Series
XIII

Exchequer Court records Courts
Quarter Sessions (Vol 5)

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Rack No.

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General No.

1781

Town of Madraspatnam ss

At a general Quarter Sessions of the Peace Sessions of Oyer & Terminer & Goal Delivery of our Sovereign Lord the King holden for the Town of Madrasspatnam on Widnesday the 10th day of January in the Twenty first Year of the Reign of our Sovereign Lord George the third of Great Britain France and Ireland King Defender of the Faith and so forth and in the year of our Lord one Thousand Seven hundred & eighty one Before the Samuel Johnson Alexander Davidson and Morgan Williams Esq.rs and others their Sociates Justices of Our Sovereign Lord the King and Commissioners of Oyer and Terminer and Goal Delivery for the said Town and Districts thereof on which day the said Sessions was by the said Justices Adjourned over unto Widnesday the 17th Instant next ensuing to be held at the Town Hall of the said Town to do further as the Court shall then and there Consider of

Wednesday the 10th day of January 1781

Justices present

Samuel Johnson Alexander Davidson and Morgan Williams

The Court is duly opened and Mr. Charles Nicholas White being sworn in Clerk of the Peace it is then adjourned to Wednesday the 17th Instant for Continuing the Sessions

Wednesday the 17th January 1781

Justices present

Samuel Johnson Alexander Davidson Morgan Williams

The Court being duly Opened, the Sheriff Returns his Precepts and the Following Grand Jury are then Sworn

Mr. Charles Oakely Foreman

Honble Basil Cochrane	Henelm Digby
Mr. William Ross	Thomas Kingscotte
William Jackson	John Snow
Hew Alexander Craig	George Webster
Samuel Statham	William Balfour
David Haliburton	Thomas Powney

a Bill of Indictment against Mandevelly for Felony is then delivered to them a Bailiff being first sworn to attend them — They retire out of Court.

One of the Grand Jury comes into Court to see John Storey Mally Mouta and Cundapah sworn on a Bill of Indictment against Mandevelly for Felony which is Accordingly done an Interpreter being first sworn

One of the Grand Jury comes into Court to see Moulu Chury and Veragou sworn on the before mentioned Bill of Indictment against Mandevelly

The Gentlemen of the Grand Jury come into Court and return the Bill of Indictment against Mandevelly for Felony indorsed ignoramus — a Bill of Indictment is then delivered to them against Daniel Shaw for forcible detainer — and they retire ——

Mandevelly

Mandevelly is discharged the Court by Proclamation

One of the Grand Jury comes into Court to see James Stringer sworn on a Bill of Indictment against Daniel Shaw for forcible detainer ——

The Gentlemen of the Grand Jury come into Court and return the Bill of Indictment against Daniel Shaw for forcible detained, indorsed True Bill

Mr Daniel Shaw is then called but not being bound by any Recognizance to Attend the Court This day and not Appearing a Venire is ordered to be issued to the Sheriff to cause him to appear at the next Sessions

The Grand Jury come into Court And Answering to their Names deliver a Presentment which was Publicly read in the Court as follows

Madraspatnam ss

We the Grand Jury of the Town of Madraspatnam sworn to enquire for our Sovereign Lord the King for the body of the said Town being justly and truely sensible of the many advantages arising to this place by the gracious dispensation of his Majesty's Royal Charter, as it has Conveyed with it the Laws of England & prescribed the proper methods of putting those Laws into Execution

Do Present Unto this Honorable Court that it has come to their Knowledge that about the end of August last the Sheriffs seals which had been lawfully affixed by him

Upon

upon certain Houses and Goods within the jurisdiction of the Mayors Court were broken off and the Goods rescued out of his hands and the Civil Officers driven away with Threats by armed Men who declared themselves to be the Servants of — Ommeer al Omrah Behaudre these Men were afterwards relieved by other Armed People in the Service of the Honble East India Company who forcibly Kept Possession of the said Houses & Goods

And this Jury do further Present that one Joseph De Croix confined in the Goal of this Town upon a Charge of Murder since the 14th of April 1779 has not yet been brought to his Tryal

All which matters and things are contrary to the Law and against the peace of our Soverign Lord the — King his Crown & Dignity

Town Hall
the 17th January 1781

Chas Oakeley. Foreman
Basil Cochrane
William Ross
W. Jackson
David Haliburton
H. Craig
Sam. Statham
Kinelm Digby
P. Kingscott
John Snow
Geo. Webster
Wm Balfour
Tho. Powney

Mr Johnson the Chairman assures the Gentlemen of the Grand Jury that due attention should be paid to their presentment Being asked if they had any farther business for the Court they reply in the negative and are dismissed with Thanks for their Services

The Court is then adjourned until Wednesday the 4th day of April next ensuing at 8 O'clock in the forenoon for holding another Sessions

Chas. White
Ex Officio Town

Town of Madras Patnam ss

At a general Quarter Sessions of the peace Sessions of Oyer and Terminer & Goal Delivery of Our Sovereign Lord the King holden for the Town of Madrass patnam on Wednesday the 4th day of April in the Twenty first year of the Reign of Our Sovereign Lord George the third of Great Britain France and Ireland King Defender of the Faith and so forth and in the Year of Our Lord One Thousand Seven Hundred & eighty one Before Charles Smith Samuel Johnson & Morgan Williams Esqrs and Others their socciates Justices of Our Sovereign Lord the King and Commissioners of Oyer and Terminer and Goal Delivery for the said Town and Districts there of on which day the said Sessions was by the said Justices adjourned Over unto Wednesday the 18th Instant to be held at the Town Hall of the said Town to do further as the court shall then and there consider of

Wednesday the 4th April 1781

Justices present

Charles Smith Esqr Chairman Samuel Johnson

Morgan Williams Esqrs

The court is daly opened according to adjournment but Mr. Johnson being much indisposed and Only attending from an absolute necessity, as there is not a competent number of Justices to hold a Sessions without him, Mr. Davidson being absent from the Presidency, the court is then adjourned to Wednesday the 18th Instant for continuing the Sessions—

Wednesday 18th April 1791

Justices Present

Charles Smith Esqr. Chairman

Samuel Johnson Morgan Williams Esqrs.

