

# MADRAS RECORD OFFICE.

Government of Madras.

*Judicial* DEPARTMENT.

G.O. No. 1203

Press

~~Mis.~~

46-47

Dated 31-8-1928

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 31st August 1858.

No. 46. Read the following letter from P. GRANT, Esq., Acting Magistrate of Malabar ; to T. PYCROFT, Esq., Chief Secretary to Government, Judicial Department, Fort Saint George, dated Calicut, 16th August 1858, No. 110.

SIR,

With reference to Extract Minutes of Consultation, dated 23rd Ultimo, No. 995, I have the honor to submit copy of a communication from the Joint Magistrate of Cochin, reporting the steps he has taken for the re-apprehension of the persons belonging to the Six Island party.

2. It will be seen, that of the 5 principal prisoners now living, who were on the Island of Lubine at the time the murder on the late Mr. Hugon was perpetrated, 3 have already been re-apprehended, and the remaining 2 will it is hoped be so in a few days hence.

3. Adverting to para. 5 of Mr. Cullin's letter, I solicit your instructions whether it is the intention of Government, that the other persons, 12 in number, who are termed "Chouette party" should also be re-apprehended and sent to the Mauritius with the 5 Lubine men. I think with Mr. Cullin, that the whole of the men of the two parties would be more or less involved in the charge of robbery, upon which a prosecution seems to be in contemplation.

4. The depositions taken in the case, being in the vernacular, I request the favor of your orders whether their copies should be sent with translates to the Mauritius. If they should, I beg

\*No. 51. To Chief Secretary to Government, Judicial Department, Fort St. George. you will be good enough to direct the return to me of the original translations submitted to Government with Mr. Robinson's letter\* dated 27th March 1857, as no transcripts of them were kept in this office.

From E. CULLIN, Esq., Joint Magistrate of Cochin ; to P. GRANT, Esq., Acting Magistrate of Malabar, dated 11th August 1858, No. 205.

SIR,

With reference to your letter of the 28th July 1858, No. 2190, I have the honor to state that I have adopted measures for the early reapprehension of the persons belonging to the Six Island party.

2. There were 8 principal prisoners. These 8 men were on the Island of Lubine at the time the late Mr. Hugon was murdered on that Island. Of these 8 men, 3 died in the Jail at Cochin, and the remaining 5 were under the orders of the Government, released on bail, 3 of the 5 so released, have already been re-apprehended under the orders of Government, Judicial Department, dated the 23rd July 1858, No. 995, and I expect that the remaining 2 will in a few days be re-apprehended.

3. Besides the 8 men belonging to the Lubine Island party, I had in custody 12 persons including three women. These 12 persons were on the Island of Chouette at the time the late Mr. Hugon was murdered at Lubine. These 12 persons were released on their own recognizances.

4. After the murder of the late Mr. Hugon on the Island of Lubine, the men on that Island, there is reason to believe, returned to the Island of Chouette, which appears to have been the principal settlement. This Island (Chouette) was the scene of the alleged assault on the master of the "Schooner Alexander Auguste," and the seizure of that vessel.

5. I request you will have the goodness to furnish me with instructions as to whether it is the intention of the Government that the whole of the 12 persons mentioned in the 3rd para. of this letter which, for the sake of distinction, may be termed the Chouette party, should be re-apprehended and sent to the Mauritius with the 5 Lubine men, or only the 5 Lubine men. Pending the receipt of information on this point, I have issued orders for the re-apprehension of the whole of the two parties (Lubine and Chouette.)

P. S.—It would appear by para. 4 of the report of Mr. Dickson, the Procureur and Advocate General, that a prosecution on a charge of robbery is contemplated. The robbery must

*advised that some persons who  
accompany the prisoners, who*

Fort St. George, Judicial Consultation, 31st August 1858.

have occurred at Chouette and in such a charge, the whole of the men of the two parties would be more or less involved.

(True Copy.)

(Signed) P. GRANT,  
Acting Magistrate.

No. 47.

ORDER THEREON, No. 1203; dated 31st August 1858.

Mr. Grant enquires, at the instance of the Joint Magistrate at Cochin, whether it is necessary that all the prisoners in the "Six Islands" case, should be sent to the Mauritius, of only those who are shewn to have been present on the detached Island of 'Lubine' on the occasion of the murder of Hugon the Overseer.

2. The Government resolve to instruct him that all the prisoners shall be sent. In the robbery all are implicated, and the Procureur General of the Colony is of opinion that that charge can be substantiated against all; though the charge of murder may not be brought home to more than two.

3. It is observed that in his "opinion" reviewed in Extract Minutes Consultation, No. 1017, dated 14th August 1857, the Government Pleader, on the supposition that the Law of England prevails in the Mauritius, advised that some person should accompany the prisoners, who was in a position to establish certain points of proof, among others, Mr. Cullin's signature and the fact of his being a Magistrate. It does not appear however that the Law of England does prevail in the Colony. The Procureur General has made the single suggestion that a copy of all the depositions taken in India should be transmitted, authenticated by the Seal of the Court before which they were taken. It will suffice therefore to do this—and translates, similarly authenticated, should accompany.

4. The translates sent to Government, and now required by Mr. Grant, are re-transmitted herewith.

(Signed) T. PYCROFT,  
Chief Secretary.

Judicial Sept

No 1203

Encl. of 31<sup>st</sup> August 1858

Read the following letter } here enters No 110  
from the Act. Magt of Malabar } of 16<sup>th</sup> August/58.

Mr Grant enquires, at the instance of the Joint Magt at Cochin, whether it is necessary that all the prisoners in the "Six Islands" case, should be sent to the Mauritius, or only those who are shewn to have been present on the detached island of 'Lubine' on the occasion of the murder of Hugon the Overseer.

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4. The translates sent to Gort, & now required by Mr. Grant, are retransmitted herewith.

W. C. 23/8/58

The Magistrate of Malabar. Disposed.

Good to Aug 23<sup>rd</sup> Dec  
1858

Paris 40.

Q. No 26-27

27/7/58

48-51

7/4/57

Ac com: 21 August

Proclaim 1850 23<sup>rd</sup> Dec

21<sup>st</sup> 1853

Contract Ministry of Bond

21<sup>st</sup> 23<sup>rd</sup> August 1858.

No. 1634

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c 23 Aug  
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