Series VIII

Mayor's Court records
Quarter Sessions (Vol 8)

9-1-1788 - 1-10-1788

12426

25,000—4-5-32.

Block 7

Rack No.

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Serial No. 8

General No. 12426

At a Genral Sessions of the Peace and Sessions of Oyer and Terminer and general Goal delivery &c Holden for the Town of Madraspatnam Garrison of Fort Saint George and its Dependencies at the Town Hall in Fort Saint George on Wednesday the Ninth Day of January in the Twenty Eighth 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 Eight Before the Honble Sir Archibald Campbell K. B. John Holland James Henry Casamajor and Robert Maunsell Esquires Justices assigned to keep the Peace and also &c Commissioners of Oyer and Terminer and Goal Delivery for the said Town of Madraspatnam Garrison of Fort Saint George & its Dependencies &c

The Court was duly opened and the Sheriff &c returned his Precepts &c

The following Gentlemen were Sworn on the Grand Jury. &c

George Proctor	Thomas Oaks
Benjamin Roebuck	Benjamin Joun
Thomas Cockburn	Andrew Ros
Oliver Colt	Nathaniel Kendersley
Charles Flower Junr	Joseph Grenkil
Edward Atkinson	William Harrington
Laurence Bowden	Hugh Boyd
Robert Metford	Henry Redhead

The Clerk of the Peace delivers two Bills of Indictment against Thegaroyah Moodelly &c

The Grand Jury retire with a Bailiff Sworn to keep them &c

The Grand Jury on consideration return one of the Bills untill they shall have determined on the other &c

One of the Grand Jury comes into Court to see three Witnesses Sworn to the above Bill the Witnesses being severally called three times on their Recognizance did not appear Recognizance forfeited &c

The Grand Jury return into Court with one Bill of Indictment against Thegaroyah Moodelly indorsed Ignoramus &c

The Grand Jury retire with the Second Bill, and return with it indorsed a True Bill &c.

The following Persons are Sworn on the Petit Jury &c

Erskine Nimmo	Peter Mabey Caspin
David Young	William Leamy
Robert Burns	James Barter
Edward Jones	Neal Mackenzie
Alexander Melvin	Anthony Frederick Franck Jr
Benjamin Goard	Thomas Stevens

The Witnesses bound over to give Evidence against the Prisoner at the Bar not appearing, the Jury find a Verdict of Not Guilty and the Prisoner is discharged. &c

The Clerk of the Peace delivers a Bill of Indictment for Murder against Causum Cawin to the Grand Jury. &c

The Grand Jury return into Court with the said Bill indorsed a True Bill &c

The Goaler being examined on Oath Causum Cawin &c to put to the Bar as to the State of the Prisoner's Mind whilst under Confinement reports him to be from various Circumstances and Instances out of his Mind, the Court order him to be remanded into close Custody.

Salvador DeLeon is ordered to be discharged, the term of his Confinement being expired &c

The Grand Jury come into Court and deliver a Presentment which the Chief Justice keeps after the same had been read &c

The Court is then adjourned till the Third day of April next. &c

P. Spencer
Act. Clk of the Peace.

At a General Sessions of the Peace and Sessions of Oyer and Terminer and General Goal Delwery holden for the Town of Madraspatnam Garrison of Fort Saint George and its Dependencies at the Town Hall in Fort Saint George on Thursday the Third day of April in the Twenty Eighth 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 and Eighty Eight Before the Honble Sir Archibald Campbell K. B. John Hollond, James Henry Casamajor & Robert Maunsell Esquires Justices assigned to keep the Peace and also Commissioners of Oyer and Terminer & Goal Delwery for the said Town of Madraspatnam Garrison of Fort Saint George and its Dependencies &c

The Court was duly opened &c

The Court was then adjourned to Wednesday the Seventh Day of May next ensuing for continuing the Sessions &c

J Spencer
Secry & Clk of the Peace

At the Adjourned Sessions of the Peace Sessions of Oyer and Terminer and Goal Delwery holden for the Town of Madraspatnam on Wednesday the 7th day of May 1788.

Justices Present

Sir Archibald Campbell K. B.
John Hollond James Henry Casamajor
and Robert Maunsell Esquires

The Court was duly opened and the Sheriff returned his Precepts &c

The Clerk of the Peace called over the Names of the Persons summoned to attend on the Grand Jury when only Nine Persons &c appearing the Court ordered such as were Absent to be fined &c

The Court was then adjourned to Wednesday the Second Day of July for holding another Sessions &c

J Spencer
Secry & Clk of the Peace

At a General Quarter Sessions of the Peace and Sessions of Oyer and Terminer and General Goal delivery Holden for the Town of Madraspatnam Garrison of Fort Saint George and its Dependencies at the Town Hall in Fort Saint George on Wednesday the Second day of July in the Twenty Eighth 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 Eight Before John Hollond, James Henry Casamajor and Robert Maunsell Esquires Justices assigned to keep the Peace and also Commissioners of Oyer and Terminer and Goal delivery for the said Town of Madraspatnam Garrison of Fort Saint George and its Dependencies. ee

The Court was duly opened and the Sheriff returned his Precepts. ee

The following Gentlemen were Sworn on the Grand Jury. ee

John Humphry Skardon	Joseph Greenhill
Francis Lind	Daniel Ince
Hugh Vaughan	Edward Atkinson
Benjamin Roebuck	William Harrington
John Wynch	Josiah Webbe
Joseph Garrow	Hugh Boyd
William Jones	Andrew Ross
Benjamin Toun	John Tulloh & George Mackay.

The Clerk of the Peace delivers two Bills of Indictment against Manuel Joaquim D'Costa to the Grand Jury and Swears the Evidence to them. ee

The Grand Jury retire with a Bailiff Sworn to keep them. ee

The two following Petitions were then delivered into Court and read by the Clerk of the Peace. ee

To the Honble Major General Sir Archibald ee
Campbell K. B. Edward John Hollond Esq.re James Henry Casamajor Esquire and Robert Maunsell Esquire

His Majesty's Justices assigned to keep the Peace and Commissioners of the Courts of Oyer and Terminer for the Town of Madraspatnam and the Districts thereof

The Humble Petition of Peter Walker

Sheweth

That your Petitioner having been duly admitted an Attorney in the Honble the Mayor's Court and practised there for some Years and desirous of acting as a Solicitor in this Honble Court

Your Petitioner most humbly prays

That you will be pleased to grant him such ee indulgence which will ever be considered with gratitude and

Your Petitioner as in duty bound

Shall ever Pray

Peter Walker

To the Honble Major General Sir Archibald Campbell K. B. John Hollond James Henry Casamajor and Robert Maunsell Esquires Justices assigned to hold the Peace and Commissioners of Oyer and Terminer for Madraspatnam and its Dependencies. ee

The Humble Petition of James Stuart Hall

Sheweth

That your Petitioner has been regularly admitted an Attorney in the Honble the Mayor's Court. ee

That anxious to discharge the Duties of his Profession in their full extent he Humbly prays permission to Practise as a Solicitor in this Honble Court and for such Indulgence your Petitioner

Fort St. George
2.d July 1788.

As in Duty bound
Shall ever Pray

The same having been read the Honble Bench were pleased to grant Messrs. Peter Walker and James Stuart Hall ee permissions to practise as Solicitors at the Quarter Sessions. ee

The

The Grand Jury come into Court and deliver two Bills of Indictment against Manuel Joaquim da Costa each indorsed a true Bill. ee

Shanck Solomaca tried and found Guilty of the Murder of his Wife Ashabibee in October Sessions 1786. was brought up when he pleaded His Majesty's most gracious Pardon on Condition of serving on the public Works of Fort Saint George for Life. Pardon read, the Court pronounced Sentence accordingly. ee

Manuel Joaquim da Costa is put to the Bar and arraigned on one of the Bills of Indictment as follows,

Clerk of the Peace. Manuel Joaquim da Costa Hold up your hand — You stand indicted By the Name of Manuel Joaquim da Costa of Madras ee Inhabitant for that on the thirteenth day of April in the Twenty ee Eighth Year of the Reign of our Sovereign Lord George the Third by the Grace of God of Great Britain France and Ireland King defender of the Faith and so forth with force and Arms at Madraspatnam aforesaid and within the Jurisdiction of this Honble Court with a certain Knife which you the said Manuel Joaquim da Costa in your right hand then and there had and held in and upon one Martelena Bartelaza in the Peace of God and our said Lord the King then and there being did make an Assault with an Intent her the said Martelana Bartelaza then and there — ee feloniously wilfully and of his Malice aforethought to kill and Murder and other wrongs to the said Martelena Bartelaza then & there did to the great damage of the said Martelena Bartelaza and against the Peace of our said Lord the King his Crown and ee Dignity — And the Jurors aforesaid on their Oath aforesaid do further present that you the said Manuel Joaquim da Costa on the said thirteenth day of April in the Year aforesaid with force & Arms at Madraspatnam aforesaid in and upon the said Martelena Bartelaza in the Peace of God and our said Lord the King then & there being did make an Assault and her the said Martelena Bartelaza then and there did beat Wound and ill treat so that of her Life it was greatly despaired and other Wrongs to the said ee Martelena Bartelaza then and there did to the great Damage of the said Martelena Bartelaza and against the Peace of our said Lord the King his Crown and Dignity. ee

Clerk of the Peace. How say you Manuel Joaquim da Costa are you Guilty of the Assault for Stabbing of which you stand indicted or not Guilty

Prisoner. Not Guilty —

The following Persons are then Sworn on the Petit Jury, the Pris.r being first asked if he chose to Object to any of them which he declined

Erskine Nimmo	David Young
Peter Majsey Capin	Mathew Gyrgs
William Boggie	John Andrews
Thomas Stevens	William Bell
Errick Dirstedt	Neil Mackenzie
Alexander Melvin	William Brumage

The Jury were then charged with the Prisoner and Martelena Bartelaza the first Evidence on behalf of the Crown produced and Sworn. ee

Dr. Relate what you Know of the Assault.

Ans. My Slave Girl run away in the Month of February in this Year and was Kept in the Prisoners House for one Month and five Days my Servants had heard where the Slave Girl was and went and brought her home where the said two Days, after the Girl Stole a pair of Gold Shoe Buckles at Seven P.M. and got on the top of a low Wall and went over it, the Prisoner was in the Street and coughed as a Signal for her to come over, the Prisoner and the Slave Girl went away to Pondicherry requested a Man named Lebhavalier de Fontaine to write to Pondicherry and have the Girl apprehended She accordingly was there apprehended and confined, the Prisoner instructed the Slave Girl to say She did not belong to me, but came from some Village and the Kings Artillery wrote from Pondicherry that the Girl said She did not belong to me thereupon I sent some of my own Servants to Pondicherry who knew the Slave Girl and declared Her to be my Property — The Prisoner and the Girl both sworn at Pondicherry The the Girl did not Steal the Buckles after which the Prisoner was released and the Slave Girl sent with two Peons and my Servants to Madras, on the Twelfth of April the Girl was brought to my House and on the Day following the Prisoner arrived at Madras, the same Day at Seven P.M. the Prisoner came to my House in order to beg my Pardon for having decoyed away the Girl

and for having advised her to rob her, I asked for my Gold Shoe ee
Buckles the Prisoner said he had Sold them at Pondicherry for Eighteen
Pagodas, while the Prisoner was so speaking Le Chavalier de Fontaine
arrived, who conversed with the Prisoner and asked him how he could
act as he did, he said it was all his Fault, but he beg'd pardon ee
Fontaine replied he could not forgive him, but he would get a Guard
and send him to the Justice, upon which the Prisoner drew a Knife
and attempted to Stab Fontaine, who got a Scratch on his Hand and
parried the blow with his Stick he left Fontaine and made a Stab
at my Side which had I not warded by lifting up my arm I had
been killed, as the Knife went thro' my Arm, when the Prisoner
found he had missed the intended blow, he made a Second at me
which was prevented by a Mrs Jacobs catching his Arm, the
Prisoner finding this made a Stab at Mrs Jacobs which She
avoided by falling down by which means She cut her Hand &
he then made his Escape, Fontaine pursued and the Prisoner was
stopt by several People, and he was delivered to the Guard. The
Witness looking at the Prisoner Swears he was the Man who Stab
her and Says there was no other Conversation passed between her &
the Prisoner except that I said he was a Rogue and had I taken
a false Oath at Pondicherry to which the Prisoner answ'd that if
he had not, he would have been Hanged, I replied that he had
saved himself at Pondicherry but here I will give you to the Justice

Le Chevalier de Fontaine is then produced and Sworn

Qr Do you Know the Prisoner?

Ans Yes

Qr Relate the Attempt to Stab Mrs Martelena Bartelaza?

