Block
Rack No.
Shelf No.
Serial No. 20
General No.

30th April 1794.

The following Indictments are delivered to the Grand Jury.

The King against Packersaib for Grand Larceny
The King against Thomas for Felony
The King against Venc[illegible] and Narsoo for Grand Larceny
The King against Amachellum and Ramasawmy for Felony and Robbery
The King against George Fenaughty and Morice Pemberton for Grand Larceny
The King against Charles Tayber for Felony and Murder,
The King against John Mackenzie, for an Assault with an intent to kill,
The King against Thomas Dignum, John Earl, John Innis and Michael Howard, for Burglary
The King against Thomas Dignum, for Larceny
The King against Thomas Dignum, John Earl, John Innis and Michael Howard for Larceny
The King against Daniel Nugent, for Murder,
The King against Jacob Smith and John Thompson for Murder—

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

Robert Williams
Deputy Clerk of the Peace —

1st May 1794.

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

Present,

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

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

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

He is then Arraigned as follows,

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

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

30 Star Pag.
Fort St. George
8th Aug. 1792.
Coup. O.C.

with an intent to defraud Oliver Colt of Fort Saint George aforesaid Merchant of the Sum of thirty Star Pagodas Current Money of Madras or Twelve Pounds Sterling Money of Great Britain against the form of the Statute in that Case made and provided and against the Peace of Our said Lord the King his Crown and Dignity.

And further that you the aforesaid Paul Gould afterwards to wit, on the said [illegible] day of August in the said thirty second Year of the Reign of Our said Lord the King at Madras aforesaid within the Jurisdiction aforesaid a certain false, forged and counterfeited Acquittance or Receipt purporting to have been signed by the said B. G. Barbut, with Force and Arms feloniously did utter and publish as a true Receipt, which said Receipt so as aforesaid falsely made and counterfeited is in the Words and figures following

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

30 Star Pag.
Fort St. George
8th Aug. 1792.
Coup. O.C.

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

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aforesaid or twelve Pounds Sterling lawful Money of Great Britain, (you the said Paul Gould at the time of publishing of the said false, forged and counterfeited Acquittance or Receipt by you as aforesaid then and there well knowing the said Receipt to have been false, forged and counterfeited) against the form of the Statute in such Case made and provided, and against the peace of our said Lord the King His Crown and Dignity. — How say you are you Guilty of the Forgery whereof you stand indicted or not Guilty?

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

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

George Mysick Esquire Foreman

Joseph Greenhill	Peter Massey Cassin
Richard Chase	William Boggle
Robert Hofine	Edward Jones
William John Chater	Thomas Hurst
William Fraser	Alexander Melvin

and William Moore.

Clerk of the Peace. — Gentlemen of the Jury look upon the Prisoner at the Bar and hearken unto his Cause. You shall know that he stands indicted by the name of Paul Gould a Serjeant in His Majesty's Seventy third Regiment of Foot, (Here the Indictment is read as in the Arraignment) upon which Indictment he 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 Forgery whereof he stands indicted or not Guilty; and hear your Evidence.

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

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

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

Frank Day sworn.

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

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

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

Question, by the Jury — Did you ever see Captain Barbut write?
Answer. — Frequently.
Question — Did you ask the Prisoner if he was Serjeant?
Answer. — He told me he was a Serjeant, and wanted the Money to make up Clothing for the Seventy third Regiment.
Question, by the Jury — Have you any reason to believe that the Receipt was the Prisoner's hand writing?
Answer. — No.

Questions by the Prisoner.

Question. — Did I ask to receive fifteen Pagodas on account?
Answer. — I perfectly recollect you did.
Question. — Was not the Native Dubash the Person who was in the Office and not me?
Answer. — The Native Dubash was the person who first presented the Receipt for payment, and the Prisoner came afterwards.

Chonachellum sworn.

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

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

Question. How do you know the Prisoner was a Serjeant?
Answer. — I afterwards understood so.
Question. — Is this Captain Barbut's Signature?
Answer — No it is not. I have many of his Signatures.
Question. Did you ever see him write?
Answer. No.
Questions by the Jury. Did the Prisoner first present the Receipt for payment?
Answer. Yes.

Question

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

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

Prisoner's Defence.

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

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

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

Clerk of the Peace — Gentlemen of the Jury have you agreed of your Verdict?
Jury — Yes.
Clerk of the Peace — Who shall say for you
Jury — Our Foreman.
Clerk of the Peace — How say you Gentlemen, is Paul Gould Guilty of the Forgery whereof he stands Indicted, or Not Guilty?
Foreman — Not Guilty.
which being recorded.
Clerk of the Peace — Gentlemen of the Jury hearken unto your Verdict as the Court hath recorded it. You say that Paul Gould is not Guilty of the Forgery whereof he stands Indicted, and so you say all?
Jury — Yes.

The Prisoner is thereupon discharged by Proclamation.