The Court being opened the

Sheriff returns his Precepts and the following

Grand Jury are sworn

Alexander Cuthbert Esqr. Foreman

Majr. Willm. Dobbyn Henry C. Mitchell

Wm. Jackson Charles Baldwin

David Haliburton Walter Balfour

Henry Aylmer William Gordon

Hugh Maxwell George Webster

R. Harker Edward Hare

James Landon Wm. Jones

An Offcer being sworn to

attend them, a Bill of Indictment against

James Hackett and John Eden for Murder is delivered to

them and they return -

Mr. Daniel Shaw being called

upon the consequence of the Indictment found against

him at the preceding Sessions for a forcible detainer Mr. James Stringer

acquaints the Court, that Mr Shaw had made
him satisfaction and reparation for the detention of his house—
Mr Shaw being asked if he is satisfied with
the declaration of Mr Strenger, he answers,
perfectly so— They have permission then to
withdraw

One of the Grand Jury comes into
Court to sue Samuel Hyde sworn on a bill of
Indictment against James Hackett and John Eade
for Murder

The Grand Jury come into Court
and answering to their Names return the bill
of Indictment against James Hackett and John
Eade for murder— indorsed a true Bill

James Hackett and John Eade are then
brought to the Bar and the Indictment read

Clerk of the Peace Prisoners at the Bar hold up your hands—

You stand indicted by the Names of James Hackett
late of Madraspatnam Cadet and John Eade late of
Madraspatnam aforesaid Cadet for that not having
the fear of God before Your Eyes, but being moved and seduced by
the Instigation of the Devil, on the Sixteenth of February in the

Twenty first Year of the Reign of our Sovereign Lord George the third
now King of Great Britain &c by Force and Arms &c in the
Company's Gardens, near Fort St George, within the Jurisdiction of the
Town of Madraspatnam aforesaid, in and upon one Thomas Ware in
the Peace of God and our Sovereign Lord the King, then and there
being, wilfully, feloniously, and of Your Malice aforethought, did
make an Assault, and the aforesaid James Hackett with a certain
Gun called a Pistol, of the Value of Two Shillings then and there
charged with Gun Powder, and a Leaden Bullet, which Pistol the
said James Hackett then and there in his right hand had and
held, in and upon the aforesaid Thomas Ware then and there wilfully,
feloniously, and of Your Malice aforethought, did shoot off and
discharge, then and there giving unto the said Thomas Ware
with the Bullet aforesaid, so as aforesaid, from the said Pistol, shot
and discharged, in and upon the right side of him the said Thomas
Ware, one Mortal wound of the depth of nine Inches, and of the
breadth of half an Inch, of which said mortal wound the said
Thomas Ware then and there, Instantly languished & languishing
lived until the twenty second day of February aforesaid, in the Year
aforesaid, and then died; and that the said John Eade wilfully
feloniously, and of his Malice forethought, then and there was
present, aiding, assisting, comforting, and maintaining the aforesaid
James Hackett, the Felony and Murder aforesaid in manner
and form aforesaid to do and commit; and so the Jurors aforesaid
upon their Oath aforesaid, do further say and present, that the
said James Hackett and John Eade, the said Thomas Ware
in the Company's Gardens aforesaid, within the Jurisdiction aforesaid,
in manner and form aforesaid, wilfully, feloniously and of Your
Malice forethought, did kill and murder; against the Peace of our
Sovereign Lord the King, his Crown and Dignity, and against
the form of the Statute, in that Case made and provided. How
say You James Hackett and John Eade are You Guilty of
the

the Felony and Murder whereof You stand indicted or not Guilty

Prisoners — Not Guilty

Clerk of the Peace — By whom will You be tried

Prisoners — By God and Our Country

Clerk of the Peace — God send You a good deliverance

Clerk of the Peace — You the Prisoners at the Bar these good Men, whom you shall hear called and personally do appear are to pass between our Sovereign Lord the King and You upon the Tryal of Your Lives and death if You will challenge them or any of them Your time is to speak unto them as they come to the Book to be Sworn and before they are Sworn —

The following Petty Jury are then Sworn, the Prisoners having no objections to any of them

Mr George Moubray

Mr William Ross — Mr Bryan Scottney
Mr Philip Stowey — Mr George Ramsay
Mr Francis Lind — Mr John Mitford
Mr John Balfour — Mr William Oram
Mr Richard Willes — Mr William George Money

Mr Hew Alexander Craig.

