

deRobeck and some if not all the Aide-de-Camps to keep close to him during the visits to the Settlements, and keep their eyes open, which I did also myself as far as I was able. The Viceroy, regarding himself, was a fearless man and disliked any parade of precautions. At one time yesterday he said send some of the guard away. As I said before, on visiting Mount Harriet we thought we had left the dangerous parts of the Settlement; but, as far as I can say, when the event took place the guards and chuprassees were fairly close to the Viceroy behind and on either side, although in hurrying forward he got a greater distance from them at the moment than otherwise would have occurred.

O. T. BURNE.

THIS deposition was taken down in my presence and hearing, and under my personal direction and superintendence, and was read over to the witness in English, which he understood, and by him acknowledged to be correct.

F. L. PLAYFAIR, *Major,*
Magistrate of Port Blair.

Urjoon, Cutwallee peon, 13414, sworn, states—I accompanied the party who went with the Governor General to Mount Harriet yesterday evening. On arriving at Hope Town, having descended the hill, the Viceroy went on to the pier followed by four or five officers, a Police guard behind and on either side. I was on the side of the officers half way down the pier. I heard some one—the Governor General—call out "*marah,*" and saw a knife in defendant's hands. I rushed upon the defendant and held him and threw him down, Peter assisting. I took this knife from defendant's hand, and gave it to Captain Lockwood. The Governor General fell into the water after being struck, and was assisted up. Many fell upon defendant and secured him. I could not say from where defendant came.

URJOON.

THIS deposition was taken down in my presence and hearing, and under my personal direction and superintendence, and was read over to the witness in Hindoostanee, which he understood, and acknowledged by him to be correct.

F. L. PLAYFAIR, *Major,*
Magistrate of Port Blair.

DEFENDANT being cautioned, states—"If the Officers saw me, I did murder the Viceroy; but not on Urjoon's statement."

No witnesses.

Committed to the Sessions.

L. S.

F. L. PLAYFAIR, *Major,*
Magistrate of Port Blair.

IN THE PROVINCIAL COURT OF PORT BLAIR AND NICOBARS.

Sitting on Board Her Majesty's Steam Ship *Glasgow*, riding off Port Blair.

The 9th February 1872.

Present: MAJOR-GENERAL D. M. STEWART, C. B.,
Offg. Supdt., Port Blair and the Nicobars.

GOVERNMENT *versus* Convict SHERE ALLI, No. 15557, undergoing sentence of transportation for life.

Charge.—Murder: Section 302, Indian Penal Code.

THE Court being ready to commence the trial, the accused is brought before it, and the charge is read and explained to him. He is asked if he is guilty of the offence charged, or claims to be tried.

Plea—Not guilty.

The Court proceeds to try the case, taking all the evidence that is forthcoming.

A kitchen knife is placed before the Court.

The examination of the accused before the Magistrate is here received and given in evidence as directed in Section 366 of the Code of Criminal Procedure.

Deposition of George William Allen, 1st witness for the prosecution; aged 40; son of James; tribe or nation, Englishman; residing as a passenger on board the Dacca; occupation, merchant.

On solemn affirmation states—I walked down the hill chiefly with Mr. Hawkins, generally about eight or ten feet from the late Viceroy behind. When within about 80 or 100 yards from the head of the pier where His Excellency was to embark, I dropped behind about, as nearly as I can recollect, 30 or 40 feet. In a moment I heard a great noise, and saw a considerable crowd of Natives belabouring some person upon the ground. The next instant I saw the Viceroy in the water on the left bank of the pier, just at the moment when he was rising to his feet, apparently endeavouring to collect himself from the effect of a fall, and brushing the hair out of his eyes. I observed a hand, I believe it was Major Burne's, stretched out to help His Excellency up the bank; at the same moment I saw that Lord Mayo's shoulder was very much stained with blood in front; the next thing I recollect was seeing His Excellency sitting against the edge of a truck, bleeding profusely, and then several of the party present assisted in placing him bodily on the truck in a sitting position; from this position he fell flat upon his back, apparently in great pain; he tried to say something, but I confess I was unable to catch the words; it sounded something like "my head." He was lifted into an upright position again, and there appeared to be a considerable difference of opinion as to what should be done, but not so long as to make any unnecessary delay; it was only a matter of a few minutes. It was determined that Lord Mayo should be put on board the launch and taken to the *Glasgow*. When in the launch steps were taken to keep up circulation by rubbing the feet, hands, and legs, and every endeavour was made to staunch the wound.

