again and the Papers shewn to him

Is

Question Is that your Signature to those Papers

Answer It is my hand writing

Question by the President } Are the Contents of those Papers in the Guzzarat Language

Answer One is written in the Guzzarat the other in the Gentoo Language they are both signed by the Witness Narsing Dut Vane Dut in the Guzzarat Character

Question by the President } Mr Wilkinson with what view do you produce those papers

Answer My Lord the Witness Narsing Dut Vane dut said he could not read the Papers which he thought was a Receipt / because it was written in the Guzzarat Character and yet these Papers are signed by the Witness in that Language which is an evident Contradiction I wish the papers to be Submitted to the Consideration of the Jury

Question by the President } I understood you were Speaking of the Language in which the papers were written and not the Character in which the Witness had fixed his name to them

Answer by Mr Wilkinson } Merely of the Signature, My Lord

Question Do you know Madura Dofs

Answer I do

Question Have you frequently seen him write

Answer I have

Question Look on the Body of the Bond and declare upon your Belief of whose hand writing it is

Answer I believe it to be the Hand writing of Madura Dofs but it is not signed

Question Do you know that Hand writing

/Here a Petition with the Signature of Madura Dofs which had been delivered to the President is shewn to the Witness /

Answer It is the Signature of Madura Dofs

The President then addressed the Petit Jury who retire to consider of their verdict a Bailiff having been first Sworn to attend them after

after a short space of time a verdict being proclaimed they return into Court and answer to 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 — How say you Gentlemen of the Jury is Isaac Godmond 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 Isaac Godmond is not Guilty of the Perjury whereof he stands indicted and so you say all

Jury — yes

The Court order the Indictment against Shaha Narrain Dofs & Jagasevana Dofs for Subornation of Perjury to be quashed

The Prisoner Isaac Godmond is thereupon discharged by Proclamation

Note - Shaha Narrain Dofs was in Confinement in the Debtors Gaol for Debt, and was therefore not discharged by Proclamation.

The Grand Jury came into Court and answer to their names and return the Indictments

The King against Edward Allan and John Shin for Felony and Murder Indorsed "A true Bill"

The King against Vasoodavun for Grand Larceny Indorsed "A true Bill"

The King against Palavaroy moodelly & Bungaroogaundoo for a Misdemeanor Indorsed "A true Bill" against Palavaroy moodely & Ignoramus as to Bungaroogaundoo -

And deliver the following Presentment: -

Madraspatnam Sessions

We the Grand Jury of Madraspatnam Sworn to enquire for the Body of the said Town, being Justly and truly sensible of the many advantages arising to this place by the Gracious dispensation of the Royal Charter as it has conveyed with it the Laws of England and prescribed the method of putting those Laws into Execution. —

Do present that it has come to our knowledge that Some time in the Year 1793 or 1794 (The Jurors believing the matter to have occurred in the latter year) a certain person in the Capacity of a Camp colourman whose name is unknown to the Jurors died at Masulapatam an unnatural Death which was Supposed to have been occasioned by poison & that in Consequence three persons viz.t a Havildar of the 12th Battalion of Native Infantry a woman the widow of the deceased Campcolourman & a Banyan who Sold the poison Supposed to have been Administred to the deceased & (whose names are also unknown to the Jurors) were placed, and as the Jurors believe Still remain under Confinement, on Suspecion of having been parties accessary to the death of the said Camp & Colourman, and the Jurors aforesaid do present that it hath & come to our knowledge that certain depositions were taken & before the then Chief and Council at Masulapatam, and Sent to the Government of Fort Saint George on the Subject matter of this Presentment, notwithstanding which the Jurors have & reason to believe that the necessary measures have not yet been taken in Order to bring the persons before mentioned to a & legal Trial for the Crime of Murder alledged against them

and

And the Jurors aforesaid in discharge of their duty do Present the Circumstances above set forth as deserving the attention of the Honorable Bench.——

Robert Gardiner — Foreman
Thos. Chase
George Parry
Cecil Smith
I. S. Smith
I. Wallace
Richd. Yeldham
I. Hunter
I. Tulloh
Frank Day
Edwd. Dent
I. Goldingham
Wm. Hart
I. Fraser

Town Hall—
25th August 1796— } Signed/

The Court desire the Clerk of the Peace to acquaint the Grand Jury, that they will take the same into their Consideration.

The Grand Jury then retire

The Court then proceds to the Trial of Edward Allan and John Shin for Murder—

The Prisoners are thereupon put to the Bar and arraigned as follows

Clerk of the Peace: Edward Allan and John Shin hold up your hands you Stand indicted by the names of Edward Allan and John Shin for that you the said Edward Allan late of Pondicherry a Private Soldier in the Second Battalion of European Infantry in the Service of the United Company of Merchants of England trading to the East Indies under their Presidency of Fort Saint George and Subject and amesnable to the Jurisdiction of this Court and John Shin late of the same place also a Private Soldier in the said Second Battalion of European Infantry in the service of the said United Company under their

their Presidency of Fort Saint George aforesaid and also Subject and amesnable to the Jurisdiction of this Court not having the fear of God before your Eyes but being moved and Seduced by the Instigation of the Devil on the twenty fourth Day of April in the thirty sixth 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 in a certain place called the Camp Dt. mars near Pondicherry aforesaid in and upon a certain Person whose name to the Jurors aforesaid is as yet unknown the said certain Person in the Peace of God and of 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 Edward Allan a certain Musket or Gun of the Value of five Shillings then and there charged with Gun powder and two leaden Bullets which Musket or Gun you the said Edward Allan in both your hands then and there had and held to against and upon the said Person unknown as aforesaid then and there feloniously wilfully and of your malice aforethought did shoot and discharge and that you the said Edward Allan with the two leaden Bullets aforesaid out of the Musket or Gun aforesaid then and there by force of the Gun powder shot and sent forth as aforesaid the aforesaid Person unknown as aforesaid in and upon and through the left Arm of him the said Person unknown and through the Body of him the said Person unknown then and there with the two leaden Bullets aforesaid out of the Musket or Gun aforesaid by you the said Edward Allan 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 two leaden Bullets aforesaid so as aforesaid shot discharged and sent forth out of the Musket or Gun aforesaid by you the said Edward Allan in and upon and through the left Arm of him the said Person unknown and through the Body of him the said Person unknown one Mortal Wound of the depth of six Inches and of the Breadth of one Inch of which said Mortal Wound the aforesaid Person unknown instantly languished and languishing did live for the Space of one hour

hour and then died and that you the said John Shin at the time of Committing the Felony and Murder aforesaid by you the said Edward Allan in manner and form aforesaid was present aiding helping abetting assisting comforting and Maintaining you the said Edward Allan the Felony and Murder aforesaid in manner and form aforesaid to do and commit And so the Jurors aforesaid upon their Oath aforesaid do say that you the said Edward Allan and John Shin 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.

And the Jurors aforesaid upon their Oath aforesaid do further present that you the said Edward Allan and John Shin not having the fear of God before your Eyes but being moved and seduced by the Instigation of the Devil on the said twenty fourth Day of April in the thirty sixth year aforesaid with force and Arms at the Place aforesaid in and upon the said certain person whose name to the Jurors aforesaid is as yet unknown the said certain Person in the Peace of God and of 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 John Shin a certain Musket or Gun of the value of five shilling then and there Charged with Gun powder and two leaden Bullets which Musket or Gun you the said John Shin in both your Hands then and there had and held to against and upon the said Person unknown as aforesaid then and there feloniously wilfully and of your malice aforethought did shoot and discharge and that you the said John Shin with the two leaden Bullets aforesaid out of the Musket or Gun aforesaid then and there by force of the Gun powder Shot and sent forth as aforesaid the aforesaid Person unknown as aforesaid in and upon and through the left Arm of him the said person unknown and through the Body of him the said Person unknown then and there with the two leaden Bullets aforesaid out of the Musket or Gun aforesaid by you the said John Shin so as aforesaid shot discharged and sent forth feloniously wilfully and of your malice aforethought

did

did strike penetrate and Wound giving to the said Person unknown 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 John Shin in and upon and through the left Arm of him the said person unknown and through the Body of him the said Person unknown one Mortal Wound of the depth of six Inches and of the Breadth of one Inch of which said Mortal Wound the aforesaid Person unknown instantly languished and languishing did live for the Space of One hour and then died And that you the said Edward Allan at the time of Committing the Felony and Murder last aforesaid by you the said John Shin in manner and form last aforesaid was present aiding helping abetting assisting comforting and Maintaining you the said John Shin the Felony and Murder last aforesaid in manner and form last aforesaid to do and commit And so the Jurors aforesaid upon their Oath aforesaid do say that you the said Edward Allan and John Shin him the said person unknown then and there in manner and form last 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 the Jurors aforesaid upon their Oath aforesaid do further present that you the said Edward Allan and John Shin not having the fear of God before your Eyes but being moved and seduced by the Instigation of the Devil on the said twenty fourth Day of April in the thirty sixth year aforesaid with force and Arms at the Place aforesaid in and upon the said certain Person to the Jurors aforesaid as yet unknown as aforesaid in the Peace of God and Our said Lord the King then and there being feloniously wilfully and of your malice aforethought did make an Assault and that you the said Edward Allan with the Butt of your said Firelock which you the said Edward Allan in both your hands then and there had and held the said Person unknown as aforesaid then and there feloniously wilfully and of your malice aforethought divers time did strike and beat giving to the said Person unknown by the

striking

striking and beating aforesaid with the Butt of your said Firelock aforesaid in and upon the left side of the head of him the said Person unknown as aforesaid one Mortal Bruise of which said Mortal Bruise he the said Person unknown as aforesaid languished and languishing did live for the space of one hour and then died and that you the said John Shin at the time of Committing the Felony and Murder last aforesaid by you the said Edward Allan in manner and form last aforesaid feloniously wilfully and of your malice aforethought was present aiding helping abetting assisting comforting and Maintaining you the said Edward Allan the Felony and Murder last aforesaid in manner and form last aforesaid to do and commit and so the Jurors aforesaid upon their Oath aforesaid do further say that you the said Edward Allan and John Shin him the said person unknown as aforesaid then and there in manner and form last 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 Edward Allan and John Shin are you guilty of the Felony and Murder whereof you stand indicted or not Guilty