Ans When I arrived at Mrs Martelena Bartelaza's House in consequence
of a Message from her, the Prisoner came up with his Arms croped to
beg his Pardon for the Crime he committed, because I knew he had
Stolen Mrs Martelena Bartelaza's Buckles, I said I could not
forgive him, that I was Sensible he had threatened to Murder me
and Mrs Martelena Bartelaza, upon which he drew a Knife from
his Breeches Pocket and said "Kill the Dog" and attempted to Stab
me, I parried the Blow and struck the Prisoner on the back of his
head, the Prisoner then went to Mrs Martelena Bartelaza and
attempted to Stab her in the Side, She parried the blow and was stab'd
thro' her Arms, the Prisoner finding he missed his Aim drew the

Knife from Mrs Martelena Bartelaza's Arm and made a Second
Stab at her, which Mr Jacobs prevented by catching his Arm, he then
attempted to Stab Mrs Jacobs and cut a Net, which the Armenian ee
Ladies wear on their Neck, Mrs Jacobs fell upon the Ground on
the back of her Head, the Prisoner escaped and I ran after him and
apprehended him, I was close to the Prisoner when he attempted to stab
Mrs Martelena Bartelaza, when the Prisoner was apprehended he
threw away his Knife — I could not have prevented the blows ee

Moreque is then produced and Sworn

Qr Do you Know the Prisoner?

Ans Yes

Qr Relate the Attempt to Stab Mrs Martelena Bartelaza?

Ans The Prisoner had a Knife in his hand in the House of Mrs ee
Martelena Bartelaza She was in a Yard and the Prisoner asked
her to come into a room which She refused the Prisoner then took a
Knife and struck Mrs Martelena Bartelaza he aimed the Blow
at her Side, but it went into her Arm and then the Prisoner ran
away, I ran after him and caught him, I was present and saw
the Blow given and only one ee

Anday is then produced and Sworn

One of the Petit Jury Peter Majory Esqr being taken ill
was obliged to withdraw and the Clerk of the Peace having called
over the rest and there appearing to be only Eleven Jurors the Court
discharged them and remanded the Prisoner to Goal in order to be
again brought up and tried and adjourned the Court till Thursday
the third Instant at 8 o Clock in the Morning ee

J. Spence
Act. Clk. of the Peace

Adjourned Sessions Thursday 3d July 1788.

Present

John Holland James Henry Casamajor
Robert Mainsell Esquires Justices

The Court was duly opened.

Manoel Joaquim da Costa was put again to the Bar and the following Persons were Sworn on his Petit Jury and charged with him viz

Erskine Nimmo
David Young
Mathew Cypres
William Boggie
Robert Burns
John Andrews
William Moore
William Bell
Errick Diurstedt
Neal Mackenzie
Alexander Melvin
Patrick Scot

Martelena Bartelaza produced & Sworn again viz

Dr Relate what you know respecting the crime of which the Prisoner stands indicted?

A. In the Month of February I lost a Slave Girl and in the Month of March my other Slaves heard the Girl was in the Prisoner's House, I ordered them to go and bring her, he would not deliver the Girl up, and they said they would bring a Guard of Sepoys upon which he delivered her up, I went to St Thome and the Girl was carried to a Mrs Jacobs at Six P. M. I returned, and the Girl was brought to me, She said She had done very wrong, but that the Prisoner had persuaded her, She staid with me one Night and two Days, the Second Night She went over a low Wall, and the Prisoner coughed in the Street as a Signal he was waiting for her, the Prisoner and the Girl went to St Thome, the next Morning I found the Door locked and my other Slaves told me She was gone over the Wall, I desired the Gals to see if any thing was lost, and they told me my Gold Shoe Buckles were lost, I bid them go to the Prisoner's House and they would find her, the thirteenth of April last at Seven P. M. I was sitting in my Hall when the Prisoner came he beg'd my Parson, I did not know him but my Servants told me he was the Man who took my Slave Girl I rose from my Chair and he continued to beg pardon, I ask'd him what he had done with my Buckles, he said he was much ashamed as every body saw him, and

and he ask'd me to step aside with him, I drew back from him and just then Mr Fontaine and Madam Jacobs came in Mr Fontaine immediately spoke to the Prisoner and the Prisoner made a Stab at him, Mr Fontaine had asked the Prisoner why he had taken my Property away, and immediately he made a Stab at my Side, which I prevented by holding up my Arm and the Knife went thro my Arm, I had told him he had taken a false Oath at Pondicherry, but that here I would deliver him up to Justice, he then made a Second Stab at me but Mrs Jacobs caught her Arm, and he turned and made a Stab at her which She prevented by throwing herself back, by which means She hurted her Head, and the Prisoner ran away. Mr Fontaine run after him, and with many more People apprehended him, and delivered him to the Guard, the next Day I went to Mr Chase and lodged an Information against him, I only said to the Prisoner "you are a bad Man and you took a false Oath at Pondicherry, but I will give you up here" I remember Mr Fontaine called the Prisoner a Rogue, that he had persuaded the Girl to rob me, I do not remember if the Prisoner said any thing to Mr Fontaine, when he stabb'd him, but that it was true that he the Prisoner had taken away the Girl, and had inticed her to rob her Mistress, before I accused him of having taken a false Oath, he said he was obliged to Swear at Pondicherry as he had done or he would have been hanged viz

By the Jury

Dr Did the Blow aimed at Mr Fontaine do any Execution?

A. He received a slight Cut on the Palm of his Hand, when he stab'd me, he did not speak, Mr Fontaine kept off the Blow with his Cane and struck the Prisoner on his Head, when the Prisoner made the blow at Mr Fontaine, he said "Kill the Dog" viz

Dr How do you know the Prisoner made a Blow at your body?

A. Because had I not lifted up my Arm the Blow would have gone into my Side viz

Dr How deep was the Wound in your Arm?

A. Very near thro' & thro' and very broad

Jean Baptiste de Fontaine produced & Sworn

Dr Relate what you know respecting the Assault on yourself and Martelena

Martelena Bartelaza?

A. I was at Mr Soullier's house when the Prisoner came to my House and my Servant came and called me, and told me the Prisoner had been at my house and was gone to Martelena Bartelaza's House, I immediately went there and found the Prisoner with Mrs Bartelaza and a Mrs Jacobs, when the Prisoner saw me he came up to me and with his Hands crossd on his breast beg'd my pardon, he appeared to be penitent, but I did not observe if he wept, I said you shall not cheat me as you did Doctor Gordon, I will deliver you up to the Justice the Prisoner continued to advance close to me, and said I am a Sinner who have committed all kinds of Crimes pray forgive me, and he offered me his Note of Hand for the Amount of the Buckles if I would not deliver him up, I told him I had sent for a Guard and would deliver him up to the Justice, he told me that I must know that Mrs Martelena's Slave Girl had said that he had declared to her (the Girl) that he would come to Martelena murder me first, then, Martelena Bartelaza and all her Family, rob the House and then escape into a distant Country with her (the Girl) after this Declaration I told him I would not forgive him, the Prisoner said the Girl has told you Lies, and advanced upon me, while I retreated till being at the top of the Room, he drew a Knife from his Breeches Pocket and made a Stab at me, saying, Kill the Dog, I parried the blow with my arm, and was wounded in the wrist, he attempted a Second Stab which I parried with my Cane and struck him on the Head, he then flew at Mrs Bartelaza who was near the Hall door and made a Stab at her, I was near and saw the blow and wounded her in the Arm almost thro' and thro' the Knife went between the two bones of the Arm, he then pulled out the Knife and attempted a Second Stab but Mrs Jacobs caught his Arm, he pulled his Arm from her and made a Stab at her and cut the Net she wore on her Neck and Mrs Jacobs threw herself back on some Chairs which were before her, he then ran away, and several People ran after, many of whom were wounded by him, I ran after him and gave him some blows, and he stabb'd at me with his Knife which I parried with my Cane and at last stun'd him by a blow on the Head with my Cane and took him by the throat with one hand and with my Cane in my Hand warded off the blows he continued to make at me with his

Knife, several people came up, who were also wounded, I took him home to Mrs Bartelaza's House, and delivered him up to a Guard of Sepoys, I then attended Mrs Bartelaza who had lost a great deal of blood, I only said the Prisoner was a bad Man & had taken a false Oath at Pondicherry and the Prisoner told me he was obliged so to do to avoid being hanged, I made use of no other Language except that I said the Prisoner had cheated me and Doctor Gordon, by telling him Lies.

By the Jury

2d On what day and Month did this happen?

A. The Thirteenth of April last.

2d Was the blow which affected the Lady's Arm to your knowledge aimed at her body?

A. He certainly aimed the blow at her breast, and She must have received it there, had She not lifted up her Arm.

The Sheath of the Knife and the Shift of Mrs Martelena Bartelaza are produced and Shewn in Court.

Marian Jacobs produced and Sworn

2d Relate what you know of the Assaults on Mrs Bartelaza & Chevalier de Fontaine.

A. I went to visit Mrs Bartelaza and the Prisoner was at her House he was asking her pardon and Mrs Bartelaza said "why did you take away my Slave Girl, you are a Rogue, the Prisoner said I am not a Rogue, I did not take away your Buckles, he then came up to me and beg'd my pardon I said why do you come and beg my Pardon, he said ask Mrs Bartelaza, I went to the Street door and spoke to some body, and I saw the Prisoner stab Mrs Bartelaza in her Arm I was standing with her at the Door I saw the Prisoner going to make a Second blow at Mrs Bartelaza's belly and I caught his Arm, and he turn'd about and made a Stab at my breast, and I threw myself back, and the Prisoner ran away but was taken. I saw the Prisoner wound Mr Fontaine in the Wrist, he said something at the time, but it was in high Portuguese which I do not understand. I do not hear Mr Fontaine say any thing to the Prisoner Mrs Bartelaza lost a great deal of Blood and there was a Wound about One Inch and a half long

and about two Fingers broad. ee

Anday produced and Sworn

Qr Relate what you know of the Assaults on Mrs Martelena Barbelaza & Chevalier de Fontaine?

Ar I was not present when either of the Assaults were committed, I was one of the People who took the Prisonir. ee

Martha produced and Sworn

Qr Relate what you know of the Assaults on Mrs Martelena Barbelaza and Chevalier de Fontaine?

Ar I was present and in the Room and the Prisonir came into Mrs Barbelaza's House with a Knife in his Hand and stabd Mrs Barbelaza he attempted to stab her in the Side and it hurted her Arm, and he ran away, he only stabd her once. Mrs Barbelaza did not speak to him, I and another Girl and two Ladies were present, I saw the Prisonir stab De Fontaine before he stabd ee Mrs Barbelaza, he was in the room with her, De Fontaine was present when the Prisonir stabd Mrs Barbelaza & De Fontaine nor Mrs Barbelaza did not speak to the Prisonir before he stabd each of them. ee

By the Jury

Qr Was you present when the Prisonir first came into the room ee

Ar I was present

Qr What did the Prisonir say?

Ar He began to speak about the Buckles and to beg pardon he only said a few Words. ee

Qr Did the Prisonir see any thing when he attempted to Stab De Fontaine?

Ar I dis not hear him say any thing ee

Qr Did you see De Fontaine when stabd make a Stroke at the Prisonir with his Cane?

Ar I saw him strike him with his Cane ee

Qr Did the Prisonir attempt to stab Mrs Jacobs?

Ar I saw the Prisonir attempt to stab her, and he threw herself ee backwards. ee

The Evidence closed on the part of the Crown and the Prisonir

being called upon for his Defence or his Witnesses Says, When I arrived from Pondicherry on a Saturday, I rested Saturday & Sunday, And on Sunday the Second Day after my arrival I ee heard the News that the Slave Girl was in Irons, She being big with Child by me, I went to Mrs Barbelaza to beg her pardon, I told the Lady that I heard the Girl had been flog'd and was in irons, and that I came to beg her Pardon, the Lady told me she had lost different things, I replied, give the Girl her Liberty and tell me what is lost and I'll pay for them, the Girl was brought in Irons before me and while I was begging pardon De Fontaine came into the House and began to abuse me and said I have Signed a false Letter and I told De Fontaine not to talk to me and then De Fontaine began to beat me, I told him De Fontaine not to beat me and as I had a Rattan in my hand I defended myself and told him dont beat me, if you have any thing to Say to me apply to the Justice and De Fontaine would not hear me and I defended ee myself and left the House, many People came behind me with Sticks and took hold of me and brought me to Mrs Barbelaza House and tied me up with Ropes and beat me and kicked me, and gave me many grose Words, Marett then brought a Knife and put in his Hand, and I cried don't put such a thing in my Hand, and then said the Lady was wounded and they searched me to see if I had a Knife and they could not find one, if the Lady was wounded it must have been by the Rattan with which I had defended myself, I did not Stab her with a Knife as I never carried one, I bid them take me out of the House and four Sepoys took me and confined me and Capt.n Kennedy sent an Order to me to deliver up any Knife I had and I bid the People to Search me and they could not find a Knife. ee

Here the Prisonir closed his defence and the Evidence was ee summed up by the Clerk of the Peace ee

The Petit Jury retire with a bailiff Sworn to keep them

The Petit Jury return into Court Verdict having been first proclaimed ee

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

Jury — Yes. ee

Clerk of the Peace Who Shall Say for you

Jury Our Foreman

Clerk of the Peace Is Manuel Joaquim Da Costa Guilty of the Assault whereof

He stands indicted or Not Guilty

Foreman Guilty

Clerk of the Peace Gentlemen of the Jury Hearken to your Verdict as the Court hath recorded it. You Say Manuel Joaquim da Costa is Guilty of the Assault whereof He stands indicted and so you Say all

Foreman Yes

Sentence was then pass'd by the Judge on Manuel Joaquim da Costa as follows.