The man that was on the ground, immediately after the blow was struck, was the prisoner before the Court.

To prisoner.—I did not see the prisoner strike the blow.

GEORGE WILLIAM ALLEN.

THIS deposition was taken down in my presence and hearing, and under my personal direction and superintendence, and was read over to the witness in English, which he understands, and acknowledged by him to be correct.

D. M. STEWART, *Major-General,*
Offg. Supdt. of Port Blair and the Nicobars.

Deposition of Henry Lockwood, second witness for the prosecution; aged 31; son of John; tribe or nation Englishman; in attendance on the Viceroy; occupation, Aide-de-Camp on the Viceroy's Staff.

On solemn affirmation, states—Yesterday evening, about 7 o'clock, I was sitting on the stone causeway at Hope Town, waiting for the Viceroy, who was returning from Mount Harriet. When the Viceroy and party were about 25 yards off, I heard shouts and saw an unusual disturbance in the crowd; I also noticed that the majority of the torches went out. I immediately ran to the

spot and saw the Viceroy standing in the water below the causeway apparently unhurt. He said something to the effect that it was all right. I at the same time saw a crowd of Natives, a dozen or so, holding down and striking a man on the ground, whom I recognize as the prisoner.

I pulled two or three of the men off him, and told them to stop hitting him and tie him up tight. I then turned and saw the Viceroy supported by Mr. Hawkins and others on a truck standing on the side of the pier, and on going to him found him bleeding profusely from a wound on the left shoulder near the neck. I put my handkerchief on the wound and, with the rest of those present, did my best to stop the bleeding. We tied the wound up as best we could, and the Viceroy was then carried to the launch. While he was being carried there, I went back with one of the sailors of the launch and told him to pick up the prisoner and bring him with us. While so doing, I took from the hand of a Native present that knife before the Court. I looked at it and saw that it was bloody at the point, and gave it back to the man, who handed it to Mr. Allen.

HENRY LOCKWOOD.

THIS deposition was taken down in my presence and hearing, and under my personal direction and superintendence, and was read over to the witness in English, which he understood, and acknowledged by him to be correct.

D. M. STEWART, *Major-General,*
Offg. Supdt. of Port Blair and the Nicobars.

Deposition of Ernest Count Waldstein, third witness for the prosecution; aged 23; son of Ernest; tribe or nation Austrian; residing as a passenger in the Dacca; occupation, an officer in the Austrian Army.

*On solemn affirmation, states—*Yesterday evening, towards 7 o'clock, I was waiting with Captain Lockwood on the wharf near Hope Town. When the Viceroy's party was just coming down the road from Mount Harriet, we watched the torches accompanying him coming down the hill side. After they reached the wharf, we heard a noise and saw people running around. We started at once towards that spot and came up just in time to see the Viceroy standing in the water at the side of the wharf. The next moment he (the Viceroy) came up on the wharf. I saw several of the Police sepoy's holding down a man whom I believe to be the prisoner. The Viceroy went to a cart standing near and fell down backwards. We took him afterwards to the launch, and I believe he died before we could reach the launch.

*To Court—*I could not distinguish the Viceroy; the torches were between us and the crowd; but I saw the crowd indistinctly without being able to distinguish any individual. I am unable to say that there was any Native on the pier. I saw them near the village; there were a few, not a great many.

E. WALDSTEIN.

THIS deposition was taken down in my presence and hearing, and under my personal direction and superintendence, and was read over to the witness in English, which he understood, and acknowledged by him to be correct.

