

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	180-182	Press ~~Mis.~~
	3-6	
Dated	17-2-	1857.

Not to be folded or roughly handled

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Fort St. George, Judicial Consultation, 17th February 1857.

Read the following Papers.

Read again letter from the Acting Magistrate of Malabar.

(Here enter 5th January 1857, No. 2.)

No. 3. Read also letter from J. R. BOYSON, Acting Honorable Company's Solicitor; to T. PYCROFT, Esq., Chief Secretary to Government, Judicial Department, dated 4th February 1857, No. 67.

SIR,

I have the honor to acknowledge the papers noted in the margin.

Minutes Consultation, dated 22nd January 1857, No. 88, Judicial Department, with enclosures.
Order, dated 23rd January 1857, No. 105, on letter from the Acting Magistrate of Malabar, dated 15th January 1857, No. 5, with enclosures.

I submitted these papers for the consideration of Mr. Dale, the retained Counsel for the Honorable Company, and I herewith send a copy of his opinion.

The Acting Magistrate of Malabar and the Joint Magistrate of Cochin, are doubtless pursuing those enquiries which they have hitherto so energetically prosecuted. Care should be taken to avoid (as far as practicable) taking any Deposition or examination on oath or otherwise of any party whom it may ultimately appear desirable to indict for the murder, and if any such party is permitted to make a statement, he should first be warned that all that he says will be taken down and may possibly be used to his disadvantage.

I beg to suggest that the result of Mr. Cullen's enquiries be communicated *fully* from time to time to the Mauritius Government, and that that Government be requested to furnish the Governor in Council of Fort Saint George, with *all* the information that it may be in the power of the Mauritius Government to afford, and to state without delay, to what country the Six Islands belong, and to what Law and Courts they are subject: also that the Acting Magistrate of Malabar be required to ascertain of what country Captain Rodriguez is a subject.

(Signed) J. R. BOYSON,

Acting Honorable Company's Solicitor.

COPY OPINION.

I have perused the Minutes of Consultation, dated 22nd January 1857, No. 88, Judicial Department, as also the several papers which accompany.

In all probability a murder has been committed, but there is no evidence of it; and if committed, I fear that after this lapse of time, no person can be convicted of it, at least under the Law of England.

It is perfectly consistent with the statements laid before me that Monsieur Hugon is still alive. His dead body has not been found, and for anything that appears in these papers, the laborers may have seized the Boat on its arriving at Toorotoo Devy, crossed in it themselves to the larger Island, and left Monsieur Hugon on Toorotoo Devy unhurt, where he may have been able to find sufficient nourishment to support life. I should fear from the time that was permitted to elapse after Monsieur Hugon's disappearance that if his remains have been since, or should be hereafter found, no sufficient evidence of identity might be obtained; at the same time it is possible that portions of his dress, or a watch, or ring, or something of that kind might be found to render the identity sufficient.

I am however of opinion there is sufficient evidence before the Magistrate to justify his proceeding with the investigation and that he has authority to issue his Warrant for the arrest of the parties pointed out as suspected of having committed the supposed murder. They should, however, under the circumstances be treated with as much leniency, &c. as is compatible with their being forthcoming to answer the charge, should any be brought forward.

If a murder has been committed, as supposed, the Prisoners may be tried in the Supreme Court; or they may be given up to the Authorities having Jurisdiction at the place where the murder was committed.

Mr. Robinson in his letter dated the 5th January 1857, states the offence "was committed on the high seas." I apprehend that letter was penned at a time when Mr. Robinson had very imperfect information before him, or he has further information than has been laid before me.

Fort St. George, Judicial Consultation, 17th February 1857.

If a murder has been committed, it appears to me, it was committed on the Island of Toorotoo Devy.

There is nothing to shew me to what country the Six Islands belong. Probably to Great Britain or possibly to France, but I infer to the former: without however, further information, it is not possible to say; and something may turn on the point.

