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Fort St. George, Judicial Consultation, 9th June 1857.

No. 47. Read the following letter from W. ROBINSON, Esq., Acting Collector of Malabar ; to E. MALTBY, Esq., Acting Chief Secretary to Government, Judicial Department, dated Calicut, 26th May 1857, No. 73.

SIR,

I have the honor to request the instructions of Government as to the proper course to be pursued in event of any British Magistrate being called upon by the Captain of foreign vessels to take cognizance of offences committed on high seas and under a foreign flag.

2. An instance occurred recently at Cochin, in which the Captain of the French Brig "Le Panther" called on the Joint Magistrate, to take charge of three mutinous French Sailors, two being Europeans and one man of color, who he alleged had conspired to assassinate him at sea. Mr. Cullin considered that he had no jurisdiction in the matter, but consented pending a reference by the Captain to the nearest French functionary at Mahé, to "give the men shelter in the Jail, not however holding them as Prisoners." The men remained 29 days in prison at the expense of the ship. In reply to the reference made to him the Governor of Mahé directed the Captain to place the men in the hands of the British Authorities, without however at the same time indicating the proper mode of disposing of them. Mr. Cullin declined to hold them longer, and sent them to the Captain who refused to receive them, and the men were set at liberty in Cochin. The ship has since sailed, and the men are at this moment probably begging their way across country to Madras, or Pondicherry, somewhere between Coimbatore and those places.

3. The matter occurred a month ago, but Mr. Cullin having made no reference to me, I only learnt of it from an appeal against Mr. Cullin's scruples written by the Governor of Mahé to whom the Captain of "Le Panther" had reported the release of the men, and it was then too late to interfere. Both parties had left Cochin. No legal process verbal against the men has been left, and I do not conceive that I have power now to call on a Magistrate to arrest the men in the absence of a Prosecutor.

4. Mr. Cullin did not apparently attach much importance to the charge of conspiracy, and considered that as the Captain shipped nine fresh Lascars at Cochin, he might have put the men when sent to him in irons and taken them to Reunion whither he was about to sail.

5. This might be true with regard to this special instance, but it is obviously desirable to have a definite course laid down as that to be pursued in future, in similar cases. At a port frequented as is that of Cochin by vessels of different nations, such cases are likely to recur from time to time.

(Signed) W. ROBINSON,
Acting Magistrate.

No. 48. ORDER THEREON, No. 673; dated 9th June 1857.

Referred for the opinion of the Honorable Company's Solicitor.

(Signed) E. MALTBY,
Acting Chief Secretary.

My dear Sir
Judicial Department

From
The Actg. Magt. of Mass.

To
The Acting Chief Secy
to Govt. Judl. Dept.
Fort St. George

Dated 26th May 1857
Received 1 June

File No. 1382.

No. 43

No. 871

Requests the instructions
of Govt. as to the proper course
to be pursued in event of
any British Magistrate being
called upon by the Captain
of foreign vessels to take cogni-
zance of offences com-
mitted on High Seas and under
a foreign flag.

Are there any
with an order
presented

Test

No 1573

Referred for the opinion of the
Honble Comdant's Solicitor.

Fort St. George
9th June 1857

Yr

Cy to Honble Comdant's Solicitor

Despd 13th

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 673

Press
~~Mis.~~

47-48

Dated 9-6-1857

Not to be folded or roughly handled