Clerk of the Peace — Gentlemen of the Jury Look upon the Prisoners at the Bar and hearken to their Cause, you are to know that they stand indicted / here the Indictment is read as in the Arraignment / upon this Indictment they have been arraigned and have pleaded not Guilty, and for their Tryal have put themselves on God and their Country, which Country You are, Your Charge is to enquire whether they are guilty of the Murder whereof they stand indicted or not Guilty — If You find them Guilty, You are to enquire what

Goods

Goods or Chattels, Lands or Tenements they had at the Time the Murder was committed or at any time since — If You find them not Guilty, you are to enquire whether they fled for it — If You find that they fled for it, You are to enquire of their Goods and Chattels, Lands or Tenements, as if You had found them guilty — If You find them not guilty and that they did not fly for it, You are to say so and no more — To hear Your Evidence.

Mr Samuel Kyle being called and sworn on the part of the Crown he relates as follows —

Clerk of y.e Peace — Do You know the Prisoners at the Bar

Deponent — Yes.

Clerk of the Peace — How long have you known them

Deponent — Mr Hackett about two Months and Mr Lade One Month —

Clerk of the Peace — You will relate to the Court what You know concerning the Crime they are accused of —

Deponent — Mr Hackett and Mr Ware were playing at Billiards and Cards in the Punch House, Mr Hackett won from Mr Ware Four Pagodas and Thirty Rupees, Mr Ware asked Mr Hackett if he would play with him again, he told him Yes, if he would give him Security or pay him what he had lost to him — Mr Ware then gave his Watch to Mr Hackett, and in Consequence they agreed to meet and play again, this was on Saturday, and they met on the following Tuesday, Mr Ware won twenty Rupees back, they were playing for two Rupees a Game, but Mr Hackett desired that it might be for four Rupees a Game which Mr Ware would not consent to — Mr Hackett then told Mr Ware that he was a poor Niggardly fellow Mr Ware replied he was not more so than himself — Mr Hackett said, do You prate, Mr Ware answered as much as You do, after more scolding on both sides, Mr Hackett struck Mr Ware — a Mr Barrett and a Mr Guery being present

present, they endeavored to keep them asunder, Mr Hackett declaring he would Cut the fellow well, broke from Mr Barrett and Struck Mr Ware again, upon which Mr Ware threw Mr Hackett down Mr Ware then left the Room and called me out, and said he would consult some of his Friends in the Fort as he would not do any thing rash, and he wished to make the Matter up. the next day he went to Mr Guery in the Black Town and asked his Advice, Mr Guery said he could not give any Advice on the matter, but that he thought Mr Ware had been ill treated - Mr Ware then asked Mr Guery to dine with him, after dinner, Mr Ware wrote a Note to Mr Hackett, to assemble the Company who were present at the dispute, and whoever was in the Wrong to make an apology - Mr Hackett returned no Answer, about an hour after that, Mr Ware and Mr Guery prevailed on me to go to Mr Hackett to know why he did not return an Answer - I went to Mr Hackett who said he had used the fellow as he deserved in not returning an Answer - Mr Guery then said he would go, and hear what he said, But Mr Guery did not bring any Answer from Mr Hackett that this Deponent knows of - Mr Ware took no notice of the Matter till two Days after, when somebody advised him to Challenge Mr Hackett - Mr Ware sent a Verbal Challenge and Mr Hackett said he, Mr Ware, was not a Gentleman and that he would not come, Mr Ware sent a second Message declaring if he did not meet him he would post him as a Coward, Mr Hackett replied again that unless he brought some Gentlemen, to prove him a Gentleman, he would not meet him - i. Mr Hackett about two hours after that sent a Note to Mr Ware saying that he would meet him at the place appointed and that being the Person challenged, he would choose his Weapons, They met at the Playhouse the next Morning, in Company with

with this Deponent, and Mr Lade asked this Deponent, if there was no possibility of making the matter up - I communicated to Mr Ware what Mr Lade had said, who replied that if I attempted to make the matter up, he would call me to an Account, as he thought himself so ill used he could never look his Friends in the Face, if he attempted to make it up, Mr Lade then said, he thought the Governor's Gardens the best place, they immediately went to the Governor's Gardens - Mr Lade proposed twelve Paces as the Distance they were to stand at - Mr Ware objected to twelve Paces, and he said it should be only Six or Eight Paces - the distance was fixed at eight Paces - at which distance they stood at, when Mr Lade dropped a Handkerchief as a signal for them to fire, They both fired at the same time, when Mr Ware immediately fell -

Clerk of the Peace — Do You know of any Quarrell between the Prisoners and the Deceased previous to the Dispute they had at the Punch House -

Deponent — I do not recollect -

Clerk of the Peace — Did Mr Ware send a Written Challenge to Mr Hackett -

Deponent — Yes he did - after he had received a Note from Mr Hackett desiring he would send him a Challenge -

Clerk of the Peace — Did You see the Challenge which Mr Ware sent to Mr Hackett -

Deponent — Yes I did - And the Purport of it was to meet the Deceased at the Play House the next morning at five o'Clock -

Clerk of the Peace — Did Mr Hackett return any Answer to Mr Ware's Challenge -

Deponent — Yes he did - a Verbal Answer that he would meet him -

Question from J. Jury — Did Mr Hackett write a Note to Mr Ware demanding a Written Challenge -

Deponent — No, but Mr English came to Mr Ware, and said Mr Hackett should not meet him without he received a Written Challenge -

Clerk of the Peace — Was there any Conversation between the Deceased and the Prisoner when they met at the Play house -

Deponent

Deponent — No.

