

THE  
TRIAL  
AT LARGE OF  
JOSEPH WALL, Esq.

LATE  
*Governor of Goree Island, on the Coast of Africa,*

FOR THE  
Wilful Murder,

OF  
*Benjamin Armstrong, in July, 1782,*

BY CAUSING HIM TO BE  
Tied to a Gun-Carriage, and Flogged with a Piece of Rope,  
*On his bare Back,*

BY BLACK MEN:

Who was tried, and found Guilty, at the Sessions-House in the  
Old-Bailey, on the 20th of January, 1802.

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TAKEN IN SHORT-HAND.

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TO WHICH IS ADDED,  
*The full Particulars of the King's Proclamation,*  
Offering £200 for his Apprehension;

ALSO  
An ACCOUNT of his ESCAPE, in 1784,  
*Together with an Impartial Detail of his*  
LIFE, FAMILY, EXECUTION, &c. &c.

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THE SECOND EDITION.

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Trials

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# TRIAL

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JOSEPH WALL, Esq.

*JOSEPH WALL, was indicted for having, on the 10th of July 1782, caused certain persons, with a piece of rope, to beat, penetrate, and wound, one Benjamin Armstrong, in several parts of his body, at Goree; of which wounds he languished, and languishing, did live until the 15th of that month, and then died; and that he the said Joseph Wall was present aiding, abetting, helping, assisting, comforting, and maintaining, the said persons so to wound the said Benjamin Armstrong, whereby he, the said Joseph Wall, the said Benjamin Armstrong, did kill and murder.*

*He was charged with two other Indictments precisely of the same nature as the former; the one charging him with the murder of Thomas Upton; the other of George Paterson, to all of which Governor Wall pleaded — Not Guilty.*

On Wednesday, January 20, 1802, JOSEPH WALL, Esq. was brought to the Bar. — The Special Commission sat, which consisted of the Lord Chief Baron, Mr. Justice Lawrence, and Mr. Justice Rooke.

The Prosecution was conducted by the Attorney-General, who had for his assistance Mr. Solicitor-General, Mr. Wood, Mr. Fielding, Mr. Abbot, and Mr. Plomer.

For the Defendant, the Counsel were Mr. Knowles, Mr. Gurney, and Mr. Alley.

At the commencement of the Trial, the Prisoner said he was very hard of hearing, and therefore requested that he might be allowed to come nearer.

The Lord Chief-Baron said to the Prisoner, that is perfectly impossible; there is a regular place appointed by law, for persons in your situation; we can make no distinctions of the sort you desire, that would be invidious; but we will afford you all possible assistance, by making the witnesses speak loud.

The ATTORNEY-GENERAL, then opened the Case on the part of the prosecution, as follows: —

*“ May it please your Lordships, and Gentlemen of the Jury,*

*“ It will have occurred to you, upon the hearing of the Indictment which has been read to you, that the offence, respecting which you are charged to inquire, is an offence committed so long ago, in point of time, as the year 1782. — It may occur to you to inquire why this offence is now brought before the Country to be inquired of at so late a period. Then, Gentlemen, let me state to you, that that is no matter whence to infer blame, either to those who now have, or who, at a former period, had a concern in taking steps that led to this prosecution, although the matter had not been brought to its present form until lately. The Prisoner now before you must take to himself the blame; inasmuch, as he had thought fit, when the matter was put in a course of trial, and he in custody under a criminal charge, to withdraw from the Justice of his country: he is brought to that Bar, where he now stands before you, and that through the medium of those necessary steps which*

the law requires, terminating in a Special Commission under the authority of an Act of Parliament, and issued by the Privy-Council, according to the mode prescribed by the 33d of King Henry VIII. which empowers His Majesty in Council, to issue Commissions for the trial of murders committed beyond the seas, and which are to be tried of course according to the rules of law as there laid down; and the question for you to inquire is, Whether the Prisoner at the Bar is guilty of the crime of murder or not? I say, of *murder*; for, if it be not murder in this case, it is nothing, since the party cannot be guilty, under this Act, of manslaughter, or a lower denomination of offence; and, therefore, the single question will be, Whether he is or is not guilty of the crime of murder, or, indeed, of justifiable homicide? — That is the question; and that alone you have to try. The crime imputed to the prisoner at the bar is murder. He stands charged, on the present Indictment with the murder of Benjamin Armstrong, a Serjeant in the garrison of Goree, when the Prisoner was the Commandant and Governor of that Island, in the month of July 1782, as you have heard already. That murder is charged to have been committed by the prisoner, in the punishment which he ordered to be inflicted on that person, and the circumstances which led to that punishment which was the cause of that man's death, will be for me to open to you, and then it will be for you to decide. — I shall state to you also, in some measure, the supposed defence; indeed, the defence which I know the prisoner must set up on this trial, for he can set up no other before you, because the one part of the case for the prosecution renders it necessary I should take notice of that on behalf of the prisoner.

“Gentlemen, Mr. Wall, the prisoner now before you, was in the year 1782, Governor and Commandant of the Garrison at Goree, which you know is an Island on the Coast of Africa. He had at that time under him an Officer of the name of Lacey; likewise, a Lieutenant of the name of Fall; another of the name of Ford; another of the name of Phipps; and another of the name of O'Shanley; but no other military Officer whose name is necessary to be mentioned. The circumstances of this case arose in the year 1782: the exact time is the 10th of July in 1782, when the death was occasioned which is charged upon the prisoner as murder. The day following the prisoner left his station at Goree as Governor, and came off for England. He arrived here in August in that year. — He was apprehended for this offence in March 1784, under a Warrant issued by Order of the Privy Council. You will bear in mind, that most of those persons who were material witnesses to prove his innocence, if innocent he be, were then living, and within the reach of the process of the Criminal Justice of this Country, and might have been brought forward for the vindication of the Prisoner's innocence. In July 1782, this gentleman had this garrison under his command, with those officers I have mentioned, and 140 or 150 men also under his command, as they had been for some time, prior to the period at which he announced his intended departure, and which actually took place on the 11th of July, 1782. Some time previous to this, the garrison had been under short allowance of provisions, from necessity I will suppose, or from some fair reason, although that is not stated to me; but I will take it to be so, since the contrary does not appear. The men were put under short allowance, that is, to a restriction of food for the convenience of the garrison, and for continuing it in safety until farther supplies should arrive. In such cases, the men who are put upon allowance are allowed a compensation in point of pay to the amount of the stoppage of their provisions. The Gentleman now at the Bar had announced his departure for the 11th of July: there was going away with him from England, a person of the name of Dearing, who was the Paymaster of the garrison. In the hands of that person was, of course, that stoppage, either to allow the men the money, or in future what was equivalent to money, some articles of barter, which would procure for them what they wanted. When this Paymaster was about to depart, these men were  
anxious

anxious that this account might be settled, and, as the period of departure drew nigh, several of them resorted to the house where the Paymaster lived, for the purpose of obtaining payment of what was due to them on account of the short allowance to which they had been restricted, and here the case begins to unfold the disposition of the prisoner at the Bar. What reason he had for mixing himself in considerations of this short allowance, and to interpose himself between those persons who call for an adjustment of their claims, and the person whose regular business it was to settle them, I am not apprized of, or at least I will not take upon me to allege. The men resorted to the house of this Paymaster; for they were desirous of obtaining what was due to them before the Paymaster left the Island, which was to be the next day. They were aware that a vast ocean would separate the Paymaster and them in a short time; and, considering the precariousness of human life, they thought it possible they might not afterwards be in a situation to urge their claims with beneficial effect to themselves. On their coming towards the Paymaster's house for this purpose, in considerable numbers, as you will have in evidence before you, and as they were passing the door of the Governor, which was in their way, he reprimanded them, in anger, for resorting to the house of the Paymaster; and under terror of punishment, ordered them to go away. The men retired dutifully under that admonition. In about an hour-and-a-half afterwards, several persons, whether the same as the former I do not know, but several persons, among whom was Armstrong, the cause of whose death, and whose death alone, is now before you; and I desire you to lay out of your minds any thing you may have heard any where, of any indictment upon the death of any other person, and confine yourselves to the inquiry into the death of this individual, and to the cause of his death; nor shall any circumstance be gone into, in this prosecution, but as it relates to that death, or the circumstances necessarily connected with it. If the subsequent death of others should necessarily, in fact, have a bearing upon the present case, we shall go into it, because our duty will, in such case, compel us to do so, but in doing so we shall confine ourselves, as indeed, we must, to strict legal proceedings; but no other substantive crime can be insisted upon in the investigation of this, and therefore nothing shall be unnecessarily pressed; for our object is, that your attention should be kept intire to the charge in the indictment, upon which you are now sworn to make deliverance.

“ *Gentlemen*, to return from this digression — I have stated to you the first appearance of these men on their way to the house of the Paymaster, and of their being ordered to return by the prisoner, and of their dutiful obedience to the order of their Governor. I shall now proceed shortly to state the circumstances of these men, for the same purpose. — On the second application, or rather intended application, to the Paymaster, these men were proceeding towards the house of the Paymaster; Armstrong appeared with these men; Governor Wall, the prisoner now before you, came out to meet them again. I do not know that he used the language of menace to them as before, however, that will come before you in the evidence of the Orderly Serjeant, who attended the person of the Governor, and who was of course obedient to his commands. He will state to you, that Armstrong was so far from being undutiful in his behaviour, that he took off his hat and paid all possible respect to the Governor, and said they only came to make a representation to the Paymaster, and respectfully retired; and from that period, if there be any truth in the evidence that I am to lay before you, until the hour in which the punishment of Armstrong was inflicted, which took place in the course of that day, and which led to his death in a few days, every thing in the conduct of the Governor was furious and full of malice.

