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26, 1948

In the Privy Council.

No. 21 of 1948.

UNIVERSITY OF WEST INDIES

-9 OCT 1956

ON APPEAL FROM THE SUPREME COURT OF BRITISH GUIANA

44422

BETWEEN

NOOR MOHAMED

Appellant

AND

THE KING

Respondent.

RECORD OF PROCEEDINGS

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In the Privy Council.

ON APPEAL
FROM THE SUPREME COURT OF BRITISH GUIANA.

BETWEEN
NOOR MOHAMED *Appellant*
AND
THE KING *Respondent.*

RECORD OF PROCEEDINGS

10

No. 1.
CHARGE.
THE KING

*In the
Supreme
Court.*

against

No. 1.
Charge,
12th May
1947.

NOOR MOHAMED

IN THE SUPREME COURT OF BRITISH GUIANA
(Criminal Jurisdiction)
County of Berbice.

PRESENTMENT OF HIS MAJESTY'S ATTORNEY-GENERAL FOR
THE SAID COLONY.

20 Noor Mohamed is charged with the following offence :—
Statement of Offence

Murder, contrary to section 100 of the Criminal Law (Offences) Ordinance,
Chapter 17.

PARTICULARS OF OFFENCE

Noor Mohamed on the seventeenth day of September in the year of
our Lord one thousand nine hundred and forty-six in the county aforesaid
murdered Mohabubhan also called Ayesha.

F. W. HOLDER,
Attorney-General.

30 The following witnesses have been bound over on behalf of the
Crown :—

[List of witnesses not printed]

*In the
Supreme
Court.*

No. 2.
Court
Proceed-
ings,
12th May
1947.

No. 2.

COURT PROCEEDINGS.

IN THE SUPREME COURT OF BRITISH GUIANA
Criminal Jurisdiction

Before JACKSON J (Acting)

12th May, 1947.

THE KING

NOOR MOHAMED

Offence : Murder
Plea : Not Guilty

10

9.30 a.m.

Mr. G. M. FARNUM for the Crown

Mr. MUNGAL SINGH with Mr. L. A. LUCKHOO for the accused.

The Jury drawn and sworn as follows :

1. David Bacca
14. Sydney Gocool
10. Norman Adolphus Emond
4. Mangar
15. Ivan George Lancaster
29. David Lionel Yankana
27. Isaac Waldron
28. Reginald Hubert White
25. Sookhoo
30. Benjamin Woo-Sam
26. Evans Gibbs Crawford
17. Samuel Nathaniel Moakan

20

Foreman

Reginald Hubert White chosen by his fellow jurors as foreman.

No. 3.
Crown
Counsel's
Address,
12th May
1947.

No. 3.

CROWN COUNSEL'S ADDRESS.

30

9.45 a.m. Mr. Farnum addresses.

(i) No eye witnesses—Evidence circumstantial. May at some times be as reliable as direct evidence. Point to accused as the man who gave the fatal dose.

(ii) On 17th September accused caused his wife to take dose of Potassium Cyanide at about 9.30 a.m.

(iii) Wife taken to Doctor at 11 a.m. when already dead.

(iv) Accused lived with his wife and 4 children of former marriage at his house. Began living in 1944.

(v) Accused Goldsmith—uses potassium cyanide. Potassium cyanide kept in workshop under house in locked cupboard.

(vi) Lived well at first—badly afterwards—accused suspected unfaithfulness. August 1946 accused alleged to have said that before she went to live with another man it would be better if she were dead.

(vii) Beating and Violence by accused continued—On night of 16th September row with wife—subjected to considerable ill treatment. Accused said he would beat her to death.

10 (viii) Morning 17th September wife in yard at 6 o'clock sweeping, accused awake; At 9 o'clock wife drinking tea at back step, accused was at front step; he called her she put down cup and saucer on step and went to him; both entered the house. Accused soon after left ran to the road and said he had just seen his wife foaming.