D. M. STEWART, *Major-General,*
Offg. Supdt. of Port Blair and the Nicobars.

Deposition of the Hon'ble Ashley Eden, fourth witness for the prosecution; aged 40; son of Lord Auckland; tribe or nation, Englishman; residing at Rangoon; occupation, Chief Commissioner of British Burmah.

*On solemn affirmation, states—*On hearing of the assault on the Viceroy, I came from the *Dacca* on board the *Glasgow*; and after ascertaining the facts of the case, I, in consultation with Mr. Aitchison, the Foreign Secretary, determined that, to prevent accidents, it was desirable to attempt to identify the prisoner, who was lying on deck apparently in an exhausted state. I removed his ticket from his neck, No. 15557, and we asked him who he was. He replied a Mussulman; his name was Shere Ali, son of Wullee, resident of Jumrood near the Khyber. We asked him why he had done this, and he replied "by the order of God." He further said he had no associate in the crime, but that God was his *shureek* (partner). I took a note of the conversation, which was given to Mr. Aitchison.

ASHLEY EDEN.

THIS deposition was taken down in my presence and hearing, and under my personal direction and superintendence, and was read over to the witness in English, which he understood, and acknowledged by him to be correct.

D. M. STEWART, *Major-General,*
Offg. Supdt. of Port Blair and the Nicobars.

Deposition of Charles Umpherston Aitchison, 5th witness for the prosecution; aged 39; son of Hugh; tribe or nation, Scotland; in attendance on the Viceroy; occupation, Secretary to Government of India, Foreign Department.

*On solemn affirmation, states—*I was summoned on board the *Glasgow* by Mr. Eden yesterday evening shortly after 8. On reaching the vessel I learnt that the Viceroy had been assassinated. As no one could tell me who or what the assassin was, I suggested to Mr. Eden the propriety of securing the convict's ticket. We found the prisoner, whom I recognize, lying on his back on the deck securely bound. The ticket, which I now produce, was taken from his neck by Mr. Eden in my presence and handed to me, and it has been in my possession ever since. Mr. Eden asked the man who he was. He replied a Mussulman. In reply to questions from me he stated that his name was Shere Alli, son of Wullee, of Jumrood, near the Khyber, and that he had been in prison here between two and three years. I asked him why he had committed this crime, and he replied *Khoda ne hookoom dya is waste kya*. I asked if he had any accomplice, his answer was *Mera shureek koi admi nehee; mera shureek Khoda hye*. I was present at the *post mortem* examination of the Viceroy, and saw two wounds—one under the right shoulder and the other on the top of the left shoulder.

I would like to state here that, on the opening of the Magistrate's examination, the prisoner, in answer to a question put incidentally to him by the Magistrate, admitted that he committed the crime. I do not know whether the Magistrate recorded the question and answer, as the prisoner was not then under formal examination; but I made a note of it at the time.

*To prisoner—*He did not say *Khoda ko maloom hye*. He said—*Khoda ne hookoom dya is waste kya*. He said it twice, so that there can be no mistake about it.

I further recollect that, when I first asked him why he committed the crime, he replied—*mera nuseeb*; then after he twice repeated the expression God gave this order.

CHARLES UMPHERSTON AITCHISON.

THIS deposition was taken down in my presence and hearing, and under my personal direction and superintendence, and was read over

to the witness in English, which he understood, and acknowledged by him to be correct.

D. M. STEWART, *Major-General,*
Offg. Supdt. of Port Blair and the Nicobars.

Deposition of Cæsar Hugh Hawkins, 6th witness for the prosecution; aged 31; son of Charles; tribe or nation, Englishman; employed on board the Glasgow; occupation, Lieutenant in the Navy.

*On solemn affirmation, states—*I came down last night from Mount Harriet with the Viceroy and party. When about half way down the pier, I observed some one make a rush in the direction of the Viceroy, and saw a hand and knife uplifted above the Viceroy's shoulder. There was immediately a rush, and the next moment I saw the man, whom I recognise as the prisoner, on the ground struggling with the Police. I assisted to hold him, and kept the Police from striking him as well as I could. Whilst doing so, I observed Lord Mayo standing in the water. At the same time some one rushed quickly away from the crowd towards the land; I could not say who he was, but he was a Native. I then observed the Viceroy leaning against a truck on the pier, and went to him, and with the others then assisted to stop the bleeding and convey him to the launch.