“ *Gentlemen*, I am instructed to state to you, that there did not exist in this place, nor had there at any time previous to it, any symptoms of tumult, riot, discontent, disorder, or mutiny, nor any thing that bore the resemblance or appearance of mutiny. I advert to this now, because I think it

right

right to anticipate what I know, not from rumour what I guess, but what I know from the declarations of the Prisoner, what the defence will be—he makes his defence on the grounds of a supposed mutiny.

“Gentlemen, I would not canvas, but I would rather, to a certain degree, admit, the validity of that excuse; and if there existed, in point of fact, a mutiny, or a well-grounded suspicion of it, and it was not brought forward as a cover and cloak, for abuse of power, and perversion of authority,—I say again, if there did exist a mutiny in this garrison, or any appearance of mutiny in it, which required the strong arm of power to suppress it, a crime, so enormous in its size, and dangerous in its consequences, might supercede the ordinary mode of trials, and I do not stand here to require of you, nor will I require any where. God forbid, I should, to consider a man acting, in such a case, as a criminal, when he did the best he could, and acted with good intention, although some excess may have attended his conduct. He would, in such a case, be, at all events, an innocent, and might, in some respects, be deemed a meritorious individual, because the power that is given to commanding officers, in such cases of emergency, is given to them in trust, not for their own safety only, but for the safety of us all, which cannot be preserved unless prompt and vigorous means be taken for the suppression of mutiny. Therefore, wherever there is the appearance of mutiny, the exercise of authority should never be very critically examined, but should be judged with a very liberal spirit. But if no mutiny exists, but is assumed only for the purpose of screening a man who inflicts an unauthorised punishment, then he is so far from being a meritorious, that he becomes a more culpable, individual. This prisoner stands charged with having abused the great authority his situation gave him, for the oppression, and even for the destruction, of His Majesty’s Subjects, for whose protection, and for the protection of us all, that authority was given. This application which was intended to have been made to the Paymaster, was in the morning. — There was an interval between that and the time of inflicting the punishment which ended in the death, about which you are now to inquire, respecting it will be incumbent on the prisoner to give you an account, why the garrison was not in tranquillity, or if it was not, why an investigation did not take place into the matter. Upon that there is an entire silence. We hear nothing of the defendant until the evening, that is, until about six o’clock, when the drum was beat what they call “a long roll,” to call the soldiers on the parade, which had the effect of bringing them all, as they were, some in their jackets, without any military preparation whatever, or any regard to their appearance. At this time there appeared on the parade captain Lacey, lieutenant Fall, ensign Ford, and Mr. O’Shanley, four officers; and after some conversation had taken place between the officers, there being on the parade a gun-carriage, and a person attending to perform the offices of tying, flogging, &c. a circle being formed, within which the officers were, Armstrong all this while being among the men who had formed the circle was then called out, and ordered to strip, which he did. He was then tied to the gun-carriage; black men, brought there for the purpose, not the drummers, who in the ordinary course of things would have had to flog this man, supposing him to have deserved flogging; but *black men* were ordered to inflict on Armstrong the punishment ordered. Each took his turn, and gave this unhappy sufferer 25 lashes, until he had received the number of 800. Punishments of this sort, I understand, are usually inflicted by drummers; but this was inflicted by black men, who did not belong to the regiment, and the instrument with which the punishment was inflicted, was not a cat-of-nine-tails, which is the usual instrument, but a piece of rope of a greater thickness, and which was much more severe than the cat-of-nine-tails. The rope will be exhibited to you in evidence, and therefore I need not say any thing to you of its fitness or unfitness for this purpose. It will appear to you also, that while this punishment was inflicting, the prisoner urged these black men to be severe, in a language, some of which I shall not repeat, it will be enough.

enough for you to hear it once from the witnesses. I shall pass by the coarseness of it ; but he said, among other things, " Cut him to the heart, and to the liver." Armstrong, the subject of this punishment, applied to him for mercy ; but the observation of the defendant, on that occasion, was, " that the sick season was coming on, which, together with the punishment, would do for him." After receiving a great number of lashes, that is 800, this poor creature was conducted to the hospital. He was in a situation in which it was probable his death might be the consequence, and, therefore, you will see the declaration he made, which the law admits in evidence, because the declaration of a man, made under an apprehended pending dissolution, is, by the law of this realm, considered tantamount to an oath. You will hear that he declared he was punished without any trial, and without ever being so much as asked, whether he had any thing to say in his defence ; and this evidence, if made under the impression I have stated, will undoubtedly be competent evidence to be laid before you.

" After this punishment had been inflicted upon this poor man, for I will not travel into the circumstances of the case of any other person whomsoever, but confine myself to that for which the Prisoner now stands before you, the Governor and the Paymaster set off the next day for England, and they arrived here in the month of August following.

" *Gentlemen*, as it has been alleged that the defendant will endeavour to shew to you that there existed a mutiny in this Island, I would ask upon what principle is it that he came to withdraw himself from his command ? If there had existed in the Garrison such a mischief as required to be repressed without the forms of trial, and I will admit that immediate and urgent necessity may supercede the forms of trials in cases of mutiny and dangerous insubordination, in which cases we must not hold Commanders to any rigid rules, provided they act for the best ; but I would ask, if such was the state of this Garrison when he inflicted this punishment, what induced him to act as he did afterwards, what can account for his subsequent conduct ? Or does his subsequent conduct not shew that no such mutiny or danger existed ? How will he account for his taking away with him from the Garrison three Officers out of seven, which was the complement of Officers there ? for that I will prove to you he did. Their presence must be essential to the order and good government of the Garrison, especially if it was in this state of mutiny which, for the purpose of his defence, he now will represent to you. But, above all, how came he, in the account which he gave of this Garrison at this very time to his Majesty's Ministers not to mention that fact ? With a view to this point, I directed every possible inquiry to be made into this fact, and the result is, that, in every account that he has given, one of them minute and particular, stating the condition of the Garrison, naming those who were under arrest in it, and also the state and condition of the neighbouring Settlement of Senegal, stating how they were affected to the English, and entering into minute details, in none of which is there a syllable of mention made, of the mutiny on which he now rests his defence, although, if true, it was more momentous than any thing else that could happen in the Island." [Here the Attorney-General read the substance of the Letters sent by the Prisoner to the Secretary of State in August, 1782, when he came to England ; as also the substance of the Official Returns he made of the state of the Settlement, in which not a word was said of the Mutiny, from which he maintained it was fair to infer, that it was an after-thought to excuse his cruelty.] He then proceeded to say, " I have stated, that this punishment was without the form of any Trial. I understand there are two species of Trial in Military Affairs ; the one is a General Court-Martial,—the other a Regimental Court-Martial.—The crime with which this man was charged, is one for a General Court-Martial, as appears by the Mutiny-Act." [Here he recited that part of the Mutiny-Bill which relates to this subject, and also the offences which can be taken cognizance of regularly by Regimental Courts-martial ; the one in the case of Mutiny, being a capital offence, the other, such offence as may call for corporal punishment, and said that this poor man

had

had been tried by neither.] Here the most essential part of the administration of justice had been entirely overlooked:—"For," said he, "we have been taught, and taught truly, that the party accused should have an opportunity of seeing his accuser, of hearing his accusation, and of making his defence. Nothing of that kind took place, no witness was examined, nor was any charge notified to Armstrong, nor was there a shadow or a shade of trial, or form of trial." Here again he desired not to be understood as saying that there may not be circumstances of necessity that would justify many very irregular acts in military commanders in the hour of danger; they were not to be judged of in the common ordinary proceedings of courts of law. What he maintained was, that in point of fact, there was no such necessity existing in this case, and therefore there was no excuse for any deviation from the ordinary rules of proceeding. Having expatiated upon this topic for a considerable time, he proceeded to say, "The questions for your consideration will be these: First of all, was the death of Armstrong, respecting whom you are sworn to inquire, occasioned by the act or order of the prisoner at the bar? For if it was, the law implies in that act a certain degree of malice sufficient to account for the commission of such an act, and throws upon the prisoner the burden of shewing that there was no such malice; the ordinary way to do which in this case would be, by shewing the existence of the mutiny, which he alleges as the cause of it. That I apprehend will be incumbent on this defendant to shew to you this day: it will be incumbent on him, I apprehend also, to shew you why he withdrew himself from the justice of his country in the year 1784. If he be innocent, that was of all times the most favourable for the manifestation of that innocence. The persons who knew most, nay some also who knew the whole of this business, if his account of it be true, were then living. Mr. Lacey who succeeded him in the government of the garrison, Mr. Ford, Mr. Fall, and other officers who knew the whole of it, were then living, and within the reach of the process of our courts; therefore of all times that was the most convenient for the trial of this prisoner, if he was innocent. He would not draw the inference that might be supposed to be the result, he said, of his having omitted to take this advantage. The ground on which the prisoner withdrew himself from justice in 1784, in his communication to my Lord Sydney, then Secretary of State, was, that he was waiting for evidence who were on the parade, and who saw the whole of the proceeding."

