

THE ALLEGED MURDERS ON THE HIGH SEAS.

Mr. William Stooke, master, and William Northcote and Robert Goldsworthy, seamen of the Queen of the Teign, again surrendered yesterday, at the Thames police-court, on the charge of having wilfully murdered five Malay seamen, who had formed part of the crew of that vessel. The case excited the deepest interest, and the court was crowded during the hearing, which did not close until twenty minutes past six o'clock.

Mr. Bodkin, with Mr. Jarman, again appeared on the part of the Crown; and Mr. Clarkson, with Mr. Humphreys, as before, defended the prisoners. Mr. Dennison, of 13, Dorchester-place, Blandford-square, acted as interpreter.

The first witness called was Burra, or Big Surat, called so in contradistinction to another and more diminutive man, called Small Surat. The Koran was produced for him to be sworn upon, and on his being questioned as to his knowledge of a state of future rewards and punishments, the contents of the Koran, or whether he knew it was a holy book or not, he professed total ignorance. All he could say was that he dared take the oath, and it was explained by Mr. Dennison that the notions of the Malays about religion were very limited indeed, that many of the questions put by the learned counsel as to the moral and legal obligations of an oath were quite beyond the conception of the witness, who did not know the book before him was the Koran, and who admitted that he had only heard of a God, but did not know what he was, or where he dwelt. A question was put to the Malay by Mr. Bodkin as follows:—"Does he believe God will punish him if he swears falsely after kissing the book?" The question was put, and Mr. Dennison stated the answer was in the affirmative, and that the Malay would have given the same answer if he had been asked, "Can that hat [pointing to one on the table] punish you?" At last it was elicited from him that he believed that if he told a lie after he had been sworn to speak the truth, and had kissed the Koran, he would be afflicted with illness and die. In reply to questions he then stated that he knew a Malay named Awang, who was on the watch from twelve to four on the 22d July. He slept on his watch, and the barre-malin (chief officer) struck him with a rope. At one o'clock the chief mate called Awang aft and wanted the tindal to flog him, which the latter refused. The chief mate got into a great passion, and beat Awang again. He then struck the tindal, who returned the blow. The chief mate cried out, and all the white people came up with guns and swords. Awang was killed by the white people. His head was smashed, cut in two, and they threw him away. Could not say who did it. Witness ran off. He heard a gun fired, but did not see who fired it. Bill Northcote had a gun. The natives ran below, and after they were called up they did nothing; they were very much afraid. When one of the Dramen was called, he sat down and Bill hammered at him with a sword. He (witness) saw the white people kill five of the dark men.

Mr. Clarkson: How many Malays had daggers?—Two—Awang and the tindal. Some had iron bars. Witness had no kris, nor did he attempt to stab the serang. Awang had done nothing but fallen asleep on his watch. Did not see any one stab the chief mate.

The next witness called was Taleb, who, on being asked if he knew what the Koran was, said no, but he had heard of it. He had prayed, but he did not know to whom, or why he did it. He afterwards said he prayed to God, and that Mahomet was his prophet, and he knew God would punish him if he said that which was wrong. He was ordered to be sworn on the Koran, and gave his evidence at great length. It was his watch on deck from twelve to four, but he only remained till one. Awang was asleep aft, but he saw nothing done to him. There was a disturbance on deck, and John Cree (Dolar), Awang, and the tindal struck at the chief mate, who fell down and called out for assistance. He called out for the white people to come up, and they came up with swords. Awang was cut down, and fell. He became very much frightened and ran away. He was ordered on deck again, and lashed to the rigging. Awang was killed before he was called up and made fast. Other Lascars were called up with him. He heard no gun fired, but while he was fastened he heard the men had fired a gun at some of the people in the fore part of the ship. The Lascars were then fastened.

Mr. Bodkin said he wished to deal fairly by the captain and the European seamen, and he ought not to withhold a statement, made by this witness to the Solicitor of the Treasury at his office, from the magistrate's knowledge. The learned counsel then proceeded to cross-examine the witness from a written statement in his hand, and he stated that two or three days before the disturbance Awang spoke to him, and said he knew something of the white people, and some of the white people knew something of him. He did not hear Awang express his intention of killing the captain and the white people.

Mr. Bodkin: Did Awang say he must kill the captain and mate, as they made such a fuss about the way he did his work?—Witness: No; he did not say so.

Mr. Bodkin: This is most extraordinary. His statement differs very materially from what he said before.

The examination of the witness was pursued at great length by Mr. Bodkin and Mr. Clarkson through the interpreter, and his answers were as confused and contradictory as those of Burra Ohmet. He had not said he heard Awang say he intended to kill the captain and take the ship. He had never been asked about this, or examined in London before. He was then reminded that he had been to the Treasury, and seen Mr. Bodkin and Mr. Jarman at the office of the Solicitor of the Treasury, and he said they had asked him questions about this. He did not tell the interpreter at the Treasury Solicitor's office that Awang said he must kill the captain and chief mate because they gave him so much trouble, and said he did not do his work properly. All he said was that Awang stated the white people were very clever, and could navigate ships.