You shall pay a fine to the King of One Hundred Pounds and be imprisoned for a Year and at the Expiration of that time you shall be bound Yourself in One Hundred Pounds and two Sureties in £50 Pounds each for your good behaviour for one Year

The Prisoner was then taken from the Bar and the Sheriff ordered to take charge of him which was accordingly done

Francis Anthony against whom the Grand Jury found a Bill of Indictment for Murder was put to the Bar and arraigned upon his Arraignment He pleaded Not Guilty and the following Persons were Sworn on his Jury

David Young	Mathew Cypess
William Boggie	John Andrews
Thomas Stevens	William Bell
Erick Dunstedt	Neil Mackenzie
Alexander Melvin	William Brumage Jr
James Nicols	Richard Wright

The Indictment is then read as in the Arraignment

Clerk of the Peace Francis Anthony hold up your Hand — you stand Indicted by the Name of Francis Anthony of Tritchinopoly Invalid Artillery man in the Service of the United Company of Merchants of England trading to the East Indies not having the fear of God before your Eyes but being moved and seduced by the Instigation of the Devil on the first day of June in the Twenty Eighth year of the Reign of our Sovereign Lord George the Third by the Grace of God of Great Britain France and Ireland King Defender of the Faith and so forth with force and Arms at Tritchinopoly

aforesaid and within the Jurisdiction of this Honble Court in and upon one Thomas Symes 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 Francis Anthony with a certain Knife of the Value of Six Pence which you the said Francis Anthony in your right Hand then and there had and held the said Thomas Symes in and upon the left Side of the belly of him the said Thomas Symes then and there feloniously wilfully and of your Malice aforethought did Strike and thrust giving to the said Thomas Symes then and there with the Knife aforesaid in and upon the above left Side of the belly of him the said Thomas Symes one Mortal Wound of the breadth of one Inch and depth of four Inches of which said mortal Wound the said Thomas Symes from the said first Day of June in the Year aforesaid until the Evening of the Second day of the said Month of June in the Year aforesaid at Tritchinopoly aforesaid did languish and languishing did live on which said Second day of June in the Year aforesaid the said Thomas Symes at Tritchinopoly aforesaid within the Jurisdiction aforesaid of the said Mortal Wound died And so the Jurors aforesaid upon their Oath aforesaid do Say that you the said Francis Anthony the said Thomas Symes 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

The Jury were then charged with the Prisoner and Patrick Cain the first Evidence on behalf of the Crown produced and Sworn

Qr Relate what you Know of the Murder of Thomas Symes?

Ar I was walking to the House of A. Waters at Tritchinopoly on the first day of June and I heard the Prisoner and the Wife of Waters disputing and the Prisoner called her a Whore and said She Cain with Symes and another Man the Night before upon which Symes came up and He and the Prisoner Struck at each other, that the Prisoner went out of the Yard and said He would soon Settle him, in a Minute or two as near as I can guess He came out of his House with a drawn Knife in his Hand and Symes followed him out of the Yard and they were out for two or three

Minutes when Symes came into the Yard with his Bowels in his Hand & the Prisoner ran away, I asked Symes how he came to be in such a Condition, he said Anthony the Prisoner had struck him, I did not see the blow given, Symes lived till next Day but he cannot say whether till Morning or Evening, I cannot tell why Symes followed the Prisoner I do not know who struck first, an interval of Ten Minutes elapsed between the Scuffle and the Wound I saw the Prisoner walk coolly across the Yard into his House for the Knife Symes had not Side Arms, I do not think Symes saw the Knife for I saw him meaning Symes & Prisoner together.

By Prisoner's Counsel

Qr What time of Day did this Happen?
Ar In the Evening
Qr How long was it from the time the Prisoner went into his House till he came out?
Ar About one Minute
Qr How long have you known the Prisoner?
Ar About five Months
Qr What was his Character?
Ar I never heard any bad of him
Qr How long was it from the time that the Prisoner went out of the Yard and Symes after him till Symes returned Wounded?
Ar About a Minute and a half
Qr Do you know of any Provocation given after the Scuffle by the Deceased?
Ar No I do not.
Qr What were the Reasons for Symes following the Prisoner out of the Yard when he had heard him before say "he would settle him"?
Ar I cannot tell
Qr Was it sufficiently light to see them strike each other?
Ar No, it was quite dark, about half past Six P. M.
Qr How near to the Prisoner's House was the Place where the Scuffle happened?
Ar In the same Yard.
Qr Where was Symes during the time that the Prisoner went to his House for the Knife?
Ar Standing in the Yard within Six Yards.

Qr When the Prisoner brought out the Knife about what distance was Symes from him?
Ar About Six or Seven Yards
Qr If it was too dark to see them fight could you see the Knife?
Ar Upon my Oath I saw the Knife
Qr How long was the Knife?
Ar About as long as my Hand.
Qr How far was you from them during this Scuffle?
Ar About Six Yards
Qr Why did you not Attempt to part them?
Ar Because I did not think there would happen any Harm
Qr When the Prisoner had the Knife in his Hand what does how did the Prisoner express himself?
Ar He did not say a Word
Qr Was the deceased as near the Prisoner when you saw the Knife in his Hand as you was?
Ar He was as near
Qr Did you tell Symes the Prisoner had a Knife?
Ar No
Qr How near did Symes stand to you at the time the Prisoner came out of his Door?
Ar About Half a Yard
Qr Was the Witness and Symes in the same Position, or was Symes's back turned?
Ar We were both in the same Position
Qr Were any other Persons present when the Prisoners came out except Symes?
Ar Yes Waters & Willis
Qr Did Symes express any Apprehensions when the Prisoner came out of his House?
Ar No more at all
Qr Had Symes any Knife or Weapon in his Hand?
Ar No, he had not

Thomas Willis produced and Sworn

Qr Relate what you know of the Murder of Thomas Symes?
Ar On the first of June I believe I and Patrick Cain took a Walk

after Roll Call at Tritchinopoly and passing by the House of one Waters Cain ask'd me if I would go into the House with him as he Cain had some Business, We went in and heard a dispute between the Prisoner & Symes but We did not immediately attend to the Dispute then We heard the Prisoner say that Symes had been fucking, Waters Wife the Night before, Symes stood up and told the Prisoner he was a terrible Scoundrel for endeavouring to take away his Character as he never had done any such thing, more abusive Words passed and blows ensued; the Native Woman who lived with the Prisoner appeared to Scold in the Malabar Language and I heard two Words "Whittle & Cuttee" which I believe mean "House & Knife" the Prisoner went into his House and brought out a Knife and while he was going into the House, Symes went out of the Yard and the Prisoner ran after him and in about a Minute or a Minute and a half the Deceased Symes returned into the Yard with his Bowels in his Hands and said to me that Villain Antony (meaning the Prisoner) has run me thro', I told him to lie upon a Cot 'till the Doctor could be sent for, Waters went for the Doctor, and the Deceased lay upon a Cot and his Bowels spread over his Belly, when Waters went for the Doctor, the Prisoner came up to me and Patrick Cain and said "Lads I have no spite to you will you have a Dram, I said I did not drink Drams at that time while We were talking Waters Wife came out and slipp'd behind me on which the Prisoner went after her with a Knife in his Hand & said "he would do her out" the Woman ran into a Portuguese House before the Prisoner could catch her and shut the Door, the Prisoner ran down a Lane and it grew dark, Lieut Gahagan came up with a Guard and asked me where the Villain was (meaning the Prisoner) I said I did not know, he ordered me to go with the Guard and endeavour to catch him, I went and found the Prisoner lying under a Wall and secured him, the Prisoner had not any Knife in when taken, the Prisoner's Woman was also taken, I saw the deceased the next Day in the Hospital, he had sent for me, he was unable to speak and the Serjeant Major who was by said I was sent for to Declare the Truth which I did as I has done in my Information before Symes who has been ordered not to speak by the Doctor, but who was sensible — I saw the Knife in the Prisoner's Hand when he came out of his House, Patrick Cain was present when the Prisoner

returned, he did not see the Prisoner in the Guard after he was taken
The Prisoner followed Symes with a Knife between Six and Seven o'Clock P.M. I did not see the Prisoner so as to know whether he had blood on him or not

2d Before Symes went out of the Yard, Had the Prisoner to your knowledge gone into his House for a Knife?

A. He had

2d Did Symes know the Prisoner had gone in for a Knife?

A. I dont know

2d When you saw the Prisoner come out with a Knife did you Suspect he intended to hurt Symes, and if yes, why did you not endeavour to prevent it?

A. I was so confused I did not recollect myself but if I had suspected I could not unarmed attempt to Serve a Man armed with a Knife

2d What did the Prisoner say when taken?

A. He said nothing

2d Had Symes any Knife or Weapon in his hand when he went out of the Yard?

A. None as I could observe

By Prisoner's Counsel

2d Who struck the first blow?

A. To the best of my Opinion Symes did

2d Was Cain present

A. He was

2d What remarks did Cain make on Symes striking the Prisoner?

A. I cannot tell

2d How far was Cain from the Prisoner when he followed Symes?

A. About four or five Yards

2d Did any Person attempt to seperate the Prisoner & deceased while Scuffling?

A. No

2d As you know the Prisoner went out with a Knife did you tell Symes?

A. I could not for Symes was gone first out of the Yard

2d Why did Symes go out of the Yard?

A. I don't know except he understood what the Malabar Woman said

Qr When you found Symes wounded why did you not then apprehend the Prisoner?

Ar Because I was unarmed.

Qr Did you see the Knife in his Hand when the Prisoner came up to you?

Ar No I did not -

Qr Why did you not Seize him then?

Ar I was afraid as I thought he might have the Knife.

Qr Was Symes on or off Duty that Day?

Ar I don't Know.

Qr Had you or Cain your Side Arms?

Ar No -

Qr When the Prisoner came out of his House, did he appear to be in a great Passion?

Ar He seemed to be in a great Fury.

By the Jury -

Qr Which of the two Has the best of the Scuffling?

Ar I cannot tell, they seemed to part by Consent.

Qr Did the Prisoner during before or after the Scuffle make use of any Menace?

Ar Yes he abused him grosly before the Scuffle

Qr Was such abuse in the Words stated in your Information or in any other?

Ar He called him, Rascal, Villain and damnd him very much

Qr Did he threaten him in any manner?

Ar No -

By the Jury

Qr When the Prisoner came out of his House with a Knife did he Say any thing?

Ar I could not observe, he run so very fast -

Qr When he went in for the Knife did he Say any thing?

Ar I did not take Notice

Qr Was Cain close to you all the time?

Ar Yes he was until I went to take the Prisoner.

Qr What time elapsed from the time the Prisoner went for his Knife till the deceased returned wounded?

Ar About one Minute and a Half or two Minutes.

Qr Did he rush into the House with as much fury as he rushed out

Ar Much the Same.

Alexander Waters produced & Sworn.

Qr Relate what you know of the Murder of Symes?

Ar On Sunday Evening the first of June returning from Roll Call I Heard a Noise in the Yard, in which the Prisoner and I lived, the Prisoner came into the Yard and called me into his Appartment, upon which I went and my Wife who dreaded him came to the Door and asked what was the Matter, the Prisoner came out and abused her in a most ungrateful Manner, then he began to Scandalize the Woman and Symes, Symes said you Rascal don't abuse the Woman, abuse me and struck the Prisoner on the Head, then they wrangled for a little time and they both went out of the yard, then they engaged again, then Symes started back and said "he has got a knife the Rascal" and called out to fetch the Doctor for he was stabd, afraid to go out by the front door I run out by the back door and called Doctor Stuart, he bid me go to the barrack Guard to have the Offenser taken, the Serjeant sent an acting Corporal and three Men with me, they came with me to the House, the Prisoner was missing for some Time but was catched between the Quarters of Serjeants Smith & Burley. I did not See the Prisoner Stab Symes to the nearest of my thought this happened about half past Six o'Clock in the Evening - I did not observe the Knife in the Prisoners Hands I did not See the Prisoner after he was taken.

By the Jury -

Qr Did you See Symes after he was wounded?

Ar Yes, he was scarce able to speak, I did not hear him Say any thing

Qr Did you hear him Say who gave the Wound?

Ar No.

Qr Where was you when Symes bid you call a Doctor?

Ar In the Gate Door.

Qr Who did Symes mean by Rascal, when he said, the Rascal Has a Knife?

Ar The Prisoner, there being no other Person present.

Qr In what place was the deceased when Stabd

Ar At the Corner of the Brick Alley out of the Yard

Qr Where was you when Symes said the Rascal Has a Knife?