Edward Allan — Not Guilty

John Shin — 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 called and Sworn on the Petit Jury the Prisoners being first informed of their Right to Object to them or any of them as they came to the Book to be Sworn and before they were Sworn.

Robert Henderson Foreman
Alexander Stewart
Daniel Vanderwart
George Bold
John Anderson
Richard Ashton
William Cooper
Samuel Moore
William Ross
James Brown
William John Chater
John Standiver Sherman
Gentlemen

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 Edward Allan and John Shin (here the Indictment is read as in the arraignment) upon this Indictment they have been arraigned and have thereunto pleaded not Guilty and for their Trial have put themselves upon God and their Country which Country you are your Charge is therefore to enquire whether they are Guilty of the Felony and Murder whereof they stand indicted or not Guilty if you find them Guilty you shall enquire what Goods and Chattels Lands and Tenements they had at the time of Committing the said Felony and Murder or at any time since if you find them not Guilty you shall enquire if they fled for the same if you do find that they fled for the same you shall enquire What Goods and Chattels they had the same as if you had found them Guilty if you find them not Guilty and that they did not flee for the same you shall say so and no more and hearken to the Evidence —

Mahomed Sherver Naig of the Cuttivals Choultry at Pondicherry is first called and Sworn on the part of the Prosecution

Question by the Clerk of the Peace — Was you doing duty at the Cuttivals Choultry at Pondicherry some time in the month of April last when the Prisoners came there and surrendered themselves

Answer — I was

Question — Do you recollect both the Prisoners coming there

Answer — I do

Question — Relate the Circumstances to the Court

Answer — About twelve Oblock one Night in the month of April last the Prisoners came to the Cuttivals Choultry where I was doing Duty with Firelocks in their hands - I was asleep but the Prisoners awoke me and threw down their Firelocks and desired me to take charge of them as Prisoners as they had Murdered a Native

Question — Did you examine their Firelocks -

(Here the two Firelocks which had been sent down to the Presidency by Lieutenant Smith with the Prisoners under an Escort were produced in Court and Shewn to the Witness)

after

Answer After the Prisoners threw down their Arms, I examined them The B=
End of One of the Firelocks was broken off They had each five Ball Ca=
=tridges in their Hats - I carried them both with a Guard of Sepoys to t=
Officer of the Main Guard who directed me and a Soldier to go to the Pl=
where the Body was lying We accordingly went together and I foun=
the Butt End of a Firelock lying in the Road near the Body of the m=
=ed Person who was groaning I then returned back with the Butt
Firelock to the Cuttivals Choultry leaving the Body in the Road - I
Butt End of the Firelock when Joined to the Broken Firelock exactly fit
the part - The Firelocks now produced are the same the Prisoners threw
when they surrendened themselves at the Choultry

Question Did the - Deceased person say any thing

Answer He was Covered with Blood groaning and unable to speak Sinnee=
=ly went back to the Main Guard and reported this to Lieutenant Smith
the Officer on Duty - who sent me to bring the Body which I accord=
did in a Bandy Cart, the Person was dead before he was put into the
Cart -

Question by the Jury — When the Prisoners delivered themselves up were they Sober or otherwise

Answer They seemed Sober

Prisoner Allan Please to ask the Witness if he saw me fire at the deceased

Answer I did not

Presaner Allan How was I dressed at the time

Answer you was not in a proper dress - you had no Jacket on

Prisoner Allan At what hour of the Night was the Corps carried to the Main Guard

Answer About twelve Oclock at Night

Question by the Jury — In whose hand was the broken firelock

Answer I cannot say as they both threw down their arms

Lieutenant

Lieutenant James Smith of the second Battalion of European Infantry is next called and Sworn

Question by the Clerk of the Peace — Relate what you know relative to a Murder committed by the Prisoners at Pondicherry in the month of April last

Answer I was the Officer of the Main Guard on the twenty fourth of april last at Pondicherry about Eleven Oclock at Night as nearly as I can recollect the Prisoners at the Bar were brought under a Guard of Sepoys from the Cuttivals Choultry having as they said Murdered a Native on the Villinore Road - I Ordered the Prisoners to be brought to me; and found they were Privates of the second Battalion of European Infantry; of the names of Edward Allan and John Shin - on questioning them as to the Crime laid to their Charge they both acknowledged having Murdered a Native - they did not appear intoxicated at the time nor did they say they were; I asked what induced them to commit the Crime - they both said that being ill used in the Barracks they had been for some time past totally unhappy and indifferent as to their lives - That they went out of the Barracks previe= =ously determined to shoot the first man they should meet, well knowing - that for such a Crime they must suffer Death, which was what they wished for - They then pointed to their Muskets, which were in the Hands of the Naig (one of which was broke) which the Prisoners said was occasioned by beating the Native on the Head after they had shot him - They likewise each acknowledged having fired a shot at the Native, which corresponded with the Deficiency of Cartridges that their Car= =touch Boxes should have contained and also to the Wounds on the Body of the Native - I then examined the Barrels of their Firelocks which were soiled with powder very much and had every appearance of having been recently fired off. I then ordered the Prisoners into Confine= =ment and Immediately dispatched Serjeant Rodolph Erckells in search of the Body, who returned in about half an hour and said the Body was lying in the Road - yet alive - I then sent Richard Wilson Private of the light Company with a Sepoy of the thirty third Battalion to fetch the Body to the Main Guard - They brought the Body quite dead in a= Bandy Cart in about one hour afterwards - During the rest of the time

I

I was upon Guard which was until seven Oblock the next morning, the Prisoners were singing and totally careless of the Crime they had committed the Prisoners said they knew they must be hanged and that they were satisfied.—

Prisoner Allan — Please to ask the Witness what was the first Expression he made use of to me when I was brought to the Main Guard

Answer — I asked him if it was true they had murdered a Native.

Prisoner Allan — Did you not say to me you are drunk you damned Rascal

Answer — I never made use of any such Language

Prisoner Allan — What time was the Corps brought to the Main Guard

Answer — It was about half past twelve Oblock.

Question by the President — Did you examine the Body of the Deceased

Answer — I did — there appeared several Blows on the Head and several Wounds on different Parts of the Body — There was a Gun shot Wound on the left Arm and Breast.—

Question by the Jury — What General Character did the Prisoners bear in the Regiment to which they belonged —

Answer — I do not know — I have only lately joined the Regiment

Question by the President — Did you ever hear the Adjutant of the Corps speak of the Prisoners

Answer — I heard, he gave them both but an indifferent Character

Question — Are those the Firelocks / The Firelocks are shewn to the witness / which were produced before you as Officer of the Main Guard when the Prisoners were brought before you and sent by you to Madras.—

Answer — They are and in the same state

Question — Do you know to which of the Prisoners the Broken Firelock belonged

Answer — I do not

Serjeant Rodolph Erckells fourth Company second Battalion of European Infantry is next called and Sworn

Question by the Clerk of the Peace — Are you a Serjeant

I am

Answer — I am a Serjeant of the fourth Company of the second Battalion of European Infantry doing Duty at Condichary

Question — Was you directed to go out by Lieutenant Smith the Officer of the Main Guard at Condichary on the twenty fourth April last and search for the Body of a wounded person

Answer — I was

Question — Relate what you did in consequence of receiving those orders

Answer — I went out and about the Distance of half a mile out of Condichary I found a Native lying in the Road wounded he was Speechless but not quite Dead — I proceeded to examine the Body of the deceased he was wounded on the left Arm and Breast — I returned to Lieutenant Smith and made a report — Lieutenant Smith ordered me and another man to go out again and bring away the Body to the Main Guard — I then went out to the Cuttivals Choultry and procured a Bandy Cart and brought away the Body to the Main Guard — The deceased was dead at that time — The Naig Mahomed Sherver gave me the Butt End of a Firelock, which he said he had found in the Road near the Body, I brought it with me to the Main Guard —