Here the Attorney-General went over the circumstance of the prisoner escaping from the hands of the King's messenger at an inn at Reading, in their way up from Bath, where he was apprehended by virtue of a warrant from the Secretary of State, in the year 1784, and of the proclamation which was issued afterwards, describing his person, stating that he had fled from justice, and offering a reward of 200*l.* for apprehending him, also took notice of letters which he sent in October last to my Lord Pelham, stating his readiness to take his trial.

The Learned Gentleman then proceeded thus:—"The questions here are these, first as to the fact: Whether the death of Armstrong was occasioned by the punishment inflicted on him? That it was inflicted by order of the defendant there can be no doubt; nor will there be any, I believe, that the punishment he received was the cause of his death. The next question is, whether there existed a justifiable reason for the infliction of this punishment, which produced death. To prove this, I submit, that the prisoner must prove the existence of a mutiny, else there is no foundation for the inflicting the punishment. It will then, I apprehend, be necessary for the prisoner to establish to you, in evidence, that there was a trial, such as the law requires in any case, either by a General Court-Martial or by a Regimental Court-Martial;—or if neither, then to establish that the punishment was what the immediate urgency of the case required. If he makes out that defence,—if he makes out substantially the existence of a mutiny, I should be sorry to press upon him any captious objections to the manner in which he endeavoured to suppress it.—Deviations from ordinary rules in such

such cases are excusable. But, in considering this, I would remind you of the most extraordinary omission on his part on this occasion to Government, both in his letters to my Lord Sydney, the Secretary of State in 1784, and in his own official return of the state of the garrison at the time he left it, which was the day after this punishment was inflicted, no mention is made of the mutiny.— Add to this, that all the witnesses were alive in 1784, and could have established his innocence, if innocent he be. Now, in the lapse of twenty years, most of them are dead, he comes forward to take his trial, alledging his innocence. If you find, on the evidence, taken altogether, that a conclusion contrary to that allegation of innocence is the just and fair conclusion, painful as it may be to you and to others who are concerned in the administration of justice, it is a duty, which you owe to your country and to mankind, to pronounce him guilty. It will give me great satisfaction, as I am persuaded it will give to you, to find that the prisoner may be able to make out, before this court, such circumstances of justification of his conduct in this case, as may place the homicide, of which he has been the cause, under a denomination different from that of murder.”

*Evan Lewis*, examined by Mr. SOLICITOR GENERAL. — “ I was a soldier in the garrison at Goree in the year 1782. I believe I was there from May, 1779, to Christmas-eve, 1783. I believe the commander of the garrison before I went there was lieut.-col. Rooke. After him came captain George Adams, and after him captain Wall, the prisoner at the bar. I do not remember when captain Adams left, nor how long captain Wall had it. I believe about a year and an half. I was a private. I was made corporal and made serjeant since. I was advanced by Governor Wall. In July, 1782, I was a corporal doing serjeant's duty. I was afterwards the orderly serjeant, whose duty it is to wait on the commander-in-chief, and to be at his call. I was orderly serjeant on the 10th and the 11th of July, 1782. I attended on the person of the Governor. He left the island on the 11th of July, 1782. His intended departure was known in the Garrison a day or two before. On the 10th of July, 1782, in the morning, I observed a number of men, as I was standing by the gate before the Governor's house, coming from the barrack-way. There might be fifteen, twenty, or more, of them; I cannot say what the number was. They were coming towards the commissary's house. They passed the Governor's gate. The commissary was ensign Dearing, I believe. I do not know whether the Governor was then at the door, or in the house at that time; but afterwards I desired him to go to them. He asked me what the men wanted? I told him, Your Excellency, I do not know. Then he told me to go and ask them. I went, and told them the Governor desired to know what they wanted; and one of them answered, to go to the commissary before he goes for England, to ask him to settle with them for their short allowance of provisions. It was then known that the commissary was to depart with the Governor. I carried back the message that I received to the Governor. The Governor told me to go to them, and tell them to go back to the barracks directly, or else he would flog one half of them. I went and told them so, in consequence of which they went away. I saw no harm nor heard any harm from them, I saw nothing tumultuous or disorderly in their manner; but, when I told them what the Governor said, they went off quietly directly, and said nothing. The men came again in a body, whether they were the same again I do not know, but they came afterwards in about an hour, or an hour and an half. I cannot tell the number of them, they were as many or rather more than before, I believe. Upon seeing these men returning, I told the Governor again they were coming, before they came up to the house, on which the Governor came to the outside of the gate to meet them; when they came opposite to the gate, he called out to Benjamin Armstrong, who was one of them, he was a serjeant; the Governor asked him

what he wanted, saying, what do you want? Armstrong told him, your Excellency, we were going to the commissary, to ask him to settle with us before he goes to England. Armstrong came up with his hat in his hand as usual, with submission, and told him, your Excellency, we are going to the commissary. — He was as near to the Governor as I am to you, [about four yards,] and I was in a situation near enough to hear every thing that passed; but I do not now remember all that passed; I cannot say that I do, but as far as I do recollect, I have stated. The Governor told them to go to the barracks, and threatened them, and they went. The Governor went to the men and the men staid where they were. Armstrong came to the Governor after he called him. I do not know what passed between the Governor and the men, for the men turned their backs and walked off, and appeared to be frightened. I do not recollect there was any parley between them, but they appeared immediately to go off. I did not hear any noise or disturbance among them; they did no harm that I could see. They were not in their uniform, but some of them in blue jackets, and others were not at all in a military dress. I did not hear any thing pass, except between Armstrong and the Governor. I did not hear any disrespectful language used. I should suppose that the second appearance of the men was between 11 and 12, for it was before dinner, which, with the Governor was, I believe, at two. As to the men, they dined when they could. In the course of the afternoon, after the Governor's dinner, the officers went away earlier than usual; the Governor went out, and I followed him. We conceived there was something due for short allowance, for we had been on short allowance at different times for a long while, but how much I do not know. — On that day, two or three of the Officers dined with the Governor; and, when he went out, I followed him. The Governor walked down towards the main guard near the parade, he went from the main guard to the parade. The guard turned out to salute the Governor as he passed, which was usual. The Governor went up upon the Ramparts, where there were two field-pieces, six-pounders, and I stood at the end of the ramparts; the Governor ran by me towards the main guard, and began to beat one of the guard who was then under arms; I believe the man was in liquor; he beat him a good while — he drew his sword, and took a bayonet from the centry, and beat him with that, and then confined both the centry and him. He then ordered the drums to beat the long roll, which is to call the men on the parade. I was sent, if I recollect rightly, by the Governor to call the men together as they were, that is without arms; they obeyed directly, they came without arms, as they were, for this was sooner than parade-time. Captain Lacey, I believe, was there, but what non-commissioned officers, I do not remember. The usual time of roll-call was, I believe, a little before sun-set, but I do not recollect exactly. This was before that time, half an hour or thereabouts. When they came on the parade they were ordered to form a circle: I do not know whether by the Governor's orders, or by one of the officers, but Governor Wall was there. Capt. Lacey was there; four officers were there; I believe Mr. Ford, Lieut. Fall, and Mr. O'Shanley, were there at the end, but I do not know whether they were there at the beginning. They were all inside the ring; the circle was small, for there were not above three hundred men, and they were formed two deep: I was close to the circle on the outside. The Governor was in the inside of the circle. I heard some words pass, but cannot say what they were: I could see every thing very well, as I leaned my head between the men. There was within the circle a carriage of a six pounder: it was brought in just as the circle was formed. I cannot recollect who brought it. I heard the Governor speak to the Officers, but what was said, I do not recollect, but I heard the Governor call Benjamin Armstrong out of the ranks. Armstrong was at that time in his

his proper place, among the rest of the men. — He came out; he was tied to the carriage of the cannon. Governor Wall ordered him to strip. He was tied up to the gun-carriage. He was then flogged by a black man, by order of Governor Wall. There were five or six persons employed in flogging him. They changed hands the same as the drummers do; I cannot tell how often, but as well as I can recollect, they gave each 25 lashes. I do not recollect how many lashes he received, but a great many. It was inflicted with a rope; I cannot tell the size of it. These blacks were no part of the Regiment: I never saw any body before nor since flogged in that way. Governor Wall was in the circle, urging these black men to do their duty, and threatened them if they did not. I heard him call the blacks, “lay on him you B——, or else I will lay on you.” I heard him say several times, “cut him to the heart, cut him to the liver.” I believe Armstrong begged for mercy, but I do not exactly remember the words. What I have said, was during the punishment of Armstrong; he was afterwards taken to the hospital, I believe. At this time, I did not see the least appearance of mutiny among the soldiers, nor any mutiny or disturbance between the time of the men coming by the Governor’s house and the commissary’s and the punishment of Armstrong. I was at the barracks in the course of the day: I heard them saying that they were to go up to the house of the commissary. They said they were advised by Lieut. Fall to go to the commissary and to ask for their allowance before he went away. I cannot say that I ever saw Armstrong afterwards, either dead or alive. I heard that two or three days afterwards he was dead. There was no court-martial held on Armstrong that I know of, for I did not see any. I was near enough to see and hear and observe it, if it had been held. I have seen a drum-head court-martial at Chatham, but I do not recollect how that was — but it is usual to call on a man to answer a charge before he is punished. I saw the Governor speak to the officers and they to him for a moment: Armstrong was at this time in the ranks among the rest of the men; and the whole of this conversation past before he was called out of the ranks. I did not hear any sentence past on him, nor do I believe there was any. I heard some words, I heard him called out, and heard him ordered to strip. I did not hear what it was for. The first words addressed to him were to call him out of the ranks, and then he was ordered to strip. Governor Wall went away the next day, but I do not know how many officers went with him.