Ar Leaning in the Door looking between the Walls, no person was present, I dont Know where Cain & Wilkes were in the yard or not.

Qr Have you reason to know that the Deceased was stabd by the Pris.r?
Ar I have not
Qr How far was you from Symes and the Prisoner when he cried out the Rascal has a Knife?
Ar To the nearest of my knowledge Twelve Yards
Qr You say you was looking between the Walls did you see any Knife?
Ar No, nor at any other time
Qr After coming from Hall – Case did you see Willis or Cain?
Ar Yes, they came in just at the first of the wrangling
By Prisoners Counsel
Qr Was there any body present when the Prisoner abuses your Wife?
Ar Willis & Cain were present
Qr After the first Scuffle where did the Prisoner go to?
Ar He sallied out of the Yard with Symes, immediately after the first Scuffle.
Qr Did the Deceased or the Prisoner go into any House before they went out of the yard?
Ar I could not observe that
Qr How long was it from the first Scuffle till the Wound was given?
Ar I think a little better than a quarter of an Hour
Qr Was any body present when the Prisoner said he was stabd and desired you to go for the Doctor?
Ar Does not see any Person but myself.
Qr Where were Cain & Willis when the Prisoner was taken?
Ar Willis was in the crowd, but I did not see Cain
Qr Who seiz'd the Prisoner?
Ar One Corporal Walmsley of the Guard, one or the other to the best of my Knowledge.
Qr At what Distance was Willis when the Prisoner was taken?
Ar I cannot guess not above Eight or Nine Yards when I saw him first, when seiz'd I did not see him.
Qr Into whose House was the deceased conveyed when he received his Wound?
Ar Into my House, he was my Mess-Mate
Qr Did any Person accompany him?
Ar I was gone for the Doctor and could not See
Qr Did you see Symes after he was carried into your House?
Ar Not at the Moment, but shortly afterwards –

Qr Did Symes say who has wounded him?
Ar No he did not.
Qr How long did the Deceased live?
Ar Till about Ten O Clock P. M. the next Night.
Qr Do you know how the Prisoner got the Knife?
Ar I don't Know?
Qr After the first Scuffle did the Prisoner go into his House?
Ar I could not observe that
Qr Did Symes die in your House?
Ar No, in the Hospital
Qr When the Prisoner & Symes ran out of the Yard, were they in a Passion?
Ar I thought they were both together angry
Qr From the time they run out till the Deceased was wounded what time was elapsed?
Ar About Six or Seven Minutes as near as I can guess.
Qr How long did the Second Scuffle last?
Ar About Five Minutes
Qr Did they begin as soon as they got out of the Yard?
Ar Yes –
Qr Did you go up to them during this Scuffle?
Ar No,
Qr Where was you when the Deceased Stabbed back, & said he has a Knife the Rascal & desired you to fetch a Doctor for he was stabd?
Ar In the Yard Door about Twelves Yards distant
Qr Did any Person go with you for the Guard?
Ar No, not one,
Patrick Cain again produced –
Qr Where was Walters when the Prisoner and the Deceased went out of the Yard?
Ar Close by Willis's one at the Door of his House all the time
Qr How far was that from the Door of the Yard?
Ar About Ten Yards
Qr Standing in the Door way could he See into the Street?
Ar No –
Qr Where was Walters when the Deceased came back and said he was wounded?
Ar He was in his House

Qr Did the Deceased speak to him?
Ar Not as I heard –

Thomas Willis again produced

Qr Where was Waters when the Prisoner and the deceased went out of the Yard?
Ar In the Yard at his Door
Qr How far was his Door from the Door of the yard?
Ar About five or Six Yards
Qr Standing in the Door-way could he see into the Street?
Ar I believe he could.
Qr Where was Waters when the Deceased came back & said he was wounded?
Ar In his House
Qr Did the Deceased speak to him
Ar Not as I heard
Qr Could he have seen the Snuffle in which the deceased was stab'd from the place where he stood?
Ar He certainly could not he was not near enough to hear better.
Qr Did you hear Symes say he had been stab'd?
Ar Yes, until he came to me.

Evidence here clos'd on the Part of the Crown and the Prisoner being call'd upon for his Defence made it by his Counsel and produced the following Witnesses

John Nicholls Sworn for the Prisoner

Qr Do you know the Prisoner?
Ar I do
Qr Relate what you know respecting the Indictment?
Ar One of the Evidence against the Prisoner, Willis brought me a Woman's Cloth to sell, some Rice and Salt-fish I asked him how he got them, and he said from the Prisoner's Woman, I ask'd the Prisoner concerning them and he said he had been robb'd –
Qr Did not Willis offer you Liquor to conceal the robbery?
Ar Yes, one Day he asked
Qr How long have you known and what is the Prisoner's Character?
Ar About three Years, he always bore a good Character as a quite inoffensive Man, he was not apt to be passionate.
Qr Did you ever hear any of the Evidence, Cain, Willis & Waters

produced against the Prisoner express Enmity, Hatred or Ill will to him previous to the Fact of which he is indicted?
Ar I did not.

Thomas Covill produced and Sworn

Qr Did you see the Prisoner on the Evening of first of June last and at what hour?
Ar Yes, a little after Six Clock
Qr In what Situation did he appear?
Ar He seemed to be greatly bruis'd and his face all over blood
Qr Did you observe any Cuts on him?
Ar Scratches on each Side of his face, and his face swelled
Qr Did he say how he got those Scratches?
Ar He said he was used ill at his own Quarters but did not say by whom
Qr Did you afterwards understand by whom he had been ill used?
Ar Nay, I did not.
Qr What is his general Character?
Ar Extraordinary good,
Qr Did he appear weak and infeebled from those Bruises?
Ar No, he appeared to be a little in Liquor.

Francis Briggs produced & Sworn

Qr Did you see the Prisoner on the Evening of the first of June last and at what hour?
Ar Yes between Seven & Eight –
Qr In what Situation did he appear
Ar He appear'd to be in Liquor, his face cut & all over blood I received him a Prisoner at the Main-Guard
Qr Did he tell you how he came to be so Cut and bloody?
Ar He said he had been very ill used by one Corporal Symes
Qr What is his general Character
Ar Very good, I have known him two Years
Qr Did you particularly distinguish the Cuts in his face?
Ar I did near his Temple

Here the Evidence closed & was Summed up by the Clerk of the Peace and the Jury retired with a Bailiff Sworn to keep them.

The Jury return into Court, Verdict being first proclaimed

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

Jury — Yes

Clerk of the Peace — Who Shall Say for you.

Jury — Our Foreman.

Clerk of the Peace — Is Francis Anthony Guilty of the Felony & Murder wherof he stands indicted or Not Guilty?

Foreman — Not Guilty

Clerk of the Peace — Did he fly for it?

Foreman — No.

Clerk of the Peace — Gentlemen of the Jury Hearken to your Verdict as the Court hath recorded. You Say Francis Anthony is not Guilty of the Felony and Murder wherof he stands indicted and that he did not fly for it and so you Say all?

Foreman — Ayes &c

Francis Anthony is then dismissed by Proclamation &c

The Grand Jury come into Court and deliver the following Presentment which was read by the Clerk of the Peace as follows

We the Grand Jury of &c Madraspatnam Sworn to enquire for our Sovereign Lord the King for the body of the said Town being Justly and truly Sensible of the many &c Advantages arising to this Place by the gracious dispensation of His Majesty's Royal Charter as it has conveyed with it the Laws of England and prescribed the proper Method of putting those Laws into Execution.

Do upon our Oaths present that Manuel Joaquim da Costa of Madras Inhabitant not having the fear of God before his Eyes but being moved and Seduced by the Instigation of the Devil on or about the 25th Day of April in the Year of our Lord One thousand Seven hundred and Eighty Eight with force and Arms in Madras aforesaid in and upon one Luzia Spinster in the Peace of God and our said Lord the King then and there being Violently and feloniously did make an Assault and her the said Luzia against the will of her the said Luzia then and there did feloniously Ravish and Carnally Know 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 &c

Town Hall
3d July 1788

J. H. Skardon Foreman
Fra. Lind
Hugh Vaughan
Benjn Roebuck
John Wynch
Joseph Garrow
William Jones
Benjn Toun
J. Greenhill
Danl Ince
Edwd Atkinson
William Harrington
Josiah Webbe
Hugh Boyd
Andrew Roy
J. Tulloh
Alexr Geo. Mackay

The Court is then adjourned until Saturday the Fifth Instant at Eight o'clock A. M. &c

J. Spencer
Actg Clk of the Peace

Adjourned Sessions Saturday the 5th July 1788.

Justices Present

John Hollond James Henry Casamajor
and Robert Mainsell Esquires

The court is duly opened

Manuel Joaquim da Costa is put to the Bar and arraigned as follows

Clerk of the Peace — Manuel Joaquim da Costa Hold up your Hand — you stand indicted by the Name of Manuel Joaquim da Costa of Madras — Inhabitant, not having the fear of God before your Eyes but being — moved and seduced by the Instigation of the Devil on the Twenty fifth Day of April in the Twenty Eighth 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 with force and Arms at Madras-patnam aforesaid and within the Jurisdiction of this Honble Court in and upon one Luzia Spinster in the Peace of God and our said Lord the King then and there being Violently and feloniously did make an Assault and her the said Luzia against the Will of her the said Luzia then and there Feloniously did Ravish and Carnally know against the Peace of our said Lord the King his Crown and Dignity and against the form of the Statute in that Case made and provided.

Clerk of the Peace — How say you Manuel Joaquim da Costa are you Guilty of the Felony and Rape of which you stand indicted or Not Guilty? —

Prisoner — Not Guilty

The following Persons are then Sworn on his Petit Jury, he having chosen a Jury composed of English & Portuguese —

Erskine Nesmine	Simon De Fonceca
Dave Young	John Mendez
Mathew Gyrets	Francisco Joze
William Boggie	George Mendez
Robert Burns	Thomas De Mello &
John Andrews	Francis Raulins

The Petit Jury were then charged with the Prisoner

Luzia produced and Sworn for the King

Qr Relate to the Court what was done to you by the Prisoner?

Ar He took me out of the Street and carried me into a Godown on a — Wednesday after I was in the Godown he gave me Brandy and said if I did not drink it he would Stab me, I drank the Brandy, he gave

me a Second Draught of Brandy, I said I would not drink it, when I had drank a Second time I fell asleep while asleep I felt great pains which wakened me, I felt those pains in my private Parts, the Prisoner was sitting beside me I perceived my Petticoat all full of Blood which came from her private parts, I did not feel any thing went, the — Prisoner Lifted me up and carried me out of the Godown into a Room a Slave Girl who was in the Room took off my bloody Petticoat and gave me one of Hers and the Prisoner hid the Petticoat in a hole in the Room he desired the Slave Girl to wash me and take me home, but I was not carried home, I began to cry and the Prisoner said if you are quite I will carry you home, but if you cry I will not when the Prisoner went out, he order'd the Slave Girl not to let me go near the Windows if I did to flog me, the Prisoner told me that my Mistress was very angry with me and that the Prisoner must keep me two Days longer the Prisoner said he must go and speak with Byrne, John De Fries & Capt.n Kennedy, he said they all told him to keep her longer, and he would go and speak to my Mistress, the Prisoner made a pair of black long Drawers and a black Shirt and said I should go and walk with him and the Slave Girl told me he was going to carry me on board a Ship. —

Qr What gave you the Pains you felt when you awakened?

Ar I do not know but that I cried and the Prisoner said he would kill me if I did. —

Qr Go on

Ar The Slave Girl gave me those things and tied up my Hair like a Malay, but I took off the Cloaths again four or five Sailors used to eat the Prisoner's House drinking Brandy and when the Sailors came he took'd me and the Slave Girl up and let us out when the Sailors went away and told me and the Slave Girl if my Mistress came for me he would put me into a Hole

Qr Have you felt any great Pains while you was in the House?

Ar I felt great pains two or three times for three or four Days, I felt those Pains below in my private Parts and I thought those Pains arose from what the Prisoner did to me.