Mr. Bodkin: He is denying everything he said before. Now, ask him again if he did not say to the solicitor that he knew they were going to kill the captain and mate, and take away the ship?

Mr. Dennison: No, he says he never said so. In answer to other questions by Mr. Bodkin, the witness said he saw David Fairfold, a European seaman, tied up when the Lascars were brought up and put into confinement a few days after the row. He did not say just before that that he knew the Malays were to murder the captain and take away the vessel.

Mr. Clarkson said the witness had been saying one thing in one place, and telling a different story here. The Malays were very little better than savages, and with very little religion.

Mr. Dennison: They dread the Devil, and when they attest the truth, their credibility depends upon the number of fowls they would be prepared to kill in support of their statements. The slaughter of fifty fowls would be a very strong test.

Abemet, surnamed the Small, to distinguish him from another of that name amongst the crew, said that on hearing the disturbance he was going up the hatchway to see what was the matter, when the chief mate struck at him with a sword, and he went back. He stayed below until six, and when he came up he saw blood on the deck, and missed five of his people. He knew nothing more, and never heard talk of an intention or threat to take the ship to California.

Other witnesses for the coloured crew were then examined, but, apparently contrary to Mr. Bodkin's expectations, they did not much strengthen the case for the Crown.

W. Waller, an English boy on board, came from his watch below in consequence of an unusual noise. It was dim moonlight. He went on the poop to the captain, who told him to take the wheel, at which Bob Goldsworthy was at the time. Witness heard a disturbance, and in the morning saw blood on the deck. The captain had a gun, which he gave to Northcote, which he believed Northcote fired afterwards, but could not swear he did so. The scuffling continued for twelve or fifteen minutes after the gun was fired. As witness came up he saw Awang lying apparently dead.

In answer to Mr. Bodkin, who seemed somewhat surprised at the evidence of this witness also, the lad said that he was staying at the Sailors' Home, and the captain paid the expenses. He was not an apprentice, and had no fixed wages, not having signed any articles. It lay with the captain to say what he should have. He remembered something of the captain speaking to Fairfold after the disturbance, but could not say whether the captain charged Fairfold with being concerned in a conspiracy to kill the captain and serang, and seize the vessel.

Jbra, the serang, was then examined at great length, but he so wavered in his evidence that little reliance could be placed on his accuracy, however well intentioned.

Mr. Dennison, the interpreter, admitted that, though the most intelligent of the witnesses, his anxiety for his wife and child on the occasion seemed his all-absorbing thought. It was scarcely possible to ascertain from him whether he heard the shot fired before or after his wife and child were removed aft, a point on which the question of necessary self-defence mainly rested. The men were not fastened to the rigging when the gun was fired.

Mr. Clarkson said that, after what his worship had heard of the evidence, he trusted this was not a case which he would deem it necessary to send before a jury. His clients had given a fair statement of the occurrence, whilst the Lascars who gave evidence, independently of the difficulty of getting at their meaning, varied considerably, and, moreover, the circumstances placed them on the defensive. It was not at all probable that, under the circumstances, his clients, having charge of a vessel with a valuable freight, would act on the aggressive. No single motive could be adduced to lead to such a supposition. Every motive would tend to a contrary belief. It was shown, even by the evidence of the witnesses for the Crown, that the captain was a kind man, and never punished any of the Asiatics until he consulted with and had the consent of the serang. No one would deny that the case was one which warranted inquiry. That inquiry had been conducted with great fairness; but as, in the event of a committal, the case could not be treated other or less than as one of manslaughter, however palliative the circumstances, he hoped the worthy magistrate, upon the loose evidence before him, would not feel himself called upon to adopt that course.

Mr. Yardley: If I had in my own person to exercise the functions of a jury, I should find, perhaps, no very great difficulty as to the course I should pursue; but that is not my present position. I hold it to be the essence of the spirit of the British criminal law, that where life has been sacrificed under doubtful circumstances, the test of trial by jury should be applied. In this case there was no possibility of holding a coroner's inquest. Had there been, I should have had less hesitation, as twelve men would have already pronounced upon the matter; but here, whatever the doubt—if, indeed, there be a reasonable doubt, which I shall not now say—it is not sufficient to induce me to abstain from sending these men for trial. Five lives have been lost in a vessel sailing under the British flag, and the parties whose lives were lost were in a peculiar manner under the protection of British law. If I were to dismiss the charge, it might probably end with that decision, and that responsibility I would not undertake in so very serious a matter. The case has been taken up by the Treasury, and Mr. Bodkin has been sent here to assist me in the investigation. He has given me the calm consideration of his unbiassed mind, and under such circumstances I am satisfied that it is a case which ought to be submitted to a jury.

It was then arranged that the depositions should be taken on Wednesday. Ahart and Ali were then brought up, and remanded to the same day.