Question — Is that the Butt End of the Firelock / Here the broken Butt End of the Piece is shewn to the Witness / which the Naig Mahomed Sherver delivered to you, and in the same state

Answer — It is

Prisoner Allan — Please to ask the Witness what time was the Corps brought to the Main Guard

Answer — I am not certain — I think it might be about two Oblock in the Morning

Prisoner Allan — Were we any way disguised in Liquor

Answer — I believe not

Prisoner Allan — Was I dressed in my Regimental Jacket or in a Banyan and Trowsers

Answer — You had no Uniform on

What

Prisoner Allan — What hour of the Night were we put in confinement in the Main Guard

Answer — Some time after Eleven Oblock

Question by the Jury — What was the former Conduct and General Character of the Prisoners in the Regiment

Answer — From what I know they behaved very well on Duty

Robert White a Private of the first Battalion of European Infantry is next called and Sworn

Question by the Clerk of the Peace — Was you on Picket at the Main Guard at Pondichary on the twenty fourth of April last when the Prisoners were brought there

Answer — I was

Question — Relate to the Court what passed at that time

Answer — I did not see the Prisoners when they were first brought there about four Oblock in the Morning I asked the prisoner Edward Allan what he was confined for he said for shooting a Black man - I asked him how he came to do that, because he said he was tired of his Life - I told him that it was poor spite towards himself - he then said, he meant to shoot Serjeant Dick, that he and Shin had been walking about for near two Hours and could not get an Opportunity to shoot Serjeant Dick, because his woman laid along side of him - He said he did not wish to shoot her Allan said to Shin let us go into the Barracks, they immediately went in, Allan said, let us put two Firelocks out of the Window - upon which they took the Firelocks and twelve Rounds of Ammunition and put them out of the Window - Allan proposed to Shin to get out through the Sky light they got out through the Sky light, and then took up their Firelocks and the twelve Rounds of Ammunition and went upon the Villinore Road where they saw a Black man - Allan said to Shin, let us shoot this man upon which they immediately primed and loaded their Pieces Allan said to Shin, do you go to the Right and I will go to the left and I will give you the word to fire, they accordingly went to the Right and left - Allan gave the word of Command and they both fired - Allan said to Shin, if you had not fired I would have fired at you - Shin answered I believe the man is dead - They went up to the man, and Allan said no, he is not dead, upon which Allan struck him with the Butt of his Firelock upon the head and broke it - Shin said to Allan, as We have done Murder, let us go and give ourselves up - upon which they went a little way down the Villinore Road and met an Artillery man and told him to take them Prisoners he said he could not, he had got Business of his own to do at that time - Shin said to Allan, let us go to the Cuttivals Choultry and deliver ourselves up - They went away accordingly and delivered themselves up Prisoners at the Cuttivals Choultry -

Prisoner Allan — Did you see us when we were brought to the Main Guard

Answer — I did not - It was not till past four Oblock that I saw you there

Prisoner Allan — Was you not sitting close to Lieutenant Smith at the time we were brought there, talking about a Horse

Answer — No, not at that time

Prisoner Allan — Was you not called upon by the Acting Corporal to go the Rounds about twelve Oblock at Night

Answer — I was not - I did not go the Rounds that Night - I was sent by Lieutenant Smith about Nine Oblock to fetch a man who was absent from his Guard.

Question by the Jury — Did the Prisoner Allan appear drunk or sober when he related these circumstances to you

Answer — Perfectly sober

Prisoner Allan — Please to ask the Witness if he and I had not been drinking a great deal of Toddy That day

Answer — We had been drinking Toddy in the morning neither the Prisoner nor I were disquised, when I left him

Question by the President — What hour was that

Answer — About One Oblock in the Day

Question by the Jury — Did Shin the other Prisoner say any thing, at the time Allan was relating all this to you

He

Answer He said nothing

Question by the Jury — What sort of Character did the Prisoners bear in the Corps

Answer I do not know - I have been absent from the Corps

Prisoner Allan Please to ask the Witness if he and I were not Comrades some time before he went to Columboo

Answer We were

Question Did you know any thing bad of me at the time when we were Comrades together

Answer I did not

Prisoner Shin Did you know any thing amiss of me when you belonged to the fifth Company

Answer I did not

Question by the Jury — Do you know of any ill usage either of the Prisoners had received in the Barracks

Answer I only know that Serjeant Deck had put the Prisoner Allan into Confinement for gambling away his necessaries

Here the Prosecution closed, and the Prisoner Edward Allan called three Witnesses

William Davies Private first called and Sworn on behalf of the Prisoner Edward Allan

Prisoner Allan Did you ever know me quarrelsome or given to drinking in the Barracks

Answer No

Prisoner Allan Did you ever know me irregular in duty or Dirty or Slovenly in my Dress

Answer I did not

Humphrey Prentice Private is next called and Sworn

Prisoner Allan When you was Comrade with me did you ever know any thing bad of me

Answer I did not

How

Question by the Jury — How long have you known the Prisoner Edward Allan

Answer almost three years

Lieutenant Bosc is next called and Sworn

Question by the Clerk of the Peace — How long have you known the Prisoner Edward Allan

Answer Several months while the Regiment was on Duty at the Presidency

Question What sort of a Character did he bear during that time

Answer To the Best of my Recollection a very good One if any thing irregular had been committed by him, I should have recollected it

Question Was he ever Guilty of any Acts of Violence or drinking to your Knowledge

Answer Not to my Knowledge I thought him a Smart Young man at his Duty

The Prisoners called no other Witnesses

The President made a short address to the Jury who thereupon retire to Consider of their Verdict, a Bailiff having been first Sworn to keep them; and after a short time a verdict being proclaimed they came into Court and answer to their names

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

Jury Yes

Clerk of the Peace Who shall say for you

Jury Our Foreman

Clerk of the Peace Edward Allan and John Shin hold up your hands /to the Jury/ look upon the Prisoners how say you Gentlemen are Edward Allan and John Shin guilty of the Felony and Murder whereof they stand indicted or not Guilty -

Foreman Guilty, but the Jury recommend John Shin to the merciful Consideration of the Court

Clerk of the Peace What Goods or Chattles Lands and Tenements do you find that

that they or either of them had at the time of Committing the said Felony and Murder 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 Edward Allan and John Shin are Guilty of the Felony and Murder wherof they stand indicted and that they had no Goods Chattles Lands or Tenements at the time of committing the Felony and Murder aforesaid or at any time since and so you say all -

Jury Yes

The Prisoners are then taken from the Bar and remanded into the Custody of the Sheriff and the Court is then adjourned to Saturday the twenty Seventh Instant at Ten Oblock in the Forenoon for Continuing the present Sessions. -

Stevs Tolson
Clk of the Peace.

At

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 twenty seventh Day of August one thousand seven hundred and Ninety six

Before

The Right Honorable Robert Hobart commonly called Lord Hobart

President and Governor of Fort Saint George

and

Edward Saunders and Ernst William Fallofield Esquires Members of the Council thereof and Justices assigned to keep the Peace as also Commissioners of Oyer and Terminer and General Gaol Delivery for the Town of Madraspatnam Garrison of Fort Saint George and its Dependencies -

The Court being duly Opened Proceeds to the Arraignment of Frederick Ludwig for Felony and Murder

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

Clerk of the Peace Frederick Ludwig hold up your hand you stand indicted by the name of Frederick Ludwig for that you the said Frederick Ludwig late of Cuddalore on the Coast of Coromandel in the East Indies and within the Jurisdiction of this Court a Corporal of Invalids 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, not having fear of God before your Eyes but being moved and Seduced by the Instigation of the Devil on the twenty eighth Day of March in the thirty sixth year of the Reign of our Sovereign Lord George the third now King of Great Britain

Britain France and Ireland Defender of the Faith and so forth with force and Arms at Cuddalore aforesaid within the Jurisdiction aforesaid in and upon one Rheta Devin 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 Frederick Ludwig a certain Musket or Gun of the value of Ten Shillings then and there loaded and charged with Gun powder and one leaden Bullet which Musket or Gun you the said Frederich Ludwig in both your hands then and there had and held to against and upon the said Rheta Devin then and there feloniously wilfully and of your malice aforethought did shoot and discharge and that you the said Frederick Ludwig with the Leaden Bullet aforesaid out of the Musket or Gun aforesaid then and there by force of the Gun powder shot and sent forth as aforesaid the aforesaid Rheta Devin on the Inside of the Right Arm alittle below the Shoulder Joint taking a Direction under the Bone and Round the Shoulder of her the said Rheta Devin then and there with the leaden Bullet aforesaid out of the Musket or Gun aforesaid by you the said Frederich Ludwig so as aforesaid Shot discharged and sent forth feloniously wilfully and of your malice aforethought did strike penetrate and Wound Giving to the said Rheta Devin then and there with the leaden Bullet aforesaid so as aforesaid shot discharged and sent forth out of the Musket or Gun aforesaid by you the said Frederick Ludwig on the Inside of the Right Arm alittle below the shoulder Joint taking a Direction under the Bone and round the Shoulder of her the said Rheta Devin one Mortal Wound of the Depth of six Inches and of the Breadth of one Inch of which said Mortal Wound the aforesaid Rheta Devin from the said twenty eighth Day of March in the year aforesaid until the fourteenth Day of the month of April following did languish and Languishing did live on which said fourteenth Day of April in the year aforesaid the said Rheta Devin at Cuddalore aforesaid of the said Mortal Wound died. and so the Jurors

Jurors aforesaid upon their Oath aforesaid do say that you the said Frederick Ludwig the said Rheta Devin 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.