Nor is any thing stated from which it can be collected what Law is applicable to these Six Islands, whether the Law of England, or whether the Law administered in the Mauritius, which so far as Criminal Cases are concerned, is, I believe, still the old French Law. The Code Penal of Napoleon, not having been promulgated in France until after the conquest of the Island by Great Britain. I do not apprehend that any question could arise on that point, but if the Case is to be tried in the Supreme Court, it might be desirable to be informed on the subject.

As regards the offence committed by Captain Rodriguez. It is not stated of what country he is a subject. Mr. Robinson says he is "a Manilla Captain." That is too general a term to advise upon. If therefore, it be wished to bring him, if practicable, under the English Law, it would be necessary to shew his country, and until I am supplied with that information, I do not offer an opinion as to his amenability to that Law.

He is however clearly amenable to the Law of India, as declared by the Acts of the Legislative Council.

The parties having been embarked from Travancore, does not alter the nature of the offence, the Act No. 24, 1852, sufficiently provides for such a Case.

Madras, 2nd February 1857.

(Signed) CLEMT. DALE,

(True Copy.)

(Signed) J. R. BOYSON,

Acting Honorable Company's Solicitor.

No. 4. ORDER THEREON, No. 180; dated 11th February 1857.

Resolved that the foregoing letter and its enclosure from Mr. Dale, together with the Extract Minutes Consultation, to which the same have reference, be forwarded to the Acting Magistrate of Malabar, and through him to the Joint Magistrate at Cochin. Those Officers will continue to prosecute the enquiries already set on foot, communicating from time to time, as suggested by the Acting Solicitor, the result to Government. They will be especially careful to follow the course indicated by Mr. Boyson in regard to the examination of suspected parties.

2. The Governor in Council will apply to the Government of the Mauritius for the information indicated by Mr. Dale, as also to know what more Coolies there now are on the Six Islands and under what circumstances they were brought there.

3. The Acting Magistrate of Malabar will afford the Government all the information he can obtain in respect to the alleged crimping of Coolies for exportation from Mahé to Bourbon, and report the issue of the enquiries he is now making on the subject.

(Signed) T. PYCROFT,

Chief Secretary.

Ordered that the following letters be despatched.

No. 5. From T. PYCROFT, Esq., Chief Secretary to the Government of Fort Saint George, to the Colonial Secretary, Mauritius, dated 11th February 1857, No. 181.

Sir,

By desire of the Right Honorable the Governor in Council, I have the honour to forward, for the information of His Excellency the Governor of the Mauritius, copy of papers as per margin, having reference to an outrage alleged to have been committed on one of the "Six Islands," described as the property of the family of Duparrel of the Mauritius, by certain Indian Coolies, who would appear to have been clandestinely conveyed thither by Captain Rodriguez of the Schooner "Alexander Auguste."

Letter from Acting Magistrate of Malabar, dated 5th January 1857, with Enclosures.

Extract Minutes Consultation, 22nd Idem.

2nd Letter from the Acting Magistrate, Malabar, dated 15th Idem, with Enclosures.

Fort St. George, Judicial Consultation, 17th February 1857.

2. These Coolies to the number of about forty are stated, it will be observed, further to have taken forcible possession of the said Schooner on its touching at the "Six Islands," on its recent voyage from the Mauritius to Cochin, and after plundering the treasure chest, to have compelled the Captain to work her to the Western Coast of India, where, at a point between Aleppie and Cochin, they disembarked in fishing-boats, on the 30th of September last. The Vessel itself came into the Roads at Cochin on the 2nd of the following month.

3. Captain Rodriguez would appear to have communicated the whole of these particulars to Mr. Laporte, the Owner of the Vessel, at the Mauritius without loss of time, but, for reasons stated by him in his Deposition before the Joint Magistrate, he kept the transactions a profound secret from Mr. Ruffin, the Ship's Agent at Cochin, and it was not until the 24th December last, that he resolved to report the matter to the Authorities.

4. Whatever the reasons that induced Captain Rodriguez and his Crew to preserve silence for this length of time, the delay caused thereby is likely to prove extremely prejudicial to the interests of public justice. The Magistrate of Malabar is engaged in the most energetic enquiries, but the time that has elapsed since their disembarkation in India, renders it altogether unlikely that the Criminals will be captured.