(Cross-examined by Mr. KNOWLES.) — Does not doubt there are some things which he cannot recollect. Will not swear that a sentence of 800 lashes was not pronounced, but did not hear it, and was in a situation to have heard it; he had not consulted with the men, that they should come up to the commissary’s; does not recollect whether Armstrong was with the men when they came up first; the number was small — not above twenty; they did not speak to the Governor; there were more the second time than the first; Armstrong was among the foremost; he walked before them all.

Q. Did they come up like a crowd, or a military body, and with the officer at their head? — A. They were walking like a military body in rank: they were in a long string; they did not move like a London mob. He thought it his duty to report to the Governor; he was not alarmed, either for himself or the Governor; he informed the Governor because he conceived it to be his duty to do so. He heard the Governor desire Armstrong to go back to the barracks, with some threatening words; Armstrong made no answer, but went away. Armstrong said before that, “we are going to the commissary’s to settle our arrears.” The Governor replied, “you do not know what you are about.” Armstrong at this time was about a dozen of yards before the men. He heard no answer whatever to the Governor when he desired him to return. He did not hear

Armstrong say, "I'll be d——d if you leave the island before the stoppages are paid," nor believes that the words were said. He swears that they went off quietly; without shouting or making an uproar. They did not say they would give the Governor a certain time to consider of it, nor did the Governor say, "then give me an hour to consider of your demands." Witness did not see Armstrong come up again to the Governor near the sea-side. The officers came when the dinner-bell rang, about two hours afterwards. After dinner, the Governor followed them almost immediately. When the Governor wished to put the drunken man into custody, witness did not see Fosslett, the sentry, point his bayonet to his breast. He saw the Governor disarm him; does not know for what reason; cannot swear whether he said the Governor should not enter the guard-house. When a drum-head court-martial was formed at Chatham, they had pen and ink, but there was none here. The punishment took place in the presence of the officers. Mr. Ferrick, the surgeon, was there. Witness does not know whether Armstrong walked to the hospital, or was carried; acknowledged he is now a Bow-street officer.

Re-examined by Mr. SOLICITOR GENERAL.—Did not see Mrs. Lacy; if in the government house she must have been farther from the scene than he; if such expressions had been used as "D—n you, you shall not leave the island till the stoppages are paid," he must have heard them.

Roger Moore examined.—I was a private in the garrison in 1782, at Goree; was present on the 10th of July; the troops paraded between four and five o'clock. The Governor ordered Lieutenant Fall to form a circle after the parade was over. The officers, consisting of the Governor, Captain Lacy, Lieutenant Fall, and Lieutenant O' Shanley, had a conversation for some little time inside the circle. I was not near enough to hear: the officers spoke gently. Armstrong was not seen speaking to the officers, or they to him: he was to the right of the company of serjeants. Governor Wall called Armstrong out of the ranks and represented him as the head ringleader of the mutiny. Armstrong made some reply, and spoke to the officers; he was close to the Governor. In a little time the limbers of a six-pounder were brought into the circle. Armstrong was tied up by the Governor's orders, having been stripped. One of the mulatto men, who was interpreter to the garrison, received orders to instruct the blacks what they were to do, and which way they were to inflict the punishment. I think there were about three or four of them. He was punished with a rope; it appeared, at a distance, about an inch in diameter. There were no knots. He received eight hundred lashes; I counted them; they changed regularly during the punishment like the drums of the regiment, each giving twenty-five strokes. He died in the space of four or five days. I saw him carried to be buried. I saw no mutiny, except being dissatisfied, not having received money for short allowance; and that, talking with each other, they observed that the Governor and the Commissary were going off the island, and if they did not get a settlement before they went they never should. They had been on short allowance for some months. Armstrong said that he had been with the Governor, who promised to settle every thing, the men seemed overjoyed, and were quiet after this public declaration, and the parade was regularly formed. Armstrong, when he was punishing, asked forgiveness, and said he would never be guilty of the like again. The Governor told him that he hoped it would be a warning to him. If the manner of forming the circle was to be called a court martial, I never saw one like it before or since. He was charged as a ringleader of the mutiny, afterwards he was called out and tied up in a few minutes. There never was a settlement of the short-allowance money to this time. I do not know what is become of the officers. I know that Lieutenant O'Shanley died on the passage home.

Cross-examined by Mr. GURNEY.—"I was in the African Corps; there were three companies, some of the men were drunk on that day. I remember the Governor being called out by Surgeon Ford, and he went to the main guard. It was not before; but while the punishment was taking place; there were some disturbances

disturbances with the centry, a man was in liquor. The drummers were in the different companies: cannot say whether they were sober. I did not see any cats, or pieces of cats. I never heard any such expressions as—Cut his heart, cut his liver. If they had been used I must have heard them, I was nearer than the former witness.

The COURT—"Were you perfectly sober?—A. "I was sober."

Cross-examined by Mr. GURNEY.—Heard none of the soldiers say they would not allow the Governor to leave the island; they only said if the Governor did leave the island, they should never be paid. Armstrong went through all the three companies, saying, their demands were to be satisfied. While the punishment was inflicting, the Governor was called out of the circle; but on what account witness does not know; does not know what had become of the cat that day; heard no such expression as "Cut his heart, cut his liver;" and must have heard them had they been used.

*Thomas Poplett* examined by Mr. WOOD.—I was lieutenant in the African Corps, at Goree, in July, 1782; I saw the parade formed on the 10th July, between five and six o'clock in the evening; I was within the walls of the premises in which I lived; the parade was formed two deep; the circle consisted of the lieutenant-colonel Wall, the officers, several black men, and the interpreter; there was a gun-carriage; the officers present were captain Lacey, lieutenant Fall, lieutenant O'Shanley, and, I believe, ensign Ford. Serjeant Armstrong I saw stripped, and fastened to the gun-carriage, and flogged on his bare back by several black men; they were frequently changed at every 25 lashes; I think he received 800. I saw him supported towards the hospital; I was about 40 yards distant, on an elevation of 11 feet; I could distinctly see what passed; I have the same rope that was used; I had it from one of the men.

[The witness here produced the rope, which was one of near an inch in diameter, and which he declared he had kept ever since.]

The witness then proceeded.—I cannot say that the rope was knotted—I never saw a punishment inflicted by such a rope in the army. If the punishment is meant to be severe the rope is generally of long line; if moderate it is made of whiptcord. I did not know Armstrong had been convicted of any crime, or tried for any offence about that time. The usual whip is made of nine tails, and tied with a bit of thread, and the handle of wood. I did not hear him charged with any thing before he was called out for punishment. I heard captain Lacy was dead six or seven years since; he was living in 1784, and commanded at Chichester. Lieutenant O'Shanley died, on his passage home, in the same transport that I came in; I arrived in England on the 24th of February, 1784. I believe ensign Ford is dead. I have heard lieutenant Fall died in the Fleet Prison. I saw no mutiny, and believe there was none. I know Mr. Deering, the Commissary; I do not know whether he is living or dead, I have not seen him for two or three years. I was a prisoner at large, under sentence of a court-martial. I was restored to my rank by his Majesty.

Cross-examined by Mr. ALLEY.—I did not see what passed at the Governor's house; I was not there in the morning.

Mr. *Ferrick* examined.—"I was surgeon to the garrison of Goree, in 1782. I recollect what passed on the 10th of July. My quarters were near the Governor's house. I saw the Governor on the evening-parade. I was sent for about one hour before sunset; there were present the Governor, captain Lacey, lieuts Fall and O'Shanley, and ensign Ford. Armstrong was in the act of being punished when I entered the circle. When I came in the Governor said, "This damned infamous scoundrel, I am going to punish him." The Negroes were punishing him with a rope's end.—I looked on. I understood he received 800 lashes. Nothing passed between the Governor and me.—The punishment appeared rather severe, but I do not recollect that it was worse than the usual punishment, or that his cries were greater. I attended him afterwards, from day to day, at the hospital, he lived till the 15th; I supposed from that time to this that the punishment was the cause of his death; I did not make any obser-

vation to Governor Wall on the state of the punishment.—[The witness was asked some questions as to his reason for not doing so, when Mr. Knowles objected to the question. The Court, after a short consultation, ruled, that the witness was not bound to give any answer founded on his own opinions.]

Witness proceeded.—There was not the smallest appearance of disorder or mutiny on that day.

LORD CHIEF BARON.—“Was there, in your opinion, any chance of his death from the flogging?”

Witness.—My present opinion is, that there was a great chance of his dying. Captain Lacy, lieutenants Fall and O'Shanley, and ensign Ford, are dead; I do not know whether Mr. Deering is dead or not. The instrument with which Armstrong was punished does more mischief, because it bruises and does not cut like the stripes of a cat. I did not know it at that time. His back exhibited evident marks of bruises, but was very little cut; he passed blood both ways, and was asthmatic in the lungs.

LORD CHIEF BARON.—“How long had you been in the practice at that time?”—A. “Two or three years.”