Mr John Lewis Heifke attended in Court and was Sworn as German Interpreter who accordingly read the Indictment to the Prisoner

Clerk of the Peace — How Say you Frederick Ludwig are you Guilty of the Felony and Murder whereof you stand inaicted or not Guilty

Prisoner — Not Guilty

Clerk of the Peace — How will you be tried

Prisoner — By God and my Country

Clerk of the Peace — God send you a good Deliverance

The Prisoner is then taken from the Bar and Remanded into the Custody of the Sheriff

The Court then proceeds to the arraignment of Vasoodavun for Grand Larceny

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

Clerk of the Peace — Vasoodavun hold up your hand you stand indicted by the name of Vasoodavun for that you the said Vasoodavun late of Vepery and within the Jurisdiction of this Court Native Inhabitant on the third Day of August in the thirty sixth 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 aforesaid within the Jurisdiction aforesaid out of the Dwelling House of John Tulloh Esquire One Gold Chain with four Small Gold seals and one Large Gold seal with one Gold Key together of the Value of twelve pounds one pair of Silver Buckles of the value of three pounds four Shillings one Comb of the Value of one Shilling one Dozen Cakes of Blacking of the Value of Sixteen Shillings and one pair of Plated Spurs of the Value of Sixteen Shillings, the Goods and Chattles of Lieutenant James Smith then and there being found

then

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 Vasoodavun 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 is then taken from the Bar and remanded into the Custody of the Sheriff

The Court then proceeds to the arraignment of Callavaroy Moodeliar for a Misdemeanor

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

Clerk of the Peace — Callavaroy moodeliar hold up your hand you stand indicted by the name of Callavaroy Moodeliar for that you the said Callavaroy Moodeliar late of Cotoor within the Jurisdiction of this Court together with one Bungaroogawndoo of the same place within the Jurisdiction aforesaid Inhabitant on the thirtieth Day of May 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 so forth with force and Arms at Cotoor aforesaid within the Jurisdiction aforesaid Forty Sheep of the Price of four pounds the Goods and Chattles of Benjamine Roebuck and William Abbott Esquires then and there found unjustly and unlawfully did take and drive away with Intention and for the sake of Lucre to sell and dispose of the same Sheep 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 Callavaroy moodeliar are you Guilty of the misdemeanor whereof you stand indicted or not Guilty

Prisoner — Not Guilty

How

Clerk of the Peace — How will you be tried

Prisoner — By God and my Country

Clerk of the Peace — God send you a good Deliverance

The Prisoner is then taken from the Bar and remanded into the Custody of the Sheriff

The Gentlemen of the Grand Jury being in Court are thanked for their Services and dismissed for this Sessions

Edward Allan and John Shin are then put to the Bar to receive the Judgement of the Court

Clerk of the Peace — Edward Allan and John Shin, hold up your Hands you stand here convicted of Felony and Murder what can you say for yourselves why the Court should not proceed to give Judgement of Death against you as the Law Directs

The Prisoner not having any thing to offer and Proclamation for Silence being made the Chairman after a short address to the Prisoners proceeded to pass Sentence upon them as follows

Chairman — You Edward Allan and John Shin 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 Bodies are dead and the Lord have mercy on your Souls —

The Prisoners are then taken from the Bar and remanded into the Custody of the Sheriff

The Petit Jury are then thanked for their Services and dismissed for this Sessions

The Sessions are then closed, and the Court is adjourned to Wednesday the fifth Day of October next for holding a new Sessions.

Stws Tolton
Clk 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 fifth Day of October One thousand Seven hundred and Ninety Six

Before

The Right Honorable Robert Hobart commonly called Lord Hobart

President and Governor of Fort Saint George

and

Edward Saunders and Ernst William Fallofield Esquires Members of the Council thereof and Justices assigned to keep the Peace as also Commissioners of Oyer and Terminer and General Gaol Delivery for the Town of Madraspatnam Garrison of Fort Saint George and its Dependencies -

The Court being duly Opened the Sheriff returns his Precepts,

The Commission from Bengal appointing Mr. Andrew Ross a Justice of the Peace is then read by the Clerk of the Peace - Mr. Andrew Ross attended in Court and took the Oaths of Allegiance and Office

The

The following Gentlemen of the Grand Jury are Sworn

The Honble Basil Cochrane -	Foreman
Arthur William Gregory	Andrew Slingsby
William Gordon	George Stratton
John Lennox	James Taylor
Charles Baker	Henry Burnaby
Henry Brown	William Cockell
John Stuart Smith	William Dring
Thomas Anstey	Edward Watts
Edward Holland	Edward Dent
Arthur Brooke	George Hey

A Bailiff Thomas Newman is Sworn to attend the Grand Jury during the present Sessions

The Court is then adjourned to Wednesday the Twenty sixth Day of October at Ten O'Clock in the Forenoon for Continuing the present Sessions -

Stevs Totton
Clk of the Peace

At

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 twenty sixth Day of October One thousand Seven hundred and Ninety six

Before

The Right Honorable Robert Hobart commonly called Lord Hobart

President and Governor of Fort Saint George

and

Edward Saunders and Ernst William Fallofield Esqrs 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 Madrasipatnam Garrison of Fort Saint George and its Dependencies

The Court being duly opened, proceeds to the Trial of Frederick Ludwig upon an Indictment for Murder for which he had been arraigned the last Sessions

The Prisoner is thereupon put to the Bar, and Frederick Westfall is Sworn as German Interpreter on behalf of the Prisoner,

The following Persons are then called over and Sworn on the Petit Jury, the Prisoner being informed of his Right to object to them or any of them as they came to the Book to be Sworn and before they are Sworn:

Robert Henderson Foreman
Erskine Nimmo
William Purser
John Wright
Nebuchadnezar Lee
Stephen Gellman
William Spence
John Storey
John Vint
John Branson
Edward Thompson
John Fraser

Gentlemen

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 Frederick Ludwig, (here the Indictment is read as in the arraignment) upon this Indictment he hath been arraigned and thereunto hath pleaded not Guilty, and for his Trial hath put himself upon God and his Country, which Country you are, your Charge is therefore to enquire whether he is Guilty of the Felony and Murder whereof he stands indicted or not Guilty, if you find him Guilty, you are to enquire what Goods and Chattles Lands or Tenements he had at the time 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 Chattles 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 shall say so, and no more, and hearken unto the Evidence.—

The Honble Basil Cochrane the Foreman of the Grand Jury attends and the following Witnesses are Sworn

On the Indictment

The King
against
Captain Francis Geaghagan
and
Lieutenant William Murray
for
Murder

Witnesses Sworn—
Condapah Reddy Condapah
Gooroomoorty
Moutiah Nagasha
yedlah Vencataramadoo
Marroo Letchamadoo
Daroly Achadoo
Pennamauka Achaloo
Dennapory Paradoo
Marroo Vencoo
Lunka Cully Pradoo

The Indictment is then delivered to Mr. Cochrane who retires.

Johanna is then called in and Sworn on the part of the Crown—

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

Answer — I do

Question — Relate what you know of the Prisoner having shot a woman at Cuddalore

I am

Answer I am an Inhabitant of Cuddalore, about five or Six months ago I was sleeping on the Pyall of the House, in hire Rheta Devin the deceased lived - Rheta Devin was setting there, about half past seven Oblock as near as I can recollect, the Prisoner came there, and began fighting with Rheta - Rheta asked the Prisoner if he came to beat her, he said yes. Rheta desired me to go and fetch an European One Bufsman, who lived in the same street. I told a Waterwoman to call him - the waterwoman desired me to accom= pany her, accordingly We both went together - We found the Europe= an asleep - I related the Circumstances to his Wife, who said She would come and get up, in the mean time, I heard the re report of a Musket and saw the Flash, - We returned to Rheta's House - and there we found the deceased setting on the Ground, covered with Blood, I asked her what was the matter, She re replied, the Prisoner had presented his Musket at her, and shot her -

Question Did you see the Prisoner at Rheta's House, when you returned back with the Waterwoman, after having been to call Bufsman.

Answer I met the Prisoner in the Road walking away, I did not see whether he had a Musket in his hand,

Question Do you know how long the deceased survived, after this happened.

