

THE
TRIAL

OF

Page 17.

LIEUTENANT O'HALLORAN,

FOR

DEFAMATION

OF THE

CHARACTER

OF

LIEUTENANT-COLONEL

SAMUEL HOWE SHOWERS.



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Trials

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PROCEEDINGS
OF A
GENERAL COURT MARTIAL,
&c. &c. &c.

*PROCEEDINGS of a General Court Martial,
held by Virtue of a Warrant from Colonel
Ahmuty, Senior Officer, and Commanding
the Troops under the Presidency of Fort
William, being thereunto authorized by a
Warrant from the Most Noble Charles Mar-
quis Cornwallis, K. G. Governor-General
and Commander in Chief, &c. &c. &c.
for the Trial of Lieutenant Joseph O'Hal-
loran, Adjutant of the Fourth European
Battalion, and such other Prisoners as may
be brought before it.*

Fort William, Sept. 30, 1793.

P R E S I D E N T,
Lieutenant-Colonel V. W. HUSSEY.

M E M B E R S,

Major James Dunn,	Edward Pennington.
Captains, Thomas Bready,	Lieutenants, Dennis Falvey,
John Haynes	Daniel Lyons,
Robert Barton,	Richard Humphries,
Thomas Greene,	Paris Bradshaw,
Herbert Lloyd,	John Stuart.
Alex, Legertwood,	Ensign M. B. Flemming.

Lieut. HENRY FOX CALCRAFT, Deputy Judge
Advocate General.

The general order for assembling the Court Martial being read with the warrant, authorizing Colonel Ahmuty to assemble the Court Martial, as likewise those of the President, and Deputy Judge Advocate General, the Prisoner was asked, Whether he had exceptions to make to any of the members? To which he replied, that he had not any.

The President was therefore sworn by the Deputy Judge Advocate, as likewise the members composing the Court, and the oath administered to the Judge Advocate by the President;

The following charge was then exhibited against the Prisoner, *viz.* Lieutenant O'Halloran, put in arrest by Colonel Ahmuty, pursuant to the orders of the Governor General in Council, for behavior unbecoming the character of an officer and a gentleman, in falsely, scandalously, and maliciously defaming the character of Lieutenant Colonel Showers, by having exhibited before a General Court Martial, in the month of January, 1791, against the said Lieutenant Colonel Showers, certain charges, which he afterwards (in a letter addressed to Lord Cornwallis, under the date of the first of March, 1794, and in another letter of the same date, written to Lieutenant Colonel Showers) acknowledged to have been unfounded.

By order of the Commanding Officer of the troops.

(Signed)

PETER MURRAY, Adjutant General.
General

General Issue.—To which the Prisoner pleads,
NOT GUILTY.

The Prisoner observes, that the crime just now read, is not that which was first delivered to him, and, with the permission of the Court, reads an address, which he requests may be entered on the proceedings, together with a paper, which he states to be the original charge on which he understood he was to be tried.

The Judge Advocate informs the Court, the crime is not essentially altered as to the matter, and that the alteration it has undergone, was made by the Judge Advocate General, on his representation, that no article of war was applicable to it. And the Court being cleared to consider of the Prisoner's request, it was determined that his address shall be inserted, but decline inserting the paper purporting to be the former charge, as unnecessary.—The address is as follows:—

“ This crime which I have the honour to present to the Court, was delivered to me on the 19th instant, by Lieutenant Sandy's, Fort Adjutant, as the crime to which I was to plead. In consequence of this information, I arranged my papers, and prepared to make a defence; on the 27th instant, the Fort Adjutant brought me a second crime—the crime just now read by the Deputy Judge Advocate—and told me on that I was to be tried. Though well aware, Gentlemen, that I can claim, as a right, to be arraigned

on the first charge only, yet conscious of the rectitude of the motives which influenced my conduct to Lieutenant Colonel Showers, and deeply impressed with an unbounded confidence in the honour, justice, and integrity of this Court, I cheerfully wave my right, and am now ready to meet the second charge, as it is neither my intention nor my wish to shrink from the most rigid investigation, and feeling a strong disinclination to avail myself of any informality in the wording of the charge, or to cavil at any unimportant occurrence, the Court will, I trust, indulge me in the request of having the original crime, and this address inserted on the proceedings."

The Judge Advocate then read the charge preferred by Lieutenant O'Halloran, at the General Court Martial, held on Lieutenant Colonel Showers, which is as follows:—

"Lieutenant Colonel Showers ordered under arrest, by the commanding officer of the troops, on complaint of Lieutenant O'Halloran, stated in the following terms:—"

"I accuse Lieutenant Colonel Showers of having behaved in a manner unbecoming the character of an officer and a gentleman, in tamely submitting to be charged, in a letter addressed to him by me, and read to him by Lieutenant Anbury, commissioned by me for that purpose, with deliberate infamy of conduct, in having debauched the daughter of his most intimate friend,
when

when intrusted to his charge ; in afterwards marrying her to a man, for whom he professed the highest esteem and regard ; and in continuing a private correspondence with her after marriage."

" I further ground the above charge against Lieutenant Colonel Showers, on his patiently suffering himself to be told, in the above letter, that he was deaf to the calls of honour and justice ; and that it was my intention to proclaim him to the world, as a base coward, and an abandoned villain.

(Signed) JOSEPH O'HALLORAN,
Lieutenant Adjutant of the Fourth
Battalion European Infantry.

*Fort William,
Jan. 7, 1791*

A true Copy.

(Signed) PETER MURRAY Adjutant General

A true Copy.

(Signed) WILLIAM KIRKPATRICK

Copies of two letters, attested by Mr. Hay, Secretary to the Government, and Major William Scott, Deputy Adjutant General, addressed to Lieutenant Colonel Showers and Lord Cornwallis, were shown to the Prisoner, who readily acknowledged them, as faithful copies of letters, which he admitted he had sent so directed. They were read by the Judge Advocate ; and were as follows:—

SIR,

A

SIR,

When a man feels conviction of having injured another, it redounds much more to his honour, to offer every atonement in his power, than, though a mistaken pride, to persist in a line of conduct, he is convinced is wrong. Influenced by this motive, I am induced, Sir, to step forward, and in the most ample manner, apologize for a conduct strongly marked by precipitancy, as a first step towards reparation, for the injuries I have offered, permit me to inclose you, for your perusal, and mission, if you think proper, a letter to Earl Cornwallis, expressive of the sense I entertain of my rash conduct. In a few days I will enclose you a letter for Colonel Bayley, fully expressive of the sense I entertain of my hasty measures. To this, Sir, it may not be improper to add, that the same motive which induced me to adopt the measures I pursued, will influence me, when conscious of error, to offer every reparation and satisfaction, which a man of honour can demand.