The

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

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

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

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

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

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

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

George Wynch Esquire Foreman

Joseph Greenhill	Peter Massey Griffin
Richard Chase	William Boyce
Robert Hodge	Edward Jones
William John Chater	Thomas Hurst
William Fraser	Alexander Melvin

and

William Moore

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

Not Guilty and I hear your Evidence.

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

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

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

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

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

Question — Was Thompson with him at the time?

Answer — Thompson was with him.

Question — Did you see the deceased?

Answer — I did.

Question — Why do you suspect he was murdered?

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

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

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

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

Answer — none that I could depend upon.

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

Answer — I cannot tell.

Solomon Frost, Garrison Serjeant Major at Vellore, Sworn.

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

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

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

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

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

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

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

Answer — No Europe whatever.

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

Answer — I believe he was not.

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

Answer — No.

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

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

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

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

Loozapah Sworn.

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

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

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

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

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

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

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

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

Answer. – In my own House.

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

Answer – No.

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

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

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

Answer. – The next door.

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

Answer. No, I did not.

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

Answer. – I do not know.

Henry Allan 3d Battalion European Infantry, Sworn

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

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

Question – Did Waters and Jacob Smith live in the same House?

Answer. – No.

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

Answer. No. –

James Smith 3d Battalion European Infantry, Sworn

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

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

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

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

Answer. Yes

John Carnie, Assistant Surgeon, Sworn.

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

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

Question – What was the cause of his death?

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

Question. – Did you see the piece of Plank?

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

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

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

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

Jacob Smith's Defence.

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

John Thompson's Defence.

I was discharged on the thirtieth of August from the Hospital at Vellore, I came out and went to the Officer who commanded [illegible] Mr Hazlewood, and he desired I would come at eleven O'Clock when he would settle with me and pay me my Arrears, then I went to see a few Comrades that were left behind, from thence I went with Allan and Ward, when we came to Jacob Smith's House, where we three went in, Jacob Smith asked me from whom I bought the Trousers, I told him I bought them from Waters, he asked me what I gave for them, I told him I gave five fanams, and that I promised him two Drams when I came out of the Hospital, Jacob Smith said that Waters carried him only four fanams, – when I told Jacob Smith I would give a hundred Drams as soon as the Arrack Godown was open, from thence we went to the Arrack Godown where Allan and Ward were looking for me, the Gentlemen were paying the Arrears, Lieutenant Hazlewood gave me a Rupee for subsistence till the Pay came from the Presidency. – from thence I went to the Hospital, I got my dinner with my Comrades. I staid there till two or three O'Clock, and I took my Bedding and went to Jacob Smith's House, as he gave me liberty to stay there till I could join my Regiment at Pondicherry, as I was coming by the Regiment I heard the Ghurry strike three. As I was coming to the House of

Jacob

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

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

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

Jury — Yes

Clerk of the Peace — Who shall say for you?

Jury — Our Foreman.

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

Foreman — Jacob Smith Guilty and John Thompson Not Guilty.

which being recorded.

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

Jury — Yes.

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

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

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

[signature] Williams
Deputy Clerk of the Peace

Adjourned Sessions.

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

Present.

The Honorable Sir Charles Oakeley Baronet, — President.

Ernst William Fallofield and George Westcott } Esquires — Justices.

The Court being duly opened proceed to the Trial of Tondeavy. The Prisoner is thereupon put to the Bar, and arraigned as follows.

Clerk of the Peace — Tondeavy hold up your right hand. You stand Indicted by the name of Tondeavy a Native Inhabitant of the Town of Madras; for that you at Madras aforesaid, within the Jurisdiction of this Court, on the twenty second day of May in the thirty third year of Our Sovereign Lord George the Third now King of Great Britain, France and Ireland, Defender of the Faith and so forth, with Force and Arms at Madras aforesaid within the Jurisdiction aforesaid, four Silver Spoons of the value of twenty Shillings, of the Goods and Chattels of one Paul Bose then and there being found, feloniously did steal, take and carry away against the peace of our said Lord the King his Crown and Dignity. How say you, are you Guilty of the 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 Petit Jury are then called over, and the following Gentlemen are sworn, the Prisoner being first informed he might object to any of them as they came to the Book to be sworn, and before they were sworn.

Mr. William Purser Foreman

Robert Henderson	Middleton MacGee
Hugh Gordon	John Wright
Charles Kelly	James Sutherland
Edward Bent	John Reynolds
John Sutherland	Richard Ashton

and Marcus Armstrong

Clerk of the Peace — Gentlemen of the Jury look upon the Prisoner and hearken unto his Cause. You shall understand that he stands Indicted by the name of Tondeavy a Native Inhabitant of the Town of Madras (Here the Indictment is read as in the first) Upon which Indictment he hath been Arraigned, and upon his Arraignment pleaded Not Guilty, and for his Trial hath put himself upon God and his Country, which Country you are. Your Charge is therefore to enquire whether he is Guilty of the Grand Larceny whereof he stands Indicted or Not Guilty.

