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Judicial DEPARTMENT.

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N.Y.

Fort St. George, Judicial Consultation, 7th July 1857.

No. 39. Read the following letter from W. ROBINSON, Esq., Acting Magistrate of Malabar ; to E. MALTBY, Esq., Acting Chief Secretary to Government, Fort St. George, dated Calicut, 23rd June 1857, No. 83.

SIR,

With reference to Extract from the Minutes of Consultation, dated 29th May 1857, conveying the opinion of the Honorable Company's Law Officers on the subject

No. 629.
To E. Cullin, Esq., dated 11th June 1857, No. 1891
From do. dated 17th do. " No. 136
To do. dated 23rd do. " No. 2020

of the charge of murder against certain Malabar Coolies, for the murder of Mr. Hugon on the Sychelles Islands, I have the honor to

forward copies of the correspondence noted in the margin.

2. There is I fear no evidence here on which any of the prisoners in this case could be committed by a Magistrate. The Coolies present at the time are to be committed. This naturally includes every man who could possibly have seen the deed done ; others who were on the Island at the time but deny having been present, give no evidence whatever to the point. Even Velloo one of the rowers who conveyed Mr. Hugon to the Island, denies having witnessed aught, though he deposes to the fact that certain of the Coolies were bespattered with blood, a valuable point had death been proved, or the dead corpse been seen.

3. The rest of the evidence before the Joint Magistrate, is mere hearsay and is very vague and general.

4. Under these circumstances I must refer the matter again to the Law Officers, who I gather have other independent testimony before them, which will enable them to issue instruction as to the treatment of the case here.

5. The information required by para : 18 of Mr. Dale's opinion is herewith submitted.

(Signed) W. ROBINSON,
Acting Magistrate.

From W. ROBINSON, Esq., Acting Magistrate ; to E. CULLIN, Esq., Joint Magistrate of Cochin, dated Calicut, 11th June 1857, No. 1891.

SIR,

No. 629. In transmitting the Extract from the Minutes of Consultation dated 29th Ultimo, I have the honor to request that you will conform to its requirement.

The greatest care must obviously be taken to impress on the parties implicated, that they are not required to make any statement whatever before you, and that any statement made, may and will in all probability be used against them. As a general rule I think that the less communication with the persons actually present, when the murder was perpetrated, beyond letting them

* They being present at the enquiry. know* what is stated against them the better, as you will observe that they are all to be committed. Their statement should only be asked for when the whole case for the prosecution is closed.

No mention of admission as approvers should be made before you, the selection of such must be left to the Law Officers, when the preliminaries, having been completed by you and the case committed, it has passed into their hands.

Another point of great importance must become obvious to you, namely the exceeding care and jealousy that must be observed in accepting as evidence the statement of any of the Coolies who were on the Island at the time. If the murder was a pre-meditated act, there can scarcely be a reasonable doubt that every Malabar Cooly had full foreknowledge, and it is patent that no attempt was made to warn the victim to prevent the crime or subsequently to vindicate justice. If as is surmised by the Company's Solicitor, the actual crime was the result of sudden impulse awakened by the brutal assault of the deceased, on the certain Coolies exasperated by a long and systematic course of fraud and deception (as regards their first emigration) of cruelty, oppression, licentiousness (as appears to have been practised in the case of the female emigrant for Malabar) and of injustice in regard to their just wages, there can scarcely be a doubt that the whole gang

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were more or less assenting, and countenancing and probably all were concerned in the concealment of the body, and of the murder, and therefore legally accessories after the fact. They all were evidently more or less in open revolt (if the term may be used) and their subsequent acts more or less as a body, show the fullest sympathy and complicity in taking advantage of the consequences of the crime. I have read the admissions made by various parties, and the painful impression left on my mind is, that they are the utterly untrustworthy assertions of accomplices of different degrees seeking to escape by incrimination of each other.

The presence or otherwise of the Creole mentioned in para. 19, should be most carefully and credibly established, and his acts and conduct throughout ascertained. I give great credit to the general truthfulness of the statement of the Coolies before you, and there is a patent motive to urge the prosecution if vindictively and unscrupulously disposed to endeavour to foist into the direct evidence, in the case a creature of their own, with a view to securing conviction.

I shall be glad to hear from time to time from you on the subject of this important case.

(Signed) W. ROBINSON, Acting Magistrate.

P. S.—It strikes me to add that the prosecution for kidnapping, piracy, robbery, &c. being abandoned it will be desirable to keep your deposition as clear as possible of all matters bearing on these points of the case, and confine deponent simply to the perpetration of the murder, its circumstances, provocations, &c. and identification of the corpse.

I have just read the deposition of D'Cruz forwarded with your letter dated 10th Instant, No. 131. The evidence does not amount to identification of the body and is irrelevant.

(Signed) W. ROBINSON, Acting Magistrate.

From E. CULLIN, Esq., Joint Magistrate of Cochin; to W. ROBINSON, Esq., Acting Magistrate of Malabar, dated 17th June 1857, No. 136.

SIR,

I have the honor to acknowledge the receipt of your letter of the 11th June 1857, No. 1891.

2. Before proceeding further with the case of the Malabar Coolies from the Six Islands, I wish to submit my views to you, and solicit your advice on the subject.

3. The charge of robbery and piracy having been abandoned, my attention is confined to the charge of murder.

4. The persons named in the margin, who belonged to the Schooner "Alexander Auguste" are now at Cochin. "The Schooner Alexander Auguste" did not arrive at the Six Islands until many days after the late Mr. Paul Hugon was murdered. These persons consequently know nothing about the murder beyond what they heard from others on their arrival at the Islands.

