M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 925 Press ~~Mis.~~

26—27

Dated 23.7— ~~1927~~

Not to be folded or roughly handled

No. 26. Read the following letter from HUMPHRY SANDWITH, Esq., Colonial Secretary at Mauritius ; to the Chief Secretary to the Government, Madras, dated 29th May 1858, No. 87-9.

SIR,

Adverting to your letter of the 20th January last, forwarding copy of a communication from the Joint Magistrate of Cochin to the Acting Magistrate of Malabar, with its enclosures, relative to the state of health of the men charged with committing a murder at "Six Islands," I have the honor to apprise you that the Honorable the Procureur General here, having again carefully considered the papers relative to this lamentable occurrence, adheres to his former opinion that, with the evidence he thinks he will be able to produce, the guilty parties may be brought to trial with a reasonable prospect of their being convicted.

A copy of the Procureur General's report is hereby transmitted.
H. S.

2. For that purpose, I have the honor to request that the Magistrate at Madras be required to transmit a copy of all the depositions taken in India, authenticated by the Seal of the Court before which they were taken, and that the prisoners be sent here for trial as soon as practicable.

Immediate. L. R. 1506.

REPORT No. 258.

1. Having again carefully considered the papers relating to the murder of Mr. Hugon at the Six Islands, I adhere to my former opinion that with the evidence which I think I shall be able to produce, the guilty parties may be brought to trial with a reasonable prospect of their being convicted. For that purpose, I have the honor to suggest that the directions contained in my report of 31st December "No. 586," be complied with, viz., that the Magistrate at Madras should be requested to transmit a copy of all the depositions taken in India, authenticated by the Seal of the Court before which they were taken, and that the prisoners be sent to Mauritius as soon as practicable.

2. The witness in this Island whose evidence will be most important, is Mr. Dumazel. I expect he will be able to prove the general disturbance and violence in which all the accused participated, and a confession made to him and to Mrs. Hugon by at least two of the prisoners that they were the ringleaders, and that they had killed Mr. Hugon. He will also be able to establish the *corpus delicti*, and several other circumstances important to the case, and there are other witnesses accessible in this place whose evidence may assist in the charge of murder.

3. With the evidence thus attainable, I think at least two of the prisoners ought to be convicted. It may be proper to take one of the others as Queen's evidence in order to get a larger number found guilty. But I shall not be able to judge of this until the prisoners arrive. One of the two prisoners who made the confession to Dumazel and Mrs. Hugon and whom I think ought to be convicted is dead, and his death is reported in the last communication from India.

4. Besides this, there is more than sufficient evidence, in my opinion, to bring home to all the prisoners the charge of robbery, and that of a serious character, as having been committed by servants upon their master.

5. In forming the above opinion, I have not lost sight of the chances of failure owing to the long lapse of time since the affair took place. It is not very improbable that the delay may prevent the ends of justice from being attained ; but I think it would not be desirable, on account of the risk of failure from that cause, that the prisoners should be released at once.

6. With regard to the difficulty as to identification to which His Excellency alludes, it appears to me with much deference to be more prominent on the written depositions than it will be on the trial when the prisoners and the witnesses are confronted.

In these circumstances, I have the honor to suggest that the measures above recommended should be adopted as soon as possible for having this important case disposed of without any longer delay.

(Signed) W. G. DICKSON,
Procureur and Advocate General.

(True Copy.)
(Signed) E. DOUGLAS,
Pro. Colonial Secretary.

Fort St. George, Judicial Consultation, 27th July 1858.

No. 27. ORDER THEREON, No. 995; dated 23rd July 1858.

Ordered to be communicated to the Acting Magistrate of Malabar, who will take immediate measures for the reapprehension of the accused and for sending them, with authenticated copies of the depositions, &c., taken in their case, to the Mauritius. Mr. Grant will report at an early date the steps he may have adopted in carrying out these orders, and whether he can procure passage for the prisoners from that coast. If he cannot they will have to be sent to Madras for shipment to the Mauritius.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Judicial Department

No 995

Extract from the Minutes of Consultation
dated 23d July 1858.

Read the following Letter from
the Colonial Secretary at the Mauritius
(Rec'd 29th May/58 No 87/9.)

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Copy to the A.G. Magistrate of Madura. Desp. 21st

In Dr. & Cons. 27 July.

Jud. D. H. to Eng. 13 Dec.
No. 2 of 1858.
Para 40.

Judicial 1858 Dept.

No. 995.

Extract Immig. Cons.

dd 23d July 1858.

Ft. No. 1509-
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