Cross-examined by Mr. Knowles.—At that time I did not know it was a dangerous punishment; I had no medical experience with respect to ropes. I did not dare to interfere; I saw Armstrong that night, he was not then dressed; it is not common to void blood in the urinary passage; I never doubted that the punishment was the cause of his death, from that moment to this; the body never was opened; the absorption of blood is common; I should have forbidden Armstrong the use of strong liquors in his situation; it is possible the use of them might have proved fatal.

Re-examined by Mr. Fielding.—I attended from day to day, and did not know he had any spirituous liquors.

The Court.—“Was he in a good state of health previous to the punishment?”—A. “He never was under my hands at all.”

*William Roffer* examined.—I was at Goree in 1782, and assisting the surgeon in the hospital. I remember some persons being brought to the hospital on the 10th of July. I attended on them during the whole time they were there. I recollect Benjamin Armstrong being there. I attended him till his death. When he came to the hospital he said that he had been punished by black men without a court-martial, and should certainly die; never but that once he said so. His back was exceedingly bruised and swelled, and as black as a new hat. He continued to grow worse and worse, and appeared to me in a dying state. I never had any hopes from the day he came in.

Cross-examined by Mr. Gurney.—He never drank any thing but the garrison-allowance; this was half a pint of brandy, or a pint of wine, each day; he had that allowance, and might drink it if he chose.

Re-examined by Mr. Abbot.—I had no reason to observe that he hurt himself by drinking brandy.

The Court.—“Had you any orders not to let him drink his garrison allowance?”—A. “I never had.”

*John Butler*, serjeant-major in the garrison, saw no appearance of mutiny, but was not present when the party went to the Governor's.

*Richard Besson* examined.—I was a serjeant in the artillery. The day before the Governor left the island the soldiers came to me and told me it was the Governor's orders that I should make out an account of what was due for short allowance to each man. I did make out the account, and gave it to the Governor.

*John Clarke* examined.—I was a private in the African corps in 1782. I did not hear of any mutiny. Some men were going on the 10th of July to Mr. Deering's to ask for their rights due to them. Armstrong headed them the first time. Governor Wall called him; but I did not hear what passed, or any objections made; they went back. I was not with them the second time.

The

The COURT.—“Are you sure this was the first time?—A. “I am sure it was the first time.”

Cross-examined by Mr. GURNEY.—Armstrong headed the party the first time; they consisted of 20 or more, perhaps 30. This was about nine or ten o'clock. Armstrong and the Governor talked together; the party walked in rank. I can't say whether he headed them the second time. I don't know what became of the cats. I did not see any one in liquor. I was sober. The barracks were about 300 yards from the Governor's house. Armstrong said the Governor would see us settled with.

David Powell merely deposed that no mutiny happened on the 10th of July.

Mr. ATTORNEY GENERAL now proposed that a letter, written by the prisoner to Lord Sydney, should be read.

Charles Pearce produced a letter, signed Joseph Wall, addressed to the Right Hon. Thomas Townshend, dated 26th August, 1782.

Lieutenant Poplett was then called to prove the hand-writing of the prisoner. The return of the garrison, by the prisoner, was then read.

The prisoner's letters and returns to Lord Sydney on his arrival in England were produced by a clerk from the Secretary of State's Office, and read by Mr. Shelton. They state that the garrison had been for several months on short allowance, but make no mention of any thing like a mutiny.

A royal proclamation in 1784,\* offering a reward of 200l. for Governor Wall's apprehension, was given in evidence, together with two letters. The first expresses his intention to Lord Sidney (then Mr. Townsend) to surrender as soon as some persons came from abroad, which he hoped would be the means of clearing up his innocence, a circumstance which, he said, must be pleasing to a man in his situation, charged as he was; the letter was dated in the year 1784. The last dated in October, 1801, he says he is just come from abroad, † and lodges in Thornhaugh-street, near Bedford-square; but hoped they would not find it necessary to deprive him of his liberty till they entered into the enquiry.

The last witness was Mr. Oldham, Deputy Advocate-General, who swore that no return of a court-martial upon Benjamin Armstrong, in the year 1782, had been made to his office.

Mr. ATTORNEY GENERAL informed the Court the case for the prosecution was closed.

The COURT —“Now is the time, Prisoner, for you to make your defence.”

### DEFENCE.

The Prisoner.—“I must beg your Lordship's attention for a few minutes — my voice is every low, but I'll endeavour to speak so as to be understood. — On the 10th of July, I rather think the accident happened on the 11th of July, but, however, I'll confine myself to the 10th, the garrison was paid off, and I prepared to embark for Europe. On the morning of the 10th a certificate was prepared that all were perfectly satisfied; unfortunately for me, that certificate was given in to the Secretary at War's Office, and is not to be found. On the 10th, about eleven o'clock, all the men came up to the Government-House; I went out to them; they made a demand of that allowance for provisions due from capt. Adams. I told them I had no right to pay them. In a very short time they dispersed, and returned to the barracks. About two o'clock they returned, very much intoxicated with liquor,

\* See the end of the Trial.

† It is a well-known fact, that he has been in this country four years, and lodged at Walworth, under a different name, recommended as a man in necessitous circumstances, keeping out of the way for debt.

and insisted upon having their demands complied with. I expostulated with them for a long time to no effect. I ordered Serjeant Armstrong to march them back; he stood with his hat on, and said, "He would be d——d if he would, till I settled with them, or their demands were complied with." I then ordered the men to face to the left, and march; the answer was,— "They would be d——d if they not break open the stores, and satisfy themselves." Finding them furiously bent upon extremities, and having no resource, if they had proceeded to extremities, I begged an hour or two to consider, and would then give them an answer; they hesitated a little, and at length agreed, upon condition that I should not leave the island till it was settled. Armstrong then marched them back, shouting, and making a great noise. When I returned to the Government-house, I sent for the officers of the corps; and, in the interval, between their arrival, I walked out, and was proceeding to the main guard, to know the state of the garrison, and whether they were all concerned? I met Armstrong, Upton, Paterfon, and several more; they told me of what I had promised, and said, I should not go to the water-side till it was settled. When I returned to the Government-House, I found the officers there; they all agreed that immediate punishment was necessary to put a stop to the mutiny. I ordered lieutenant O'Shanley to go to the drum-major, and have the cats ready; he returned, and reported that the drum-major told him the cats were destroyed, and that I had best get away as soon as I could, as the men were all agreed, that no punishment should take place. He then proposed punishment by the linguist and the natives; this was acquiesced in by captain Lacy and the other officers. I told him to go to the main-guard and order the punishment, that they might not be alarmed, knowing they were going to be punished. The parade was formed. The officers arrived, consisting of captain Lacey, lieutenant Fall, and O'Shanley. I asked the men if they had any claim to make? One man came forward and said he had short allowance due from captain Deering. I then called upon Armstrong, he he having no claim whatever. While Armstrong came forward ensign Ford came running to me from the main guard, and informed me the man that was confined was breaking from his arrest, and coming to the parade. I asked Ford to confine him, he replied that he could not, as the guard would not obey him. There being no time to be lost, I went to the main-guard and left captain Lacey in charge of the parade. Upon the soldier's seeing me he retired into the room, expecting to be supported by the main-guard. He was retiring, when I forced him into the guard-house. While I was pulling him into the guard-house the centry at the door clapped his bayonet to my breast, saying "I should not enter." I struck it out of his hand, and put him prisoner with the other. Having replaced the guard, and stopped the disorder, I returned to the parade: this evening I had ordered the artillery to parade, being afraid of the African corps, a circumstance which never occurred before, that of the two corps being on the parade together. Upon coming to the parade, I ordered Lacy, Fall, and O'Shanley, to form a court-martial. Ferrick, the Surgeon, was on the parade at this time. Armstrong was brought forward, and charged with mutiny; as I did not chuse to take away their lives, I chose to form a Regimental Court-Martial, I had it not in my power to form any other. While they were trying Armstrong, I was outside the Court-Martial, Lacy came to me, and reported that they had ordered him 800 lashes. I returned into the circle, and told the prisoner of the sentence of the Court-Martial, which was 800 lashes, to be inflicted by the linguist with a small rope's end. This was shewn to the Surgeon before Armstrong was touched. He approved of the cord, which is not so bad as a cat-of-nine-tails. The punishment was then inflicted. There was no other mode of punishment; the African corps have no halberts. I do not know whether I am to speak to the other charges.

LORD CHIEF BARON.—"No, Sir, only to the present indictment respecting Armstrong."

Prisoner.—"On the evening he was taken to the hospital he drank spirituous liquors

liquors to such an excess that he was intoxicated. I thought it was necessary for the preservation of my health to get away, being very ill. I arrived in England in August of the same year, and found a number of charges exhibited against me by a captain in the African corps: these charges were tried ten months after, and captain Roberts was reprov'd highly by his Majesty for presuming to bring those charges of which many were groundless. I went down to Bath, after meeting those charges, and heard nothing further till two messengers came down. The chief messenger told me that he came from Lord Sydney. I asked him if he had a warrant from his Lordship? he replied in the affirmative. Wishing to lose no time I ordered a post coach and four horses from the Bear-Inn; I stopped the coach when we got about four or five miles out of Bath, as there was a person necessary to be with me in London; we dined at Marlborough, and afterwards proceeded to Reading, where I ordered supper in the usual way. I then left the inn about eleven o'clock. My reason for this was, that I did not know the charges against me, and various reports having been spread, that I had ordered a man to be shot from the mouth of a cannon, and other strange stories, I then thought that it would not be for my safety to hazard a trial, and withdrew myself, conceiving that the public would not listen to the charge against me without prejudice. No opportunity offering till the present, I returned to England. — I am here now to answer the charge, and leave my cause to you, my Lords, and Gentlemen of the Jury."