*To the Court—*I was about 15 yards directly in rear of the Viceroy when the man rushed across the pier; I did not observe him coming from the rear; he came from the right side of the pier in my front. The Police was in front of me, and I think Colonel Jervois was on their right and in about a line with them. The Viceroy was walking in front with, I think, Major Burne.

CÆSAR HUGH HAWKINS.

THIS deposition was taken down in my presence and hearing, and under my personal direction and superintendence, and was read over to the witness in English, which he understood, and acknowledged by him to be correct.

D. M. STEWART, *Major-General,*
Offg. Supdt. of Port Blair and the Nicobars.

Deposition of William Francis Drummond Jervois, 7th witness for the prosecution; aged 50; son of William; tribe or nation, Englishman; residing on board the Glasgow; occupation, Colonel, Royal Engineers.

*On solemn affirmation, states—*As we came to the bottom of the hill after visiting Mount Harriet, yesterday evening, just as it was getting dark, some torch-bearers came up, who, I afterwards understood, had been ordered by the Officer of the Convict Establishment to light the Viceroy to the end of the pier from which he was about to embark for the *Glasgow*. Near the foot of the hill some 30 or 40 convicts were paraded in line in front of the houses in the village off the road. When we had proceeded about half way down the pier, I was some ten yards behind the Viceroy and towards the right of the pier. The guard of Native Police and the greater part of the rest of the party were close by; immediately accompanying the Viceroy was Major Burne. At this moment a man rushed by me on the left hand, and, before any one could interfere or lay hold of him in any way, he was upon Lord Mayo, and gave the Viceroy, as I thought, one stab. The Viceroy then rolled into the water on the left side of the pier, going out. The assassin was immediately seized, and no doubt would have

been killed on the spot if this had not been prevented by those standing by. I cannot identify the prisoner before the Court; but I can state that the man who committed the deed was the man seized.

WILLIAM FRANCIS DRUMMOND JERVOIS.

THIS deposition was taken down in my presence and hearing, and under my personal direction and superintendence, and was read over to the witness in English, which he understood, and acknowledged by him to be correct.

D. M. STEWART, *Major-General,*
Offg. Supdt. of Port Blair and the Nicobars.

Deposition of Owen Tudor Burne, eighth witness for the prosecution; son of Reverend Henry Thomas Burne; tribe or nation, Englishman; in attendance on the Viceroy; occupation, Major in the Army and Private Secretary to Viceroy.

*On solemn affirmation, states—*After accompanying the Viceroy round Viper and Chatham Islands, Lord Mayo himself, as far as I can recollect, proposed visiting Mount Harriet. We immediately started for the pier at Hope Town; this was a little after 5 P. M. On reaching the land we walked up the hill about a mile and three-quarters to Mount Harriet. Nothing occurred on the way up; but, on reaching the top, we all felt a little tired, and sat down to enjoy the view and rest ourselves. This made us later than we intended; but after a quarter of an hour or so, we started on our return back down the hill. Believing that we had left what may be called the dangerous parts of the Settlement, we took no extra precautions, but, as a matter of fact, we all kept close together close to the Viceroy, the guard walking on either side and in rear. It got rapidly dark, so much so that torches were sent out by the Settlement authorities about 2 or 300 yards up the hill to light us down. Nothing occurred, except that the Viceroy told the torchers to keep well in front. When about 20 yards, as far as I recollect, from the boat, the Superintendent, seeing a line of European overseers, said he wished to fall out and give them some orders. At this particular moment the guards were close up to the Viceroy, a line of chuprassees in rear, but the actual party, more or less, a little straggling, hurrying on to the boats; I was walking in a line with the Viceroy, on the left hand side, about a yard from him. In a moment I heard a thud to my right, and saw a man on the Viceroy's back apparently thumping him. I saw no knife, as it was pitch dark. I rushed at the man, but found that two of the Native guards and, I think, Mr. Hawkins, had got hold of him. Finding that the Viceroy had fallen forward over the left of the pier into the water, I ran to his help and assisted him out. He merely said "Burne, they have hit me." I am prepared to swear that the man whom I saw on the Viceroy's back was the man on the ground held by the Native Police, although in the hurry and darkness I cannot swear to his actual face. We laid the Viceroy in a kind of cart, and did our best to stop the bleeding, and carried him to the boat. The Viceroy said nothing more as far as I am aware, except the words "lift up my head" as we were bearing him to the boat. He was quite unconscious in the boat. I may mention, as I mentioned in my evidence to Major Playfair, that not only had the Superintendent and myself been in communication as to proper precautionary measures, but that, on arriving on board the *Glasgow*, we talked them over, and the Viceroy was quite satisfied with what I was able to tell him.