I am, &c. &c.

*Fort William,**March 1, 1791.*

(Signed) JOSEPH O'HALLORAN.

My

MY LORD,

When a man feels conscious of having, by a precipitate conduct, injured another, if a man of honour, he feels unhappy until he has made every atonement in his power—such, my Lord, is my case; I now find I have most materially injured Lieutenant Colonel Showers, under a conviction, that he had destroyed my peace and happiness; but from the clearest and most irrefragable proofs, I find him innocent of the charge I exhibited against him, at a General Court Martial, as well as of an action I commenced against him, in the Supreme Court. The reluctance I imagined he shewed to acquiesce in my desire of a personal interview, arose from a different spring to that which I attributed to him, it arose from an earnest desire to exonerate Mrs. O'Halloran of the most distant shadow of guilt, before he gratified my wish.

I have dropt the action I commenced against him in the Supreme Court of Judicature; and now, as the only reparation in my power, most earnestly intreat your Lordship to view his conduct in the most favourable point, for I am alone deserving of censure, for my precipitation. The same motive which induced me to prosecute Colonel Showers, under the impression of his having wounded my honour, now impels me to offer every apology in my power. I shall

no

no more intrude on your Lordship's time, so nobly dedicated to the service of your country.

With every respect, &c. &c.

Fort William,

March 1, 1791.

(Signed) JOSEPH O'HALLORAN.

The Judge Advocate not being furnished with any other matter which he could urge in support of the charge, Lieutenant Colonel Showers was asked, Whether he had any witnesses to examine, or written evidence to adduce in support of the prosecution? In answer to which he desired to be sworn; and it being doubted whether Lieutenant Colonel Showers was a competent witness, the Court was cleared to consider on that point, and after some deliberation, it was resolved, that Lieutenant Colonel Showers being materially interested in the event of the prosecution, could not be deemed a competent witness. Lieutenant Colonel Showers being asked, Whether he had any other evidence to propose? desires that Lieutenant Mullock may be called; who not being in court, though summoned on the part of the crown; and it being stated, that Mr. Mullock is extremely ill, and, as is generally believed, of unsound mind, Mr. Cragie, surgeon, is desired to visit him, and report his condition to the court.

Mr.

Mr. Cragie is sworn, and examined upon his return from Mr. Mullock.

Question by the JUDGE ADVOCATE.

Q. In what state did you find Mr. Mullock?

A. He is in such a situation as to shut out the possibility of his attendance. I think he is on his death-bed, and *non compos mentis*. It is not possible for me to say, how long he may remain so; but I give it, as my opinion, that no evidence he could give, would be admissible in his present state of mind.

Lieutenant Colonel Showers informs the Court, that some witnesses he proposes examining cannot attend for some days; and not having any thing further to offer now, the Court adjourn till ten o'clock, on Thursday, the 3d of October.

THURSDAY, OCTOBER, 3.

The Court being met pursuant to adjournment, the members the same as before, the proceedings of the former meeting were read.

Mr. Fenwick sworn and examined.

Questions by the JUDGE ADVOCATE.

Q. Do you know the Prisoner?

A. Yes.

Q. Do you know of any application being made by the Prisoner to Colonel Showers, whilst in jail at Calcutta?

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A. Not

A. Not of any direct application.

Q. Do you know of any application being made through any other person?

A. Yes.

Q. By whom?

A. By the late Lieutenant Mullock.

Q. To what effect was it?

A. As I understood it was to this general effect, that as Lieutenant O'Halloran had been sensible of the injuries he had done Lieutenant Colonel Showers, he was willing that some kind of atonement should be made.

Q. Did it appear to you, that fear was the basis of such disposition, on the part of Lieutenant O'Halloran, as dreading the consequences of a civil prosecution.

A. No, it did not.

Q. Did you understand that interest could have had any share in it?

A. None at all.

Q. How long an interval was there from the time of such application being made to Colonel Showers to his receiving a letter from the Prisoner, referring to another letter addressed to Marquis Cornwallis?

A. I do not recollect the time that intervened.

Q. Was the application made to solicit forgiveness?

A. Yes.

Q. Were there any conditions annexed?

A. There were some conditions proposed; they

they were proposed by Lieutenant Mullock, on the part of Mr. O'Halloran, as his friend and agent.

Q. What were they?

A. I believe the chief conditions were, that there should be a mutual release on account of the prosecution.

Q. Did these propositions seem to originate in the conviction of Lieutenant O'Halloran, of the innocence of Colonel Showers?

A. I always understood so from Lieutenant Mullock.

Q. Did Lieutenant Mullock seem satisfied that the charges preferred against Colonel Showers were unfounded?

A. I always understood he was satisfied as to that point, as he told me he should urge Lieutenant O'Halloran to accede to the terms which were held out by Colonel Showers.

Q. Did Colonel Showers readily agree to the conditions first proposed, or did he reject them?

A. He rejected them.

A. Do you know of any new inducement that operated in the mind of Colonel Showers to influence his subsequent assent?

A. He never did assent.

Q. Was there any negotiation?

A. Yes, there was.

Q. After Colonel Showers had rejected the propositions made by Lieutenant O'Halloran, did he make any himself?

A Never, but those I understood ultimately took place, from, and in consequence of such negotiation.

Q. What was ultimately agreed on?

A. That Lieutenant O'Halloran should make the most ample and satisfactory apology to Colonel Showers, for the great injuries he had done him, and give it to him under his handwriting; that he should address Lord Cornwallis to the same effect; that he should immediately withdraw the civil prosecution pending in the Supreme Court, and release him from confinement. That Colonel Showers would reserve to himself the power of prosecuting Lieutenant O'Halloran, where and whenever he thought proper; Colonel Showers expressing himself at the same time, that should the event of the Court Martial prove favourable to him, he should be inclined to shew Lieutenant O'Halloran every degree of lenity in his power.

Questions by the Court.