5. From a Mauritius Newspaper "Le Cernéen," filed in the course of the enquiry, before the Magistrate at Cochin, this Government learn that a report of the alleged outrage has already been made to His Excellency the Governor, and that orders have been issued for the investigation of the affair. The legal advisers of this Government, copy of whose letters are enclosed, have suggested that the Government of the Mauritius should be requested to furnish the Governor in Council with full particulars of the measures that may have been adopted, together with all the information that may from time to time transpire in regard to the case, and I am directed to solicit that this may be done. It is also necessary that this Government should be certified as to what Country the "Six Islands" actually belong, and to what Law and Courts they are subject.

6. I am further desired to draw the attention of the Government of the Isle of France, to the allegations contained in the Depositions now forwarded, relative to the treatment of the Coolies in the "Six Islands," and to request that this Government may be favored with information as to what Indian laborers still remain in those Islands, and under what circumstances they were brought there.

(Signed) T. PYCROFT,

Chief Secretary.

No. 6. From T. PYCROFT, Esq., Chief Secretary to the Government of Fort Saint George, to the Secretary to the Government of India, Home Department, dated 11th February 1857, No. 182.

Sir,

I am directed by the Governor in Council to submit for the information of the Right Honorable the Governor General of India in Council, the accompanying papers as per margin, relative to a murder supposed to have been committed by some Indian Coolies at the "Six Islands," a group of small Islands lying in the Indian Ocean half way between Cochin and the Mauritius, and stated to be dependencies of the latter Colony, to a native of which of the name of "Duparrel" they are alleged to belong.

Letter from Acting Magistrate of Malabar, 5th Jan. 1857, with Enclosures.

Extract Minutes Consultation, 22nd Idem.

Second letter from Acting Magistrate of Malabar, 15th Jan. 1857, with Enclosures.

Letter from the Acting Honorable Company's Solicitor, with Enclosure.

Letter from Chief Secretary, to Colonial Secretary, Mauritius.

2. The particulars of the alleged outrage, as far as they have yet been brought to light, are given in the letters from the Acting Magistrate of Malabar and the Joint Magistrate of Cochin, and are briefly recapitulated in the Extract Minutes Consultation of the 22nd Ultimo. It will be seen that these Coolies, who from time to time had been clandestinely conveyed to these Islands by Captain Roman Rodriguez of the Schooner "Alexander Auguste," who would appear to have been long engaged in similar acts of crimping, were there subjected to the most severe labour and ill treatment; that in August last, unable any longer to endure their situation,

Fort St. George, Judicial Consultation, 17th February 1857.

they rose against their Overseers, overpowered them and the Creole population, some sixteen souls, it is said, and murdered the Manager of the plantations, one Paul Hugon. Shortly after the occurrence of these events, Captain Rodriguez touched at the Islands on his voyage from Mauritius to Cochin. The Coolies made a Prisoner of him and his Crew, and compelled him to take them back again to the Western Coast of India, where at a point between Aleppie and Cochin, they furtively disembarked on the 30th September. The matter came, it will be noticed, to the cognizance of the Authorities on the 24th December only.

3. The Acting Magistrate of Malabar having enquired how far his Jurisdiction extended in the case, the papers were forwarded to the Acting Company's Solicitor, whose letter and its enclosure have been despatched to the Authorities at Calicut and Cochin; and this Government has applied to the Government of the Mauritius, in a letter, copy of which accompanies, with a view to obtain the necessary information from that quarter in respect to the murder (a report of which, it will be seen, has reached His Excellency the Governor) as also to know what Indian labourers still remain on the Islands and under what circumstances they were brought there.

4. The Acting Magistrate of Malabar and Joint Magistrate of Cochin, have been directed to follow up their inquiries, and this Government will report the result to the Government of India, as also the issue of the investigation which Mr. Robinson is now conducting in regard to the crimping of Coolies for exportation from Mahé to Bourbon.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Judicial Sept. 30

No. 180

Extract Min. Cons.