Clerk of the Peace — When the Deceased fell did You observe any wound he had received

Deponent — Yes, I saw it through his Coat

Clerk of the Peace — Did either of the Prisoners wish to effect a reconciliation when they met in the Company's Gardens.

Deponent — Not that I know of.

Clerk of the Peace — Did the Prisoners perceive that the Deceased was wounded when he fell, or did they offer to give him any Assistance.

Deponent — They perceived that he was wounded and Mr Hackett went up to the Deceased and said he hoped he would forgive him; He replied with all his Heart, and that he the deceased hoped he had fell honourably. — Mr Lade then went for a Palenqueen, or Bandy to assist the deceased but did not return in his time.

Clerk of the Peace — What became of the Deceased after that

Deponent — I immediately carried him to the Hospital.

Question from the Jury — On What day of the Month or Week did this Happen.

Deponent — I do not recollect.

Question from the Jury — How long did the deceased live after he was wounded

Deponent — Three or Four Days.

Clerk of the Peace to the Prisoners — Have You any Questions to ask this Witness.

Prisoners — We request that Mr Popham our Council may make the following Questions — which is granted.

Questions from the Prisoners — Did the Gentlemen play on the Tuesday Morning for four Rupees.

Deponent — They played only for two Rupees, but Mr Hackett wished to make it four.

Prisoners — DID You bett any thing with Mr Hackett

Deponent — I did.

Prisoners — How much.

Deponent — Two Rupees each Game.

Prisoners

Prisoners — How many Games were played.

Deponent — I do not recollect.

Prisoners — How many Games ahead was Mr Ware above Mr Hackett.

Deponent — I do not recollect.

Prisoners — How much did Mr Ware win on the Tuesday Morning.

Deponent — Twenty Rupees.

Prisoners — How much did You win.

Deponent — Twenty Rupees.

Prisoners — Did they at any time in the morning play four Rupees.

Deponent — They did not.

Prisoners — What did they play for in the afternoon.

Deponent — Two Rupees.

Prisoners — Who won the first Hazard in the first Game.

Deponent — I do not recollect.

Prisoners — In what Stage was the Game when You first came up Stairs.

Deponent — I do not recollect.

Prisoners — Do You recollect any difference of Opinion during the first Game.

Deponent — I do not.

Prisoners — You say words arose previous to their coming to blows what were the last Words used by Mr Ware. — Was or was not the lie direct given to Mr Hackett by Mr Ware.

Deponent — I do not know.

Prisoners — Was there any meeting the Day after to make up the Matter.

Deponent — No meeting that I know of.

Prisoners — Do You not know Mr Hackett waited at the Punch House for Three Hours.

Deponent — I do not know.

Prisoners — How many verbal or written Messages passed from Mr Ware to Mr Hackett.

Deponent — Two Verbal and one written.

Prisoners — After the Twelve Paces were proposed and eight agreed to — was any Proposal made to him on the heel.

Deponent — There was.

Prisoners — By Whom.

Deponent — By Mr Lade.

Prisoners

Prisoners. What answer did Mr. Ware give—

Deponent. Mr. Ware would not hear of it

Prisoners. Did not Mr. Ware insist upon fixing face to face—

Deponent. He did—

Prisoners. Did not Mr. Ware level his Pistol before the Signal was given—

Deponent. He did—

Prisoners. Did not Mr. Ware say to Mr. Hackett. You ought to be satisfied, for You have only done Your duty—

Deponent. I do not recollect

Prisoners. How near was you to Mr. Ware when Mr. Hackett spoke to him after he fell—

Deponent. Within a Yard or two

Prisoners. When Mr. Hackett left the Ground did You understand he went for a Bandy or Pollenheen—

Deponent. I did not understand he went for either—

Prisoners. Did not Mr. Lade call on You at Your Barracks soon after the deceased was wounded with a Bandy—

Deponent. He did—

Prisoners. Did he not say he would go for Mr. Parley and Mr. Anderson—

Deponent. He did—

Prisoners. Did he not afterwards take You in the Bandy to see Mr. Ware—

Deponent. He did—

Prisoners. When Mr. Hackett refused Mr. Wares first Challenge did not Mr. Ware load a brace of Pocket Pistols and say he would go and look for Mr. Hackett and insist on his taking one of them – and that if he would, not he would blow his Brains out

Deponent. He took a Brace of loaded Pistols, but I do not know that he threatned to blow his Brains out

Mr. Parley, Surgeon, is then Sworn—

Clerk of the Peace. Do You know the Prisoners at the Bar

Deponent. I do

Clerk of the Peace. Do You know any thing of the Crime they are accused of

Deponent

Deponent. By Report I understand they are accused as being accessary to the Death of Mr. Ware in a Duel—

Clerk of the Peace. Did You know the Deceased—

Deponent. Not before the Accident

Clerk of the Peace. You will relate to the Court what You know concerning it

Deponent. I was called upon sometime in the Month of February to see Mr. Ware, whom I found confined to his Bed, of a Wound he had received in a Duel from a Pistol Ball as it appeared to be, which had entered on his right side and lodged in the left, from whence it was cut out, the Passage of the Ball had fractured a Rib on the Right side and passed through the lower Edge of the Liver, and lodged in the Muscles near the Spine on the left side– The consequence of the wound was a general Inflamation of his Bowells and Spasm on the Gall Bladder and a Jaundice, which ended in a putrid disposition and Mortification– which was the cause of his Death– This Deponent knows nothing more of the Person or his wound than what he has related