Q. Do you think the compensation proposed through Lieut. Mullock (admitting it came from the Prisoner) was meant by him as a pecuniary indemnification for personal injuries or as an indemnification for certain expences Colonel Showers had been at.

A. I most firmly believe and solemnly declare, that there was no pecuniary compensation whatever offered by either of the parties, or even thought of by them.

Q. Do

Q. Do you know to a positive certainty that the late Lieutenant Mullock was commissioned, by the Prisoner, to negotiate for him?

A. I never had a doubt about it.

Question by the JUDGE ADVOCATE.

Q. What conversation passed in your presence, between Lieutenant Greene and Lieutenant O'Halloran, subsequent to Colonel Showers receiving the letter from the Prisoner?

A. Lieutenant Greene brought Lieutenant O'Halloran to my apartments, to introduce him to me; Lieutenant O'Halloran put some few questions to me, to the following effect, viz. What were the terms agreed upon between Colonel Showers and Lieutenant Mullock. I answered him to the same effect as I have deposed before the Court.

Questions by the Court.

Q. You say you have no doubt about Lieut. Mullock being employed as the Prisoner's agent, how do you know that?

A. He always told me so, and did ultimately produce the letters to Lord Cornwallis and Colonel Showers; and, I suppose, unless he was so entrusted, he could not have done that.

Q. Do you know whether the apology originated with Lieutenant O'Halloran, or was first suggested by Colonel Showers?

A. It originated with the Prisoner.

Questions

Questions by the Prisoner.

Q. When I and Lieutenant Greene waited upon you, to ask the terms upon which I agreed at that time to drop the prosecution, what answer did you make?

A. That Colonel Showers reserved to himself the power of prosecuting you, when and in what manner he thought proper.

Q. Did I mention that Lieutenant Mullock had never acquainted me with the terms made with Colonel Showers?

A. Yes, you did; and I observed in answer, that I thought Mullock had used you very ill, in deceiving you.

Q. Did I mention that Lieutenant Mullock had only acquainted me that morning with the reservation that Colonel Showers had made?

A. To the best of my recollection, you said, you obtained the information two or three days before that time.

Q. Do you know the hand-writing of the late Lieutenant Mullock?

A. Yes, certainly

The Prisoner offers a paper, which he states is a letter from the late Lieutenant Mullock, and which being shewn to the witnesses, he (Mr. Fenwick) says, he could swear to its being the hand-writing of the late Lieutenant Mullock. At the request of the Prisoner, it is ordered by the Court to be read, and is here recorded.

Jan. 9, 1793.

DEAR O'HALLORAN,

“ In reply to your letter of the 7th instant, requesting that I would inform you of the message I was commissioned by Colonel Showers to deliver to you, on the morning of the 28th of February 1791, It was, to the best of my recollection as follows:—As you are now fully convinced of your wife's innocence, Colonel Showers desires me to acquaint you, that respect for his Friend's Daughter makes him as unwilling to have her name bandied about in a court of justice as you can possibly be. He will therefore, if you will sign him a general release, *meet your wishes*; the other part of the message which I judged proper not to mention to you, at the time of my mentioning the foregoing, respecting the payment of his law expences, and his retaining to himself a power of prosecuting you, in the event of the Court Martial turning out *unfavourable* to him, It is but right now that I should assign my reasons for suppressing the latter part of the message from you, till some months after your return to your wife. For well knowing for many years, your damned irritable disposition, I thought it much more prudent not at that juncture to acquaint you further than I did—my first and principal object being all along to be the instrument of getting and causing you to return to poor Mrs. O'Halloran, whom I considered you
had

had greatly injured, and as the best atonement you could make her, to return to her arms as speedily as possible. To this I may add, with truth, that the sincere regard I had for both you and the Colonel, was what *alone* induced me to interfere in a business that, from the nature of things, I could otherwise *never have the smallest concern in*.

I am in as ill health as any little Hibernian need be, and am on the wing for Bombay, where I hope to escape the clutches of Mons. Death; for if I remain here a month longer, I shall be a "Grave Man." What a loss to the Persian World of Literature! I wish you and Mrs. O'Halloran many happy years, mine have not been many, and therefore I do not care three skips of a louse how few are added to the past.

I am, as ever,

Dear O'H.

(Signed) J. L. A. MULLOCK.

Hell smother the law, aye, and the lawyers into the bargain; I hope you are not going to have any thing to do with them again.

The Prisoner begs leave to observe, that the reason of his producing the above letter in evidence is, that Lieutenant Mullock is dead.

Questions

Question by the Prisoner.

Q. Had you any acquaintance or knowledge of me, from the day of my marriage to about March, 1791?

A. No.

The Judge Advocate begs leave to inform the Court, that he received a note from Colonel Showers, on Tuesday last, desiring that Lieutenant Greene (said to be at Berhampore) might be summoned, whose testimony he (the Colonel) mentioned as absolutely necessary in this stage of the prosecution, to supply the deficiency of evidence of which it is deprived by the death of Lieutenant Mulock, which summons was sent accordingly.

As the evidence of Lieutenant Greene is deemed material before the trial can proceed further, and the Court not knowing how soon he may be able to attend, they agreed to adjourn *sine die*.

WEDNESDAY, NOVEMBER 6.

In consequence of the arrival of Lieutenant Greene, the Court being re-assembled and composed as before, with the exception of the following members, Captain Herbert Lloyd and Lieutenant Dennis Falvey, who are absent on account of Indisposition.

Lieutenant Greene was sworn and examined.

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Questions

Questions by the Judge Advocate.

Q. Did not Lieutenant O'Halloran shew you a letter he wrote to Colonel Bayly (Mrs. O'Halloran's father) wherein he expresses himself deeply concerned at his conduct towards Colonel Showers?

A. I have seen a letter which Lieutenant O'Halloran told me was the copy of one he had written to Colonel Bayly, but I cannot positively speak to the subject of that letter.

Q. Have you seen any letter, wherein he, the Prisoner, expressed himself deeply concerned for his conduct towards Colonel Showers, addressed to Colonel Bayly?

A. I do remember to have seen a copy of a letter, wherein was expressed Lieutenant O'Halloran's concern at what had happened.