Answer She died twelve Days after this happened

Question by the Jury } Did you that night see a Firelock in the Prisoner's hand

Answer I did not

Question Were there any other persons there, except Rheta the deceased and the Prisoner, when you went away to call Bufsman

Answer There was an Old man Antonio Montiero there, and a Europe= =an who was much in Liquor

Question by the Jury } Was there much quarrelling between the deceased and re the Prisoner while you was there

The

Answer The Prisoner was fighting with the deceased

Question by the Jury Was you fast asleep on the Pyall

Answer I was only lying there - I was not asleep

Question by the Jury } you say you heard the report of a Musket being fired re and which must have been about eight Oblock, is it usual to fire a Gun at that Hour at Cuddalore?

Answer It is

Question Can you say upon your Oath that it was not the usual Gun Fire that you heard

Answer I had heard the usual Gun fired before that distinctly

Question by the Jury } Did the Prisoner when he and the deceased were fighting threaten to shoot the deceased in your Hearing

Answer He did not

Question Was the Evening dark, was it so dark, that you could not see whether the Prisoner had a Musket or not -

Answer It was so dark I could not see -

The Prisoner having no Questions to put to the Witness she retires,

Antonio Montiero is next called in and Sworn on the Part of the Crown,

Question by the Clerk of the Peace } What Profession are you

Answer I live at Cuddalore - I serve many Gentlemen -

Question Do you know the Prisoner,

Answer I do, he was doing Duty at Cuddalore -

Question Do you know any thing of the Prisoner having shot a Woman at Cuddalore some time ago, if so, relate the Circumstances

Answer I was in Rheta's House one Evening - The Prisoner came there - Johanna the last Witness was there also - I saw re the Prisoner level his Musket at Rheta, the deceased - It re was after the Gun had fired -

Question What happened after that

The

Answer The Prisoner walked away with his firelock - They brought a Candle, I saw Rheta the Deceased was wounded - The Ball had passed through the Deceased's Body, and was lying on the Ground against the Wall of the Room, the woman is since dead - She died about Nine Days after -

Question Had the Prisoner a Firelock in his hand, when he came there first

Answer He had not, he went out in a few minutes after and brought it

Question by the Jury Are you certain as it was dark, that it was the Prisoner who fired at the Deceased

Answer I am certain, I was standing close to him

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

The Grand Jury came into Court and answer to their names and return the Indictment The King against Francis Geoghagan and William Murray for Felony and Murder Indorsed "A true Bill"

Thomas Corvin Serjeant of Invalids is next called in and Sworn on the part of the Crown

Question by the Clerk of the Peace Do you know the Prisoner?

Answer I am a Serjeant of Invalids - I know the Prisoner

Question Do you know any thing of the Prisoner having shot a Woman at Cuddalore lately,

Answer In the month of March last, the Prisoner came to the Main Guard - I was on Duty - The Prisoner delivered himself up - He made some motions with his Firelock, either as if he had shot a person, or was inclined to do so, he muttered some thing which I did not understand - but he appeared angry - I ordered the Sentry to take charge of him

him, about a quarter of an hour after, I recieved orders from the Serjeant Major to put him in close confinement

The Prisoner having no Questions to put to the Witness he retires

Dr. John Duncan is next called in and Sworn on the Part of the Crown

Question by the Clerk of the Peace You are a Surgeon, I believe

Answer I am at present doing Duty at Cuddalore

Question Was you called upon to inspect the Body of a Woman named Rheta deceased

Answer I was directed by Colonel Dupont Commanding the Garrison at Cuddalore to inspect the Body of a Deceased woman

Question In what Situation was the Deceased when you saw her

Answer She was Sitting on a Bed - on moving her Clothes, her Breast and Right Shoulder appeared Black and the Skin full of Grains of Gunpowder, there was a Wound on the inside, and the under part of the Right Arm, about two Inches below the Arm pit, I passed my finger into the Wound close to the Bone and found it took a direction upwards and backward; on examining her Back, I found a similar Wound on the Back.

Question Do you believe these Wounds were the cause of her Death

Answer About eight or ten Days afterwards, I was sent for again, as she was bleeding and in Convulsions, I went down to her - she was bleeding from the Wound in the Dressing, the Blood was running from the Wound in the Arm - The Bed, and her Cloths were covered with Blood - It was then my Opinion, that a Blood Vessel had burst which was the Cause of her Death - I suppose some of the Vessels had been injured at the time she had received the Wounds, the deceased appeared to be in Liquor the first

first time I saw her -

Question — Are you of Opinion, that the deceased received her Death from the Wounds She had received -

Answer — I dont say so positively

The Prisoner having no Questions to put to the Witness, he retires

John Kenworthy Esqr. is next called in and Sworn on the Part of the Crown

Question by the Clerk of the Peace — Do you recollect a Woman of the name of Rheta Devin having been Sworn to a Deposition some few months ago before you at Cuddalore

Answer — I went to her House, she appeared to be in Great pain I took down what she had to say and she was Sworn

Question — Did she die some time afterwards

Answer — She died about seven or eight Days after she had delivered her Deposition before me; a report was made to me of her Death by the Toligar

Question — Was there an immediate apprehension of her Dying at the time her Deposition was taken

Answer — I dont know, she seemed in great pain.

The Prisoner having no Questions to put to the Witness he retires

The Prosecution closed, the Prisoner being called upon for his Defence delivered a Paper in writing which was read by the Clerk of the Peace,

On the Eighth of March at Cuddalore, about four or five Oclock; I went out of my Barracks to walk, and went to the House of my woman, and asked her for some fire to light my Pipe, she shewed me the Cook House, I lighted my Pipe and wanted to go - but my Woman gave me to understand, that I should come in the night as I promised her, and went away to my Barracks. about eight Oclock I thought to go to

to her, at the same time a Catt came through the Barracks who had destroyed more than four Pagodas of Pidgeons from me, and sett her down in the window, out side of the Barracks, I took my Firelock, and loaded and went out to Shoot the said Catt, but at the same time came one of the Natives before me which prevented, and the Catt went away, I put down my Firelock by a Tree, and went away, but recollecting some Body may take my Firelock went back and took it alongwith me and as I came down to my woman, I put my firelock by the Cook House, and called to my woman good night, as she also returned, and came to me but was very angry with an European who had come there drunk, and had put him down himself, I told her to let the man be there, until he was sober, but she would not hear me, and not let the man alone, and abused him very much, and wanted the man to go, I bid her good night, and kissed her, and turned me round and put my Firelock upon my Shoulder, at the same time it went off - I turned me round, and saw my woman on fire on her Jacket, I was so much struck and ran away to the Serjeant of the Main Guard, and told him what had happened, that he should go to see my woman how it was with her, as he did, and kept me there -

My Lord, I most humbly beg your Lordship will take this my unhappy Situation in your Consideration what has happened me after serving the King and Honble Company Nineteen years, of which I was nine years in America.

The Prisoner called Serjeant Corvin

Question by the Clerk of the Peace — Relate what the Prisoner said when he came to the Main Guard.

He

Answer — He made some strange motions with his Firelock which I did not understand; whether he had done any mischief or was about to do any, I could not tell-

Question — How long have you known the Prisoner

Answer — About Six or Seven Months. I thought him a quiet man, and attentive and clean in his Dress

D. Duncan is next called in on behalf of the Prisoner

Question by the Clerk of the Peace — Do you know any thing of the Prisoner's Character,

Answer — Colonel Dupont told me, he was a quiet man, I dont know him myself

The Prisoner called no other Witnesses

The President then addressed the Jury in a short Speech, who thereupon retired to consider of their Verdict, a Bailiff having been first Sworn to keep them, and after a short time a Verdict being proclaimed they came into Court and answer to their names

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

Jury — Yes

Clerk of the Peace — Who shall say for you

Jury — Our Foreman

Clerk of the Peace — Frederick Ludwig hold up your hand /to the Jury/ look upon the Prisoner how say you Gentlemen is Frederick Ludwig Guilty of the Felony and Murder whereof he stands indicted or not Guilty

Foreman — Guilty, but the Jury recommend him to Mercy on account of his former good Character

Clerk of the Peace — What Goods or Chattles Lands and Tenements do you find that he had at the time of Committing the said Felony and Murder or at any time since

Foreman — None

Which being recorded

Gentlemen

Clerk of the Peace — Gentlemen of the Jury hearken unto your Verdict as the Court hath recorded it you say that Frederick Ludwig is Guilty of the Felony and Murder whereof he stands indicted, and that he had no Goods Chattles Lands or Tenements at the time of committing the Felony and Murder aforesaid, or at any time since, and so you say all

Jury — Yes

The Prisoner is then taken from the Bar and remanded into the Custody of the Sheriff

The Court then proceeds to the Trial of Captain Francis Geoghagan and Lieutenant William Murray, against whom a Bill of Indictment for Murder had been found this Day