5. The only persons at Cochin from whom any information respecting the murder can be obtained, are the prisoners themselves.

6. I gather from the depositions given by the prisoners, copies of which were from time to time forwarded to you, that, of the prisoners now in the Jail at Cochin, the men mentioned in the annexed list were present on the Island of Lubine at the time when the late Mr. Paul Hugon was murdered on that Island.

7. Mr Dale states that "all who were present at the murder and were either active or passive while it was committed, or who took part in concealing the murder should be committed for trial." There is not a single person at Cochin but the prisoners who were present at the murder, who can give direct evidence respecting the murder.

8. The prisoners now in the Jail at Cochin who were at the other Island (Chouette) at the time the late Mr. Hugon was murdered at Lubine, can only speak as to what they saw and heard before the departure of Mr. Hugon to Lubine, and after the Malabar men returned from Lubine to Chouette soon after the murder was committed.

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9. Under the circumstances stated above, I do not see how it is possible for me to prepare a case for committal to any Court.

10. It appears to me that independent evidence against the murderers should be sought for from the Creoles, Caffers and others who were at the Six Islands when the murder was committed, including Madame Hugon, and Mr. Dummassel, and that the case might then be supported by the evidence of one or two of the prisoners who might be selected as approvers.

11. The whole of the prisoners now at Cochin, for what I know to the contrary, may have been more or less implicated in the murder of the late Mr. Hugon.

12. I must here notice in reference to the 26th paragraph of Mr. Dale's letter, that in every case before a deposition was taken, the prisoner was distinctly told that he was not bound to say any thing, and that what he might say would be taken down.

13. I shall only in conclusion remark that I am exceedingly anxious to carry out Mr. Dale's views, but that I do not see my way clearly in the matter. The question, I conceive, may be reduced to this. Am I to make a selection from the prisoners of the probable murderers, and take depositions from the other prisoners to support the charge of murder against the probable murderers? I am far from advocating the adoption of such a measure, but I most respectfully submit that it is the only course open to me if I am expected to commit any of the prisoners now in my charge for trial.

14. May I beg that you will kindly do me the favor to tell me how you think I should act. What steps I should take to meet Mr. Dale's views.

(Signed) E. CULLIN,
Joint Magistrate.

List of Prisoners in the Jail of Cochin who are supposed to have been present at the Island of Lubine when the late Mr. Paul Hugon was murdered on the Island.
This List has been prepared from depositions made by the prisoners.

Names.	Country or Village.	Father's Name.
1. Padiet Moideen, <i>alias</i> Karootha Moideen <i>alias</i> Karootha Moideen Coonha.	Coodoongalore Alikode.	Ismalee.
2. Bappoo <i>alias</i> Nair Topita Bappoo.	Travancore, Trivandrum Kythamooka.	Abdelrahiman.
3. Karoompen <i>alias</i> Karthikapelly Ka- roompen <i>alias</i> Ochara Karoompen.	Travancore, Aripaud Palli- pura.	Shungaren.
4. Moondenpilly Krishnen Nair <i>alias</i> Ve- lootha Krishnen Nair, <i>alias</i> Palay Krishna Nair <i>alias</i> Ochara Veloota Kishna Nair.	Travancore, Karoonakapilly Poothaopully.	Not known.
*5. Moideen Cooty <i>alias</i> Moopen Moideen Cooty <i>alias</i> Moideen Cooty Moopen.	Formerly of Chernaude Ne- doon, Narackaut now of Chow- ghout Venkadunga Coonator.	Coonhamoo.
6. Moideen Cramoor <i>alias</i> Cramnar Mo- deen <i>alias</i> Karootha Moideen Coonha <i>alias</i> Shoodren Maergatil Kootia Moideen Coonha.	Travancore Karoonakapilly Koolashaikharom.	Formerly a Hindoo, and now a Mussul- man.
*7. Nellikelparambil Mundikel Coonhiamod <i>alias</i> Thalachary Coonhiamod <i>alias</i> Anga- dipooram Coonhiamod.	Valloovanaad, Pangala Pan gala.	Not known.
*8. Kalathil Moideen Cooty <i>alias</i> Moideen Cooty Kaleba <i>alias</i> Kaleba Moideen Cooty <i>alias</i> Kabeba.	Betutnaud Mungalom Tha- laykary.	Moideen.

* Thus marked are men who are said to have taken an active part in the murder of Mr. Paul Hugon.

(Signed) E. CULLIN,
Joint Magistrate.

(Signed) E. MALTBY,
Acting Chief Secretary.

Cy to M. Solicitor
" Mag of Malabar } Dispt-9/-

Indy to Cons: 2nd June 1857.
Am 849.

Ind Letter to Eng 2
24 Dec 31 of 1857

Para 35

33 June
A. 2 July

39 & 40

In 84 Am: 7 July
1857.

Judicial-Department
From
The Acting Magistrate
of Malabar
To The Acting Chief
Secretary to
Government
Fort St George

Dated 23rd June } 1857
Recd. 27

N^o 976. N^o 83
Enc. 1.

File 1112.

Submits copies of
Correspondence relative
to information called
for, in Para 18 of the
Extract Min: of Consultation
of 29 May 1857 N^o 629
regarding the answers
of Mr. Bogan on
the ^{Six} ~~Legated~~ Islands,
with an order.