Qr Go on

Ar The Prisoner gave me Brandy at different times and I did not see him unbutton his Breeches

Qr Did you ever see Blood after the first time

Ar No

Qr Go on

A. The Prisoner gave me play things and Ropes to prevent my crying & made a Sweng for me on the Wednesday following the Prisoner went out and the Slave Girl being asleep I opened the Door and ran away to my Mistress Punch-house and the People of the Punch-house carried me home to my Mistress as soon as I came home I told my Mistress every thing, My Mistress Name is Pacachee, during the time I was in the Prisoners house he did not take up my Petticoat or throw me on the bed or floor, I told my Mistress not what I now tells but I told her that the Prisoner had made me drink Brandy and that my Petticoat was full of blood and no more, I only saw blood there was no Person in the Godown at first but the Prisoner and myself and I was asleep and do not know what the Prisoner did, the pains I felt were at the inner of my private parts when the Prisoner was sitting beside me on my first awaking, his Breeches were up, the Brandy made my head ach and the Slave Girl told me when in the Room that I had vomited there was a door to the Godown, the Prisoner did not shut it, it was open when I awakened, the Prisoner kiss'd me when I was in the Godown, the Prisoner carried me into the Godown by force and I was crying, the Prisoner put a piece of Cloth in my Mouth, after having made me drink Brandy, there were no Chairs or Cot in the Godown the Prisoner laid me down on a Rattan Mat on my back, he Sat beside me and put his Hands on my Arms, and She fell asleep with the Towel in her Mouth when I awoke I felt pain in my private parts and saw my Petticoat full of blood on the fore part of it, the Prisoner was sitting close to me, I look'd at the Prisoner and his Breeches were up and buttoned, he brought me up and said he was going for Water to wash my body, I felt great pains in my Loins now, he did not lay me down or put a Towel in my Mouth again, but he gave me Brandy in the room which I refused the Slave Girl the Prisoner and I slept together, the Circumstances happen'd about Twelve O'Clock the Prisr took me up in his Arms out of the Street and carried me into the Godown when he took me up he said he wanted to give me a Dram when I told my Mistress what had been done, She did not ask any Questions, I was in the Godown a little time, and I was carried out before dark, I did not see the Prisoner put any thing into me, but when I awoke I felt great Pain after I had drank the Brandy I lost my Senses my Head turned and I was Sick I know Doctor De Fontaine but I did not tell him any thing relative to this Matter I saw Doctor De Fontaine several Days, after I came home, he did

not look at my private parts, the Slave Girl told me the Prisoner had done some thing to hurt me, I think the Prisoner is a bad Man, because he has done me a great deal of harm, which the Gentleman know very well, She is convinced that the Prisoner alone did her that harm.

Jean Baptiste de Fontaine produced and Sworn

Dr. Was you called in at any time and when to Examine a Female Servant of Mrs Pacachee?

A. I was not call'd by Mrs Pacachee, but went to her House on his own Account.

Dr. Relate what pass'd

A. I ask'd if a Female Child belonging to her had been violated, She said Yes and brought the Girl to me, I asked the Girl what had pass'd which from bashfulness she would not at first tell me, but on her Mistress speaking to her, She told me that the Prisoner called her to him and took her in his Arms and carried her into a Godown or Cave and brought her some Brandy saying if She would not drink it he would stab her, he forced her to drink the Brandy at twice which made her fall asleep, She waked by feeling great Pains and began to cry out, that the Prisoner took a Towel and put it in her Mouth, and the Child declared to me in presence of Pacachee that the Prisoner had put some thing he had in his Breeches into her that the Prisoner took the Towel from her Mouth and She seeing herself all bloody cried to go home & the Prisoner said he would first wash her clean and take her home at Night. I ask'd Pacachee to let me Examine the Girl when Pacachee assured me the Girl was ruined and that She was going to apply proper Medicines, Pacachee told me they had preserved the Girls Petticoat and that they had given her one of the Slave Girls Petticoats, I ask'd Pacachee why She did not disclose the Matter to a Justice, Pacachee told me that would Cost Money and that the Portuguese meaning the Prisoner promised to Marry her. The Girl in relating the Story told me the Prisoner gave Orders to the Slave Girl not to let her go out and if She attempted it to beat her.

By the Jury.

Dr. When did what you have been Relating all happen?

A. On the 25th February as he was informed or thereabouts

Pascoala de Sylva produced & Sworn

Qr Who are you and where do you Live?
Ar In Mahratta Town with my Son who keeps a Punch House.
Qr Relate what you know respecting the Injury offered to Luzia?
Ar I sent the Gire to my Son's Punch House to call a Dubash, the Gire was lost for Eight Days, and then returned alone, I ask'd the Gire where She had been and She said in the Prisoner's House. I went to Mr Byrne to ask for some Sepoys but could not obtain them, I kept People about the Prisoner's House to apprehend him and my Son at last brought him to my House, when he came to my House he said he was guilty and said he would marry the Gire, I therefore sent her and my Son to the Priest, the Prisoner said he was guilty in secreting the Child the Prisoner did not tell me any thing, but the Child told me the Prisoner had forced her to drink Brandy and had threatened to kill her if She made a Noise and shewed her the Knife I asked the Prisoner how he could do so and observed the Child had on a different Petticoat, the Girl told me the Prisoner had lain with her and had had Carnal Knowledge of her I did not examine the Gire, the Girl complained to me at different Times that She had pains in her Loins when I saw the blood I knew it came from her private parts, the Girl is about thirteen Years of Age, She was five Years old when She came to me and has been with me Eight Years the blood did not proceed from a Natural Cause, the Girl said he Kept her for Eight Days, She did not tell me the Prisoner had put a Towel on her Mouth, but told me that the Prisoner laid her down on a Mat, I gave the Child some Oil and rub'd her back, I did not Examine her, the Child had Pains in her Loins before She knew the Prisoner, Doctor Fontaine did not propose to me to Examine the Child, I neither washed nor saw the private parts of the Child. ee

Fontaine again called —

Qr Did Pacachee tell you She had examined and washed the Girl's private parts?
Ar I ask'd her and her Mother if they had examined the child, Pacachee and her Mother both told me they had and that they had put some Medecines and the Child had suffered very much, She did not Lie She washed the private parts but that She had applied Medecines without saying where, I saw the Child two or three times but never examined her, I wished to Examine her but Pacachee

said "Don't you see how she walks"
To Pacachee
Qr Do you believe that the Prisoner had Carnal Knowledge of the Child?
Ar I believe he had
Qr What is the Reason of such your belief?
Ar From the Prisoner's coming to me and ask'g pardon and promising to marry the Gire, and from the Blood on her Petticoat.
My Son brought the Prisoner to my House the Ninth day after the Child was missing, I dont know what pass'd between the Padre the Prisoner & my Son. ee

Le Pere Illuminee produced and Sworn

Qr Relate what you know respecting the Offence said to have been committed by the Prisoner at the Bar?
Ar A Young Man of the Name of William brought the Prisoner to the House belonging to the Portuguese Church, after which William said the Portuguese (meaning the Prisoner) had been Guilty of some bad things with a young Child he told me the nature of his Crime and I said it was not for me to take Cognizance of it on consideration the Youth of the Child and the brutal Action of the Prisoner and giving Credit to the Declaration of the Crime as related by William I reprimanded the Man, who made no other Answer than by weeping, the Crime mentioned by William was that the Prisoner had abused and forced the Child William mentioned the Crime in the Presence of the Prisoner who wept but did not Speak, I told William We could not take Notice of the Crime, go to the Adjutant of the Black Town if you choose, but go out of our House, We don't wish this miserable Man to be taken here, the Prisoner did not, but William said the Prisoner would marry the Child, I said marrying the Child would be committing a Second Offence to give the Children in marriage to a Man who had used her so ill, William and the Prisoner were together and William spoke in Portuguese, I did not put any Questions to the Prisoner but asked him how he could be Guilty of such a Crime, the Prisoner made not any Answer — ee

Peter Vellum produced & Sworn.

Qr Who are you and where do you Live?

Ar I am a Writer and live in Madras Town

Qn Relate what you know relative to the Crime with which the Prisoner is charged?

Ar When I went home my Mother told me his Girl was lost, Her Name was Luzia, I sent for the Girl's Mother who was at the Mount & told her the Girl was lost I sent two of my People with her Mother to bid them cry out the Girls Name in the Street in order to find out the Girl, I could not find her for Eight Days afterwards at the End of Eight Days I saw the Girl at my House at three O'Clock P.M. I ask'd her where She had been, She said She had been at the Prisoner's House I went with the Girl to his House but could not find him, Early the next Day I went to his House and found him and took him and brought him to my House I ask'd the Girl if the Man had hurted her, She said Yes, I asked her in what way, She said She could not tell the particulars because the Man gave her Brandy which had intoxicated her, I ask'd the Man if he had enjoyed the Girl, he said Yes, and then began to fall at my Feet and beg forgiveness and promised he would Marry her, he then persuaded me very much to come to the Padre and We went, the Padre ask'd what was the matter, I told him the Prisoner wanted to speak to him, the Padre bid me explain, the Prisoner being present, I told the Padre the Prisoner had enjoyed the Girl and that he wanted to Marry her the Padre said O my friend, if I has a Dog I would not give him to the Prisoner, he is so wicked, then the Padre told the Prisoner some Stories reprimanded him and said if he did not go some Mischief would happen, that it was good luck which placed him in their Hands I told the Padre, I wanted to inform the Justice, the Padre said as the Story has come to our Ears pray excuse him, I said no Man would Marry the Girl, let the Prisoner give a Note that he would Marry her after some Years, the Padre said better throw the Girl into the Sea than marry her to that Man, he does not deserve her. the Padre prest'd me to forgive the Man and not prosecute him, I told him I did forgive him, the Padre said my Friend go and stay out of this Settlement as you have committed this Crime, Something will happen to you, and I then went and told the Girls Mother who was Pates'fied and was glad the Story was quiet that her Name might not be publish'd, this happened about Eight O'Clock A.M. I never saw the Girls private parts, She had pains in her back when Young

but they had gone and had returned about a Month after the Brute had abus'd her, My Mother gave her Oil to rub, I was not present when the Girl told my Mother what had happened but the Man told me when I went to the Church I found Padre Ferdinando I told him and he directed me to Padre Illuminee and he sent for him and they were both together, the two Padre requested me to forgive the Prisoner.

Rozia produced and Sworn

Qn Did the Prisoner bring a Girl into his House?

Ar No.

Qn Do you live with the Prisoner?

Ar Yes.

Qn Do you Know a Girl of the Name of Luzia?

Ar I have just now seen her, but not before.

Luzia call'd in

Qn Do you know the Witness?

Ar Yes. She is the Girl who gave me the clean Petticoat, I know her She was in the House of the Prisoner all the time I was.

Qn to Rozia, Did you not give the Girl a clean Petticoat in the Prisoner's House?

Ar No.

Villaine de Rodriguez produced and Sworn

Qn Do you know a little Girl of the Name of Luzia?

Ar Yes.

Qn Were you at home when the Child was brought from the Prisoner's House?

Ar I was in another House.

Qn Did you hear that Luzia had any Pains?

Ar Two or three Years, She has had pains.

Qn Did you See her Petticoat and was it bloody?

Ar I know nothing, I am always Sick, I did not Examine the Girl nor does I know any thing about Luzia's being injured.

Here the Evidence closed on the Part of the Crown and the Prisoner being call'd upon for his defence addressed the Court as follows.

I am a Stranger and have not any Evidence, I know Luzia She used to come to my House and while I was drinking Tea and Brandy one Morning the Girl came into my House and asked me for Tea I said there is Brandy which I offered to give her She drank

of Tea and Brandy, two or three times and then was intoxicated and Laid down and Slept when She wakened it was late and I wanted to Send him home, but He would not go lest his Mistress would Lick Her, after Seven or Eight Days I said if you will not go home I will carry you" and seeing Her Cloaths dirty I gave Her a Petticoat of my Wifes, afterwards I went out on my Business and as the Girl Shut the Door, when I returned the Door was open and the Girl gone at Nine or Ten Clock P.M. I saw some People watching about my House on the Night of the Day which the Girl went away and I guessed it was because I had had the Girl Seven or Eight Days in my House and the next Morning Peter Vellum came to me and ask'd me why I had kept the Girl so long, I asked Pardon, as I had kept the Girl who was afraid to go Home, then Peter Vellum told me to go with him to his Mother and I went and his Mother said the Girl was abused and offended and said I has done it, I denied the fact and bid Her examine the Girl and see, She refused, and went and lodged a Complaint against me, I promised to go to the Padre and if he should say I had abused the Girl I would marry Her I told the Padre I had not committed any fault, that my fault was only in Keeping the Girl in my House, the Padre said "you are a Stranger why dis you do so, you had better leave the Settlement" I had a Woman living with me in my House as a Wife and I had no business with any other, I am only in fault for Keeping the Girl, but not for any thing else.

Francisco Soze One of the Petit Jury Sworn,
He Saith that he has known the Prisoner, One or Two Years by Sight but cannot give Him any Character; he has heard he belongs to a good family, he does not know what his reputation is.

Narcisus Rodrigues produced & Sworn
He Saith he has known the Prisoner about two Years he has visited him he has heard him reputed a good Man and of a good Family.

Edward Raphael produced and Sworn
He Saith he knows the Prisoner at the Bar by Sight only, he has heard that he is of Relation of a very good honest Man.

The Evidence here closed and was Sumed up by the Clerk of the Peace and the Jury retire with a Bailiff Sworn to keep them.

The Jury return into Court Verdict being first proclaimed

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

Jury — Yes

Clerk of the Peace — Who shall Say for you.

Jury — Our Foreman.

Clerk of the Peace — Is Manuel Joaquim da Costa Guilty of the Felony & Rape whereof he stands indicted or not Guilty?

Foreman — Not Guilty.

Clerk of the Peace — Gentlemen of the Jury hearken to your Verdict as the Court hath recorded it, you say Manuel Joaquim da Costa is not Guilty of the Assault & Rape whereof he stands indicted and so you say all.