The Prisoners are thereupon, brought into Court, and Arraigned as follows

Clerk of the Peace — Francis Geoghagan and William Murray Hold up your Hands you stand indicted by the names of Francis Geoghagan and William Murray for that you the said Francis Geoghagan a Captain Lieutenant in the second Battalion of Artillery in the Service of the United Company of Merchents of England trading to the East Indies under their Presidency of Fort Saint George, and William Murray a Lieutenant in the same Battalion, together with divers other persons whose names to the Jurors aforesaid are yet unknown, not having the Fear of God before your Eyes, but being moved and Seduced by the Instigation of the Devil on the thirtieth day of July in the thirty Sixth year of the Reign of our Sovereign Lord George the third King of Great Britain France and Ireland Defender of the Faith and so forth at Weyoor in the District of Masulipatam, and within the Jurisdiction of this Court, in and upon One Yellaga pillay Hussein in the Peace of God and of our said Lord the King then and there being, feloniously wilfully and of your malice aforethought did make an Asault, and that you the said

Francis

Francis Geoghagan and William Murray and the said Persons unknown as aforesaid with certain Sticks and branches of Trees of the Value of six pence, him the said Yellaga Pillay Hussein in and upon the Head, Shoulders and other parts of his Body, feloniously wilfully and of your malice aforethought did strike and beat, then and there giving unto him the said Yellaga pillay Hussein by the said striking and beating divers mortal strokes and bruises, of which said mortal strokes and bruises the said Yellaga Pillay Hussein then and there instantly languish=ed, and languishing lived for the space of One quarter of an Hour, and then died. And so the Jurors aforesaid upon their Oath aforesaid do say and present that you the said Francis Geoghagan and you the said William Murray and the said Persons unknown him the said Yellaga Pillay Hussein in manner and form afore=said 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 Francis Geoghagan and William Murray are you Guilty of the Felony — and Murder whereof you stand indicted or not Guilty -

Francis Geoghagan not Guilty
William Murray 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

Mr Wilkinson attends as Counsel for the Prisoners.

The following Persons are then called and Sworn on the Petit Jury.

Daniel Reid
Richard Ashton
Matthew Freeman
Francis Lowell
John Fraser
Edward Thompson
Alexander Melvin Foreman
John Brandon
John Kent
John Storey
William Spence
Stephen Gellman
Gentlemen

Clerk of the Peace - Gentlemen of the Jury look upon the Prisoners, and hear him unto their Cause, you shall know that they stand indicted by the — names of Francis Geoghagan and William Murray, here the Indictment is read as in the Arraignment upon thes Indict=ment they have been arraigned and have thereunto pleaded not Guilty, and for their Trial have put themselves upon God and their Country, which Country you are, your Charge is therefore to enquire, whether they are Guilty of the Felony and Murder whereof they stand indicted or not Guilty, if you find them — Guilty, you shall enquire what Goods and Chattles Lands and Tenements they had at the time of Committing the said — Felony and Murder, or at any time since, if you find them — not Guilty, you shall enquire if they fled for the same, if you do find that they fled for the same, you shall inquire what Goods and Chattles they had, the same, as if you had found them Guilty, if you find them not Guilty, and that they did not flee for the — same, you shall say so, and no more, and hearken to the Evidence

Moutiah Nagasha is first called in and Sworn on the part of the Crown

Question by the Clerk of the Peace - What profession are you

answer I am a Talanguen Boy

Question Do you know the Prisoners at the Bar or either of them

answer I know both of them

Question Do you know of both or either of the Prisoners having punished a Native, and at what Place

answer I was present at Weyoor, when the Prisoners punished a Native of the name of Hoosein, he was a Cook

Question Relate the Circumstances

answer The Prisoners came from Condapully to Bezoar, and staid there that Evening, a Box belonging to one of the Prisoners had been lost - The Lascars and Tindals who had been — ordered

ordered to Search for the Box found it, and brought it the next morning broke Open - The Prisoners set out for Wajiz- When they arrived there - The Tents were pitched, and they examined the Box, and then sent for the Cook Hoofsein, the Prisoners asked the Cook, if he knew who had taken away the money contained in the Box, he said he knew nothing of it - They then called another Cook Mootealloo, and asked him, if he knew any thing of the money, he also denied, The Cook related to me afterwards what the Prisoners had said to him. The Horsekeepers were asked if they knew any thing of the money they said no, Then the Prisoners ordered the four Persons to be tied to a Cart

Question by the President } Did you see the men tied to a Cart

Answer I did, the Prisoners flogged them, after they were flogged, the Prisoner Mr. Murray untied one of the Cooks Mootialloo and said if he had stolen the money and would confess the truth - He should have a present, He denied it and was released - The Cook then told me what the Gentleman had said; then the Prisoners said some thing to the Cook Hoofsein, which I did not understand, and then both the Prisoners began to flog them themselves, They continued to beat the Cook Hoofsein for a long time when at last he said if the Prisoners would release him he would go to Masulipatam, and procure money to pay them, the Prisoners then spoke again to Hoofsein, but I did not understand what it was, and began to flog them again, the Prisoners then told the Tindal to ask the Cook Hoofsein, what he had done with the money, he said he had buried it under Ground at Bezoar, The Tindal spoke in the Gentoo Language I understood what he said; the Prisoners ordered four Palanqueen Boys, and some Lascars, to be ready to take the Cook to Bezoar - The Prisoners ordered their Horses to be brought, and then untied the Cook - He immediately fell down upon the Ground and died, after his Death the Prisoners ordered Palanquin Boys to bury the Body - The Palanqueen Boys and Servants consulted together and reported to the Tanadar and soon after buried the Body - what

Question What did they flog the Cook with

Answer With a Rattan some thing thicker than the Sheriff's Wand.

Question by the President } Did you see both the Prisoners strike the Cook with the Rattan

Answer Both of them, One after another

Question When did all this happen

answer About three months ago

Crossexamined by Mr. Wilkinson

Question Were any of the others untied at the time, when you say Mr. Murray untied the Cook Mootealloo

Answer The Cook Mootealloo was untied first, the Horsekeepers afterwards

Question Were the Horsekeepers flogged after Mootealloo was untied, and before they were set at large

Answer I did not see the Horsekeepers flogged afterwards

Question Was any reason assigned for untying Mootealloo

Answer The Prisoners said some thing and untied him

Question When the Horsekeepers were untied, was any reason assigned for letting them go

Answer I did not hear them say any thing

Question Do you know of any thing else being used in flogging but the stick you have described

Answer They sent for some Branches of Tamarind Trees and ordered a Tindal to flog them with them

Question Was the order for bringing Tamarind Branches given, before the flogging began or after

Answer Before the flogging began

Question Was the first flogging given with the stick, or the Tamarind branches

Answer First with a Rattan by the Prisoners

Question Was it a certain number of Blows or was it at Random

Answer No fixed number of lashes for each

where

Question Where were the Blows chiefly given

answer Upon the Back and the Head

Question Where was you standing at the time

answer Very near

Question Was there any Interval of time between the first and second flogging

answer One Malabar Hour

Question Who began the second flogging

Answer Both the Prisoners with the Rattan

Question Had they two sticks or One stick

Answer One stick each

Question How many Blows were given at this second flogging and were they at Random

Answer I cannot tell - It was the same kind of flogging as before

Question Did all the four Persons receive this flogging

answer They did

Question How long did the second flogging continue

Answer There was time to give twenty strokes to each man

Question After the second flogging what Interval of time passed before the third flogging

answer There was nomore flogging after the secand flogging

Question About what time did the Detatchment reach Weyoor that night

answer Between five and Six Oblock - One Malabar Hour before Sun set

Question How soon after did the flogging begin

answer At the time of Lamp light

Question What was the distance you stood from the men who were tied up

Answer As far from this spot where I stand to the Verandah Pillars, on the out side of this Room

Question At what time did the punishment cease

answer The Cook Mootealloo was released about nine and the Horsekeepers before Ten

Question When was the last punishment inflicted upon the deceased

answer About Ten Oblock and he was buried at Eleven Oblock

Question From the time of Lamp light to the time of the last flogging were there any lights

There

Answer There was a Candle and Lanthorn on the out side of the Tent

Question What distance was it from the Tent to the Cart

Answer The Cart stood Close to the Tent Ropes

Question When was the Candle first brought to the Cart

Answer At nine Oclock the Candle was brought out of the Tent

Question Were the persons tied to one Cart

Answer There were two Carts, one person tied to each of the wheels

Question Did you believe one man was flogged more than another

Answer The deceased was flogged more than the rest, the others were released first and the deceased was flogged after that

Question Was it not usual for them when they had finished their March to go to the Village and get Rice

Answer It was usual for them to do so

Question Did not the Sett of Calanqueen Boys when they arrived at Weyoor go to the Village

Answer Some of them went to the Village

Question Did you see any person flogged with Tamarind Branches

Answer The Tindal flogged the deceased with a Tamarind Branch but not the others

Question Was this flogging with a Tamarind Branch before the others were released, or afterwards

answer After the others were released

Question by the Jury Do you mean to say, the deceased received three floggings and the others only two

answer The others were flogged once, the second time the deceased was punished only

Question by the Jury Were there any marks of violence to be seen on the deceased, in Consequence of the flogging

answer His Head was beat and a quantity of Blood came from his nose

Question by the Jury Did you see the Prisoners strike the Deceased on the Head

answer Yes - upon the Back and Head

Question by the Jury Did you assist in burying the deceased and did you examine the Body

