

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 65	Press
101-102	~~Mis.~~
Dated 16 - 1 - 19	1864

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*Proceedings of the Madras Government, Judicial Department,
16th January 1864.*

No. 101. Read the following letter from CLEMENT DALE, Esq., Government Pleader, Madras; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Madras, 14th January 1864, No. 6.

1. With reference to the Order of Government, under the date and number noted in the margin, I have the honor to report to the Honorable the Governor in Council that, in my opinion, the evidence submitted to me is not sufficient to

6th January 1863, No. 16, Judicial Department.

convict the prisoner Hoonoora of the murder of the late Mr. Horsley.

2. From the correspondence which took place in 1856, it appears that not even a trace of the murderers was then discovered; nor even a well founded suspicion created.

3. The case therefore, as I infer, now rests on the more recent statements, of which abstracts have been submitted to me.

4. The statements are represented to have been made by six men.

5. The first, Hossoora, is purely hearsay; his testimony therefore never could be received as evidence.

6. The statements of the second, Kemp Hooliga; the third, Sunnya Naik; and the fourth, Pursia, rest on admissions said to have been confided to them by the man Hoonoora.

7. While as to the real statements made by Kapaniah and Kamah (the fifth and sixth) we are kept in the dark; we are only told "their statement corroborates what had previously been stated against Hoonoora." A tolerably long catalogue of crime had in the previous portions of the communication been detailed against the prisoner, and it is impossible from such a loose statement as this to form any satisfactory opinion, whether by any chance the evidence of those two men could be made available for furthering a conviction of the murderers of Mr. Horsley; except so far as we can judge from surrounding circumstances, that neither of those men were present at the murder, and therefore would only know of the circumstances attending the murder from hearsay.

8. In another communication I have lately had occasion to remark that the actions of criminals cannot be accounted for; but it would require something more than the bare evidence of men, of the character of those referred to in paragraph 4, to induce a reasonable Court to believe that a man, guilty of a crime for which his life would be forfeited, did on four several occasions, and for no conceivable rational object, fully and freely narrate the commission of that crime to parties in no way connected with the offence. Moreover, it would naturally recur to the mind of a Judge that a large reward had been offered, and it is not shown, indeed the reverse may be inferred, that these men had not had the means of communicating with each other.

9. I do not mean to say, that if there were adduced strong corroborative evidence, bringing the commission of the crime with tolerable certainty home to Hoonoora, that then a Court would not give some credence to these alleged admissions; probably they might in such case assist a Court in coming to a conclusion, but by themselves, and with so much that might be brought to bear against convicting Hoonoora, unless cleared up, I unhesitatingly say no Court would be justified in convicting that man.

10. As at present laid before me, the statements differ in most material points; these might, probably, with some little care be cleared up. I do not propose in this letter entering into any detail on those points.

11. I observe that very great delay has arisen in communicating this information, much valuable time, apparently more than two years, has been lost, but still I think it proper that further exertion should be used with the view of obtaining a conviction.

12. In the statements of Kemp Hooliga and Sunnya Naik the names of two participators in the robbery are mentioned. By the former they are called Venka, while by the latter they are called Dod and Sun Venka. Have any measures been adopted to trace these men? If so, with what success? If not, what reason can be attributed for the omission?

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13. If those two men are alive, and were apprehended; and supposing the statements alleged to have been made by Hoonoora are substantially correct, it is extremely probable a conviction for the murder may be ensured.

14. I advisedly abstain from further comment at present. Should those two men be apprehended, I shall be prepared to offer to Government further observations and suggestions, should the matter be again laid before me.

15. I return the papers as requested.

No. 102. To the Commissioner for the Government of the Territories of His Highness the Maharajah of Mysore, dated Fort Saint George, 16th January 1864, No. 65.

I am directed to transmit to you the annexed copy of a letter under date the 14th instant, from the Government Pleader, to whom your letter of the 11th ultimo was referred for his opinion as to the sufficiency of the evidence contained in the statements sent therewith to convict the Convict Hoonoora of the murder of the late Mr. Ralph Horsley.

2. I am to request that you will be good enough to cause inquiry to be made as to the possibility of obtaining the evidence of the two persons referred to in the 12th paragraph of Mr. Dale's letter.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Exd. J. Tulloch.

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Judicial Department

No. 65.

The Commissioner of Mysore

Mr, I am directed to transmit to you the annexed copy of a letter under date the 14th instant from the Govt. Pleader, to whom your letter of the 11th ultimo was referred for his opinion as to the sufficiency of the evidence contained in the statements sent therewith to convict the Convict Hoonoora of the murder of the late Mr. Ralph Horsley. 2. I am to request that you will be good enough to cause inquiry to be made as to the possibility of obtaining the evidence of the two persons referred to in the 12th paragraph of Mr. Dale's letter. —

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JPS

For file 16th January 1864

Industrial 1864 - 29th

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of the Commonwealth
of Massachusetts