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

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

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

Jury. Yes

Clerk of the Peace. Who shall say for you?

Jury — Our Foreman.

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

Foreman — Jacob Smith Guilty and John Thompson Not Guilty.

which being recorded.

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

Jury — Yes.

The Prisoner Jacob Smith is thereupon remanded to Prison; — and John Thompson discharged by Proclamation —

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

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

[illegible] Williams

Deputy Clerk of the Peace

The Court of Adjourned Sessions

[illegible] the Second of May One thousand seven hundred and ninety four.

Present

The Honourable Sir Charles Oakeley Baronet — President

Ernst William Fallofield and George Westcott } Esquires — Justices.

The Court being duly opened proceed to the Trial of Tonderoy. [illegible] Prisoner is thereupon put to the Bar, and arraigned as follows.

Clerk of the Peace — Tonderoy hold up your right hand — You stand Indicted by the name of Tonderoy a Native Inhabitant of the Town of Madras; for that you at Madras aforesaid within the Jurisdiction of this Court, on the twenty second day of May in the thirty third year of Our Sovereign Lord George the Third now King of Great Britain, France and Ireland, Defender of the Faith and so forth, with Force and Arms at Madras aforesaid within the Jurisdiction aforesaid, four Silver Spoons of the value of twenty Shillings, of the Goods and Chattels of one Paul Bose then and there being found, feloniously did steal, take and carry away against the peace of our said Lord the King his Crown and Dignity. How say you are you Guilty of the 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 Petit Jury are then called over, and the following Gentlemen are [illegible] — The Prisoner being first informed he might object to any of them as they came to the Book to be sworn, and before they were sworn.

Mr William Purser Foreman.

[illegible] Henderson — Middleton MacGee

[illegible] Gordon — John Wright

[illegible] Kelly — James Sutherland

Edward Bent — John Reynolds

John [illegible]land — Richard Ashton

and Marcus Armstrong

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 Tonderoy a Native Inhabitant of the Town of Madras (Here the Indictment is read as in the [illegible]) Upon which Indictment he hath been Arraigned, and thereunto hath pleaded Not Guilty, and for his Trial hath put himself upon God and his Country, which Country you are; your Charge is therefore to enquire whether he is Guilty of the Grand Larceny whereof he stands Indicted [illegible]

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Vencoo Sworn.

Question — Are you Servant to Paul Bose?

Answer — I am, and was in his service in May One thousand seven hundred and ninety three. Some time ago the Prisoner stole four Silver Spoons, three pieces of Handkerchiefs, or Palampore, and four knives and forks and four Plates, One Comb, the Property of Paul Bose, from the Butler's Godown. I should know the Spoons if I was to see them. (Four Silver Spoons produced and he knows them to be his Master's Paul Bose by the Mark on them.)

Question by the Jury. How do you know the Prisoner stole them?

Answer — I brought the Prisoner to my Master's House to Assist me, and on my Master's calling me I went to him, and on my return to the Godown the Prisoner was not there, and I missed the Spoons, — I immediately went to the Prisoner's House, who was not there, but I found his Father, and insisting on his producing his Son he took me to the Washerman's Village; where I found the Prisoner with the Four Silver Spoons and other things in his possession.

Question — When your Master called you did you leave any one beside the Prisoner in the Godown?

Answer — No one.

Paul Bose Sworn.

Question — Did you lose any Silver Plate and when?

Answer — About eleven Months ago I lost four Table Spoons, those now produced I believe to be my Property, they were in the charge of Vencoo, who told me the instant he missed them that Tondevoy, he believed had taken them, after whom he went immediately and returned with Tondevoy in an hour or two, and the Spoons wrapped up in a Cloth nearly in the same manner they now appear before the Court. I cannot positively swear that the Prisoner was the Man, he that was then dressed as a Malabar; but the more I look at him, the more I am induced to believe the Prisoner to be the Person who was that day brought by my Servant with the Spoons.

Vencoo called again and interrogated by the Court.

Question — How was the Prisoner dressed on the day the Spoons were taken?

Answer — He was dressed in a pair of Breeches and an Handkerchief on his Head, and a piece of old Cloth under his Arm.

Prosecution closed.

The Prisoner on being called on for his Defence says he has nothing to say.

The Petit Jury then 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 come into Court and answer unto their names.

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

Jury — Yes

Clerk of the Peace — Who shall say for you?

Jury — Our Foreman.

Clerk of the Peace — How say you, is Tondevoy Guilty of the Grand Larceny whereof he stands Indicted, or Not Guilty?

Foreman — Not Guilty. which being recorded.

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

Jury — Yes.

The Prisoner is thereupon discharged by Proclamation.

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

2d May 1794

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

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

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

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

George Fenaughty — Not Guilty.

Morice Pemberton. Not Guilty.

Clerk of the Peace — How will you be tried?