Foreman — Yes.

Manuel Joaquim da Costa was then taken from the Bar.

The Court was then adjourned to Monday the Seventh Instant at Eight o Clock in the Morning.

J. Spencer
Act.g Clk. of the Peace

Adjourned Sessions Monday July 7th 1788

Justices Present

John Hotlond James Henry Casamajor and Robert Maunsell Esquires

The Court is duly opened

Augustus Ahrens against whom the Grand Jury found a Bill of Indictment for Murder is put to the Bar and arraigned upon his Arraignment he pleaded Not Guilty and the following Persons were Sworn on his Jury he having refused a Jury of Foreigners and English

Robert Hughes
George Proctor
Honble Basil Cochrane
Thomas Oakes
Thomas Cockburn
Oliver Colt
William Collins Jackson
Thomas Pearce
Lionel Place
James Amos
Laurence Bowdoin Jr.
James Nicholas

The Indictment is then read as in the Arraignment

Clerk of the Peace. Augustus Ahrens hold up your hand, You stand indicted by the Name of Augustus Ahrens late of Madraspatnam Gentleman a Lieutenant in his Majesty's fourteenth Regiment of Hanoverians not having the fear of God before your Eyes but being moved and seduced by the Instigation of the Devil on the Eighth Day of May in the Twenty Eighth year of the Reign of our Sovereign Lord George the Third of Great Britain France & Ireland King Defender of the Faith and So forth with force and arms on the North side of Madraspatnam aforesaid and within the Jurisdiction of this Court in and upon Charles Vitting Hoff in the Peace of God and our said Lord the King then and there being Feloniously wilfully and of his Malice aforethought did make an Assault and that you the said Augustus Ahrens with a certain Pistol of the Value of five Shillings then and there charged with Gunpowder and one Leaden Bullet which Pistol you the said Augustus Ahrens in your right hand then and there had and held to against and upon the said Charles Vitting Hoff then and there Feloniously wilfully and of your Malice aforethought did shoot and discharge and that you the said Augustus Ahrens with the Leaden Bullet aforesaid out of the Pistol aforesaid then and there by force of the Gunpowder aforesaid shot and discharged as aforesaid the aforesaid Charles Vitting Hoff in and upon the left breast

of him the said Charles Vitting Hoff then and there with the leaden Bullet aforesaid out of the Pistol aforesaid by you the said Augustus Ahrens so as aforesaid Shot and discharge feloniously wilfully and of his Malice aforethought did strike penetrate and Wound giving to the said Charles Vitting Hoff then and there with the leaden Bullet aforesaid so as aforesaid Shot and discharged out of the Pistol aforesaid by the said Augustus Ahrens in and upon the said left Breast of him the said Charles Vitting Hoff one Mortal Wound of the depth of four Inches and of the breadth of half an Inch of which said Mortal Wound the aforesaid Charles Vitting Hoff from the said Eighth Day of May in the year aforesaid until the Twenty Seventh Day of the same Month of May in the year aforesaid at Madraspatnam aforesaid did Languish and Languishing did live on which said Twenty Seventh Day of May in the year aforesaid the said Charles Vitting Hoff at Madraspatnam aforesaid in the Jurisdiction aforesaid of the said Mortal Wound died And so the Jurors aforesaid upon their Oath aforesaid do Say that the said Augustus Ahrens the said Charles Vitting Hoff 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

The Jury were then charged with the Prisoner and Henry Klugel the first Evidence on behalf of the Crown produced & Sworn.

Dr Relate what you know of the Murder of Mr Charles Vitting Hoff

Ar I was called upon by Ens. Barkhausen on the Evening of the Seventh of May to attend the Prisoner the following Morning, the next Morning I went to the Prisoners House and went with him to a Tope on the North side of the Black Town, in the Tope the Prisoner went from me and I stood behind about Sixty Paces off. I heard the Report of a Pistol I went up to the Report and Mr Vitting Hoff met me whom I perceived to be wounded and whom I conducted to his Palanquin and there dressed his Wound and Reported it to Surgeon Schmidt I did not see who fired the Pistol I only heard it.

By the Jury

Dr Was any other Gentleman present in the Tope besides the Prisoner and the Deceased?

Ar Ensign Barkhausen & Ens: Muller

Dr Did you know when you went out with the Prisoner that he was going to engage in a Duel?

Ar Nobody told me but I saw Pistols.

Qr When did the Deceased's Death happen?
Ar He died the Twenty Eighth of May.
Qr Did you Attend him at any time and how long after he was wounded?
Ar I did not -
Qr When did you See him last after the Wound?
Ar I have seen him several times since but I am not certain on what Days and not in my Capacity as Surgeon -
Qr What Surgeon Attended the Deceased when he was brought to his Quarters
Ar Surgeon Boyer
Qr Do you Know of any Quarrel subsisting between the Prisoner and the Deceased?
Ar I do not -
Qr Did you see a Pistol in the Hands of the Prisoner before you heard the Report
Ar He had a Pistol wraped up in a Cloth under his Arm.
Qr Where was the Prisoner then?
Ar In the Tope
Qr How long was it from the time you saw the Pistol wrapped up in a Cloth till you heard the Report?
Ar A short time afterwards I cannot be positive -
Qr Do you Know if the Pistol was loaded?
Ar I cannot tell, I don't Know -
Qr If you had not been looking at the Palanquin and had directed your Eyes to where the Prisoner was could you have seen the Prisoner at the time you heard the Report?
Ar In that Case I might have seen him. ee
Qr When you turned round did you See the two Ensigns?
Ar I first saw the Deceased and then the two Ensigns.
By Prisoner's Counsell
Qr When you were called upon by Ensign Barkhausen on the Evening of the Seventh of May was the Name of the Deceased mentioned?
Ar It was not
Qr Did you at any time of the Morning you Attended the Prisoner to the Field See a Pistol in the Hand of the Deceased?
Ar I did not
Qr Did you ever tell the Prisoner that the Deceased in loading his Pistol broke his Rammer, against a tree in attempting to force down the Charge?
Ar I did not, I do not recollect it ee
Qr Did you ever Attend the Prisoner professionally after the Duel?

Ar I did several times -
Qr Did you at any of those times hold any Conversation with the Pris[r] concerning the Deceased's Death?
Ar I did, but I do not recollect the particulars -
Qr Did Ensign Barkhausen mention to you the purposes for which you were to Attend the Prisoner?
Ar He did not -
Qr Is it unnecessary when Gentlemen call on you for your professional aid to mention the particular purposes for which you are called[d]
Ar I do not think it unnecessary.
Qr How then can you be prepared or do you always carry a Medicine Box with you or a Case of Instruments & Dressings?
Ar I always carry Instruments and Dressings with me -
Qr What particular Dressings did you carry with you on that Morning?
Ar None, only my usual ones -
Qr How did you carry them?
Ar I had a Boy with me who carried them -
By the Jury
Qr Is it usual for you to have a Boy attending you with Dressings and Instruments at all times?
Ar I frequently have when the Instruments and Dressings are too heavy for me to carry.
By Prisoners Counsel
Qr When the Instruments are light and trifling How do you then carry them?
Ar I also give them to the Boy for they are inconvenient.
Qr Does the Boy always carry the Instruments & Dressings?
Ar He does, when I have a long way to go.
Qr Did you carry a Tourniquet with you on that Day?
Ar I did,
Qr Do you always carry a Tourniquet with you?
Ar No, not always
Qr Why did you carry one that Day?
Ar I took it from precaution as perhaps I might want it.
Qr Had you any particular Reasons for such precaution on that particular Day?
Ar Because Ens: Barkhausen desired me to take Instruments with me. ee

Qr Did Ensign Barkhausen particularly desire you to carry the a Tourniquet?

Ar He did not.

Qr Why then did you carry it, it being only used in Amputations or stoping Effusions of blood?

Ar Because as I was not desired to take any Instrument in particular I took it from precaution.

Qr What particular expressions were made use of by Ens: Barkhausen when he desired you to carry your Instruments with you?

Ar He said nothing but that I should come the next Morning to the Prisoner's House and bring my Instruments with me.

Qr Had you any further Conversation with Ensign Barkhausen?

Ar No more -

Qr When you arrived in the Tope with the Prisoner was there any Servant of the Prisoners present?

Ar I saw none, but the Horsekeeper -

Qr Where did you first See the Prisoner that Morning?

Ar At his own House -

Qr Who arrived first in the Tope?

Ar I did not remark, Mr Vitting Hoff Mr Barkhausen Mr Muller and the Prisoner, Mr Vitting Hoff came in his Pallanquin.

Qr What was their Conversation together?

Ar I did not Attend to it.

Qr Had the Deceased and the Prisoner any high Words, or did they appear to be angry with each other?

Ar They did not Speak together as I saw Mr Vitting Hoff came by himself.

Qr How long had the Prisoner, Mr Barkhausen Mr Muller been together before Mr Vitting Hoff joined you in the Field?

Ar When We came to the Tope Mr Vitting Hoff's Palanquin also arrived and Mr Vitting Hoff came with the Gentlemen at the same time they met together there.

Qr Did they Salute each other?

Ar I did not attend to that.

Qr Did you meet those Gentlemen at any other Place previous to your Meeting them in the Field?

Ar Yes at the Prisoners House, but not Mr Vitting Hoff

Qr How long were you in the Prisoner's House?

Ar Full half an Hour -

Qr What was the Conversation?

Ar We had no particular Conversation We only wished the Deceased would come.

Qr Recollect yourself, did you at any time on that Day See Pistols or a Pistol in the Hands of the Deceased?

Ar I did not See any nor did I attend to it.

Qr Did you see any Pistols in the Hands of any other Person?

Ar I saw Pistols on the Table at the Prisoner's House, but I did not See any in any Person's Hands and I did not attend to it.

Qr Did you See the Prisoner go out of his House?

Ar Yes,

Qr Did you ask him where he was going?

Ar I did not ask him, the Prisoner told me to go to the Tope.

Qr What became of the Pistols which were on the Table?

Ar I did not See what became of them, I went out of the front Door

Qr Had the Prisoner Pistols in his Hand when he went out of the Door?

Ar No, He mounted his Horse and had nothing in his Hand.

Qr Had the Prisoner's Saddle Holster Pipes?

Ar I do not know, I did not look.

Qr Did you accompany the Prisoner from his House to the Tope?

Ar Yes I rose with him -

Qr Did you See him dismount?

Ar Yes he dismounted & went into the Tope.

Qr Had he any Pistols whilst dismounting?

Ar I did not See

Qr Who gave the Pistols to the Prisoner which you afterwards saw in his hands?

Ar I did not see where he got them -

Qr Did he quit his House and go to the Place from whence you afterwards heard the Report of the Pistol immediately on dismounting?

Ar Yes.

Qr Did the Prisoner Stop or speak to anyone from the time of dismounting?

Ar He did not Stop but he conversed with Ens: Barkhausen & Ens: Muller as they were going

Qr Did either of those Gentlemen give him Pistols?

Ans I did not see them give any.

Qr When did you first See the Pistols in the Prisoners Hands?

Ans When they were near the Place from whence We heard the report of the Pistol.

Qr Was it before or after he joined the two Ensigns?

Ans After the Prisoner joined the two Ensigns immediately on dismounting

Qr What part of the Pistols appeared out of the cloth which induced the Prisoner to Know they were Pistols?

Ans I did not attend to the part which was out, but he thought he believed they were Pistols. I am not certain they were Pistols, I only thought so.

By the Jury

Qr On the Evening of the Seventh of May after being desired to Attend the Prisoner the following Morning, did you suppose that a Duel was to be the consequence and do you believe it was known to most of the Corps?

Ans I could not think so, it might as well have been any thing else, I do not know if it was known to the Corps, I knew nothing about it.

Qr Was you desired to keep the Matter a Secret?

Ans No.

John Frederick Weber Surgeon produced & Sworn

Qr Relate what you know of the Murder of Mr Vitinghoff?

Ans I was ordered by Col. Wangenheim to dissect the Body of the Deceased on the Twenty Seventh of May I went to his House at three Clock P.M. where I began to dissect in the presence of Lieutenant Geer & Diepenbrocick and Judge Advocate Stirve who took the report Doctor Schmidt also attended on the exterior part of the body, no hurt was perceivable but a Shot wound on the breast bone between the fourth & fifth rib on opening the breast it was found that a ball had passed obliquely thro' the left breast between the muscular interdustales of the fourth and fifth rib and had fractured the fourth rib from thence it passed thro' the pleura under the Shoulder, the direction of the ball could not be farther ascertained, only it was known to me that it had been found the same Day the Wound was received at the muscular Baltoide and there had been cut out in the left breast Pole no mark of the lung was found but only the fibres and vessells a mixture of congealed blood, Matter & Blood-water about three Pounds weight, the Heart bag was cut thro' and the Heart opened

Longitudinally, and found the heart sound and the right breast Pole was sound, the Liver was also examined and the ventricle and the whole Intestinorum were found sound, also the liver was sound, the Head was lastly opened the dura mater and pia mater were cut thro' and the cerebrum examined which were all sound, notwithstanding all parts except the left breast Pole were found sound, still it is impossible for me to determine on this Oath and Duty from the following Considerations whether the Shot only occasioned this Distruction. I did not attend the Deceased from the time he received the Wound till he died, it is well known that Shot-wounds thro' the Lungs are not mortal, and it is impossible for me to determine whether the Wound was in itself mortal instead of the left Lobe of the Lung, I only found a congealed mixture and therefore cannot fully ascertain the Effect of the Shot on the left lobe of the lung, because I could not find the Direction of the ball, it is therefore probable to me, that the destruction of the left lobe of the Lung, might have originated from other Causes, Ulcers for example besides the Shot wound it is therefore impossible to declare upon Oath & Conscience, whether the Deceased died of the Wound itself, or whether other to me unknown Causes were conducive thereto.