Clerk of the Peace. Was the wound fresh when You first saw it

Deponent. He had been superficially dressed when I first saw him

Clerk of the Peace. Do You know of any Illness the Deceased laboured under before he was wounded—

Deponent. None that I know of

Clerk of the Peace. How long did the deceased live after You first saw him—

Deponent. I don't remember the number of Days—

Clerk of the Peace. Do You think the Liver and the other parts of the Body could have been so wounded without occasioning Death— without it's proving mortal

Deponent. Some Constitutions might have recieved such a wound; for, I have had Persons under my Care, who have been shot through the Liver without much Inconvenency– Pain and Fever, arising from wounds are productive of Illnesses in particular Constitutions, which happen not in others– This seemed to have happened in Mr. Ware particularly, as he suffered much from putrid Bile during his Illness–

Clerk of the Peace to

Clerk of the Peace to the Prisoners — Have You any Questions to ask the Deponent

Prisoners — Not any

The Evidence being closed on the part of the Crown — the Prisoners are asked if they have any Witnesses to be examined — They request the following Persons may be called on —

William Nugent Conan is then duly Sworn —

Clerk of the Peace — You will relate to the Court what You know of this Matter —

Deponent — I was present at the Quarrell, they played for four Rupees a Game in the Morning, Mr Ware won every Game; They dined; and after dinner made a double Match for Sangree for the first Game, which Mr Ware likewise won; They then played and Mr Ware proposed to lay two Rupees. Mr Hackett observed he thought they should play for what they had played for in the Morning, and give him the same Chance, which Mr Ware refused — Mr Hackett observed, he acted ungentlemanlike in, not giving him the same Chance, Mr Ware said, he acted more ungentlemanlike in insisting that he should play for more than he chose — Mr Hackett said that he was an impertinent Puppy, or words to that effect, for so saying — upon which Mr Ware told him, he lyed, for that he was not an impertinent Puppy: Mr Hackett told him that if he persisted in such language, he should be under the necessity of chastizing him — Mr Ware repeated the same language, on which Mr Hackett went over to him and after some altercation, he struck Mr Ware, Mr Ware defended himself and threw Mr Hackett down — They struck each other on their getting up again, when Mr Ware said he was not able to fight him, and desired him to desist, which Mr Hackett did — Mr Ware put on his Cloaths and went away — in about two days after or thereabout Mr Hackett came to me and said that Lieutt Lysery was with him from Mr Ware, & proposed to Mr Hackett to go to the Punch house, and let those be present, who

who were at the Quarrell, and whoever was in fault to make an Apology — at Mr Hackett's particular request I went with him to the Punch House, We arrived there at half past four, and waited till near Seven — during which time neither Mr Ware, nor any Person from Mr Ware came there —

Mr Flemyng is then called and Sworn by desire of the Prisoners —

Quest. from the Prisoners — Upon Mr Hackett's refusing Mr Ware's Challenge, did Mr Ware load a Case of Pistols, and saying he would look for Mr Hackett and insist on his taking one of them at the distance of a Handkerchief, and if he refused he would blow his Brains out —

Deponent — I did not see Mr Ware load those Pistols, but he informed me after they were loaded, that if Mr Hackett should use him ill, that he would give him one at the distance of an Handkerchief, and make him fight him —

Question from the Prisoners — By the Words, use him ill, did You not understand he meant his refusing the Challenge —

Deponent — No —

Clerk of the Peace — What did You understand then —

Deponent — It was in Consequence of a Threat which Mr Hackett made use of, that he would cut the Deceased's Ears if he made an improper use of his name or posted him for a Coward, and to prevent which, he had loaded his Pistols —

Question from the Prisoners — After Mr Hackett had accepted the Challenge did not Mr Ware say that either he or Mr Hackett should die, for that he could not think of taking any Apology —

Deponent — Yes, he expressed himself to that effect —

Question from the Prisoners — After Mr Ware was wounded did he not say that Mr Hackett had behaved like a Man of honor —

Deponent —

Deponent. Yes, Mr Ware said, that Mr Hackett had behaved like a Man of honor from the time he had accepted the Challenge, and that he forgave him from his heart, this the Deceased repeatedly said during his Illness.

The Witnesses being all examined. The Prisoners are then asked if they have any thing more to offer in their Defence. And they request to be permitted to read the following Defences.

Honourable Sirs & Gentlemen of the Jury.

The Defence of James Hackett.

I stand here to Answer Before God and my Country to a Charge of Murder.

The Evidence on the part of the Crown being closed, I shall trouble the Court only with calling in Two Gentlemen who are Witnesses to some Points Material to me in my present Situation. I have understood that it is usual on Trials of Life and Death to call on Witnesses to speak to the Character of the Person accused, but I will not trouble this Court on that Head, as I should hope that the Particular Points to which those Gentlemen, on whom I mean to call, will speak must be more material to my Defence than any deduction which may be drawn from the general ground of good Character, or applicable to my case as proof of a Well disposed, Peaceable and Conciliatory Temper.

To have been at all instrumental in the Death of a Young Man at his first Entrance into Life, and to have been the Cause of Sorrow to his Relations and Friends is a melancholy situation to the Pangs of which I am not insensible, and if there is any Circumstance more embarrassing than another in the present predicament, it is that necessity to which I am reduced for my own Sake to adduce Evidence, which must militate against the Character of the Deceased in the same degree in which it operates in my behalf.