Prisoners — By God and Our Country.

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

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

Mr. William Purser, Foreman.

Robert Henderson — Middleton MacGee
Hugh Gordon — John Wright
Charles Hely — James Sutherland
Edward Bent — John Reynolds
John Laird — Richard Ashton

and

Samuel Armstrong

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

Major George Hall Sworn.

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

Answer — I lost in the Night of the twenty seventh of March, or on the Morning of the twenty eighth a Regimental Sword of the first Battalion of Artillery, Copper mounted and Gilt, a Case of Mathematical Instruments mounted with Silver, inclosed in a Shagreen Case, mounted also in Silver the Silver mounting of

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

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

Question, by the Jury — Was the office broken open?
Answer — I found that the Staple had been forced off and that the Door had been wrenched, I also found all the Implements which had been used to break open the Door.
Question — Who found the remaining things in the Arsenal?
Answer — Serjeant Greygoose, and he brought them to me.

Serjeant Anthony French of the Second Battalion European Infantry sworn.

Question — Did you apprehend Fenaughty?
Answer — On the thirtieth March I apprehended George Fenaughty on the information of Michael Howard, and went to his Quarters and found in his Basket at his Quarters the hinge of a Sector, a Gilt Ring, and a Screw, which I heard was the property of Major George Hall. — (Paper produced to Witness who swears to them.)
Question by Fenaughty — How do you know it was my Basket?
Answer — His Comrades shewed me his Cot and the Basket was on it.

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

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

George Fenaughty's Defence.

I was lying on my Cot, and that Property was fetched to me by Michael Howard, who said he found them in the Bastion, he sent for the things and I refused to send them, or to have anything to do with them, as they were not my property, he then made a Complaint against me and got me Confined.—

The

(The following Bills of Indictment are delivered to the Grand Jury, the Witnesses having been first severally sworn to give Evidence to the Grand Jury thereupon respectively.
The King against Alexander Macpherson, for Murder.
The King against John Holland, for an Assault and Battery.
The King against John Holland, for a Libel.
The King against John Holland, for a Libel.
The King against Pachepan and Mootiah, for Felony and Robbery.
The King against Flower de Croze, for an Assault.

Gregorio Marcar Caldar sworn as Interpreter to the Grand Jury on the above Indictment of Flower de Croze.

The King against William Wilson, Roger Warne and Thomas Guenell, and Deen Mahomed and Corrim buk, for a Conspiracy against Philip Mayne.)

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

Question by the President — Do You recollect having seen the Prisoner Fenaughty laying upon his Cot in the Barracks when Michael Howard brought some things to him?
Answer — I recollect having seen Howard give the Prisoner Fenaughty a small bundle, between seven and eight O'Clock of the Morning of the twenty ninth of March, the Prisoner was then upon his Cot, Howard said he found the Bundle in the Bastion.
Question by the Jury — For what purpose did Howard give the Bundle to Fenaughty, as you heard?
Answer — I don't know, he laid down the Bundle.

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

Clerk of the Peace — Gentlemen of the Jury have you agreed of your Verdict?
Jury — Yes.
Clerk of the Peace — Who shall say for You?
Jury — Our Foreman.
Clerk of the Peace — How say You, are George Fenaughty and Morice Pemberton Guilty of the Grand Larceny whereof they stand indicted, or Not Guilty?
Foreman — Not Guilty.

which being recorded.

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

The Prisoners are thereupon discharged by Proclamation.

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

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

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

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

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

Prisoner — Not guilty

Clk of the Peace — How will you be tried?

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Prisoner — By God and my Country -

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

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

Joseph Greenhill Eyre, Foreman

Richard Chase	William Moore
William John Chase	Charles Hely
William Bogge	Edward Bent
Edward Jones	John Card
Alexander Melvin	William Purser

and

James Sutherland

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

Frederick Osterhold first Battalion of European Infant

Sworn.

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

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

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

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

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

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

Answer – – – – No.

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

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

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

Answer – – – – He had not any Instrument.

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

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

Mathew Woodyer, first Battalion European Infantry, sworn.

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

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

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

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

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

Answer – – – – He had not.

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

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

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

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

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

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

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

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

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was no appearance of a Quarrel.

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

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

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

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

William Colhoun a pistant Surgeon, Sworn.

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

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

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

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

Prosecution closed.

Prisoner's Defence —

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

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

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

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

Answer ——— I have known him 5y Years; he has always borne a good Character, and was not quarrelsome.

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

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

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

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

(The Grand Jury return into Court the following Indictments

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

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

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

The King against John Holland, for an Assault and Battery,

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

The King against John Holland, for a Libel.

endorsed, A true Bill.

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

Jury ——— Yes.

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

Jury ——— Our Foreman.

Clerk of the Peace. — How say you, Is Charles Mayber guilty of Felony and Murder whereof he stands indicted, or not Guilty?

Foreman ——— Not Guilty of Murder, but Guilty of Manslaughter;—

Which being recorded,

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

Jury ——— Yes.