Q. Did that letter express an acknowledgement of Colonel Showers' innocence?

A. I believe it did, as far as Lieutenant O'Halloran's opinion went.

Q. Did you send or bring a letter, or extract of a letter, of such import to Colonel Showers?

A. Yes, I did.

Q. Do you recollect any particulars, respecting such letter or extract?

A. This question, I conceive, I have already answered.

Q. Have you seen one or more letters from Mr. O'Halloran to Col. Bayly?

A. To

A. To the best of my recollectⁿ on, I have seen two.

Q. Were they to the same effect?

A. I can speak positively as to one letter expressing concern.

Question by the Court.

Q. Did the extract in question amount to a confession on the part of Lieutenant O'Halloran, that his belief was, that Colonel Showers had innocently suffered, in his and the world's opinion, by the reports which had agitated his mind on account of Mrs. O'Halloran?

A. Yes.

Questions by the Judge Advocate

Q. Did not Mr. O'Halloran add, in the same letter, that he was at a loss what further reparation to make Colonel Showers?

A. I do not recollect that he did.

Q. Do you know, or believe, that there was any collusion, or sum of money given, or promised, by Colonel Showers to Mr. O'Halloran, as an inducement for his retracting what he had deposed at a Court Martial, and for dropping a civil prosecution?

A. I neither know nor believe there was.

Q. Do you know that Lieutenant Mulock was commissioned by Lieutenant O'Halloran, to entreat Colonel Showers's forgiveness, and bring him a letter of apology?

A. I do not know.

Questions by the Prisoner.

Q. Did not you reside at Dum-Dum about Christmas, 1790?

A. I did.

Q. How long did you continue there?

A. I do not recollect.

Q. Was it during the existence of this dispute between Colonel Showers and me?

A. It was during the first part of it.

Q. Was it at the time I addressed the letter of apology to Colonel Showers?

A. I cannot positively say, I believe it was not.

Q. Are you certain you returned to garrison, or to Serampore from Dum-Dum before the first of March, 1791?

A. I am not certain

Q. When did you converse with Colonel Showers relative to the business now before the Court?

A. I do not recollect the time, but I know it was not till after I understood that Lieutenant O'Halloran, believing Colonel Showers innocent, had apologized to him.

Q. By whose desire did you interfere?

A. I cannot immediately recollect.

Q. Had I any communication through you with Colonel Showers on any subject, except the payment of his costs and law charges which he demanded?

A. None that I can recollect, save having frequently

quently expressed concern at what had happened.

Q. Whilst I resided at Chandernagore, did you live with Colonel Showers at Bandell?

A. I did.

Q. Did you know, or ever hear, that I ever visited, or received visits, from Colonel Showers during that period?

A. I know that you neither did visit nor receive visits from Colonel Showers, during the time that I resided with him at Bandell.

Q. Whilst I was on a visit at your house, at Chinfurah, did you know of my receiving any visits from Colonel Showers, or of my visiting him?

A. I know that you neither received from, or paid him any visits, during that time.

Q. Do you recollect accompanying me to the late Lieutenant Mulock, about January, 1792?

A. I do recollect accompanying you to the late Lieutenant Mulock, but I cannot exactly say as to the time.

Q. Do you recollect the object of our visit to Lieutenant Mulock?

A. I do.

Q. What was that object?

A. It was to ask Lieutenant Mulock, whether he had with-held any part of what he had been commissioned to declare to you by Colonel Showers.

Question by the Judge Advocate.

Q. You say you recollect the object of the visit,

visit, be pleased to state to the Court what happened at it ?

A. Though I recollect the object of the visit, I do not recollect the conversation that passed.

Questions by the Prisoner.

Q. Do you recollect that Lieutenant Mulock acknowledged having with-held any part of the message from me ?

A. Yes, he did acknowledge to have withheld some part.

Q. What part did he acknowledge to have with-held ?

A. He acknowledged to have with held that part which related to Colonel Showers's costs.

Question by the Judge Advocate.

Q. Is that all that he acknowledged ?

A. I do not recollect that he acknowledged to more.

Questions by the Prisoner.

Q. Did he assign any motive for with-holding any part of the message from me ?

A. Yes, he did.

Q. What was that motive ?

A. The fear of preventing the business being settled, which had he mentioned the whole of the message, he, M. believed, would have been the case.

Q. Does he recollect, that I told Lieutenant Mulock, he had deceived both Colonel Showers
and

and me, and if I were not convinced that his motive was a good one, I should make an example of him ?

A. I do not recollect, you (the Prisoner) said, you would make an example of him (Lieutenant Mulock) but I do remember the other words being uttered by you.

Q. From your knowledge of, and interference in, this dispute, between Colonel Showers and me, was my conduct grounded on honourable motives ?

A. I can only answer as to what relates to Colonel Showers's costs, that it was perfectly honourable.

Question by the Court.

Q. Be pleased to state what you know of Lieutenant O'Halloran's (the Prisoner) conduct on that occasion ?

A. An uniform wish on the part of the Prisoner, to pay Colonel Showers such costs as were taxed by a Master in Chancery.

Question by the Judge Advocate, at the desire of the Prosecutor.

Q. Did the Prisoner ask you to introduce him to Colonel Showers, at Allipore ?

A. I do not recollect that he did.

Colonel Showers having stated to the Court, that he had no other evidence now to adduce in support of the charge, the Judge Advocate here rests the Prosecution.

The

The Court agree to adjourn till to-morrow, nine o'clock, that the Prisoner may prepare his defence.

On the seventh of November the Court met pursuant to adjournment, the members the same as yesterday, the prisoner enters on his defence, which is as follows:—

Mr. President and Gentlemen,

In making my defence, it is my intention to submit to your consideration a plain statement of this business, confining myself, as much as possible, to such facts as can be corroborated by evidence. I propose, then, to examine witnesses to prove those facts, and afterwards to call your attention to those circumstances which, acting most forcibly on my mind, induced me to exhibit charges against Lieutenant Colonel Showers, and afterwards to retract them. Early in August, 1790, Lieutenant Colonel Showers, Mrs. Showers, and Miss Bayly, a young lady in their family, arrived in this country; as I had been intimate with him and Mrs. Showers before their departure for Europe, I hastened to congratulate them on their return, continued my visits, and soon became enamoured of Miss Bayly, to whom, on the first of December following, I was united. Previous to this, Lieutenant Colonel Showers assured me, that the young lady was
the

the daughter of his most intimate friend; and that upon his preparing to return to Bengal, Colonel Bayly mentioned his intention of intrusting to his charge Miss Bayly; but that he was the only person in existence to whom he would confide for the protection of his beloved daughter.