THIS deposition was taken down in my presence and hearing, and under my personal direction and superintendence, and was read over to the witness in English, which he understood, and acknowledged by him to be correct.

D. M. STEWART, *Major-Genl.,*
Offg. Supdt. of Port Blair and the Nicobars.

Deposition of Urjoon, No. 13414, 9th witness for the prosecution ; aged 28 ; son of Haitram ; tribe or nation, Brahmin, of Moradabad ; residing at Hope Town ; occupation, Kotwallee Peon.

*On solemn affirmation, states—*When you arrived with the Governor General's party last night, you gave orders that no one was to go near him—the Governor General. I accompanied the party to Mount Harriet. On returning from Mount Harriet a man presented this petition, which I now hand to you. You took the petition and gave it into my hands, telling the man that it would be laid before the Governor General. When we reached the pier you dropped behind to speak to some one, and the rest of the party proceeded along the pier. I and Dheep Sing were close up with the Police. I did not see any one run past, but I heard a shout and saw a man flourishing a knife ; he turned round with the knife in his hand, and I closed with him, and caught him round the waist. Another person, an orderly, caught him by the throat, and I then took the knife from him. The Police began to beat the man after I caught hold of him. The prisoner before the Court is the man whom I seized with the knife.

*To prisoner—*I was the first person to seize the prisoner, the Police came up afterwards.

URJOON.

THIS deposition was taken down in my presence and hearing, and under my personal direction and superintendence, and explained to the witness in Hindustanee, which he understood, and acknowledged by him to be correct.

D. M. STEWART, *Major-Genl.,*
Offg. Supdt. of Port Blair and the Nicobars.

Deposition of Peter, 10th witness for the prosecution ; aged 28 ; son of Chunnah ; tribe or nation, Christian, Madras ; residing at Ross Island ; occupation, servant of General Stewart.

*On solemn affirmation, states—*I was walking on the pier last night behind the Governor General. There was a crowd of persons about—gentlemen and free police. I did not see where the man came from, but the Kotwallee peon and myself caught him. I saw the knife in his hand. The man now a prisoner before the Court had the knife (now before the Court) in his hand.

*To the prisoner—*I and Urjoon caught the prisoner first, the Police came up afterwards.

PETER.

THIS deposition was taken down in my presence and hearing, and under my personal direction and superintendence, and was read over to the witness in English, which he understood, and acknowledged by him to be correct.

D. M. STEWART, *Major-General,*
Offg. Supdt. of Port Blair and the Nicobars.

Deposition of Oliver Barnett, 11th witness for the prosecution ; aged 38 ; son of Thomas Barnett ; tribe or nation, Ireland ; in attendance on the Viceroy ; occupation, Staff Surgeon.

