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**CALCUTTA.**

(*Calcutta Englishman*, Sept. 5.)

**SUPREME COURT,—MONDAY.**

In the Supreme Court, this morning, Agapeto de los Reis, and the five other prisoners, convicted with him, during the last sessions, were placed at the bar. Mr. Leith rose, and stated it was his intention to urge that this Court had not authority to try and pass sentence on these persons.

Mr. Justice Grant informed the learned counsel that if it was his intention to move for an arrest of judgment he was quite willing to hear him, but his Lordship thought it proper to state that the judges had taken this case into consideration, and it was the opinion of the whole Court, from the importance of the question, it was fitting, before sentence should be carried into execution, that the case should be submitted to his majesty. He would, therefore, pass sentence of death upon the prisoners, but respite execution until his majesty's pleasure shall be known. If, however, the learned counsel thought he could urge any thing for the advantage of his client, his Lordship said, a full Court would be willing to give him an opportunity.

Under these circumstances, Mr. Leith declined to address the court.

Mr. Justice Grant then addressed the prisoners:

“ You were tried with singular care and attention before a very intelligent jury, for one of the greatest crimes which in its circumstances can be imputed to man. Objections on points of law were taken for one of you by counsel, of which objections all the rest of you have equally the benefit. I disposed of those objections according to my opinion of the law, and directed the jury if they were of opinion you were guilty upon the facts of the case, it was their duty to return a verdict against you. Counsel has now offered to move for an arrest of judgment, and I have informed him, that in consultation with the other judges, and in consideration of the novelty of the case, and the circumstances that attend it, it has been determined to arrest carrying the sentence into execution, until the pleasure of his majesty shall be known. It now therefore, remains for me to pass upon you the sentence of the law and it is my duty to inform you if it be the opinion of those who are appointed to advise his majesty, that your trial has been a right one, you can entertain no hope that the sentence will not be carried into execution.”

Sentence of death was then passed in the usual terms.

The six Malay prisoners, convicted of piracy, committed in the Straits of Malacca, were then placed at the bar, and his lordship made a similar communication to the prisoner's counsel, Mr. Clarke and Mr. Osborne, as to the determination of the court, to refer the case home for his Majesty's consideration. But if counsel were desirous to urge anything which they thought might be to the prisoners' advantage, his lordship said, the judges would be willing to hear them.

Mr. Clarke said, he would take a course different to that pursued by Mr. Leith, as the circumstances of the two cases were entirely different. He would briefly inform the court what that course was. Should he succeed in convincing their lordships that they have no authority to try the prisoners, the proceeding would go for nothing, and if Government thought proper to send the prisoners to their own country for trial, their counsel did not fear the result. Under those circumstances he thought it his duty to endeavour to convince their lordships that they had not power to try the prisoners.

Mr. Justice Grant—Then I will speak to the other judges, and they will name a day on which the whole Court may hear you on the point of law.