The Prisoner is thereupon remanded to Prison.

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

Robert Williams
Deputy Clerk of the Peace

3rd May 1794.

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

The Honourable Sir Charles Oakeley Baronet. President,

Ernst William Fallofield
and
George Westcott — } Esquires,

Justices.

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

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

Alexander Macpherson, hold up your right Hand!

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

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

How say you; — Are you Guilty of the Murder whereof you stand indicted, or not Guilty?

Prisoner — Not Guilty.

Clerk of the Peace — How will you be tried?

Prisoner — By God and my Country.

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

The following

3d May 1794

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

George Wyneh Esquire, Foreman

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

and

William Moore

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

John Macpherson, Lieutenant in the 59th Battalion sworn

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

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

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

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

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

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

Answer — Two years.

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

Answer — They were on very good terms.

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

Answer — Yes; he did.

Question — Did Captain Macpherson strive to avoid quarrelling?

Answer — Yes; he did.

Prosecution closed.

The Prisoner submits his Case to the Court.

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

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

Jury — Yes.

Clerk of the Peace — Who shall say for you?

Jury — Our Foreman.

erk of the Peace — How say you Gentlemen, Is Alexander Macpherson Guilty of the Mur-
der whereof he stands indicted, or not Guilty?

oreman — — — Not Guilty.

Which being recorded —

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

ury — — — — — Yes.

The Prisoner is thereupon discharged by Proclamation. —

The Court then proceeds to the trial of Daniel Nugent.

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

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

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

ting to the
t) upon
leaded not
ntry, which
uilty of the
idence".
th Battalion sworn
oner stand
logan died a
nd the
Prisoner

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

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

Clerk

3rd May 1794

Clerk of the Peace — How will you be tried?

Prisoner. ——— By God and my Country.

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

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

George Wynch, Esquire, Foreman.

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

and

William Moore

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

James Cooper, Corporal of the fourth Battalion

3rd May 1794.

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

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

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

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

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

Answer. ——— The deceased.

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

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

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

Answer ——— No.

Ally Cawn, Sepoy in the Eleventh Battalion, sworn.

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

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

3rd. May 1794

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

stion - - - - - - - Did you see the Prisoner shoot the deceased?

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

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

nswer - - - - - - - It is not customary.

uestion - - - - - - - Can you tell why the Prisoner had his Piece loaded?

nswer - - - - - - - I do not know.

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

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

uestion - - - - - - - How far were you from the Prisoner?

Answer - - - - - - - About fifteen Paces.

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

Answer - - - - - - No.

Question - - - - - - - Were you nigh enough to hear them?

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

Question - - - - - - - Was your Piece loaded?

Answer - - - - - - - No.

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

3rd May 1794

Answer - - - - - - - He challenged the deceased once.

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

Answer - - - - - - - I did not.

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

Answer - - - - - - - I did not examine it.

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

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

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

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

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

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

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

Answer - - - - - - - They were examined at Sunset.

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

Answer - - - - - - - None.

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

Answer - - - - - - - The Prisoner shot him.

Question - - - - - - - Did you see the Prisoner shoot him?

Answer - - - - - - - I saw him shoot him.

3d May 1794.

Questions by the Prisoner.

Were you not twenty Paces from me?

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

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

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

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

No.

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

I did not.

Was it a Moonlight night, when this happened? –

Yes; – it was.

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

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

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

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

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

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

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

Answer – I did not observe that.

Mahomed Cawn, Havildar in the Eleventh Battalion,

3d May 1794 –

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

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

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

Answer – I did not see him.

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

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

Question – Were any other Sentries near the place?

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

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

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

Question – Were any Sentries over the Gate?

Answer – One; – a Native.

3rd May 1794

Questions by the Prisoner.

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

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

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

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

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swer – – – – – No.

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

Answer – – – – I did not.

Question by the Jury – Was it a Moonlight night when this happened?

Answer – – – – – Yes; – it was.

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

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

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

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

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

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

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

Answer – – – – – I did not observe that.

Mahomed Cawn, Havildar in the Eleventh Battalion,

3rd May 1794

Question – – – – Where were you on the fourteenth of March last? – the Co

Answer – – – – – I do not recollect the time exactly but about two months ago when I w y Clo
Havildar and with six Seapoys composed the Gate Guard at Ellore, as stand
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he told the Prisoner something and went away; – the Prisoner then insensatel
of remaining where he ought, came out; – half an hour after, a Taylor (a Eleve
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Taylor's name; – the Prisoner challenged him, saying "who is that?"
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then went back about twenty Paces, and while he stood there a Quarrel h an
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but I did not know before that it was loaded; – I immediately made a
Report to the Corporal, who ordered me to go and look at the deceased; –
saw the Man had been shot through the Navel; – afterwards Lieutena
Gerrick, the Officer of the Main Guard took my declaration in writing;
This is all I know.

