

Lieutenant General,
Lord FitzRoy Somerset G.C.B.

Judge Advocate General's Office, 7th July 1848

My Lord,

I have in compliance with Your Lordship's wish considered the various papers forwarded by Your Lordship, and especially the letter of Lord Gough of the 27th April last, relative to the case of Serjeant Douglas of the 10th Regiment tried at Lahore by a General Court Martial and convicted of manslaughter and sentenced to be transported for life.

Lord Gough having approved and confirmed the sentence without observation, now however represents this case as one to which a pardon may be safely extended on the ground that Serjeant Douglas has served his country for 25 years, and that up to the time of the fatal act which he committed, he had preserved an unblemished reputation, and that his high character in his Regiment had obtained for him the highest rate of pension.

Now although the prisoner in his defence alludes to his long service, and respectability, no witness was produced, nor any questions asked to verify the statement, nor can I find, either in the Prosecutor's opening speech, or in his reply, any recognition of Serjeant Douglas' character.

What effect the proof of an irreproachable character for so long a period might have produced on the Court, and consequently on their Finding or Sentence it is impossible to say, but it does incline my mind to regard the strange story told by the witnesses, with caution, and to adopt the conclusion of the Court, with hesitation.

It appears from the evidence of Private Graham of the 10th Regiment that between 4 and 5 in the morning he first saw Serjeant Douglas about which time two Privates who were with the Serjeant gave him some liquor of which he took about a mouthful, that the Serjeant having proceeded about a mile complained that he was faint, and unable to proceed, and asked for some water, that none could be procured for him and that the Serjeant being unable to proceed, Private Graham was obliged to leave him behind, and that when he left him, which was about 7 or 8 o'clock, the Serjeant lay down putting his hand under his head. The Witness added that the Serjeant appeared to be in liquor before he saw him take some more liquid from the Privates.

The murder is stated to have been committed between 9 and 10 o'clock. About 2 the uncle of the deceased went to the spot where the dead body lay and saw the Serjeant sitting down about 10 yards from the body, and when asked how he came to commit

this murder Serjeant Douglas pointed to the sky with his finger, and on the question being repeated, again made the same motion. Not long after this interview he seems to have been taken into custody.

An European Surgeon examined the body of the deceased and also the person of the prisoner, but he seems to have made no examination of his state of mind, for no question was put to him on the subject. A Native witness states, that the Serjeant when he was taken into custody (about 3 o'clock) was apparently confused, and suffering greatly from thirst, and being asked "Do you think he was in liquor?" answers "I should say so, but he did not drink anything in my presence."

Major McGregor who questioned the prisoner between 6 & 7 states, he appeared to be quite sober, and answered collectedly, whereas Serjeant Hodgkins to whom the Major delivered the prisoner states, that to the best of his opinion he was drunk.

Upon a careful review of these facts, I cannot say that my mind is free from all doubt, that Serjeant Douglas, assuming that he slew the Native, may not have been laboring under delirium far exceeding the temporary effects of drunkenness at the time he committed the act; and I cannot help thinking that grave doubts would have occurred to the Court, if they had had before them the character given to the Serjeant, by the guarantee of Lord Gough's authority.

Under these circumstances, and thinking that possibly it may be more expedient that a pardon should emanate directly from The Queen, than that the Commander in Chief in India should assume the responsibility of disposing of this case, I beg to express my concurrence in Lord Gough's view, that the case of Serjeant Douglas is one to which the pardon of Her Majesty may be safely extended.

I have etc.

[signed] W.G. Hayter