*On solemn affirmation, states—*Last evening, about 8-50, I was summoned to see the Viceroy, who was stated to have been stabbed by a Native convict on the pier when coming from Mount Harriet. When I arrived at the *Glasgow* His Excellency had been carried to his cabin, and as soon as he was laid upon his cot, I saw that he was quite dead. About fifteen minutes afterwards, assisted by the medical officers of the ship, I made a careful examination of the wound. I found an incised wound, about an inch and-a-half long, at the posterior inferior margin of right scapula, extending from above downwards and inwards to the spine. On examination, the finger passed in direction of spine and impinged upon a deep indentation, apparently upon a rib. Upon passing a probe along the finger, it was found to penetrate deeply in the cavity of the chest. During the necessary examination a large quantity of blood flowed from this wound. A second wound of the same extent as the one above described, and apparently inflicted by the same instrument, was situated about an inch and-a-half above the superior angle of left scapula, and passed directly downwards into cavity of chest, slightly splintering superior angle of scapula and indenting either first rib or a transverse process of curvical vertebræ. In this case also a probe, passed along the finger in the wound, penetrated deeply into cavity of chest, and a large quantity of dark blood flowed also from this wound. Either of these wounds I consider quite sufficient to cause death. The knife before the Court would be likely to cause the wounds above described.

OLIVER BARNETT.

THIS deposition was taken down in my presence and hearing, and under my personal direction and superintendence, and was read over to the witness in English, which he understood and acknowledged by him to be correct.

D. M. STEWART, *Major-General,*
Offg. Supdt. of Port Blair and the Nicobars.

Deposition of William Loney, 12th witness for the prosecution; aged 51; son of William Loney; tribe or nation, Ireland; residing in Her Majesty's Ship Glasgow; occupation, Staff Surgeon, Royal Navy.

*On solemn affirmation, states—*Last evening I was sent for to see His Excellency and found him in the steam-launch alongside quite dead.

The body was examined shortly afterwards. There was an incised wound on the right side of the chest posteriorly, and a similar wound on the left side of the chest superiorly. A detailed statement of the examination being put in by Dr. Barnett, I need not repeat it now, further than to observe that either wound was sufficient to cause death.

WILLIAM LONEY.

THIS deposition was taken down in my presence and hearing, and under my personal direction and superintendence, and was read over to the witness in English, which he understood, and acknowledged by him to be correct.

D. M. STEWART, *Major-Genl.,*
Offg. Supdt. of Port Blair and the Nicobars.

THE prisoner being called upon for his defence, states that he has nothing to say further than that the Judge has heard the evidence and may decide as he wishes according to his judgment; you have made the enquiry and know all about it. When asked last night whether I committed the deed, I said God knows, in the next world the account will be made and you will then know.

Grounds of judgment.—Although one point in this lamentable case is not thoroughly and satisfactorily established, *viz.*, the exact spot from which the assassin came when he made his attack on the late Viceroy, there is ample evidence as to the facts of the assassination and the identification of the prisoner before the Court as the perpetrator of this foul deed.

It would appear that the man who stabbed the Viceroy was concealed behind or near the blocks of stone lying on the right-hand side of the pier, and that he sprung from his hiding-place when the Viceroy had passed him. This is the only explanation afforded by the evidence, as none of the witnesses saw him pass from behind except Lieutenant Hawkins, R. N., and Colonel Jervois.

The evidence of these witnesses conclusively connect the assassin with the man who was at the time pinioned by the Police, and is undoubtedly the defendant.

The 9th and 10th witnesses no doubt helped to seize the defendant after he had been knocked down by the Police, and it is probable that the 10th witness took the knife out of defendant's hand; but it is quite clear that their evidence as to being the first person to secure the defendant is not to be relied upon.

The facts in evidence, coupled with the man's admissions on several occasions, and his plea of guilty before the Magistrate who first investigated the case, leave no doubt as to the guilt of the defendant.

Finding.—The Court finds the prisoner Shere Alli, No. 15557, a life convict, guilty of the offence specified in the charge, namely, that he, the said Shere Alli, No. 15557, committed murder, and has thereby committed an offence punishable under Section 302 of the Indian Penal Code, and the Court directs that the said Shere Alli, No. 15557, suffer death by being hanged by the neck until he be dead, but that this sentence be not carried out until confirmed by the High Court of Judicature at Fort William in Bengal, to whom these proceedings are to be submitted.

D. M. STEWART, *Major-Genl.,*
Offg. Supdt. of Port Blair and the Nicobars.