To the Bench however, and to the Gentlemen of the Jury I hope I shall stand excused on the Principle of Honest regard to my own Character, if in so interesting an Occasion I hold

my

my own Vindication as the first object.

The Situation of a Young Man in a Military Line, is the more Critical on such occasions, because his Character is lost if he shrinks from Danger, and he is liable to heavy Censure if he gives way to the nice feelings of Honor, in resenting an Insult offered to his Person & Character.

Considering my own Youth, and inexperience. Considering that I was scarce landed in a Country, to the Customs of which I was an entire Stranger, and above all considering the Provocation held out to me, and the Malignant tendency of my Opponent in each Stage of this melancholy Business. I hope I shall make it appear to the Bench & to the Jury, that I practised forbearance to the very last, that I neither acted with acrimony or from a Vindictive Spirit; and that under all Circumstances of my Situation, I could not without an impeachment of my Character, as a Military Man, have used more temperance than what was manifested in my Conduct towards the Deceased. I shall only add that my Conscience inables me to declare Before God & my Country, that I never had any Feelings of Resentment towards the Deceased, and that my utmost ambition was to defend my Character in the first instance, and my Life in the Second.

Honourable Sirs & Gentlemen of the Jury.

Defence of John Eade.

My defence against the Charge which is this day brought against me depends in so great a degree on the Merits of Mr Hackett's Conduct that I have only to request that those Points which tend to justify his Conduct may be considered as equally exculpatory of mine on the Melancholy Event, for which We are this day called to Answer before God and our Country.

It would have been inconsistent with that Profession in which I have embarked to forego the Requisition of my Friend & Brother Soldier in the defence of his honour and his Life.

I harboured no resentment against the one nor had

I

any inducement to encourage me towards a Blind or unprincipled Support of the other — While I acted as second to Mr Hackett, I was Zealous to shew myself a Mediator between each Party: Tho my Efforts were ineffectual, yet I hope the tendency of my Conduct will warrant an opinion in my favour, as to my Conciliatory wishes on the Occasion, And I now declare before God and my Country, that however irreconcileable the conduct of Mr Hackett or myself might be to the dictates of Religion, I did at the time consider and am still of the same opinion, that I could not look my Country in the face, had I refused my Services to a Friend, circumstanced as Mr Hackett was by the intemperate Conduct of the deceased — My first Ambition on Earth is that I may acquit myself before this Court of every intention to injure the Character or to risk the life of the deceased, and that the Honble Bench and You Gentlemen of the Jury, may be enabled to pass as favorable an Opinion of my Conduct as my unfortunate and unforeseen situation will admit of —

The Prisoners having finished their Defence — a Bailiff being sworn to attend the Petty Jury, they withdrew, and in less than an hour, a Verdict being proclaimed, the Jury returned into Court, and Answered to their Names —

Clerk of the Peace. Gentlemen of the Jury, are you agreed of Your Verdict

Jury. Yes,

Clerk of the Peace. Who shall speak for You

Jury. Our Foreman

Clerk of the Peace. James Hackett & John Lade, Hold up your Hands.

Clerk of the Peace to the Jury. Look upon the Prisoners — How say You? are they Guilty of the Murder, whereof they stand indicted or not Guilty?

Foreman. James Hackett not guilty of Murder, but Guilty of Manslaughter and John Lade not Guilty —

C. of P.

Clerk of the Peace. Did they fly for it,

Foreman. No.

Clerk of the Peace. Gentlemen of the Jury hearken to Your Verdict, as the Court hath recorded it which is recorded it — You say that James Hackett is not Guilty of Murder, but Guilty of Manslaughter, and that John Lade not Guilty of the Murder, whereof He stands indicted, and that they did not fly for it, and so you say all —

Jury. Yes

The Prisoner James Hackett then requests that the Court would indulge him by granting him the Previledge of Bail, himself in One hundred Pounds, and Sureties in one hundred Pounds each, until such time as he shall appear here to plead his Majesty's Pardon, which is granted as entered hereafter — and the Chairman addresses him as follows.

The favourable Verdict of the Jury saves You from any material degree of Punishment, but what may be the result of Your own reflection — Tho the Law has acquitted You of Murder, Your Conscience must still accuse you of depriving a fellow creature of his Life, and of being guilty of a heinous Offence against Society — You have been very rash and intemperate, but I trust that the painfull remorse, you now feel will in future induce You to conduct Yourself with more moderation.

The Grand Jury come into Court and having answered to their Names deliver the following Presentment which is read in Court.

Madraspatnam ss

We the Grand Jury of the Town of Madraspatnam Sworn to enquire for the Body of the said Town being justly sensible of the many advantages arising to

to this Place by the Gracious dispensation of Her Majesty's Royal Charter, as it hath conveyed with it the Laws of England and prescribed the Methods of putting those Laws into Execution.

We present that it is come to our Knowledge, that the Gaol or Prison House, in which Convicts as well as others accused, or arraigned of Crimes are confined, is so incommodiously constructed that all Criminals, are imprisoned together in the same Cells, and that those Prisoners, who are confined for Debt, by being lodged in the same House, have not the means of enjoying the Benefit of fresh Air without intermixing with the aforesaid Criminals indiscriminately.

And they further present, that a Person of the Name of Joseph De Crow has been confined on a Charge of Murder ever since the 14th April 1779. and has not Yet been brought to Trial.