The pointed attention which Colonel Showers paid to Mrs. O'Halloran, did not strike me, either before or after marriage, so forcibly as to give me any uneasiness; if such had been the case before my union, it would undoubtedly have induced me to ask an explanation from Miss Bayly, and, if afterwards, to have desired him to desist visiting at my house. On the tenth of December Colonel and Mrs. Showers gave a ball and supper; Mrs. O'Halloran and myself made part of the company; Mrs. Showers and Mrs. O'Halloran had that evening, after the company retired, as I afterwards learned, in the dressing-room of the former, a most violent dispute; that appeared to be one cause of the calamities which befel us, or at least of the promulgation of them. On the twenty-second of the Month, Mrs. Showers went to Mr. Ledlie an Advocate of the Supreme Court, to whom she related many acts of criminality between Lieut. Colonel Showers and Mrs. O'Halloran, on board the Rodney, on which ship they came passengers, and in Calcutta, before my marriage as well as after. Mrs. O'Halloran, to whom I repeatedly

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applied

applied for an illucidation of her quarrel with Mrs. Showers, never gave me a satisfactory account of it. Mrs. Showers applied a second time to Mr. Ledlie, in order to receive his advice and opinion on the most speedy and effectual mode of obtaining a divorce; receiving no encouragement on this point from Mr. Ledlie, she circulated reports prejudicial to Mrs. O'Halloran's reputation; and as it is almost invariably the case, where a man's honour or fame is affected, I was the last person acquainted with them.

Mrs. O'Halloran and I were engaged to spend part of the month of January at Dum-Dum with Captain Grace; several ladies were to be of the party; we had also many engagements previous to our leaving town; from all these we received apologies. I was extremely surprised, but could not account for such conduct.

I went with Mrs. O'Halloran to an assembly, on New Year's day, and observed, with astonishment, her female acquaintance studiously avoided her. Roused at this, on my return from the ball-room, and repeatedly the next day, I most earnestly conjured Mrs. O'Halloran to candidly explain to me the cause of her quarrel with Mrs. Showers, but could not prevail; though about three o'clock in the afternoon she shewed me a letter from Mrs. Showers to her, expressing concern at having caused uneasiness to my mind, by a conversation we had the night before in the ball-

ball-room, and saying, the cause of her quarrel was Mrs. O'Halloran having taken the head of her table the night of her ball; but as she was convinced Mrs. O'Halloran did not mean to offend her, requested she would think no more of it. I treated this letter with the contempt it appeared to me to deserve, and the next morning, the third of January, I called on Mr. Strettle, to enquire the reason of his wife's marked coolness to Mrs. O'Halloran. I left my house with a resolution not to return to it until I should be master of the subject.

Mr. Strettle was very reluctant to gratify my wishes, but at length, after repeated intreaties, he consented. He told me of the reports which were prevalent, and it was the knowledge of these which induced him hastily to recall Mrs. Strettle from my house, and the next evening, when Mrs. O'Halloran went to his house, to request Mrs. Strettle to retire to her room and not see her. I accompanied Mr. Strettle to Mr. Ledlie's, who related to me the purport of Mrs. Showers's visits, and repeated the stories she had told him of Lieutenant Colonel Showers and Mrs. O'Halloran's criminal intercourse.

It occurred to me that it was possible to obtain some further information on this subject from Mrs. Showers, and I hastened to her house, where I saw her; but all my efforts were in vain; she was too guarded in all her answers. I determined to return no more to Mrs. O'Hal-

loran ; and, if possible, to obtain some reparation for the unmerited injuries I had sustained from Lieutenant Colonel Showers. For what passed from that moment to the trial of Lieutenant Colonel Showers, at a General Court Martial, I desire that my evidence, as well as that of Messrs. Strettle and Anbury, may be referred to, and received by this Court ; the first as a detail of circumstances, and the other two as corroborating proofs of what was there stated by me. To this I must add a circumstance that does not appear, I believe, but which contributed much to impress me with an idea of Lieutenant Colonel Showers's guilt, that although twelve days had elapsed from the period of Mrs. Showers's visit to Mr. Ledlie, and he had been three times at my house, neither he nor Mrs. O'Halloran imparted a word of the matter to me. Hitherto what I have offered, as well as the evidence I shall examine, to establish the truth of it, relates to the first part of the crime with which I am charged, namely, falsely, scandalously, and maliciously defaming the character of Lieutenant Colonel Showers.

I now proceed to the latter part of the crime, retracting the charges exhibited against Lieutenant Colonel Showers.

My union with Mrs. O'Halloran was founded on the purest love and affection, which, though clouded by the circumstances that came to my knowledge, was not entirely done away ; I was inclined

inclined to listen to every thing which could induce me to think her innocent. and prone to drive from my thoughts any argument that might impress me with a different opinion. In such a state of mind, I re-examined, with Mr. Tolfrey, the witnesses who were to give evidence on the prosecution I had instituted in the Supreme Court of Judicature, against Lieutenant Colonel Showers; they materially varied from what they had before said, which, with some other circumstances, shook the opinion I had before imbibed, of Mrs. O'Halloran's criminality; I instantly waited on the late Advocate General, Mr. Davies. He heard what I had to say, read his brief with great attention, and on carefully re-perusing some other papers in his possession, and examining the witnesses, he congratulated me on the dispelling of that mist by which I was so long enveloped. He gave me his advice as a friend and a lawyer, to drop the suit at law, return to Mrs. O'Halloran, and make the man (the jealousy of whose wife, assisted by my impetuosity, had nearly ruined me) every atonement in my power, for the injuries he had sustained from me. Mr. Davies, to convince me that he was sincere in his advice, declared to me, that not only his wife and the ladies of his family should visit her, but that he would endeavour to prevail on the ladies of his acquaintance to do the same; Mrs. Davies, her mother and sisters, and the ladies of another respectable family, in Calcutta, did according visit Mrs. O'Halloran. Mr. Burroughs, the present Advocate

Advocate General, gave me the same advice, and kindly offered the same exertions as a full proof of his opinion on the subject. The opinions of two such eminent men perfectly coinciding, failed not to make the deepest impression. I recalled to mind the chain of circumstances, which followed in such close succession, that induced me to adopt such violent measures; I remembered to have been told that Mrs. O'Halloran had uniformly expressed a strong and earnest desire to have the cause before the Supreme Court tried as early as possible; I very readily conceived that such a wish could only be the effect of conscious innocence, of which she had made the most solemn asseverations to my friends.