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

Answer – – – – – I did not see him.

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

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

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

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

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

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

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

Answer – – – – – One; – a Native.

3rd May 1794

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

Answer — — — — The Prisoner fired.

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

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

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

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

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

Answer — — — — Only once.

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

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

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

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

Question — — — — Was not Ally Cawn there?

Answer — — — — Yes.

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

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

Questions by the Prisoner.

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

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

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

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

3rd May 1794

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

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

The following Indictments are delivered to the Grand Jury

The King against Alexander Wallis, for an Assault —

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

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

The King against Francois, for Burglary —

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

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

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

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

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

3rd May 1794.

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

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

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

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

The King against Packersaib, for Grand Larceny,

Endorsed, A true Bill: —

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

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

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

Endorsed A true Bill: —)

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

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

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

Question

3rd May 1794 —

Question — — — — Did any conversation pass between Doctor Fleming and the Prisoner the Co

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

The Prosecution is then closed.

Prisoner's Defence.

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

3d May 1794

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

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

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

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

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

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

Jury — Yes.

Clerk of the Peace — Who shall say for you?

Jury — Our Foreman.

Clerk of the Peace — How say you Gentlemen, is Daniel Nugent guilty of the Murder whereof he stands indicted, or not guilty?

Foreman — Not guilty of Murder; but guilty of Manslaughter,

which being recorded, —

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

Jury — Yes.

The Prisoner is thereupon remanded to Prison.

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

Robert Williams
Deputy Clerk of the Peace

5th May 1794

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

Present

The Honourable Sir Charles Oakeley, Baronet, President;

Ernst William Falkofield
and
George Westcott
} Esquires

Justices

The Court being duly opened proceeds to the trial of

Benjamin Roebuck,
Barry Close
and
George Forbes.

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

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

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

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

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

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

Benjamin Roebuck — Not guilty.

Barry Close — — Not guilty.

George Forbes — — — Not guilty.

Clerk of the Peace — How will you be tried?

Prisoners — — — — By God and our Country.

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

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

George Wyneh Esquire

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

and

Middleton Machee

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

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

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

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

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

Jury — — — Yes

Clerk of the Peace — Who shall say for you?

Jury — — — Our Foreman.

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

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

Jury — — — — Yes

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

* The Prisoners are thereupon discharged by Proclamatio

The Court then proceeds to the Trial of Arnachillum Ramasawmy.

The Prisoners are put to the Bar and arraigned as follo

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

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

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

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

Jawing – Not guilty.

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

The following Native Jury are then sworn for that purpose –

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

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

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

Clerk
Jur
Clerk.
Jur
Clerk

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

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

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

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

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

Clerk.

5th May 1794.

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

Tungum, a Female Child of Eight Years, sworn.

Question — — — — Did you ever have any of your Joys, and what Joys?

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

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

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

Answer — no Conversation whatever

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

Answer — no

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

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

Question — at what time did this happen —

Answer — between eight and ten in the morning

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

Answer — about half a Mile —

Question — Is it a Street or a Public Road —

Answer — a Street —

Question — did you call out for assistance —

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

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

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

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

Answer — no. —

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

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

Questions by the Prisoners

Question — how long ago did it happen

Answer — three or four months past —

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

Answer — Yes

Question — How long were you in the Prisoners House —

Answer — about half an hour

Question — whom did you see there

Answer — no one but the two Prisoners

Question — Before she left the house did any person come

Answer — no one that I observed —

Question — had you any Ear rings

Answer — I had on the Ear Rings I now wear

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

Answer — never —

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

Answer — In the Possession of my Father —

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

Answ

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

Narrain Moodelly Sworn

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

Questions by the Prisoners

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

Question

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

Moodeo Kistnaka Sworn

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

Questions by the Prisoner

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

Appeawo Sworn

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

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

Questions by the Prisoner —

Question — are you in the service of Narrain Moodelly —
Answer — no
Question — did you ever see the Gold chain on Tungum on any day before —
Answer — no — I never saw it on her before that day when it was put on it being Pungal day —

I live in the house where Tungum lives —

Question — had you ever seen that Joy before and where
Answer — no
Question — Is the Chain the Property of Narrain Moodelly or whom else —
Answer — I saw it taken by Narrain Moodelly from a chest in his house and put on his daughters Neck —
Question — when you were at Arnachellums house were many People there —
Answer — there was a Crowd —
Question — was Tungums Mother there —
Answer — no —