By the Jury

Qr Are you of Opinion from the Wound you have described that it must always or in most Cases prove mortal to the Person receiving the Same?

Ans No not always, if the ball does not strike the large Vessells.

Qr Were you well acquainted with the Deceased?

Ans Yes I was.

Qr Was he in perfect Health before the Wound?

Ans As far as I know he was Doctor Schmidt told me he had often Spit blood.

Qr Did any Circumstances appear upon the Body which could operate to affect his Life except the Wound?

Ans No.

By Prisoners Counsel

Qr Might not the Abscess found in the left lobe of the Lungs have proceeded from a natural cause?

Ans It might have but I cannot be positive.

Qr You have said a Wound in the Lungs is not mortal unless the large Vessels are touched in such a case that is when these Vessells

are touched is not Death almost instantaneous?

Ar It is not always the Case

Qr From the great Effusion of Blood which ensues from cutting thro the principal Vessels how long may a Person live?

Ar He perhaps may live half an hour a Day or perhaps two Days, but it is not likely He can live longer

Doctor John Frederick Schmidt

Qr Did you attend the Deceased Ensign Vittinghoff?

Ar Mr Klugel reported to me the Accident had happened, I in company with Doctor Bowey went to the Deceased's House

Qr When did you and Doctor Bowey go?

Ar I do not recollect particularly

Qr Did you Attend the Deceased?

Ar I Attended him at first

Qr Did you See the Wound the Deceased had received?

Ar I did not See it in the Morning when I first went to him but I saw it in the Evening.

Qr Did you Examine the Wound in the Evening?

Ar Yes

Qr Was it a Pistol Shot wound?

Ar It was a Shot wound

Qr Was it such a Wound as you suppose was the Cause of his Death?

Ar I cannot say whether the Wound was the immediate Cause of his Death or whether any other Cause might not exist

Qr Do you Know what the Deceased's State of Health was previous to receiving the Wound?

Ar I never attended him previously to my recollection as a Surgeon

Qr Did the Deceased ever mention to you that he had had a Spitting of Blood previous to receiving the Wound?

Ar When I ask'd him as to the State of his Health before he received the Wound he answered that he had spit blood formerly.

By the Jury

Qr Was the Wound the Deceased received of such a nature or kind as would sometimes or often occasion a Person's Death?

Ar It might sometimes but it is often the Case for a Man to be Shot thro the Lungs and not die of it of which I know several Instances.

Qr Did you enquire of the Deceased how he came by his Wound when he

first saw him or at any time after?

Ar No.

Qr You say Doctor Klugel reported to you the Accident did you enquire of him how it happened?

Ar Yes

Qr What Information did Doctor Klugel give you?

Ar Doctor Klugel told me that the Ball had hit the Breast bone, but that he did not know where it had lodged.

Qr Did you Understand from Doctor Klugel that the Ball had been discharged from a Pistol and if so, who had fir'd it?

Ar No I did not.

Qr You say the Deceased informed you he had spit blood formerly did he Explain what he meant by Spitting blood formerly, whether it was some time before his Death or when?

Ar No, he did not inform me as to any particular time he only said in former times.

Qr When you first attended the Deceased did he labour under any disorder which was likely to be the Cause of his Death?

Ar No

Qr Did you see the Ball when it was extracted and did it appear to be a Pistol Ball?

Ar I saw the Ball but I cannot judge whether it was a Pistol Ball.

Qr Was it of the Size and shape that Pistol Balls commonly are?

Ar I am not skilled in Fire-arms and therefore cannot judge.

Qr When did you find in the deceased's Room when you first went to him after the Accident?

Ar I cannot be positive I think only his Servant

By Prisoner's Counsel

Qr When Mr Klugel reported to you did he mention the Wound of the Deceased as received in a Duel?

Ar Yes he did,

Qr Did he (Klugel) mention how and where the Duel was fought?

Ar Yes, but I cannot be positive as to the expressions Mr Klugel told me there had been a Duel fought between the Prisoner & the Deceased and that the Deceased was wounded.

Qr Did he tell you he had attended the Prisoner to the field?

Ar I do not recollect

Qr Did you Attend the opening the Body of the Deceased?
Ar Yes.
Qr Was there an Abscess on the Lungs?
Ar The right lobe of the Lung was Sound, the left lobe was totally destroyed, there was nothing but a compound of Blood, Matter & Blood and Water
Qr Might such Destruction have proceeded from a natural Cause?
Ar There might have been Abscess in the Lung and a Shot thro the Lungs is not always Mortal.
Qr Does an Abscess in the Lungs some times form from Venereal complaints
Ar Very Seldom,
Qr Might the Destruction of the left Lobe of the Lung proceed from an Abscess?
Ar Perhaps it might.
By the Jury
Qr Are you of Opinion that the Quantity of stagnated Blood and blood water found on opening the Deceased's Body proceeded from the Wound or any other Cause?
Ar I cannot be positive to that point and no Doctor in the World could be positive.
Qr Are you of Opinion that a Person in such Situation must inevitably die or that is possible or probable he may recover?
Ar From such a Quantity of Stagnated Blood and blood Water, it is impossible for a Person to live. ee

Lewis Boyer Surgeon produced and Sworn

Qr Relate what you know of the Murder of Mr Vilkinghoff?
Ar In the Morning of the Eighth of May between Eight & Nine o'Clock I went with Doctor Schmidt to the Deceased's House, I found the Deceased was dressed already therefore left him in that Situation till the afternoon, I then took off the first Dressing and examined the Wound and found the Ball had entered the left breast, the Air which proceeded from the Wound shewed that the Lung had been hurted, I found the ball on the upper part of the left Arm, and there cut it out, this left room for a Supposition that the ball had passed towards the left Side, had there struck against a Rib and had gone upwards. ee
By the Jury
Qr Do you know when the Deceased died?
Ar He died on the Twenty Sixth of May. ee

Qr Do you believe that the Wounds he received occasioned His Death?
Ar It might but I cannot be positive if the Wounds only occasioned his death
Qr Had the Deceased any other Disease or Disorder except what arose from the Wound which might have occasioned His Death?
Ar No,
Qr Has you any Conversation with the Deceased on the Subject of the Duel?
Ar None
Qr Did you learn from the Deceased how he came by the Wound?
Ar No-
Qr Was you present when Doctor Klugel reported to Doctor Schmidt the Circumstance of the Accident?
Ar No-
Qr Did the Deceased ever inform you that he was Subject to spitting blood?
Ar He did, that he had at several times spit blood in Europe.
By Prisoner's Counsel
Qr Did you attend the Opening the Body of the Deceased?
Ar I was present but did not assist,
Qr Was there an Abscess formed in the Lungs
Ar It was to be presumed, but could not positively be said, because the left Lobe of the Lung was in a State of putrefaction.
Qr Might that have proceeded from a natural Cause?
Ar I cannot be positive 'tis probable
Qr Might such a Situation produce Death?
Ar Certainly it might with other Causes contributing.
Qr Can a Person exist when the left Lobe of the Lung is destroyed, and in a State of putrefaction?
Ar I have seen one for a considerable time
Qr Will he ultimately and without any Concurrent Cause die?
Ar Yes
Qr You attended the Deceased, was the Wound in a fair Healing way?
Ar The Wound never was, his Situation altogether left room for a spark of Hope.
Qr Was the Deceased when you visited him in tolerable Spirits?
Ar No-
Qr On which Breast did the Ball enter?
Ar On the left Breast
By the Jury

Qr Do you Know that the Deceased Spit blood, when he was wounded?
Ar After he received his Wound he did—
Qr Do you believe from your professional Experience that the Abscess collected in the deceased's Body proceeded from a natural cause or the Wound he had received?
Ar I believe it had been collected before the Wound because he had spit blood before and had laboured under a Pleurisy.
Qr What do you mean by the Abscess with which the Deceased was afflicted?
Ar From the total putrefaction of the lung tho' there was not a visible Abscess, there was every probability of there being one.
Qr Did you See when the Deceased was opened a Quantity of stagnated Blood and blood Water?
Ar Yes.
Qr Do you mean that that Quantity of stagnated Blood and blood Water is the Abscess of which you speak?
Ar Yes, but it was congealed blood, Matter and blood water together
Qr You have said the Deceased was in perfect Health before the Wound could he be in perfect Health when an Abscess had formed in his body?
Ar From what the Deceased said I believed him to be in perfect Health because I had not seen him, till I came to Attend him when I saw him for the first time in my Life. ccc

Ensign Barkhausen produced and Sworn

Qr Relate what you know of the Murder of Mr Vittinghoff?
Ar Ensign Vittinghoff came to my House the Day previous to the Accident and told me he had challenged the Prisoner and would fight him and desired me to be an Eye Witness as soon as the Rain weather was over it should be done; the Rain did not cease that Day but lasted till the next Morning, the next Morning the Deceased sent a Boy to me and desired me to come to his House, I went and he was Dressing and when he had done he went away and I followed him on the Road near a Tope, I again met him when We came to the Spot a Boy opened a Handkerchief and took out two Pistols the Prisoner also arrived they met together the Deceased took the Pistols in his Hand and the Deceased and the Prisoner each loaded their own Pistols when the Pistols were loaded they drew Lots who should fire first the Prisoner won the first fire, I brought the Deceased to the

Place where he was to Stand and went aside and when I turned round the fire fell, I went up to the Deceased he grasped his Breast and droped the Pistol which he had in his hand cocked I then assisted to Conduct him to his Palanquin and the Doctor there dressed him. ccc
By the Jury
Qr How long after the Wound did you hear of the Deceased's Death?
Ar Nineteen Days—
Qr What do you mean by saying the Fire fell?
Ar The Pistol was discharged by the Prisoner—
By Prisoner's Counsel
Qr Did the Prisoner ever desire you to call Doctor Klugel in his Name?
Ar No.
Qr Had you any Conversation with him on the Day previous to the Accident
Ar Yes. I told him to come to my House early in the Morning. ccc
The Evidence here closed on the part of the Crown, the Prisoner being called upon for his Defence leaves it to his Counsel and Calls
Lieut Augustus Siegen of the 14th Hanovr Regiment
who is produced & Sworn—
By Prisoner's Counsel
Qr Did the Deceased call upon you on the Seventh of May?
Ar Yes, Early in the Morning he came and told me he had a Dispute with the Prisoner and that he was going out to fight him with Pistols and desired my Attendance as his Second which I declined offering my Service at the same time to have the matter Settled, telling him I was the common Friend of both and if the Prisoner had made use of any improper Expression I would pledge my Word he should either retract it or appologize and that the Dispute would be Honorably settled on both sides amicably and that I would immediately go for this purpose to the Prisoner the Deceased then told me he would not hear of an amicable Termination of the Affair that he had challenged the Prisoner and he must fight him, I asked him ee what were the Offences which must be very serious to induce him to decline my Offer he then related to me a very trifling dispute about the Rights of the Abbot of Lockum if he styled himself Ille or Ipse and of what consequence he was in the Electorate in which point the Deceased had in my knowledge & Opinion been wrong I asked if no other Offences had taken place, he said None

but that he thought the Prisoner had ridiculed his Argument in the Conversation, I argued that it would be ridiculous to fight for such trifling Disputes amongst Friends, again very warmly offering my Services to an Accommodation, during them I was confident of finding the Prisoner very ready for it when he stated no Argument to come but said Twice and must fight the Prisoner; I then thought him actuated by ill Malice or an old Grudge and told him I would have nothing more to do with the Business he then asked me to lend him my Pistols to which I gave him no Answer whatever he said he wanted the Pistols for the purpose of fighting the Prisoner, and he went away from me, in the Afternoon he sent to my House and I was not at home and desired my Pistols and some Powder from the Boy, which my Boy gave him on the Ninth Instant I received them back both were loaded with Ball and Powder, One Split by firing a Shot off – I have been at the Deceased's House often when he was Sick, he told me the first Day that he had written a Letter to Colonel Wangenheim in which he acknowledged that he was totally wrong in the Affair, on the fourth Day he told me he found himself so well that he did not imagine the Wound would Cause his Death. ee

By the Jury

Qr Have you any Reason to Suppose the Deceased had an old Grudge to the Prisoner?