In short, I was fully convinced of her innocence, as well as that of Lieutenant Colonel Showers, and that it was incumbent upon me to make every reparation in my power, to a person whom I had made the object of my severest revenge. Impressed with this opinion of Colonel Showers's innocence, I wrote the letters to him and the Marquis Cornwallis, which have been produced in evidence, and I doubt not, but this court will allow that it was much more honourable in me to retract and apologize for what I had done, when convinced it was wrong, than to persist in endeavouring to support charges, of which, upon a more full and dispassionate consideration of the matter, I was fully convinced he was guiltless.

The

The prisoner, in support of his defence, offers some testimonials of his good character and conduct, which the court ordered to be read, and here inserted.

Calcutta, Sept. 18, 1793.

DEAR SIR,

“ I am favoured with your letter of this date, and agreeable to your desire, render you this testimony, that during the time you were under my command in the 3d brigade, in the year 1781 and 1782, you always conducted yourself with perfect propriety as a regular and attentive officer.

I am, dear sir,

Your very obedient humble servant,

(Signed) R. E. ROBERTS, Major.”

DEAR O'HALLORAN,

“ I have been favoured with your letter, wherein you acquaint me that as the Court of Directors are probably unacquainted with the character you have supported in this service; you deem it expedient to lay before them testimonials of the sentiments entertained of you by your military brethren, and request me to express my opinion of your professional and private conduct. I feel peculiar satisfaction in having it in my power to declare, that during the considerable length of time I have been acquainted with you, I have invariably entertained the highest respect, for your character, both in
your

your military and private capacity, and at all times considered your conduct as a gentleman perfectly irreproachable.

Believe me to be, Dear O'Halloran,

Your very obedient humble servant,

Khanpore,

(Signed) T. BOLTON."

October 1, 1793.

SIR,

In compliance with your request to me, by letter dated the 15th instant, to give you a testimonial of your conduct during the period of your serving under my command, in the 6th European battalion, I do it with so much more readiness, as justice and truth need be the only basis to my testimony. It is therefore hereby declared, that during the whole time that I remained in that corps, after you had joined it, I had no fault to find with your conduct in any respect whatever, on the contrary: it appeared to me to be guided by that zeal, activity, and propriety, by which every good officer is actuated. I had better opportunities perhaps of observing these dispositions in you, than other officers who succeeded me in the command of the 6th battalion, having posted you to my own company, to which I take pleasure in saying, your attention was proper and constant, no less than your general duty in the battalion was performed entirely to my satisfaction.

I shall be happy if this declaration be of service to you, and am,

SIR,

Chunar.

Your obedient servant,

Sept. 24, 1793.

Sept. 24, 1793. (Signed) R. BAILLIE, Capt.

By Colonel John Fullerton, Colonel of Infantry, Senior Officer at the Presidency of Fort William, in Bengal.

This certifies that Lieutenant Joseph O'Halloran, Adjutant of the fourth battalion of European Infantry, under my command in Fort William, has ever since I have known him, and he has been under my command, behaved and conducted himself in the most attentive, zealous, and becoming manner, in the uniform discharge of his duty as a valuable and good public officer, and perfectly to my satisfaction,

(Signed) JOHN FULLERTON, Colonel.

Fort William,

Nov. 15, 1790.

A true Copy.

(Signed) R. GREENE, Fort Adjutant.

By Alexander Mackenzie, Esq. Senior Colonel
and Commander in Chief of the Bengal army.

This is to certify, that Lieutenant Joseph O'Halloran, Adjutant of the fourth battalion of European Infantry, was under my command in Fort William, has ever since I have known him, and he has been under my command, behaved and conducted himself in the most attentive,
F
zealous

zealous, and becoming manner, in uniform discharge of his duty, as a valuable and good public officer, and perfectly to my satisfaction.

(Signed) ALEXANDER MACKENZIE, Colonel.
Fort William,

Dec. 15, 1790.

A true Copy.

(Signed) R. GREENE, Fort Adjutant.

This certifies, that Lieutenant Joseph O'Halloran, Adjutant of the fourth battalion of European Infantry, under my command, has always discharged his duty with attention, and from his official connexion with me, I am enabled to declare him zealous for the service, with a pride in his profession, which I doubt not will be of infinite service to him.

(Signed) WILLIAM JONES,
Lieut. Col. of the 4th European battalion.
Dec. 7, 1790.

A true Copy.

(Signed) R. GREENE, Fort Adjutant.

Futty Ghaur, October, 1793.

DEAR O'HALLORAN,

It having been suggested to us, that a united avowal of the sentiments we entertain of your conduct during the period of your serving with us in the nineteenth, might eventually operate in relieving you from an embarrassment, we with pleasure embrace the opportunity of declaring,
that

that from your conduct as a soldier, a gentleman, and a man of honour, fully merited our esteem and respect.

Though we sincerely hope a testimony of this nature will be altogether unnecessary, yet should you deem it in the smallest degree beneficial, you have our fullest approbation to make use of it, in any manner you may think most conducive to your interest.

We are, Dear O'Halloran,

Yours very truly

*Subalterns, 19th Native
Battalion.*

(Sign'd) W. KEASBERRY
R. MAURICE,
THOMAS MORGAN,
RICHARD COWLISHAW
WILLIAM SNED,
JAMES MACLEAN,
WALTER MAYBERRY.
JAMES LAWTRIE.

SIR,

I have received your letter of the 18th instant, requesting I would afford you a testimonial of your deportment whilst under my command; in answer, I have the pleasure to say, that your conduct was such as became a gentleman, and from your attention to the general duties of your profession, I was induced to give you charge of part of the Recruits I received for the sixth European battalion; your assiduous application to the discipline of them, not only met with my

approbation, but was immediately rewarded by the Right Honourable the Commander in Chief with the Adjutancy you now hold.

I am,

SIR,

Your most obedient servant,

Budgerow on the River, (Signed) JAMES NICOL.
Sept. 30, 1793.