The witnesses were then called for the prisoner.

The first witness called on the part of the prisoner was Mrs. Lacy, who stated that she was the widow of captain Lacy, so frequently mentioned in the former part of the proceedings. She was in the government-house, at Goree, on the 10th of July, 1782, when several soldiers came there to claim the payment of what was due to them for the short allowance they were placed on, while Mr. Adams was the Governor. The first time they came was about nine or ten in the morning; in number they might have amounted to seventy or eighty men. They stopped opposite to the government house, and were headed by serjeant Armstrong. He addressed the prisoner, Governor Wall, and swore that if he did not comply with their demand, they would break open the stores, and satisfy themselves. They came again some time afterwards, and from their manner she could not consider them to be sober. The Governor next went to them, and Armstrong swore that if their request was not complied with, the stores should be broke open. The Governor requested to have a few hours to consider of it, and desired them, at the same time, to return to their barracks. They then went away shouting and making a great noise. They said the Governor should not leave the island till they were satisfied; and Armstrong, as well as two others, of the names of Upton and Paterfon, spoke in so threatening and alarming a manner, as made her apprehensive of great danger. It was a quarter of an hour before the Governor could persuade them to depart; after which he sent for the officers off duty, of whom her late husband was one, and lieutenant Fall and lieutenant O'Shanley the others, whom he acquainted with the mutiny going forward. It was agreed amongst them, at that meeting, that they should not confine all the offenders at once, but take them separately, and try the ringleaders by a court-martial. The Governor then sent to Spurly, the drum-major, desiring him to be prepared for executing whatever the court might determine, and, on the return of that officer, he reported that all the cats-o'-nine tails were destroyed in the morning, and that the Governor, for his own safety, should immediately embark, as the men were resolved not to submit to any of them being punished. Lieutenant O'Shanley proposed that they should be punished by the linguist and his people, as the regular drummers were engaged in the mutiny. The Governor ordered the

court-martial to prepare, and Lacy to have every thing ready to hold it on the parade. The linguist was sent for, and came to the government-house with the officers Lacy, Fall, and O'Shanley.

Cross-examined by the ATTORNEY GENERAL.

She said, she considered the government-house in Goree the same as her own, as her husband had been appointed to succeed Mr. Wall, who was to have embarked the following day. She confessed that she had been sometimes to visit Mr. Wall in Newgate, during the absence of his wife, as well as in her presence, but denied that she had ever remained there all night. To her knowledge there was no short allowance during Mr. Wall's time in the settlement: what the men claimed had occurred under the administration of Governor Adams. She did not know Evan Lewis, and was certain he was not the orderly serjeant on the 10th of July: that duty was performed by a person of the name of Kearney. Believes the commissary Deering to be alive, but had not seen him for a considerable time. The three persons already named, viz. Armstrong, Upton, and Paterson, had severally used threatening expressions to the Governor. Her husband, soon after his arrival at the island of Goree, had received a *coup de soleil*, which rendered him incompetent to do business, and she had never proved his Will, in order to receive property under it, no great share of property falling often to the lot of half-pay officers. She denied having ever signed an affidavit with her husband respecting this affair, though she should not be much surprised at any affidavit he might have made during the time of his derangement, in consequence of the *coup de soleil* she had before adverted to.

Evan Lewis was again called, and swore that he knew Mrs. Lacy, and thought she must have known him. He persisted in asserting that he was the orderly serjeant of the Governor, through the whole of the morning of the 10th of July, 1782.

Mrs. Lacy was then again examined by the counsel for the prisoner. She affirmed that she was, and still remained, the intimate friend of Mrs. Wall, and never visited the prisoner without her knowledge. Her husband remained in possession of the Government of Goree for some time after Mr. Wall's departure, and though in a very debilitated state generally, in consequence of the *coup de soleil*, might have been able to give evidence respecting the drum-head court-martial alluded to, in the year 1784. He did not die till the year 1787.

Mary Faulkner deposed that she is the wife of John Faulkner, now a pensioner of the artillery corps, and was at Goree on the 10th of July, 1782, when a party of from 50 to 60 of the African corps applied to the Governor, headed by Armstrong for their short-allowance money, insisting on its being paid before he left the island. The Governor asked two or three hours to consider of it, and Armstrong swore, if he did not comply with the demand, they would break open the stores, and satisfy themselves. The men were much in liquor, and went away shouting, in a very disorderly and irregular manner. She then went to her own apartment, when Paterson and others came to serjeant Besson, desiring him to make out an account of the short-allowance money due to them, as they had been to demand it of the Governor. Besson warned them of the bad consequences that might result from any force imposed upon the Governor; but they declared that they would be satisfied, or else have his life, and would be supported in it by a gentleman then in the island. Lieutenant Poplett was at that time under arrest by the order of Governor Wall.

Cross-examined by Mr. PLOMER. — The men only demanded what was due to them in Governor Adams' time. During the administration of Mr. Wall, there was no short allowance, when there were any provisions in the island, though such a thing might have happened, when the vessels appointed to supply it were captured by the enemy. She was positive that the mutineers had said, in the apartments of Besson, that they would have the Governor's life,  
if

if their demand was not satisfied, and, also that Kearney, and not Lewis, was the orderly-serjeant of the Governor on the 10th of July.

*Evan Lewis*, being re-examined, persisted in his former declaration, and added that he was made a serjeant after his arrival in the island, but afterwards broke and reduced to the ranks after Mr. Wall's departure.

*John Faulkner*, gave the same description of himself that had previously been given by his wife — He deposed, that a man of the name of Fosset had been sentinel upon duty at the guard-house, at the time that the mutineers had called the Governor out of his house. Paterfon was in custody in the afternoon. At the time the ring was formed, he heard Ensign Ford, who had the command of the guard, to tell the Governor, that it was become impossible to keep order in the guard-room. The Governor then went there, and seeing Paterfon breaking his arrest, and coming out, attempted to turn him back. In doing this he was stopped by the sentinel Fosset, who put his bayonet to his breast. The Governor then ordered this sentinel to be also taken into custody, upon which Fosset expressed his concern for not having run him through with his bayonet. The witness then, as well as the other artillery-men, was ordered to attend on the grand-parade, where a ring was formed, of which he made a part. The Governor was outside the circle, and the officers within it. Armstrong was called out of the ring, and asked by Captain Lacy what he had to say in defence of his mutinous conduct, in wanting to stop the Governor from going on-board, and threatening to break open the stores? — To this the deceased made no reply. The Surgeon was present all the while the punishment was inflicting, and at the close of it he saw Armstrong walk off to the hospital, without being assisted by any person. He believed nearly all the men off duty were the set of mutineers who proceeded to the government-house.

On his cross-examination, he confessed he did not know that the Court-Martial held on the parade had examined any witnesses. It was not held exactly in the centre of the circle, and the members deliberated about a quarter of an hour. It was about four o'clock at the time he saw the sentinel present his bayonet at the Governor. The deceased was flogged only by two black-men, who relieved each other occasionally, after giving him about 100 lashes each, but he had not counted the exact number. It was about two months since, he was first applied to by a *strange gentleman*, to make an affidavit on this subject. The cord produced in Court being shewn him, the witness swore that it was twice as thick as that with which the man was flogged, which was no more than what they called a half-inch one.

*Peter Williams* said, he was a non-commissioned officer at Goree, and recollected the day before Governor Wall embarked on his return to this country. About eleven o'clock on that day, he saw about a dozen men parading before the Governor's house, and demanding to be paid their short-allowance money. Kearney was then the Orderly-Serjeant upon duty. The Governor refused to comply, and ordered them to return to the barracks. They did so, but returned in the evening, more numerous than before, and led on by Serjeant Armstrong, Paterfon, and Upton. They were very forward in insisting on the Governor's compliance, and were seconded zealously by two drummers of the African-corps. Armstrong said, he would be d——d if he should quit the Island till the people were satisfied," and the party went away in a clamorous, noisy, and disorderly, manner. They came three times on the same day, and conducted themselves with equal irregularity. He heard the three parties, Armstrong, Paterfon, and Upton, say, "They would be d——d if they would not break open the stores." — This was distinctly stated by each of them. He was present when the circle was formed on the parade, in the usual military manner. The Governor was outside of the ring, and three or four officers in it, holding a Court-Martial upon the deceased, for mutiny. Orders to that effect were given them by

the Governor; but he did not hear them say any thing to the deceased. — After they had come to a decision, Captain Lacy left the circle to report their proceedings to the Governor, upon which the latter communicated to Armstrong, that the Court had sentenced him to receive 800 lashes with a rope's end. He believed the whole of the punishment was inflicted, after which Armstrong walked, unsupported, to the hospital, with his shirt thrown over his shoulders.

On his cross-examination, he admitted that the men had come up to the government-house unarmed, to demand their short-allowance money; he had the same claim as the others, and never was paid it. The times of their coming he described to be first at eleven o'clock, then in an hour and a half after, and the third time after an interval of an hour. The sentence of the Court on Armstrong he considered as severe, and believed that in Mr. Adams's time no more than 700 lashes had been inflicted on any man.