And they do further Present, that a Person named Mahomd. Sadock, who has been under Sentence of Death for 13 Years, has been repeatedly insane to the great Danger & Detriment of the other Prisoners —

All which Matters, and Things are contrary to the Peace of our Sovereign Lord the King, his Crown and Dignity.

Alexr Cuthbert Foreman

Town Hall
18th April 1781.

Wm Jr Dobbyn	H: C: Michell
Wm Jackson	Chr Boldero
David Haliburton	Walter Balfour
Henry Aylmer	Wm Gordon
Hugh Maxwell	Geo Webster
Robert Harker	Edwd Hare
James Landon	Wm Jones

The Grand Jury

The Grand Jury having no further Business for the Court are with the Petty Jury dismissed with Thanks for their Services. The Court is then Adjourned to Wednesday the 4th July next ensuing at 10 o'Clock in the forenoon for no Doing another Exercise

James Hackett of Madraspatnam doth acknowledge himself to be indebted to our Sovereign Lord the King in the Sum of One hundred Pounds.

John Stewart of Madraspatnam doth acknowledge himself to be indebted to our Sovereign Lord the King in the Sum of One hundred Pounds.

Christopher Smith of Madraspatnam doth acknowledge himself to be indebted to our Sovereign Lord the King in the Sum of One hundred Pounds.

The Condition of the above Recognizance is This, That the said James Hackett shall be upon his good Behaviour and live in the Peace of our Sovereign Lord the King during the Space of two Years, and untill he shall plead his Majesty's Pardon for Manslaughter of Thomas Ware, of which he now stands convicted, then this Obligation to be void or else to remain in full Force and Virtue.—

Taken and acknowledged this eighteenth day of April in the twenty first Year of the Reign of Sovereign Lord the King, and in the Year of our Lord One Thousand Seven hundred & Eighty one.—

The Prisoners were then set at Liberty—

Town of Madraspatnam Ss.

At a General Quarter Sessions of the Peace, Sessions of Oyer and Terminer and Gaol delivery of our Sovereign Lord the King, holden for the Town of Madraspatnam on Wednesday the 4th day of July in the Twenty first Year of the Reign of our Sovereign Lord George the Third of Great Britain, France & Ireland, King, defender of the Faith and so forth, and in the Year of our Lord One thousand Seven hundred & Eighty one Before the Right Honorable George Lord Macartney, Anthony Sadlier & Morgan Williams Esqrs and others their Socciates, Justices of our Sovereign Lord the King, and Commissioners of Oyer and Terminer and Goal Delivery for the said Town and Districts thereof, on which day, the said Sessions was by the said Justices, adjourned over unto Wednesday the 3d day of October next ensuing to be held at the Town Hall of the said Town, to do further as the Court shall then and there Consider of.

Wednesday the 4th July 1781

Justices Present

The Right Honble George Lord Macartney
Chairman,

Anthony Sadlier — Morgan Williams

The Court being duly opened, the Sheriff returns his Precepts and the following Grand Jury are Sworn,

Charles Oakeley Esqr Foreman,

Messrs Willm Augustus Dobbyn
William Ross
William Jackson
Francis Lind
Thomas Powney
Henry Sylvier
Hugh Maxwell
Henry Michell
John Rowley
Nathaniel Webb
Josias DuPré Porcher
John Erskine
William Jones
Benjamin Torin
Richard Birch &
Thomas Cockburn,

a Bailiff being Sworn to attend them - they withdrew

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

Thomas Clifford & John Gronnett } Sworn on a Bill of Indictment against Daniel Murray for an Assault

Thomas Clifford & James Watkins } Sworn on a Second Bill of Indictment against Daniel Murray for an Assault

The Grand Jury comes into Court and answering to their Names, deliver two Bills of Indictment against Daniel Murray for Assaults, both endorsed a true Bill

The Prisoner is then put to the Bar - and one of the Indictments is read as follows

Clerk of the Peace

You Stand here indicted by the name of Daniel Murray of Madraspatnam Inhabitant for that You on the Twenty third day of April, in the Twenty first year of the Reign of our Sovereign Lord George the Third, now King of Great Britain &c., by force and Arms &c in the Town of Madraspatnam aforesaid, in & upon one Thomas Clifford Bailiff, then and there being in the Peace of God and of our Sovereign Lord the King, an Assault did make, and he the said Thomas Clifford being a faithful Subject of his Majesty, and in the due Execution of his Office, as Bailiff, then and there did beat, wound, and evil entreat, and other enormious Things did, to the great Damage and hurt of him the said Thomas Clifford, and to the evil example of all others offending in the like kind, and against the Peace of our Sovereign Lord the King, his Crown & Dignity -

Clerk of the Peace

How say You Daniel Murray - Do You Submit or Traverse -

Prisoner

I Submit -

The

The Second Indictment is then read -

Clerk of the Peace

You Stand here indicted by the name of Daniel Murray of Madraspatnam Inhabitant for that You on the twenty fourth day of April, in the twenty first Year of the Reign of our Sovereign Lord George the Third, now King of Great Britain &c., by force & Arms &c in the Town of Madraspatnam aforesaid, in and upon one Thomas Clifford, Bailiff, then and there being in the Peace of God and of our Sovereign Lord the King, an assault did make, and him the said Thomas Clifford, then and there did beat, wound, and evil entreat, and other enormous things did, to the great Damage and hurt of him the said Thomas Clifford, and to the evil example of all others offending in the like kind, and against the Peace of our Sovereign Lord the King, his Crown and Dignity -