DEAR SIR,

In reply to your letter of the 15th instant, desiring a testimonial of your conduct as an officer and a gentleman, during the time you served under my command. I very willingly declare, that as an officer, you appeared to have discharged your duty with pleasure to yourself, and with much satisfaction to me. As a gentleman, no instance in your behaviour ever came to my knowledge, which is in any degree impeachable.

It will be properly understood, that this declaration leaves no reference to the matter about to be investigated, though it includes a period of time, both prior to, and subsequent to that transaction.

I am,

Dear Sir,

Dinapoor,

Sept. 23, 1793.

Your obedient servant

(Signed) W. JONES.

N. B. Colonel Jones was a member of Lieut. Colonel Showers's Court Martial.

(Signed) JOSEPH O'HALLORAN.

I do

I do hereby certify, that Lieutenant Joseph O'Halloran, Adjutant of the fourth European battalion, acted as Major of Brigade, at Dinapoor, under my command, and that he not only conducted himself as an officer, but as a respectable and honourable member of society. And I do further certify, that I still am of opinion, that though Lieutenant O'Halloran may have been misled, from an error in judgment, in respect to the dispute between him and Lieutenant Colonel Showers, yet I still deem him as a very good and honest man.

Given under my hand and seal, the
20th day of September, 1793, at the
station of Berhampoor.

(Signed) J. WHITE, Colonel,
Registered Commanding the Station.

(Signed) W. PRESTON, Major of Brigade.

The Prisoner having closed his defence, calls upon Mr. Ledlie, who is sworn and examined.

Questions by the Prisoner.

Q. Did Mrs. Showers wait on you on the subject of obtaining a divorce?

A. I cannot say it was on the subject of obtaining a divorce, it rather appeared to me to be on that of a separate maintenance; and I beg leave to add, that it was not a confidential communication to me, she told the story to others.

Q. Did she state any reasons on which she
formed

formed a hope of obtaining a separate maintenance?

A. Mrs. Showers told me that Colonel Bayly, a particular friend of Colonel Showers, had entrusted his daughter to his (Colonel Showers) care, to bring her to this country, and that the return he made for that act of confidence was, to debauch his daughter. I told Mrs. Showers, that this was probably only a malicious story, raised by some people on board the ship, and that it was not true. She said, she had undoubted proof of this criminal intercourse, both there and on shore; in particular, she told me one instance that happened at a garden-house, called Elysium, that she and the Colonel had not a cot large enough for them both to sleep on, and were obliged to use two small ones near each other: That one night she, Mrs. Showers, pretended to be asleep, and Miss Bayly came into bed to Colonel Showers. She said, this created a breach between her and the Colonel; but on his promise that she, Miss Bayly, should quite the house and not see her more, she had forgiven it. Mrs. Showers said, "She is now married, and I thought the intercourse would have ceased; but it is still the same; he is now, I am pretty certain, shut up with her, and always is so when Mr. O'Halloran goes out on business or on pleasure." She said a great deal more; and communicated a letter from Mrs. O'Halloran to Colonel Showers,

Showers, to shew that criminal correspondence still subsisted between them.

Q. Do you know that letter to have been Mrs. O'Halloran's hand-writing?

A. I do ; and Mrs. Showers left me a copy of it, attested by herself, and assigned as a reason that the Colonel was very violent, and that if he found that she had such a letter, he certainly would take it from her.

Q. Did she make any comment on the letter, either verbally, or in writing?

A. A great many much to the disadvantage of both Mrs. O'Halloran and Colonel Showers.

Q. Did Mrs. Showers tell you that she had acquainted her husband with the steps she had taken?

A. I do not recollect, I rather think she did not ; but she told me, she had insisted upon a separate maintenance from him.

Mr. Ledlie desires to inform the Court, that upon the earnest solicitation of Mr. O'Halloran, he communicated to him the substance of what he has just now deposed, but this he did on the morning of the day that Mr. O'Halloran sent a message by Lieutenant Anbury to Colonel Showers.

Q. Did you shew me the letter mentioned in the former part of your evidence?

A. Yes, I did.

Mr. Strettle sworn and examined.

Q. Did you, on the 22d or 23d of December

1790, write a note to Mrs. Strettle, who was then in my house desiring her instantly to return home?

A. Yes, I did.

Q. What were your reasons for doing so?

A. My reasons were founded upon a letter, an copy of which was shewn to me by Mr. Ledlie, after Mrs. Strettle had left my house, a letter which he, (Mr. Ledlie) informed me was written by Mrs. O'Halloran to Colonel Showers, and had some remarks underneath it in Mrs. Showers's hand-writing. The letter itself was such as if the contents were true, imposed a necessity on any man in the community, instantly to withdraw his wife from the society of a person who could have written such a letter as that purposed to be: and at all events it was such a letter, as being communicated to me (so unequivocally) that I could not plead ignorance of the charge it contained. It therefore imposed a necessity upon me, whether the imputations it conveyed were true or false, to send for my wife from the society into which she had gone, till it was cleared whether it was true or false.

It may be necessary to mention, that a few days before this, I dined at Mr. Ledlie's, in company with Mr. and Mrs. O'Halloran; I had been previously very intimate with Mr. O'Halloran, and invited him and Mrs. O'Halloran to dine with me the next day, which they did; they invited us to dine with them on the day following, but Mr. Ledlie informed me that as Mr. and Mrs. O'Halloran had first met me at his house, he thought it incumbent upon him to shew the letter alluded to.

Mr

Mr. Tolfrey sworn and examined.

Questions by the Prisoner.

Q. In what state of mind did I appear whilst I remained at your house, from the 4th to the 8th of January, 1791?

A. Exceedingly unrecollected, with a flow of false spirits, by no means natural. He slept very little, and that little rather the effect of drinking beer, for that purpose; I do not mean intoxication. His conduct during that period *indicated* a mind *extremely disturbed*.

Q. Did you and I re-examine the witnesses I had for the prosecution against Colonel Showers in the Supreme Court?

A. I do not recollect that we examined them together, but I examined them myself, and found the testimony of the principal witness (an *Iah**) vary extremely from that Mr. O'Halloran informed she had given him.

