M.R.O. 1—89,000—16-10-22.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No.	117	**Press** ~~**Mis.**~~
211-212		
Dated	30 – 1 – ~~19~~ 1866	

3/3

Not to be folded or roughly handled

No. 211. Read the following letter from the Advocate General, to the Chief Secretary to Government, Fort Saint George; dated 16th January 1866.

I have the honor to report, for the information of His Excellency the Governor in Council, that the Malay sailor, Sidden *alias* Paulee, was, on the 15th instant, tried for, and convicted of, the murder of Michael Ludwic Goularte, the Master of the British Barque *Harriet*, while lying in the Madras Roads.

2. The prisoner was tried by a Special Jury. The Chief Justice, who presided at the trial, passed sentence of death upon him.

3. The formal evidence to prove that the *Harriet* was a British Ship had been supplied by the proper authority at Penang, and was put in, under Section 107 of the Merchant Shipping Act, and Section 15 of the Indian Evidence Act.

4. The case was only too clear. As the prisoner was convicted and sentenced on the charge of murdering Captain Goularte, he was not arraigned on the charge of murdering Okam.

5. The charge contained five counts. The first was laid under the Admiralty jurisdiction. The 2nd, 3rd, 4th, and 5th were laid under Sections 302, 304, 326, and 323 of the Indian Penal Code, respectively.

6. It appears to me very doubtful whether the provisions of the Indian Penal Code can apply to crimes committed in the Roads. The question, however, did not arise; nor did the important question as to the character of the ship. The ship being proved to be British, the prisoner was clearly amenable to the Admiralty jurisdiction, although he was a foreigner, as also was Captain Goularte, by birth a Portuguese. Had the *Harriet* not been shewn to be a British Ship, the Court would have had to consider whether the Admiralty jurisdiction extended to crimes committed by one foreigner on another, on board a foreign vessel, *in the Madras Roads.*

No. 212. ORDER THEREON, 30th January 1866, No. 117.
To be recorded.
(True Extract).

A. J. ARBUTHNOT,
Chief Secretary.

Rxd. J. H. Burns.

Judicial 1866 Dept

From
The Advocate General
Bombay

Dated 16 January 1866

No 103

Reports the result of the trial of the Malay Sailor Siddee who was convicted of the murder of Capt Gonsalve late of the Barque Harriet

30 January 1866 No 117

Received

211-212.