(ix) Accused knew rapidity of work of potassium cyanide. Runs to Saffeullah's house—then to King at 9.30 a.m.—Back to Saffeullah's house and alleged to go to Doctor.—Did not go to the Doctor at all. Returns 9.45 a.m. to Drug Store. King said "Take her to hospital". Got to Hospital at 10 a.m.

(x) Accused said he did not know what had happened.

20 (xi) Sent to Doctor at 11 a.m.—accused deliberately wasting time.

(xii) Doctor recognised accused having treated former wife.

(xiii) Analyst found 2.8 grains potassium cyanide in stomach. Fatal dose.

(xiv) Accused told police was asleep in couch, daughter woke him up and told him to go and see what his wife was doing.

(xv) Accused took Sergt. Thomas to his poison cupboard; three bottles with potassium cyanide in solution.

30 (xvi) Two weeks later accused took County Superintendent to house—accused said everything in workshop and house same as it was on the day of death.—Accused said kept poison cupboard locked because of his children. Superintendent found padlock defective.

(xvii) Other bottles were taken from poison cupboard and still more from Saffeullah's place.

(xviii) All glasses and cups were nicely washed and put away, hearth freshly daubed.

(xix) Accused told Supt. he had not heard his wife died of potassium cyanide poisoning.

Consider motive, opportunity and surrounding circumstances.

Conduct after wife's death consistent only with guilt of accused.

40 Knowledge of potassium cyanide.

Duty of Crown to prove the guilt beyond reasonable doubt; every accused starts with a presumption of innocence; it is not for accused to prove his innocence, it is for Crown to prove his guilt beyond reasonable doubt.

10.18 a.m. Mr. Farnum concludes.

*In the
Supreme
Court.*

No. 3.
Crown
Counsel's
Address,
12th May
1947,
continued.

*In the
Supreme
Court.*

No. 4.

EVIDENCE of M. B. Wong.

*Prosecution
Evidence.*

No. 4.
M. B. Wong
12th May
1947.
Examina-
tion,

MINOS BARTHOLOMEW WONG saith on his oath as follows :—

I am a Sworn Land Surveyor and a Government Surveyor attached to the Department of Lands and Mines. On the 23rd October 1946 I went accompanied by P.C. 4591 Britton to No. 79 Village Courantyne, Berbice. At No. 79 Village the Public Road runs approximately north and south. On the western side of the Public Road there is a Cinema known as the Metro Cinema. South of the Metro Cinema I was shown a house; I saw the house and from that house I took my measurements; 10 it is a house by itself, it is 417 feet west of the public road.

I took measurements which cover the area of lots 10, 11, and 12 sections "A" and "B" of 79 Village. That part is known as plantation Skeldon.

On the 24th October I returned to No. 79 Village. I went up to No. 80 Village where I started my measurements from a building known as the Skeldon Hospital. I continued my measurements from there north along the public road to the G.M.O.'s quarters which are at No. 78 known as Springlands. I also made a connexion with the police compound at No. 78. The police compound is adjacent to the G.M.O.'s quarters. 20

From the measurements I made a plan showing these areas, the plan was made to the scale of 300 feet to the inch. It shows the details.

I then made an inset of No. 79 Village, lots 10, 11 and 12, Section "A" and "B." I circled the inset in red. This inset was made to the scale of 40 feet to the inch. On the inset I have shown a pond and a mango tree; I lettered the buildings shown on that inset from "A" to "N."

"M."

This is the plan that I made. Admitted and marked "M."

I started my measurements from the building "A." From the building "A" to the building "L" is 455 feet. There is a building 30 marked "A1" on the plan, that is a latrine the latrine is 25 feet from "A"; from "A" to the mango tree is 60 feet; they are all on the south half of lot 12, Section "A" No. 79 Village. The distance between the buildings "A" and "B" is 17 feet. "B" is a house belonging to Augustus Bender. The distance between buildings "A" and "C" is 53 feet.