Clerk of the Peace

How say You Daniel Murray, do You Submit or Traverse -

Prisoner

I Submit -

Being asked if he has any Thing to offer in extenuation of his Offences - He hopes the Clemency of the Court is such, that having been confined in a Common Prison for two Months will be thought a sufficient Punishment -

Chairman

You have been Indicted for two Offences, of which You are Guilty - For the first Offence You are to be fined 20 Shillings & for the Second five Shillings, and to be a Prisoner until such fines are discharged - The Chairman then exhorts him to a better Behaviour in future, and Sets forth, that the Lenity of the Court has been great towards him, for that his Offences, and particularly the first, is of a very Serious and Dangerous Nature -

The Grand Jury having no more Business

for

for the Court, are then dismissed with Thanks for their Services — And the Court is adjourned till Wednesday the 3d of October next ensuing for holding another Sessions.

Town of Madraspatnam ss

At a general Quarter Sessions of the Peace Sessions of Oyer and Terminer and Goal of the Peace Sessions of Oyer and Terminer and Goal delivery of our Sovereign Lord the King holden for the Town of Madraspatnam on Wednesday the 3 day of October in the twenty first year of the Reign of our Sovereign Lord George the third of Great Britain France and Ireland King Defender of the Faith and so forth and in the Year of our Lord one thousand seven hundred and eighty one Before Anthony Sadlier Alexander Davidson Morgan Williams Esqrs and others their Fellows Justices of our Sovereign Lord the King and Commissioners of Oyer and Terminer and Goal Delivery for the said Town and districts thereof on which day the said Sessions was by the said Justices adjourned over unto Wednesday next ensuing to be held at the Town Hall of the said Town to do further as the Court shall then and there Consider of

Wednesday the 3d October 1781

Justices present

Anthony Sadlier Alexander Davidson
Morgan Williams Edward Saunders Esqrs

The Court being duly opened the Sheriff returns his precepts and the following Grand Jury

are sworn

John Middleton Esqr Foreman

Rowley Sacelles
Alexander Brodie
Robert Harker
John Wynch
Josias Dupre Porcher
Robert Wolf

Majr Eyles Irwin
George Leonard Stanton
John Munze
Hall Plumer
Frederick Corsar
William Hamilton

The Grand Jury then withdraw
One of the Grand Jury comes into
Court to see a Bailiff sworn to attend them during the
present Sessions

The Clerk of the Peace acquaints the
Grand Jury that he has no papers to lay before them

The Grand Jury come into Court
and answering to their Names deliver to the Court the
following Letter

To the Gentlemen of the Grand Jury

Gentlemen

On my Visiting the Goal the unfortunate
who are confined there Complained to me of the badness
of the water upon which I carried a Bottle from the
well and requested Mr Anderson to examine it. For your
further information I send you Mr Anderson's letter

I am Gentlemen
Your Obdt Humble
Servant

Fort St George
3d October 1781

Mr Vaughan

Sir

The Bottle of water you sent me I have
examined and find it much Impregnated with Phlogiston
and sea Salt the Neighbourhood of the Necessary which
you say drains into it may occasion the Phlogiston
Principle to be conspicuous in it and the sea or Salt
Earth of the Soil no doubt the cause of the great
quantity of sea Salt — at any rate it is of too heating
and drying a quality to be proper for Culinary purposes
and absolutely unfit to be used as drink the ill
Effects of its use will no doubt likewise be more
sensibly felt by persons so unhappy as to be plac'd in
a State of Confinement

I am Sir
Very truly yours
Ja Anderson

Fort St George
October 2d 81

The Chairman Mr Saddleir assures the
Gentlemen of the Grand Jury that the purport of the Letter
shall be reported to the Right Honble the Governor, and will
recommend that the minutest Enquiry may be made into
the matter and remarks as far as possible — They then with-
draw — and about an hour afterwards return into Court
and answering to their names make the following Presentment
viz

which is publickly read

Madraspatnam Ss

We the Grand Jury of the Town of Madraspatnam Sworn to enquire for the Body of the said Town being justly sensible of the many advantages arising to this Place by the Gracious dispensation of His Majesty's Royal Charter as it hath conveyed with it the Laws of England and prescribed the methods of putting those Laws into Execution

Do present that at the Sessions held the 17th January 1781 the Grand Jury did present, that one Joseph De Croia confined in the Jail of this Town upon a Charge of Murder since the 15th April 1779 had not then been brought to his Trial to which the Court answered by their Chairman that due attention should be paid to their presentment

That at a subsequent Sessions held the 18th April 1781 the Grand Jury then sitting did again Present the same to which no answer appears upon record

and that this Grand Jury do find by the Sheriff's Report that the said Joseph De Croia is still under Confinement

on the said Charge of Murder and has not yet been brought to Trial

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

Town Hall 3d October 1781

Rowley Sascelles — J Hudleston, Foreman
A Brodie — Eyles Irwin
Robert Harker — George Leonard Staunton
John Wynch — John Menzies
Jos Dupre Porcher — Hall Plumer
Robert Woolf — Fredk Corsar
— Wm Hamilton

The Court acquaint them that proper notice shall be taken thereof being asked if they have any further business for the Court, they answer in the Negative

The Grand Jury are then dismissed with thanks for their services and the Court is Adjourned to Wednesday the 7th January next ensuing, for holding another Sessions