*Charles Tims* said, that he was a private soldier, in the African corps, and, on the morning of the 10th of July, 1782, saw Armstrong, and a man of the name of Simmons, destroy the cats used in the punishment of offenders. He gave a description similar to what had been before-mentioned of the punishment inflicted on the deceased, after which he saw him about eight o'clock in the evening, intoxicated with spirits, in the hospital.

On his cross-examination, he said that they were on short allowance in the month of June, but in July were allowed a pound and a half of fresh beef, and a pound of bread, daily. There were about 130 of the garrison, who returned to England in the year 1784. He had been discharged at Chichester, but had not signed any paper before a magistrate, as he never could write. Captain Lacy was at Chichester when he was discharged. At that time the Captain was hardy enough, and the witness could observe no alteration in his appearance.

## CHARACTER.

When this last Witness had finished his testimony, the following very respectable persons appeared to the character of Mr. WALL.

*General Forbes*, was first examined. — He had known Mr. Wall between thirty and forty years: they had served together at Havannah. After that he had not an opportunity of seeing him till the year 1786, when he met him in Paris. With respect to his character, he always knew him to behave as became an Officer and a Gentleman, in every respect, and with the most perfect correctness.

*General Mackenzie* stated, That he had known Governor Wall from the year 1763 to 1770; that he had served with him, and always regarded him as a man of great humanity and good temper.

*Major Torriano*, was called, but did not appear.

*The Rev. Mr. Clarke* stated, that he knew Mr. Wall at Pisa and at Florence, in the years 1795 and 1799; that he seemed to him to be both a most tender and affectionate husband and father; and, from every part of his conduct that came under his (Mr. Clarke's) observation, he considered him as a man of distinguished humanity.

*Mr. KNOWLES*, the principal Counsel for the defence, informed the Court in effect, that he had a letter from Lord Galloway, setting forth, that were he not prevented by indisposition, he would have appeared to the character of Governor Wall.

*Mr. Langley*, an Officer on half-pay, knew Mr. Wall perfectly well; he was intimately acquainted with him in Paris in the year 1788, and emphatically declared, that he never knew a person of a more benign disposition,

tion, or one more brimfull of philanthropy and benevolence to all around him.

*Mr. Forbes*, who had known him at Bombay, forty years ago, and since met him at Rome, spoke of him in terms equally favourable.

*Major Phipps*, was called by the Crown-Lawyers, to repel the testimony of *Mrs. Lacy*, respecting the debility of her husband; but his testimony established nothing, as he had not seen him after his return to England. In reply to some questions from the prisoner's Counsel, he said, that he had served under Governor Wall for four months, in the Island of Goree, and came home in the same ship with him. He went out with a particular recommendation to him, and had received the kindest attention; but, as to his general character in the settlement, for humanity, he knew nothing, except what would be merely a statement upon hearsay.

*Mr. Poplett* said, that he knew Captain Lacy after his return to England, and considered his understanding to be as perfect as ever it had been. He had been ill at Goree from excess of drinking, but recovered afterwards, and was as well as ever. He did not recollect who was the Orderly-Serjeant on the 10th of July.

He was here cross-examined by *Mr. Knowles*, who asked him if he had not been dismissed from the Secretary State's Office, on account of improper conduct; he said, that he had formerly been clerk in the Secretary of State's Office, when Lord George Germaine held that situation; that he was dismissed from the Office, but after an explanation of the affair, he received a commission, from Lord George in the army. His dismissal was occasioned by an anonymous letter, written against him in a newspaper, and he found out the author to be a *Mr. Demorand*, who made him an apology, which he immediately took to Lord George Germaine. The letter accused him of making 20,000*l.* in the funds by disclosing official communications, and was untrue with respect to facts. He did not know whether he might not have been posted at the Stock-Exchange as a lame-duck. He might have given to a *Mr. Ashburnham*, a silk-mercantile, at that time in New-street, Covent-Garden, such information as saying, whether the news was good or bad, but did not know that he was concerned in the funds, and had no dealings of that kind himself.

*Mr. Ferrick* deposed, that he recollected while walking once with *Mr. Lacey* on the parade, that he (*Mr. Lacey*) fell down in a fit, and was afterwards delirious for some time.

*Serjeant Butler*, who was at Goree at the time of these transactions, was again called, and swore that *Lewis* was Orderly-Serjeant to Governor Wall, on the 10th of July, and not *Kearney*, who was only a Corporal doing serjeant's duty.

*Serjeant Besson*, on his re-examination, denied that the men had said to him they would take the Governor's life if he did not comply with their demands. They did, however, apply to him to make out their account for short allowance, and mentioned that they had been with the Governor, on which he remonstrated with them, observing to them the ill consequences that might result from any violent or disorderly proceedings.

*Captain Wright* was examined, touching the character of the witness *Williams*, at Goree, where he had the character of a great liar, and, for his own part, he should not believe him upon his oath.

This closed the whole of the evidence offered in this case.

## THE CHARGE.

The LORD CHIEF BARON then addressed the JURY to the following effect:—

“ The case now before you, Gentlemen, is deserving of the most serious attention, in many points of view. It is, in many respects, of very peculiar importance. When a well-intentioned officer is situated at a great distance from that assistance and support which he might otherwise look to from his native country, the national interest, as well as his own safety, may sometimes require of him, and indeed place him under the necessity of acting with a vigour and decision which, in other circumstances, he might not be warranted in employing. The strongest minds may thus be thrown off their balance, when under the influence of alarm; but, on the other hand, the very circumstance of distance, which, while it removes them from the support, withdraws them also from the immediate control of their superiors, require that their conduct should be free from any arbitrary, capricious, or malignant, motives. Your business is to inquire whether, in the present instance, you have a case in which human infirmity, under the impression of fear, might or might not have overleaped the bounds of justice? The prisoner at the bar, you find, was Governor and Colonel-Commandant of the Island of Goree. It is necessary that you should be possessed of what it is, that constitutes in law the marrow of the crime of murder, which I can do the more easily, as I am enabled to lay before you the very words of the greatest authorities upon this subject. The malice which the law requires for the establishment of this crime is not what is vulgarly called spite, but the infliction of death from wicked, corrupt, and deliberative, motives. You will judge from the evidence whether the circumstances indicate even a carelessness for the life of man, and that you must do by weighing the quantity and portion of the punishment inflicted. We all know that these drum-head courts-martial, like all other courts, have a discretion to exercise. — They are generally held upon emergency and the spur of the moment, but are not exempt from being bound by the rules of good sense and humanity. — Masters and parents have an authority to correct their servants and their children; but they must not use that authority in an excessive manner, nor in an inordinate proportion. The law will not protect them for inflicting five or six hundred stripes, where half a dozen may be quite sufficient. No apology can be made for an excessive quantity of punishment, even with a proper instrument, because the long continuance and severity of pain may be productive of as fatal consequences as would result from instruments of a more moderate description. Neither is any man authorised to place another in so perilous a predicament as to make the preservation of his life depend merely on his own prudence. You will perceive how these observations apply, on reviewing what the different witnesses have stated respecting the deceased person's having hastened his dissolution by the use of strong liquors; for, we all know the vulgar prejudice by which the lower orders of the people think, that even in those cases most exposed to inflammation, they are right in the attempt to keep themselves up by the use of spirits. In the course of the evidence, it cannot have escaped you, that there have been many contradictions, and this is not, perhaps, to be wondered at, in reciting transactions at such a great distance of time, but remember that the delay is by no means imputable to those who prosecute. You will be careful to compare the different degrees of credibility to be attached to the jarring testimonies; and in reciting them I shall endeavour, as I go on in the recital, to assist you with such observations as occur to me.

His Lordship then proceeded to read these notes which he took in a very ample and careful manner.—When he came to the evidence of Owen and Clarke,  
his