I

Answer I saw blood coming from his nose and Mouth and his Eyes came out

Question by the Jury } Were the Eyes swelled or did they fall out from the Sockets

answer The Eye balls came out

Question by the Jury } Did the Tindal beat the deceased of his own accord or by order of the Prisoners

answer By Order of the Prisoners

Question by the Jury } Do you know what became of the sticks

answer The Prisoners had them

Condapah Reddy. Condapah is next called in and Sworn on the Part of the Crown

Question by the Clerk of the Peace } What profession are you

answer I am a Cuttivall of the Village of Weyoor

Question Do you know the Prisoners at the Bar or either of them

Answer I know both

Question Do you know any thing of the Prisoners having punished a Native at Weyoor about three months ago

answer I was present there

Question Relate what happened there in your presence

Answer About three months ago Mr. Geoghagan one of the Prisoners arrived at Weyoor on Horseback about Sun set, Some Tindals and Sepoys accompanied him - I went there to pay my Compliments to the Gentleman - Mr. Geoghagan asked me who I was, I replied a Cuttivall of that Village, in the mean time Mr. Murray the other Prisoner arrived there with Tents and Baggage Carts, They Ordered me to procure Pots and Chatties Straw and Provisions - The Tents were pitched, and they sent for their Trunks and began to examine them I asked the Tindal what they were examining - The Tindal told me, that they had lost some money out of a Trunk [illegible]

Bezoar - They sent for the Cook Hoosein the Deceased, and said some thing to him in the English Language, which I did not understand - They then gave orders to the Tindal to Carry him to the Cart and tie him to it - Before the Deceased was tied to the Cart, they ordered him to be brought again to the Tent - They then asked another Cook, and two Horsekeepers through the Interpretation of the Tindal, about the money, which they had lost out of the Trunk, They all denied any Knowledge of it, upon which they were ordered to be tied to a Cart - accordingly they were tied - The Prisoners told the Tindal, to tell me to get some Branches of Tamarind Trees - which I sent for - Before the Tamarind Branches were brought, the Prisoners took two sticks, and began beating the four Persons

Question by the President } Did you see the Prisoners beat the Deceased with the sticks

answer I did, They flogged them all.

Question Where did they strike the Deceased

answer On the Head - after the first Flogging three of them were untied, both the Prisoners continued to flog the Deceased till Ten o'clock at Night, the Tindal asked the Deceased, to pay the money, he said where have I got money here, if they will let me go to Masulipatam, I will then get money, and pay them. Mr. Geoghagan then said, do you want to go back to Masulipatam again, and began to beat him, with his stick - Then the deceased said he had buried the money under Ground at Bezoar, and desired them not to flog him - Then they untied both his Hands - The Deceased desired some Water to drink, which was gave to him, and he drank it, after that they untied the Rope from his Neck, the deceased fell down on the Ground immediately and died - The Tindal looked at the Body, and told the Prisoners he was dead, the Prisoners told the Tindal to go and examine the Body if he was fairly dead

who

who reported he was quite dead, when the Prisoners told the Tindal to give directions to the Palanqueen Boys to bury the Body, I told them it could not be done without reporting to the Tanadar, I then went and told the Tanadar, before I returned, the Prisoners had ordered a pariar Man to dig a Hole, and the Palanqueen Boys had buried the Body. The Tanadar desired me to get the names of the Gentlemen I immediately enquired of the Tindal, and the other Servants belonging to the Prisoners, and got their names The Tanadar wrote the particulars to Mr Wrangham the Collector of the Masulipatam District -

Question by the President } Did you see any marks of Violence on the Deceased

answer The Head was bruised - both the Eye balls came out

Question What part of the Head was bruised

answer It was bruised on the Top

Question Was the Forehead bruised

answer I did not see particularly - I felt the Head and found it generally bruised all over

Question by the Jury } Do you believe his Death was occasioned by the Blows he received or by the Rope about his neck with which he was tied to the Cart.

answer It was not from the Rope, which was tied about his neck

Question Did you observe the Eyes fallen out of the Sockets before the Flogging was over, or afterwards

answer Afterwards

Question Did the Prisoners give a certain number of strokes regularly to each person, or at random without aiming to any particular part of the Body

Answer Not a certain number of lashes to each

Question What distance was you from the persons who were tied up.

answer About the distance from where I stand to the Wall

Question Was there any pause or Interval of time between the flogging

answer The Prisoners were sitting in the Tent near the Table, they used to take a Glass, and then flog the persons who were tied up

Question When did the flogging begin

answer The flogging began about the time of Lighting Lamps.

Question Was there any flogging with Tamarind Branches

answer The Prisoners did not flog them with Tamarind Branches, only the Tindol -

Question All of them

answer Only the deceased

Question To what part of the Carts were the persons tied

answer To the wheels

Question What number of Carts were there

answer I believe there were two.

Question Were the Faces of the persons tied up turned towards the Carts or from them

answer Towards the Carts

Question by the Jury } Was the Deceased flogged after he had confessed he had stolen the money, and by whom

answer He was not flogged after he declared the money was buried at Bezoar

(Shunmoogaroy the Sworn Interpreter of the Court being Fatigued desires leave to withdraw, upon which Annasawmy is called and Sworn as Interpreter)

Yedlah Vencataramadoo is next called in and Sworn on the part of the Crown

Question by the Clerk of the Peace } What profession are you

A

Answer A Palanqueen Bay

Question Do you know the Prisoners at the Bar

Answer I do

Question Do you know any thing of the Prisoners having punished a Native at Weyoor about three months ago – if you do – Relate the particulars

answer I was one of the Sett of Bearers who brought the Prisoners to Weyoor

Question Relate what happened when you arrived at Weyoor

answer On our arrival at Bezoar Mr Geoghagan Pitched his Tent near the River Kistna, the other Gentleman pitched his Tent near a Choultry – The Palanqueen Boys were ordered next morning to get ready – Just as they were preparing to set off, a Box was missing – two Lascars were sent and the Box was found broke open, when we got to Weyoor, the Box was examined The Prisoners then ordered two Cooks and two Horsekeepers to be tied to a Cart – The Prisoners insisted upon their confessing, who had stolen the things that were lost out of the Trunk, they said they did not know, upon which the Prisoners – ordered the four Persons to be tied up, and began to beat them; afterwards they directed a Cuttivall Peon to bring Rods of – Tamarind Trees, and ordered a Tendal to Flog – them; after that Mr. Murray ordered his Cook to be – released and told him to declare whether the things were taken away by him, or by any of the Sepoys – for as he was his Servant, he should make him Answerable – The Cook said he did not know any thing of it

Question Did you see the deceased flogged by the Prisoners

answer I did

Question In what manner

Answer The Prisoners were sitting Opposite to each other in a Tent, they flogged the deceased from Six Oblock to Ten, the others were released before 10 Oblock

Question w hat did the Prisoners beat them with

answer With sticks about half the size of my Wrist, they gave violent strokes with sticks upon the head and Back of the deceased, at Ten Oblock the man died, I and the Palanqueen Boys the Sepoys Lascars attended and buried him

Cross examined by Mr Wilkinson

Question Were the three Men released at the same time or Seperately

answer First Mr Murray's Servant Mootialloo was released, then the two Horsekeepers

Question Were they flogged after the Cook was released

answer They were not flogged

Question Whilst they continued tied was the deceased flogged

answer He was flogged – They flogged him till he died

Question Were they all tied to one Cart

answer All to One Cart

Question. Did you see any wounds either on the Forehead or Face of the Deceased

answer His head was bruised, but no appearance of wounds

Question by the Jury } To what part of the Cart were the Men tied

answer On the Back side of the Cart – two men were tied to one – wheel, two men to another

Question by Mr Wilkinson } Which of the three men were tied to the wheel with the Deceased

answer Mr Murray's Cook

Question Did you see any blood coming from the Mouth and Nose of the Deceased

answer I did not see well – It was dark and raining

Here the Prosecution is closed

Mr Wilkinson Counsel for the Prisoners then called Mootialloo who was Sworn on the part of the Prisoners

are

Question by Mr. Wilkinson } Are you one of the four Men who were tied up and beat at Weyoor by order of the Prisoners

answer I am - I serve Mr. Murray as a Cook

Question Previous to the flogging what Questions were asked by the Prisoners of you and the others

answer We were asked to account for the money that was lost

Question Did they all deny to know any thing about the money

answer They all denied it

Question To what part of the Cart were they tied and to how many Carts

answer They were tied to two Carts - two to each Cart and one to each wheel

Question Were their faces towards the wheels

answer They were towards the wheels

Question Who was on the opposite wheel with you

answer My Master's Horsekeeper

Question By whom was the flogging began and with what Instrument

Answer The flogging was began by my Master Mr. Murray with a large Cane as large as my three Fingers

Question Was the flogging regular, a certain number of Strokes to each person

answer They flogged the Deceased first

Question How many blows

answer I did not take any Account

Question How many Blows did you receive

answer Four

Question Do you know how many blows the Horsekeeper on the opposite wheel received

Answer I did not take any Account

Question who was flogged after the Deceased

Answer I was flogged, second my Masters Horsekeepers next, and last Mr. Geoghagan's

Question Was Mr. Geoghagan concerned in this first flogging

Answer I did not see

Question After this round of flogging, what passed

Answer I do not know what passed - I was released after the first flogging, and sent away to dress the Victuals

Question Do you know any thing more of the Flogging

Answer I do not know what passed - I heard the Cook died

Question Did you hear the Deceased on the first flogging dash his Head against the wheel of the Cart

Answer It was dark I could not see, I heard a man crying out, "ammah Ammah"

Question Was the Deceased drunk that Day, and particularly at the time of the flogging

answer I do not know

Question Was his Character that of a Drunkard

answer It was

Question Did he used to get drunk with Bang or Liquor

Answer I have known him in Liquor.