Lingatha sworn —

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

Prosecution closed

Call Chinnapah sworn on the Part of the Prisoner

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

People

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

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

Pen

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

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

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

Answer — Not Customary —

Questions by the Prisoner

Question — Is there any thing in their Law contrary thereto

Answer — I do not Know —

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

Answer — not Customary

Question — do you Know Tungum

Answer — I Know her —

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

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

Question — had Tungum or Gold Necklace —

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

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

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

Question — did the Pooly —

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

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

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

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

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

Question — Relate the Circumstances of tying the Tally —

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

Question — how long did Tungum remain in the house —

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

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

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

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

Answer — she Knocked at Ramasawmys door —

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

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

Jury — yes —

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

5 May 1794

Jury — Our Foreman

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

Foreman — Not Guilty

To Clerk being Recorded

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

Jury — Yes

The Prisoners are thereupon discharged by Proclamation —

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

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

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

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

Prisoner — not Guilty —

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

Clerk of the Peace — You are then arraigned on the following Indictment —

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

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

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

Prisoner — not Guilty

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

Prayer Granted —

Cler… Gen… He is then arraigned on the following Indictment —

yes —

Cler… who sha…

YOU stand indicted by the name of John Holland a Lieutenant of the united Company of Merchants of England trading to the East Indies in … George … By

thee

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

How say you are you Guilty of the Libel for which you stan… Indicted or not Guilty —

Prisoner — not Guilty

Clerk of the Peace — How will you be tried

Prisoner — By God and my Country —

Clerk of the Peace — God send you a good deliverance

The Prisoner By his Solicitor Mr James Stuart Hall prays the Cou… the trial may be Postponed until the next Sessions — Prayer granted —

The Prisoner then enters into Recognizances himself in forty Pounds … Stuart Hall and Samuel Augustus Humphrys in twenty Pounds each —

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

The Court is then adjourned to Wednesday the seventh Instant

Robert M…

May the Seventh One Thousand Seven hundred and ninety five

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

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

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

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

How say you are you guilty of the Felony and Robbery whereof you stand indicted or not Guilty —

Prisoner — Not Guilty

Clerk of the Peace — How will you be tried

Prisoner — by God and my Country

Clerk of the Peace — God send you a good deliverance

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

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

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

Pauapah Sworn

Question — where do you live

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

Questions by the Jury

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

Answer — none

Question — Are those Joys your own

Answer — They are

Question — had you frequently worn them before that day

Answer — frequently —

Question — what became of you after the Prisoner went away

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

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

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

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

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

Pleads

7th May 1794

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

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

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

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

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

Questions by Mr James Stuart Hall —

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

Questions —

7th May 1794

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

Questions by Mr James Stuart Hall —

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

Vencatachellah Pillah Sworn

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

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

(Paupah produced.)

Question — Look at the wound in the Childs forehead —

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

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

Answer — Yes —

Question — had she them on then

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

Question — did you see the Joys on the Prisner —

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

(Joys produced and the witness knows them)

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

Answer — I have heard it is

Questions — by Mr James Stuart Hall are you married

Answer — Yes —

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

Answer — no

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

Answer — not in my Marriage —

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

Answer — I do not Know —

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

Answer — I did not see him speak

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

Answer — never

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

Answer — it is my own House —

Permaul Naick Sworn —

Question — what are you

Answer — the Poliger of Verlasaravakum Village —

Question — where did you see the Prisoner

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

Question — was the Prisoner in Custody and of whom —

Answer — of the Justices Talears —

Question — How long ago —

Answer — about three months ago

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

Answer — I heard he had married a Girl —

Question

Question — did you hear nothing of a Robbing —

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

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

Answer — I heard so —

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

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

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

Answer — Yes

Ramdoss Sworn

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

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

Question — do you know the Child Paupah —

Answer — Yes

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

Answer — an hour after Sun set —

Question — did you observe any Joys about her —

Answer — Yes

Question — would you know them

Answer — Yes (Joys produced and acknowledged)