Upon the last examination, her evidence was such, that I did not think a court of justice could have given a judgment against the defendant. A consultation of Messrs. Davies, Burroughs, Ledlie, and Strettle, which had been held upon the difference of this woman's evidence, was of opinion, that it was not safe to go on with the cause. I communicated this to Mr. O'Halloran, and to the best of my recollection,

G

the

* *Iah*—a black waiting woman.

the next day, or a day or two after, he came to me at the Court House, and told me, that he was convinced Mrs. O'Halloran was innocent, and asked me, what I would advise him to do. I told him, that under that conviction, he could not be too humble in his concessions to his wife, and that he ought to apologize to Colonel Showers; however I desired he would take Mr. Davies's advice before he determined on any thing, to whom we went together. Mr. Davies expressed himself very happy, that it turned out so, and advised him to lose no time in apologizing to Colonel Showers, for if he was innocent with respect to Mrs. O'Halloran (as every act had proceeded from a conviction to the contrary) he should now make him every compensation in his power; and he added, as a reason, that when an apology was necessary, it was better be made unasked for.

Question by the Judge Advocate.

Q. Did Mr. Davies appear to give his advice as a lawyer or a friend?

A. Both, most certainly; he expressed great regard for Mr. O'Halloran, and give his advice both as a lawyer and a friend; I had very frequent intercourse with him on account of Lieut. O'Halloran.

Captain Rotton sworn and examined.

Question by the Prisoner.

Q. Had you any conversation with Mr. Davies, the late Advocate General, on the subject

ject of an action commenced against Colonel Showers, in the Supreme Court ?

A. Yes.

Q. Please to state the conversation ?

A. At the end of March or the beginning of April, 1791, I met Mr. Davies, and asked his opinion respecting the prosecution that Mr. O'Halloran was carrying on against Colonel Showers; he replied, "that he had advised Mr. O'Halloran to drop the suit, and make it up with Colonel Showers, as there was no evidence to establish any criminality, nor did he believe that the letter written by Mrs. O'Halloran to Colonel Showers was the production of a person whose passions had been satisfied," by which I understood that Mrs. O'Halloran, in his (Mr. Davies) opinion, had no connexion with Colonel Showers. That he considered it as the letter of an inconsiderate young woman who had suffered her affection to run astray; that it was a great pity the daughter of a respectable family should suffer by a piece of levity, in so great a degree, as to deprive her of the enjoyment of society; and that to obviate this, as far as lay in his power, he should ask his wife to visit Mrs. O'Halloran and the ladies of her family to do so likewise.

Colonel Showers being asked, Whether he has any observations to make upon the Prisoner's defence, or any questions to put through the Judge Advocate? He replied that he has not any.

The Judge Advocate having procured the original proceedings of the Court Martial, which was held upon Colonel Showers; those parts referred to in the Prisoners defence were read. (For which see the trial of Colonel Showers.)

The Judge Advocate having read the proceedings, and taken down the opinions of the members respectively, the following sentence is adjudged:—

SENTENCE.

The Court having fully and maturely weighed the matter urged in support of the prosecution, and the evidence produced by the Prisoner in his defence, is of opinion, that he is not guilty of falsely, maliciously, and scandalously defaming the character of Lieutenant Colonel Showers; it appearing to the Court, that he had sufficient apparent cause to warrant the accusations he preferred against him.

The Court therefore fully impressed with a strong sense of the Prisoner's honour, acquit him of every part of the charge, excepting only the Retraction he made in his letter to Lord Cornwallis; but it appearing to the Court that his solicitude to offer the most ample and unqualified atonement, proceeded wholly from what (in an agitated and disarranged state of mind) he deemed
adequate

adequate reason, cannot regard that part of his conduct as in any respect criminal.

(Signed) VERE WARNER HUSSEY,
Fort William, Lieutenant Colonel, President
Nov. 11, 1793.

(Signed) HENRY FOX CALCRAFT,
Judge Advocate General.

A true Copy.

(Signed) HENRY FOX CALCRAFT,
Judge Advocate General.

General Orders of the Commander in Chief.

December, 25. 1793.

Proceedings of a General Court Martial, held by virtue of a warrant from Colonel Ahmuty, senior officer and commanding the troops under the Presidency of Fort William, being thereunto authorized by a warrant from the Most Noble Charles Marquis Cornwallis, K. G, Governor General, Commander in Chief, &c. &c. &c. for the trial of Lieutenant Joseph O'Halloran, Adjutant of the fourth European battalion, and such other prisoners as may be brought before it.

Fort William,

Sept. 30, 1793.

CRIME.

Lieutenant O'Halloran put in arrest by Colonel Ahmuty, pursuant to the orders of the Governor General in Council, for behaviour unbecoming the character of an officer and a gentleman, in
falsely,

falsely, scandalously, and maliciously defaming the character of Lieutenant Colonel Showers, by having exhibited before a General Court Martial, in the month of January, 1791, against the said Lieutenant Colonel Showers, certain charges, which he afterwards, in a letter addressed to Lord Cornwallis, under date the 1st of March, 1791, and in another letter of the same date written to Lieutenant Colonel Showers, acknowledged to have been unfounded.

By order of the Commanding Officer of the troops.

(Signed) PETER MURRAY, Adjutant General.

SENTENCE.

The Court having fully and maturely weighed the matter urged in support of the prosecution, and the evidence produced by the Prisoner in his defence, is of opinion that he is not guilty of falsely, maliciously, and scandalously, defaming the character of Lieutenant Colonel Showers; it appearing to the Court, that he had sufficient apparent cause to warrant the accusations he preferred against him.

The Court therefore fully impressed with a strong sense of the Prisoner's honour acquit him of every part of the charge, excepting only the Retraction he made in his letter to Lord Cornwallis; but it appearing to the Court, that his solicitude to offer the most ample and unqualified atonement, proceeded wholly from what, in an
agitated

agitated and disarranged state of mind, he deemed adequate reason cannot regard that part of his conduct as in any respect criminal.

(Signed) V E R E W A R N E R H U S S E Y
Fort William, Lieutenant Colonel. President.
Nov. 11, 1793.

(Signed) H E N R Y F O X C A L C R A F T,
Judge Advocate General.

The Commander in Chief has directed the foregoing proceedings to be published in general orders ; and orders the Prisoner to be released from his arrest, and to return to his duty.

The General Court Martial is dissolved.

A true Copy.

P E T E R M U R R A Y, Adjutant General.

A true Copy.

H E N R Y F O X C A L C R A F T,
Judge Advocate General.