Dated 11 February 1857

Read again taken from the

Acting Magistrate of Malabar

(Here entered 5th January 57)

No. 2

Read also taken from the Acting

Attorney General's Solicitor in reply

to Let. M. G. 22nd January 57. Ind.

Judicial Sept.

[Signature]

[Signature]

[Signature]

Resolved that the foregoing letter with its enclosure from Mr. Dale, together with the Let. M. G. to which the same have reference, be forwarded to the Acting Magistrate of Malabar and the Joint Magistrate at Cochin. These officers will continue to prosecute the enquiries already set on foot, communicating from time to time, as suggested by the Acting Solicitor, the result to Govt. They will be especially careful to follow the course indicated by Mr. Boyson in regard to the examination of suspected parties. The Govt. 2. The correspondence which these papers necessitate with the Govt. the Magistrate will be conducted from his office.

[Signature]

with a copy to the Govt. of the Mauritius for information in the case called by Mr. Dale also to the Govt. 5/2-57. K. C. W.

Dis. 15th

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R10 "

Judicial Dept

No 181

To the Chief Secretary

To the Colonial Secretary

Mauritius

Sir.

R H

My dear Mr. G. in C. I have the honour to forward, for the information of his Excellency the Governor of the Mauritius, copy of a paper on the subject of the acting Magistrate of Malabar, having reference to an outrage alleged to have been committed on the property of one of the 'Les Isles' the property of the family of Dupont of the Mauritius, at by certain Indian coolies, who were supposed to have been clandestinely conveyed thither by Captain Rodriguez of the Vantail Schooner "Alexander Auguste".

2. These coolies to the number of about forty are stated, it will be observed, further to have taken forcible possession of the said Schooner on its touching at the 'Les Isles' on its recent voyage from the Mauritius to Cochin, and after plundering the treasure chest, to have compelled the Captain to work her to the Western Coast of India, where, at a point between Aleppee & Cochin, they disembarked in fishing boats, on the 30th of September last. The vessel itself

ref. 17 to the Chief Secretary

Handwritten signature/initials

Letter from Act. Mag. of Malabar - dated 5th Jan 1857. with enclosed.
 2d. M. C. 22d idem -
 2d. Letter from the Acting Mag. Malabar - dated 15th idem - with enclosed

Handwritten signature/initials

Just. Sec. to Esq of the Law
 No 16 of 1857
 P. 2
 Dept. of Justice P. 3.

On 24 to Com: 17th Feb
 Judicial Dept
 P. 180

Attache Min: of Com:

21st February 57
 From Mr. Lubbock. Hand 57
 19426
 do do 27 March 57
 No 536

306

enquiry, before he leaves the
at Cochin, his Lordship learns that
a report of the alleged outrage has
already been made to his Excellency
the Governor, and that order
have been issued for the investigation
of the affair. The legal advisers of
his Lordship, whose labors are inclosed,
have suggested that his Lordship of the
depositions should be furnished to the Queen's
with full particulars of the measures
that may have been adopted, together
with all the information that may
from time to time transpire in regard
to the case; and I am directed to
request that this may be done -

It is also necessary that his Lordship
should be certified as to what country
the "Pis Islands" actually belong to,
and to what laws and Courts
they are subject -

6. I am further directed
- to draw the attention
of the Govt of the Isle of
France to the allegations
contained in the depositions
- to our now proposed
relation to the treatment
of the Cochins in the
Pis Islands, and

B. 74 of 57

came into the Roads at Cochin
just over 2 or 3 weeks of the following month.
3. Captain Rodriguez who appeared
to have communicated the whole of
these particulars to Mr. de la Porte,
the owner of the vessel, at the Mauritius,
without loss of time, but, for
reasons stated by him in his Deposition
before the Joint Magistrate,
he kept the transactions a profound
secret from Mr. Ruffin, the Chief
Agent at Cochin, and it was not
until the 24th December last that
he made up his mind to report the
matter to the Authorities.

4. Whatever may be the reasons that
induced Captain Rodriguez and his
crew to preserve silence for this length
of time, the delay cannot be said to
likely to prove extremely prejudicial
to the interests of public Justice -

The alleged trade of Slaves is engaged
in the most energetic manner, but the
time has elapsed since their dis-
embarkation in India, and it is
altogether unlikely that the criminals
will be captured.