Question — In whose house did you see them

Answer — in my own house —

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

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

Question — who brought her into the house —

Answer — Pachayapah —

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

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

Question — did you observe those Joys on the Girl —

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

Questions by Mr James Stuart Hall

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

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

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

Answer

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

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

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

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

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

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

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

Ninnoo Sworn -

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

Answer — Yes -

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

Answer — about two months ago -

Question — was it by force or did she consent

Answer — by force -

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

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

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

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

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

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

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

Answer — no

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

Answer — no -

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

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

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

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

Question — what Relation is the Prisoner to Paupah -

Answer — none -

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

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

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

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

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

Answer —

Prosecution closed -

Rungapen Sworn on the Part of the Prisoner

Question — are you a Neighbour to Vencatachellah -

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

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

Answer — some times not often -

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

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

Question — have you not often seen them converse together

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

Question by Mr John Wilkinson -

Question — have you seen them several times speaking -

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

Pallayah Sworn

Question — Are you a Neighbour of Vencatachellah Pillah -

Answer — Yes -

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

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

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

Answer — To Packeyapah and Vencatachellah Pillah's Cast -

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

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

Yagapen Sworn -

Question — Are you a Neighbour of Vencatachellah Pillah -

Answer — Yes -

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

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

Question — how did Paupah come by that wound -

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

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

Answer — several times -

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

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

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

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

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

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

Periatomby Sworn - (the last Witness forsworn) -

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

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

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

Answer — no never

Question — did Yagapen often visit at your house -

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

7th May 1794

Questions by Mr James Hurd Hall

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

Questions by the Jury

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

Questions by Mr John Millenson -

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

Cooty sworn

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

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

Vencatachellum sworn

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

Question by Mr John Millenson —

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

Prisoner sign'd

7th May 1794

Terovengeadum Sworn

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

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

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

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

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

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

Jury — Yes —

Clerk of the Peace — who shall say for you

Jury — Our Forman —

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

Forman — not Guilty

which being Recorded —

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

Jury — Yes

The Prisoner is thereupon discharged by Proclamation —

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

The Court then Proceeds to the Trial of Pachavoiah —

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

Clerk —

7th May 1794

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

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

How say you are you guilty of the Grand Larceny whereof you stand Indicted or not Guilty —

Prisoner — not Guilty

Clerk of the Peace — how will you be tried

Prisoner — by God and my Country

Clerk of the Peace — God send you a good deliverance

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

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

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

Gopaul Mayor Court Interpreter sworn —

Clerk of the Peace — Go. Inquire what you know concerning the Grand Larceny whereof the Prisoner stands indicted —

Answer —

8. May 1794

Eighth of May one thousand seven hundred and ninety four

Present

The Honorable Sir Charles Oakeley Baronet President

Ernst William Fullofield
and
George Westcott
} Esquires

Justices

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

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

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

the Court directed

to be read to the Bar and

Clerk—

8. May 1794

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

Justices of the Peace

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

Veneco — not Guilty

Narsoo — not Guilty

Clerk of the Peace — How will you be Tried

Prisoners — by God and our Country

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

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

William John Chester Foreman

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

John Vandeven Sherman

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

Narsoo antiking Pern Sworn

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

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

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

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

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

Answer — no —

Question —

Question — did the Prisoners see the two Watching Pern —

Answer — I do not know —

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

Answer — Yes —

Questions by the Jury —

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

Answer — I do not know —

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

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

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

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

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

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

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

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

Questions by the Jury —

Question — Can you swear to the Plank —

Answer — It was taken from the Timber of My Master

Question — was there any other Timber near this Plank

Answer — Miguels Timber was separate —

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

Answer — no —

Coondapeen Sworn —

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

Answer — I am a watching Pern in Patita Chitty's Bankshall —

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

Answer — Yes in the next Bankshall —

Question — was any of it stolen and by whom —

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

Questions by the Jury —

Question — where did you take the Prisoners —

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

Question

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

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

Question — did the People go with you

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

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

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

Question — had you and the other Peon any conversation when they were taking the Timber —

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

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

Answer — they could not see us —

Rangasawgee Sworn —

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

Answer — no —

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

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

Question — In what Capacity do you serve Mr Samuel —

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

Question — did the Peons tell you how many Persons had take[illegible]er —

Answer — ten or twelve Persons were carrying it away —

Question — did you Examine the piece of Timber that had bee[illegible]

Answer — I did —

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

Answer — I did

Question — by what mark

Answer — by the mark of M J

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

Answer — It was —

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

Answer — I have not seen any other —

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

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

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

Answer — no —

Prosecution

Prosecution closed

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

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

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

Jury — Yes

Clerk of the Peace — who shall say for you

Jury — Our Foreman —

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

Foreman — **Guilty of Petty Larceny**

which being recorded —

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

Jury — Yes —

The Prisoners are thereupon remanded to Prison

The Court then proceed to the Trial of Chowry Mootoo —

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

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

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

Steal

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

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

Prisoner — not Guilty —

Clerk of the Peace — How will you be Tried

Prisoner — by God and My Country —

Clerk of the Peace — God send you a good Deliverance

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

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

William John Chester Foreman	Punnapaukum Armagary Moodelly
William Boggie —	Pauvala Vencatacha Pillay —
Alexander Melvin	Moorthoose Ponnapillay
William Moore	Ramalinga Pillay
Charles Hely	Sydauporum Teagaroy Moodelly
Edward Bent —	Veerasawmy Pillay —

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 Chowry Mootoo a native Inhabitant of the Town of Madras (here the Indictment is read as in the arraignment) upon which Indictment he hath been arraigned and thereunto hath Pleaded not guilty and for his Trial hath put himself upon God and his Country which country you are; your charge is therefore to enquire whether he is guilty of the Burglary with an Intent to Steal whereof he stands Indicted or not Guilty and hear your Evidence —

Mootoo a Sepoy Sworn

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

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

Setchamah

Setchamah a Sepoy Sworn

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

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

Prosecution closed

Prisoners Defence

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

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

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

Jury — Yes —

Clerk of the Peace — who shall say for you

Jury — Our Foreman

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

Foreman — not Guilty —

which being recorded —

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

Jury — Yes

The Prisoner is thereupon discharged by proclamation —

The Court then Proceeds to the Trial of Thomas

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

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

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