his Lordship ordered them to be called in separately. Owen being asked again who was orderly serjeant on the day of the mutiny? answered, that it was Lewis; of this he was certain. The same question being put to Clarke, he said he could not tell. His Lordship next noticed the letters sent to the Secretary of State. There appeared in these letters an anxiety to state minute circumstances, as the arrest of officers, state of the provisions, &c. yet it was very remarkable that these letters contained no account of the mutiny of the corps. The prisoner had stated, as his reason for withdrawing from trial, that paragraphs had appeared in most of the newspapers, misrepresenting the transaction, and that men's minds were greatly prejudiced against him. However malignant these paragraphs might have been, it could scarcely require an interval of eighteen years to destroy their effect. The first evidence for the defence was Mrs. Lacy, and what she had said, his Lordship observed, was of the greatest importance, and deserved the most mature consideration of the Jury. She had stated that her husband fell into a bad state of health in consequence of having received a *coup de soleil*.—She at first stated that his illness was not such as to unfit him from being a witness in a court of justice; but, recollecting herself, she remarked, that she had answered too rashly, and she was convinced that his mind was not in a state to enable him to give evidence on any trial. There was another material point of her evidence, namely, that the orderly-serjeant was not Lewis. It was necessary for the Jury to consider well this part of Mrs. Lacy's statement; for, if they believed her, they could not give credit to the facts related by Lewis, who stated that he was the orderly-serjeant on the day of the mutiny, and makes his being in that situation his *causa scientiæ*. It was obvious, that, if Lewis's evidence was rejected, as to that point, very little credit could be given to the whole of his statement. The Gentlemen of the Jury would therefore bear in mind the two principal objects the prisoner had to establish by Mrs. Lacy's evidence, namely, first, that the *coup de soleil* had rendered her husband incapable of becoming a witness in a court of justice. If this was believed, it would in some degree account for the prisoner's conduct in avoiding his trial while that Gentleman lived, as his evidence would have been of no use either in the prosecution or the defence. Secondly, that Kearney, and not Lewis, was the orderly serjeant; if she was to be believed in this, the evidence of the latter would fall to the ground. There were great differences in the evidence of the witnesses, with respect to the number of the persons said to be in a state of mutiny. Peter Williams, a non-commissioned officer of artillery, stated the number of persons who came to demand the payment of arrears to have been only about a dozen, though Mrs. Lacy made them amount to seventy or eighty. Charles Tims said the mutineers amounted to about thirty; but this witness stated one circumstance which would not escape the observation of the Gentlemen of the Jury. He swore, that when Mr. Lacy came to Colchester he had the command of his corps, and that he continued to command it for some time. This was entirely contradictory to Mrs. Lacy's assertion, that the *coup de soleil* had incapacitated her husband from being a witness; and was a very important point for their consideration, when they came to determine whether that Lady's evidence should stand or fall. The prisoner had called several persons of very high respectability, to give evidence as to his character. Colonel Forbes, General Mackenzie, the Rev. Mr. Clarke, &c. had all given him a very good character for humanity during the period they knew him. Major Phipps, who resided six months at Goree, also gave the prisoner a good character, so far as related to himself, but when asked what his general character was in the settlement? which indeed was the proper question, he would not give an answer. He had received a letter of recommendation to Governor Wall, and it appeared he had paid attention to that recommendation, by using the witness well; but he could not say that the character he had given the prisoner was that which he had heard of him in the island.

With regard to Mr. Lacy's ability to become a witness, what had fallen from two of the other witnesses in this trial was also worthy the attention

tention of the jury. Captain Poplett said, that Mr. Lacy was not in bad health when he came to England. And Mr. Ferrick, the surgeon, stated, that Mr. Lacy had been for some time deranged, and in bad health, yet that he afterwards recovered, and was in good health. Having gone through the whole of the evidence, his Lordship addressed a few general observations to the jury. He said, gentlemen, the main question for your consideration is this, Was there a mutiny, aye or no? If there was a mutiny, it next becomes your duty to inquire whether the prisoner was under the necessity of repressing it in the manner he did. The evidence for the prosecution says this was not the case. The soldiers, it appeared from that part of the evidence, were going to the commissary's office, not intending at all to address themselves to the Governor, in the first instance. Their object was to claim the arrears which were due to them; but meeting the orderly-serjeant, some conversation ensued between them and him on the subject of their application. It will be recollected, that the soldiers were pressed for time, as both Governor Wall and the commissary were going to leave the island next day. It therefore was necessary that they should make their claim at that time, as they were soon to be deprived of every opportunity of urging it. They applied, it is said, in a quiet and orderly manner, without any appearance of mutiny. The defence exhibits a very different picture; according to the evidence for the prisoner, all was confusion and tumult. — The soldiers on guard are stated to have refused to detain a prisoner, and one, it is said, turned his bayonet against Governor Wall. There is, gentlemen of the jury, a very wide difference between these evidences, and it is your duty to discriminate the true from the false. There is a wide difference between the solicitation of men without arms, and the tumultuous demands of armed mutineers. It is impossible to reconcile evidence of so contradictory a nature. There must be gross extenuation on the one part, or unaccountable exaggeration on the other.

You, gentlemen of the jury, will maturely consider whether the prisoner was placed in that situation in which a good officer is under the necessity of acting with the greatest severity, or whether the whole of the defence has been contrived for the purpose of excusing that transaction which has taken place: this, gentlemen, is the great point for your consideration. If you think there was no mutiny, then the prisoner's defence is of no avail. If there was a mutiny, then you will have to consider whether the punishment was not unjustifiable, and whether the instrument used, and the manner in which the punishment was inflicted, was not of such a nature as to imply malice propense, as I pointed out in the commencement of my observations. If you are satisfied that there was a mutiny, and that the prisoner was placed in a situation in which it was absolutely necessary for him to exert severity, then you have Mr. Attorney-General's authority to support me in stating that he ought to be acquitted. But I feel no medium between the one and the other opinion. Either there was or there was not a mutiny, and, by your decision as to that point, the nature of your verdict must be regulated. If however you are of opinion that there was a mutiny, still you will have, as I have already observed, to consider how far the persons deceased were regularly condemned, and whether the punishment inflicted was not unwarrantable, and beyond all measure, and whether it justified that charge of malice aforethought which was made against the prisoner? I am fully convinced, gentlemen, that the verdict which you will give will be just and impartial. If any rational doubts arise in any of your minds, you will not fail to lean to the side of mercy, and to allow the whole weight of these doubts to preponderate in favour of the prisoner.

The Jury retired for about three quarters of an hour, and, at their return into court, the foreman, who was evidently affected, pronounced in a low and faltering voice their verdict of "GUILTY."

After a short pause, the clerk, by the direction of the court, put the formal question to the unfortunate prisoner, — what he had to say why sentence of death should not be passed upon him according to law?

Mr. WALL answered to this effect — "I pray a little time before the execution of the sentence."

The RECORDER in addressing him said, he had been most ably defended by gentlemen of abilities and experience, but religion and laws hold it sacred, that he who sheds the blood of man, by men shall his blood be shed; he hoped that his fate would be a warning to all men; and then proceeded to pass the fatal sentence of the law, which was, in substance, "That he, JOSEPH WALL, be taken to the place from whence he came, and from thence, on Friday next, to a place of execution, there to be hanged by the neck until he be dead, and his body afterwards given to be anatomised and dissected, according to the statute in that case made and provided. Prisoner, the LORD have mercy on your soul."

Mr. WALL heard the verdict and the awful sentence of the law pronounced, with a calm resignation, betraying no emotion of either agitation or fear; and was then removed from the bar.

The jury were thanked by the court for the patient and earnest attention which they paid to the case before them, during an uncommonly long interval, and were discharged: and at eleven o'clock at night the court adjourned.

Mr. WALL is six feet four inches high, and of genteel appearance. He behaved with great steadiness and composure during his long and painful trial, which lasted from nine in the morning until eleven at night. He is 65 years of age, but does not look so old.

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A melancholy circumstance happened in the Old Bailey, at the trial of Governor WALL: Major WINTER, who resided at Woolwich, as he was coming to give evidence, in getting out of the coach, dropped down and instantly expired. Mr. JAMES DIXON coming past at the time, recognized the Gentleman, and had the body conveyed to the Rose public-house. He instantly dispatched a proper person to the unhappy Major's family. We understand the Major was in the Artillery, and brother-in-law to Mr. DUDMAN, an eminent ship-builder at Deptford, and has left a family of ten children.





“ By the KING.

“ A P R O C L A M A T I O N,

“ For apprehending *Joseph Wall*.

“ G E O R G E R.

“ WHEREAS Captain *Joseph Wall*, late Commandant at *Goree* on the Coast  
 “ of *Africa*, being in Custody, by virtue of a Warrant under the Hands of Six  
 “ of Our Privy Council, upon Suspicion of Murder by him the said *Joseph*  
 “ *Wall* supposed to be committed at *Goree* on the Coast of *Africa* aforesaid,  
 “ hath made his Escape from the Hands of One of Our Messengers in Ordinary  
 “ from an Inn at *Reading* in the County of *Berks*, and is fled from Justice:—  
 “ We have therefore thought fit, by and with the Advice of Our Privy Coun-  
 “ cil, to issue this Our Royal Proclamation, hereby requiring and commanding  
 “ all Our loving Subjects whatsoever to discover and apprehend, and cause the  
 “ said *Joseph Wall* (who is about Forty-five Years of Age, Six Feet Four  
 “ Inches high, a fair Complexion, with light-brown Hair, had on a blue Coat  
 “ with white Buttons, lappelled Scarlet Waistcoat with small white Buttons,  
 “ and Jean Breeches; was apprehended at *Bath*, and made his Escape from an  
 “ Inn at *Reading* (the sign of the *Brown Bear*) between the Hours of Twelve  
 “ at Night of *Monday* the First, and Six in the Morning of *Tuesday* the Second  
 “ of this Instant *March*) to be apprehended and discovered, and to carry him  
 “ before some of Our Justices of the Peace, or Chief Magistrates of the County,  
 “ Town, or Place, where he shall be apprehended; who are respectively re-  
 “ quired to secure him, and thereof to give speedy Notice unto Our Privy  
 “ Council, or One of Our Principal Secretaries of State, to the End he may  
 “ be forthcoming, and be dealt withal, and proceeded against, according to  
 “ Law. And whosoever shall apprehend or discover the said *Joseph Wall*, and  
 “ bring him before such Justice of the Peace, or Chief Magistrate, shall re-  
 “ ceive for Reward the Sum of TWO HUNDRED POUNDS: which said  
 “ Sum of Two Hundred Pounds the Lords Commissioners of our Treasury are  
 “ hereby required and directed to pay accordingly.

“ Given at Our Court at *St. James's*, the Eighth Day of *March*, in the  
 “ Twenty-fourth Year of Our Reign.

“ God save the King.”