5. From a Mauritius newspaper of
Carnegie, filed in the course of the

to report that this fort
may be favoured with
information as to whether
Indian labour still
remains in the on Island, and
under what circum-
stances they were
brought there - how long
retained there and what
treatment they received

Porto George
11 February 1857

Let Sir to Sir of 9th June
No 16 of 1857
Part 2
Reports in 1857 of 1857-58

No 101

Let to Colonial Secy
Mauritius.

29th February 1857

Report to 20th March 1857
1857-58

c926
R10

Ref: 17
for the
steamer
with a spare copy

7a
Judicial Dept

No 182

From the Chief Secretary
To the Secretary to the Govt of India
Home Dept.

Let from
act. M. of Malabar
5th Jan 1857
with enclosure.
Ex. M. C. 22nd ulto.
Let from
act. M. of Malabar
18th Jan 1857
with enclosure.
Let from the act
H. C. Solicitor
with enclosure.
Let from Ch. Secy
to Colonial Secy
Mauritius.

Reply

I am directed by the G. in C. to sub-
mit for the information of the R. &
the G. C. of India in Council the accom-
panying papers as per margin, relative
to a murder supposed to have been commit-
ted by some Indian coolies at the "Six
Islands" a group of small islands ly-
ing in the Indian Ocean half way be-
tween Cochin & the Mauritius, and
attributed to the dependencies of the latter
Colony, to a native of which of the
name of "Supanel" they are alleged to
belong.

2. The particulars of the alleged outrage,
as far as they have yet been brought to
light, are given in the letters from the
Acting Magt of Malabar and the Joint
Magt of Cochin, & are briefly recapitu-
lated in the Ex. M. C. of the 22nd ulto.
It will be seen that these coolies, who
from time to time had been clandestinely
conveyed to these Islands by Captain
Roman Rodriguez of the British
Schooner "Alexandre Auguste" who was
apparently engaged in semi-
law acts of Crim. here, were subjected
to the most severe labour and ill treatment,

that, in August last, unable any longer
to endure his situation, he rose against
his overseer, overpowered him and
the Creole population - some sixteen
souls, it is said - and murdered
the managers of the plantation, one
Paul Hujors. Shortly after the occur-
rence of these events, Captain Rodriguez
touching at the Islands on his voyage
from Mauritius to Cochin. The coolies
made a prisoner of him & his crew, &
compelled him to take them back
again to the Western Coast of India.
Presidency, where at a point between
Alepoie & Cochin they furtively disem-
barked on the 30th September. The
matters came, it will be noticed, to
the cognizance of the authorities on the
24th December only.

3. At the request of the Acting Magistrate
of Malabar having inquired how far his
jurisdiction extended in the case, the
papers were forwarded to the Acting
Company's Solicitor, whose letter and
its enclosure have been despatched to
the authorities at Calicut and Cochin;
and His Govt. has applied to the Govt.
of the Mauritius, in a letter copy of
which accompanies, with a view to obtain
the necessary information from that
quarter in respect to the murder (a

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part of what, it will be seen,
has reached His Excellency the (Honble
Governor) as also to know what In-
dian labourers still remain on the
Islands & under what circumstances
they were brought here.

4. The Acting Magt. of Malabar &
Joint Magt. of Cochin have been di-
rected to follow up their inquiries,
& His Govt. will report the result to
the Govt. of India, as also the issue
of the investigation which Mr.
Robinson is now conducting in
respect to the Crimping of Coolies
for exportation from Malabar to
Batavia & the East Indies.

Port St George
11th February 1857

576 7-2/57-

June 29, 1857 of 9 lines
Dec 16 of 1857
Page 2
Sept 16 with 1 of 1857 of 3.

July 14 to Dec 17 of 1857
And via 1857 Sept 17

W. 1857

To the Secy. to the Govt of
And via

Sept 11 1857/57
Sept 11 1857/57
Sept 11 1857/57