Ar Yes, there was a Report of an old Quarrel between them that they had been at Play in Company with Ens. Mistre, where it was said the Deceased had cheated the Prisoner and that the Prisoner told him to Leave his House this had been made up by the intervention of Mr. Mistre but afterwards transpired and came to my knowledge by the public Report the Deceased giving me now no Argument for his behaviour in challenging the Prisoner for so trifling a Dispute and his Expression that he must fight him induces me then and now to think that the Deceased imagines he would retrieve his Character by fighting the Prisoner. ee

The Letter alluded to was here produced and Shewn to the Witness he Declares he is well acquainted with the Hand writing of the Deceased and that the whole of it is written by the deceased that he was one of the Persons who was charged to deliver the Letter in the event of his Death and that he has seen the Superscription before and knows it now

to be the Same, as he had before Seen ee

Qr How long have you known the Prisoner and what is his Character?

Ar I have known him since he came from the Malabar Coast I know him to be a very Benevolent Good Character and one who finds a particular pleasure in Serving his Brother-Officers and when I pledged my Word to the Deceased that there should be an Amicable Settlement of the Affair I was confident from his Principles that the Prisoner would have agreed, knowing that he has often with pleasure acted as a Mediator in Settling Differences. ee

Capt.n George Best of the 12th Hanov.r Regiment produced and Sworn

Qr How long have you known the Prisoner and what is his general Character?

Ar I know him since the Year One Thousand Seven hundred & Eighty four I know him not intimately but as a Brother Officer and I know several Instances in which he has behaved with great Generosity of Character. ee

Capt.n Augustus Honstedt of the 12th Hanoverian Regiment produced and Sworn

Qr How long have you known the Prisoner and what is his general Character?

Ar I have known him since the Year One thousand Seven hundred and Eighty four, I have known him and to my knowledge he has always shewn himself a good Officer he is in particular esteemed by his Brother Officers for his Readiness whenever he has an occasion to serve them for which he spares no trouble to my knowledge he has often acted as a Mediator when Troubles arose amongst his Brother Officers during a long time I have been Adjutant and during that time he never was publicly Reprimanded, never was put under an Arrest nor no Court Martial was ever held on him. ee

The Evidence here closed and was Summed up by the Clerk of the Peace and the Jury retire with a Bailiff Sworn to keep them –

The Jury return into Court Verdict being first proclaimed

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

Jury – Yes,

Clerk of the Peace — Who Shall say for you?

Jury — Our Foreman —

Clerk of the Peace — Is Augustus Ahrens Guilty of the Felony and Murder whereof he Stands indicted or Not Guilty?

Foreman — Not Guilty

Clerk of the Peace — Did he fly for it?

Foreman — No —

Clerk of the Peace — Gentlemen of the Jury, hearken to your Verdict as the Court hath recorded You say Augustus Ahrens is not Guilty of the Felony and Murder whereof he stands indicted and that he did not fly for it and so you say all

Foreman — Yes

Augustus Ahrens is then dismissed by Proclamation

The Grand Jury come into Court and deliver the following Presentment which was Read by the Clerk of the Peace as follows —

Madrasspatnam ss.

We the Grand Jury of the Town of Madrasspatnam Sworn to enquire for the Body of the said Town being Sensible of the many Advantages arising to this Place by the gracious dispensation of His Majesty's Royal Charter last hath conveyed with it the Laws of England and prescribed the method of puting those Laws into Equation

Do Present that upon an Examination of the Records of this Court of Session it appears that a Presentment which was delivered into Court by the Grand Jury at the Sessions held on the Eighth February last and there Read in Court by the Clerk of the Peace is not entered upon those Records. We the Grand Jury do order that the Same may be now recorded agreeably to the established Usage of this Court and to avoid every inconvenient Consequence that might Result from any Departure therefrom do think it our indispensable Duty to Repeat the Same Presentment which (is) run in the following Words —

Madrasspatnam ss

We the Grand Jury of the Town of Madrasspatnam 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 Method of putting those Laws into Execution

Do Present that it has come to our Knowledge that on or about the 5th Day of January last a Military force in the Service of his Highness the Nabob of the Carnatic consisting as it is said of One Hundred armed Men did in a forcible and violent manner enter the House of Sayd Asem Khan within the Jurisdiction of this Honble Court and do there keep him his Women, Children and Family in close Confinement for the Space of Seven Days; And this Grand Jury do understand that the said Sayd Asem Khan thought not under the Same close Confinement under which he was for the space of the first Seven Days is still kept in Confinement and denied Communication with his friends and that such Proceedings are contrary to the Peace of our Soverign Lord the King his Crown and Dignity

Town Hall
8th February 1788.

Geo. Proctor Foreman
Thomas Oakes
Benjamin Roebuck
Benjamin Jun
Thomas Cockburn
Andrew Ross
Oliver Colt
Charles Floyer
Joseph Greenhill
Edward Atkinson
William Harrington
Laurence Bowden
Hugh Boyd
Robert Mitford
Henry Redhead

And We the Grand Jury of Madraspatnam do further Present that We have Reason to believe that the said Sayd Ahmn Khan mentioned in the said Presentment above Recited Had been Subsequent to such Presentment continued in actual Confinement or under such Restraint and in full fruition Apprehensions as by no means were yet to Enjoy full and perfect Liberty. ee

We the Grand Jury Do also deem it our Duty to observe that by the Royal Charter of our late gracious Sovereign it is directed that a Sessions of Oyer and Terminer and Goal delivery shall be holden for this Town of Madraspatnam Quarterly and that upon a further Examination of the Records of this Court We do find that the Sessions were adjourned from the third day of April to the Seventh Day of May and from the Said Seventh Day of May to the Second day of July 1788. ee without any Sessions having been held in that Quarter We conceive that such Adjournments without holding a Sessions may be productive of great inconveniences and publick Injury ee

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

Town Hall
7th July 1788.

J. H. Skardon Foreman
Frs Lind
Hugh Vaughan
Benj.n Roebuck
John Wynch
Joseph Garrow
William Jones
Benj.n Torin
J. Greenhill
Dan.l Price

Edw.d Atkinson
William Harrington
Josiah Webbe
Hugh.h Boyd
Andrew Ross
J. Tulloh
Alex.r Geo: Mackay

The Court was then adjourned to Wednesday the Ninth Instant at Eight o'Clock in the Morning. ee

J. Spencer
Act.g Clk. of the Peace.

Adjourned Sessions Wednesday July 9th 1788.

Justices Present

John Holland James Henry Casamayor and Robert Maunsell Esquires

The Court is duly opened

Rose against whom the Grand Jury had found a Bill of Indictment for Felony and Robbery is put to the Bar and arraigned upon her Arraignement She pleaded Not Guilty and the following Persons are Sworn on the Petit Jury She having waived her Privilege ee

Erskine Nimmo
David Young
Anthony Frederick Franck
Neil Mackenzie
William Brunage
James Nicholas
Simon de Fonceca
John Mendiz
Francisco Jozz
Geo.ge Mendiz
Francis Raulim.s
Henry Dawson

The Indictment is then Read as in the Arraignement

Clerk of the Peace. Rose hold up your Hand — You stand indicted by the Name of Rose of Madraspatnam Inhabitant on the First Day of February in the Twenty Eighth 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 with force and Arms at Madraspatnam aforesaid and within the Jurisdiction of this Hon.ble Court in the dwelling House of One Martelena Bartelaza there Situate one pair of Gold Shoe Buckles of the Value of Seven Pounds and four Shillings of the Goods Chattles of the said Martelena Bartelaza in the Dwelling House aforesaid then and there being then and there Feloniously did Steal Take & Carry away against the Peace of our said Lord the King his Crown and Dignity ee

The Petit Jury were then charged with the Prisoner and Martelena Bartelaza on the part of the Prosecution produced & Sworn. ee

2.d Did you lose a pair of Buckles at any and what time and in what place?

Ans.r I lost a pair of Buckles in the Month of March, I do not remember the Day.

Qu.n How did you lose them?

Ar They were taken out of the Shoes which were in the Room.
Qr Who took them?
Ar The Prisoner
Qr How do you Know the Prisoner took them?
Ar The Prisoner told me so, when she returned from Pondicherry
Qr Have you no other proof?
Ar The Comte de Byland Sent me the Tongues & Anchors from Salem
Qr Have you no other Proof, must the Prisoner have taken the Buckles because the Comte de Byland Sent the Tongues and Anchors?
Ar The Prisoner was offering them for Sale in the Bazar.
Qr What kind of Buckles were they?
Ar Gold ones,
Qr Where are the Buckles now?
Ar In Pondicherry
Qr Do you Know they were in Pondicherry?
Ar I don't Know, but the Prisoner tells me they were Sold there.
Qr Have you any other Proof than the Prisoners Confession?
Ar No I have none
Qr Whose Property were they
Ar My Property
Qr Are you Married or Single?
Ar I am Married
Qr Where is your Husband?
Ar At Manilla
Qr Did you hear of him lately?
Ar About a year ago,
Qr Do you think he is Dead or alive?
Ar I have heard he is alive
Qr On what Day were the Buckles Stolen?
Ar I think it was the Seventh or Eighth of March
Qr When the Prisoner confessed, She had Stolen the Buckles was She in Confinement or not, or any Irons on her?
Ar None at that time
Qr How long has the Prisoner served you?
Ar Five Years as a Slave.
Qr Have you any Reason to believe the Prisoner Dishonest?
Ar All the time She Serve me She was an honest good & faithfull Servant till She became acquainted with a Portuguese named

Manuel Joaquim da Costa

The Witness was about to proceed when the Foreman informed the Court that the Jury were satisfied and that they did not desire to hear any more of the Evidence whereupon it was closed and the Jury without leaving the Box immediately Declared the Prisoner Not Guilty—

Rose is then dismissed.

The Grand Jury come into Court and deliver the following Presentment which was Read by the Clerk of the Peace as follows—

Town of 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 Method of putting those Laws into Execution Do on our Oaths present that it hath come to our Knowledge that on or about the 5th Day of this present Month of July a certain Woman at Vepery in the Jurisdiction of this Court then and there being in the Peace of God and our Sovereign Lord the King by a certain Ball in and upon the said Woman then and there Sworn as aforesaid and discharged by some Person or Persons to this Jury unknown was mortally wounded of which Mortal Wound the said Woman came to an untimely Death— And We the Jurors aforesaid upon our Oaths present that upon enquiry We do not find that an Inquest upon the Body aforesaid hath been holden by the Officer acting as Coroner or certified to the Court of Sessions now Sitting or to any of His Majesty's Justices or to the Clerk of the Peace that the same may be enquired into in a legal manner and the Perpetrator or Perpetrators thereof brought to Trial and punished according to Law; Such want of Attention to the Duties of this necessary Office We apprehend may be highly prejudicial to the

Safety and Welfare of his Majesty's peaceful Subjects his Crown and Dignity.

Town Hall
6th July 1788.

J. H. Skardon Foreman
Jas Lind
Hugh Vaughan
Benj.n Roebuck
John Wyneh
Joseph Garrow
William Jones
Benj.n Toun
J. Greenhill
Dan.l Ince
Edw.d Atkinson
William Harrington
Josiah Webbe
Hugh Boyd

Andrew Ross
J. Tulloh
Alex.r Geo. Mackay

The Bench inform the Grand Jury that Informations are now taking but are not finished there not having been Sufficient time for bringing them in.

The Grand and Petit Juries were then dismissed with many Thanks for their Attendance.

The Court is then adjourned to Wednesday the first of October for holding another Sessions.

J. Spencer
Act.g Clk. of the Peace.

At a General Quarter Sessions of the Peace & Sessions of Oyer & Terminer and General Goal delivery holden for the Town of Madraspatnam Garrison of Fort Saint George and their Dependencies at the Town Hall in Fort Saint George on Wednesday the first Day of October in the Twenty Eighth 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 1788. Before John Holland, James Henry Casamajor and Robert Maunsell Esquires Justices assigned to keep the Peace and also Commissioners of Oyer and Terminer and Goal Delivery for the said Town of Madraspatnam Garrison of Fort Saint George and their Dependencies.

The Court was duly opened and the Sheriff returned his Precepts.

The following Gentlemen are Sworn on the Grand Jury.

Charles Oakley
George Andrew Ram
Honble Basil Cochrane
Thomas Oakes
Thomas Hingscote
Nathaniel Webb
William Jones
J. Trotter Stone

Benjamin Bransfill
Frederick Campbell
Joseph Shawe
Joseph Greenhill
Daniel Ince
Edward Atkinson
William Harrington
Lionel Place

& Andrew Ross

The Clerk of the Peace informs the Grand Jury that the Court have not any Business for their Consideration; they return with a Bailiff Sworn to keep them.

The Grand Jury return into Court and declare they have not any Business to lay before them.

The Grand Jury are dismissed with many Thanks.

The Court is then adjourned to Wednesday the Seventh day of January next for holding another Sessions.

J. Spencer
Act.g Clk. of the Peace.