Narsoo is next called in and Sworn on the Part of the Prisoners

Question by Mr. Wilkinson } Are you one of the four Persons who were punished at Weyoor by order of the Prisoners on Account of a Sum of money lost out of a Trunk upon the Road

answer I am - I am in the Service of Mr. Murray as a Horsekeeper

Question Was any order given for flogging the four persons, and with what Instrument

Answer The Tendal was ordered to flog them with a Tamarind branches

Question Who gave the first flogging - The Tendal or the Prisoners,

Answer The Tendal began flogging - He gave each two strokes with a Tamarind Branch

after

Question After they had received two strokes each, what was said and by whom

Answer Mr. Murray Asked, what they said, the Seridal said they all denied the Theft, then Mr. Murray took a Cane in his hand and gave each four strokes

Question What passed after these four strokes were given

Answer All the four Persons were crying and weeping, the Deceased made a noise

Question Did any One Interrogate them as to the thift

answer Mr. Murray Interrogated them

Question Himself or by Interpretation

answer Through Interpretation of the Seridal

Question Was the Deceased interrogated

answer Yes, and he denied it

Question Did he do nomore than deny. did he not threaten his own Life if they flogged him

answer I did not hear him

Question Did you hear the deceased dash his Head against the Cart

answer Through Inability of bearing the violent strokes the deceased twice cast down his Head

Question Did you hear any noise when he bowed his Head down as if the Deceased's Head had struck the Cart

answer I heard once when he dashed his Head against the wheel

Question Do you know whether the Deceased confessed the Robbery

answer He confessed the Robbery after he had received four strokes from Mr. Geoghagan with a Tamarind Branch

Question Did you receive any strokes from Mr. Geoghagan with the Tamarind Branch

Answer I did not, the other Horsekeeper did

Question Was you much Hurt by the Blows

answer I was much hurt

were

Question Were any blows given you upon the Head

Answer They were given on my Back

Question Did the others receive an equal number of Blows

Answer The same number of Blows that I received

Question After the Confession made by the Deceased what was done with you and the others

Answer The other three were released, the deceased was kept tied up

Question Was the Deceased kept in the same state after his Confession, as he was before

Answer He was untied a little

Question In what particular manner, was he released

answer His Legs were released

Question Were either of his hands released

answer Both his Hands remained bound

Question Was his Neck tied

answer Not at all

Question Do you recollect a Sepoy coming and saying the deceased was dying

Answer There was a Report the man was dying - I accompanied my Master with lights to the place

Question When you accompanied the Prisoners with lights to see the Deceased, did you see any wounds and where

Answer I saw some Wounds on the Back of the head and on his Forehead

Question Was the Deceased drunk that Day

answer I do not know

Question Was he given to drinking

answer I do not know

Mr. Wilkinson called no other Witnesses

The President then addressed the Jury who retire to Consider of their Verdict, a Bailiff being first Sworn to keep them, and after a short time a Verdict being proclaimed they came into Court and answer to their names. —

Gen

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 Francis Geoghagan and William Murray hold up your Hands (to the Jury) look upon the Prisoners how say you Gentlemen are Francis Geoghagan and William Murray Guilty of the Felony and Murder whereof they stand indicted or not Guilty

Foreman Guilty of Manslaughter

Which being Recorded

Clerk of the Peace Gentlemen of the Jury hearken unto your Verdict as the Court hath recorded it you say that Francis Geoghagan and William Murray are not Guilty of the Felony and Murder whereof they stand indicted, but that they are Guilty of Manslaughter and so you say all.

Jury Yes

The Prisoners are then remanded into the Custody of the Sheriff and the Court is adjourned to Monday the thirty first Instant at Ten O'clock in the Forenoon for continuing the Present Sessions.

Stevs Tolson
Clk of the Peace

At

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 Monday the thirty first Day of October One thousand Seven hundred and Ninety Six

Before

The Right Honorable Robert Hobart commonly called Lord Hobart

President and Governor of Fort Saint George

and

Edward Saunders and Ernst William Fallofield Esqrs 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,

Frederick Ludwig is then put to the Bar to receive the Judgement of the Court

Frederick Westfall attended as Interpreter on behalf of the Prisoner

Clerk of the Peace Frederick Ludwig hold up your hand you stand here Convicted of Felony and Murder, what can you say for yourself, why the Court should not proceed to give Judgement of Death against you as the Law Directs

The Prisoner not having any thing to offer, and Proclamation for Silence being made, the President after a short address to the Prisoner, proceeded to pass Sentence upon him as follows

President You Frederick Ludwig 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!

This

This Sentence is explained to the Prisoner by the German Interpreter, who acquaints him by order of the Court, that Execution is respited on Account of the Recommendation of the Jury.

The Prisoner is then taken from the Bar, and remanded into the Custody of the Sheriff.

Francis Geoghagan and William Murray are then put to the Bar to receive the Judgement of the Court

Clerk of the Peace: Francis Geoghagan and William Murray hold up your Hands you stand here convicted of Manslaughter, what can you say for yourselves why the Court should not proceed to give Judgement against you as the Law Directs

The Prisoners pray the Benefit of Clergy, and Proclamation for Silence being made, the President after a Short address to the Prisoners, proceeded to pass Sentence upon them as follows

President: You Francis Geoghagan and you William Murray shall be imprisoned for the space of Six Calendar Months in his Majesty's Gaol, you shall each of you Pay a Fine of hundred Pagodas, and be then discharged.

The Prisoners are then taken from the Bar, and remanded into the Custody of the Sheriff.

Messrs. John Stewart Smith and William Cockell the Surveyors having delivered the following Letter on the first Day of the Sessions.

To the Right Honorable Lord Hobart Governor and others His Majestys Justices of the Peace for the Town of Madraspatnam

My Lord,

Whereas we had the honor of representing to your Lordship on the thirteenth January last the various Nuisances

Nuisances arising from the daily throwing of dirty Water Filth &c. from the different Houses in the Town of Madraspatnam to the great detriment of the new repaired Roads, and likewise offensive and Pestilential to the Inhabitants

Now as these Nuisances still exist, and in some degree are increased, notwithstanding our exertions and attention, We therefore humbly request your Lordship will apply such Remedy as to you may seem proper for the prevention of such great inconveniences.

We remain with all due respect

My Lord,

Your most Obedient and very humble Servants

J. S. Smith } Surveyors
W. Cockell }

Fort Saint George
5th October 1791

The Court Order, that the following Advertisement be inserted by the Clerk of the Peace in the Public papers in the English and Malabar Languages

At a General Sessions of the Peace holden in and for the Town of Madraspatnam the fifth Day of October in the Year of our Lord One thousand seven hundred and Ninety six.

Whereas the Collectors and Surveyors of the Town of Madraspatnam have made Complaint that many improper practices still prevail therein to the great Annoyance of the Inhabitants by Persons throwing Filth and Rubbish into the Public Streets; by not covering their Cesspools, and in Several places by not making Cesspools, the Court being fully Satisfied of the existence of such evils and inconveniences - do hereby order and direct that all Owners or Occupiers of Houses within the

the Town of Madraspatnam do make proper Cesspools or Receptacles for their Culinary and other washings and do keep the same substantially covered and further that they keep the Sweepings of their stables Leaves and other Filth apart within their premisses until the passing of the Scavengers Carts for the removal thereof, and they do further order and direct the said Collectors and Surveyors to apprehend all and every person or persons offending herein, and to take him or them before the Sitting Justices of the Peace to be dealt with according to law.—

By the Court
S. D. Totton
Clerk of the Peace

And the Court further direct that the Clerk of the Peace do acquaint the Sitting Justices

That it is their wish, that they would assist as far as in their Power the Collectors and Surveyors in promoting the Public Object of keeping the Black Town clean and healthy, by punishing as far as the Custom of the Place will allow, all persons disobedient to the above Regulations

The Grand and Petit Jury are then thanked for their Services, and dismissed for this Sessions

The Sessions are then closed, and the Court is adjourned to Friday the thirteenth Day of January one thousand Seven hundred and Ninety Seven for holding a new Sessions.—

Sam'l Totton
Clk of the Peace