"F" on my plan is a range of six rooms; "F4" is a room in the range; the distance between "A" and "F4" is 150 feet.

There is a house "E"; it belongs to one Jacob, the distance between "A" and "E" is 270 feet. 40

There is a house marked "I." Zahorah Ganie lives there; from "A" to "I" is 340 feet.

There is a house marked "L"; near "L" is "L1," that is a latrine; "L1" is 35 feet from the northern step of "L."

From "A" to the G.M.O.'s quarters is 3,733 feet, roughly about $\frac{3}{4}$ mile. From "A" to Skeldon Hospital is 2,623 feet, just under half mile.

From Skeldon Hospital to the G.M.O.'s quarters is 5,522 feet, a little over a mile.

From "A" to "G"—back to "A"—Skeldon Hospital is 10,089 feet, approximately 2 miles.

I saw a drug store near to "L," it is shown by the letter "J" on my plan "M." It belongs to King.

Cross-examination declined.

*In the
Supreme
Court.*

*Prosecution
Evidence.*

No. 4.
M. B. Wong
12th May
1947,
Examina-
tion,
continued.

No. 5.

EVIDENCE of P. Britton.

PAUL BRITTON saith on his oath as follows :—

10 I am a constable No. 4591 attached to Detective Office, New Amsterdam.
On the 23rd and 24th October last year I was at No. 75 Village with
Mr. Minos Wong, Government Surveyor. I see the plan exhibit "M."
I know the area shown by the plan. I was present when Mr. Wong took
measurements and I saw from where he started. I see an inset and an
enlargement of the plan ; there are letters marked to certain representations
which represent buildings. I know the occupants of those buildings.

"A" is the house of the accused Noor Mohamed.

"B" is that of Augustus Bender.

"C" is that of Abraham Massiah.

"D"—that of Soukal Alli.

20 "E"—that of Jacob, a barber.

"F"—a range of six rooms.

"F.4"—room in which Basil Perry lives.

"G"—range with seven rooms.

"H"—house of Julian Jules a rural constable.

"I"—house of Zohorah Ghanie.

"J"—King's drug store.

"K"—Saffeullah's (goldsmith) workshop.

"L"—Saffeullah's house.

"M"—Two-storeyed building.

30 "N"—house of Karamat.

Cross-examination declined.

No. 5.
P. Britton,
12th May
1947.
Examina-
tion,

*In the
Supreme
Court.*

No. 6.

EVIDENCE of N. Newsam.

*Prosecution
Evidence.*

No. 6.
N. Newsam,
12th May
1947.
Examina-
tion,

NEVILLE NEWSAM saith on his oath as follows :—

I am the Government Analyst. On the Wednesday 18th September, 1946, Constable 4583 Willis (produced) brought to me at the Analyst Department 2 Postmortem Jars sealed with Police Seal No. 60, the jars being numbered B.G.40 and B.G.145. B.G.40 contained the stomach and contents of the stomach ; the other jar B.G.145 contained a portion of the liver and two kidneys. I examined the stomach and contents and detected 2.8 grains of potassium cyanide ; potassium cyanide is a volatile 10
poison.

The liver and the kidneys also had potassium cyanide. A little over 2 grains is the accepted fatal dose. It is a volatile poison and it is a very rapid poison. It poisons by the liberation of prussic acid.

A1, A2. On the 4th October I returned both of the post mortem jars to P.C. 4599 McKinnon. I returned the jars empty. These are the two jars. Admitted and marked A.1 and A.2.

On the 4th October, 1946, I received from P.C. McKinnon 15 items marked CM.1 to CM.15. Each was sealed with police seal No. 60. I examined them ; these are the results. 20

CM.1—a bottle with 2½ fluid ounces of a solution of potassium cyanide.

CM.2—a bottle with 5 fluid ounces of potassium cyanide.

CM.3—bottle with 8 fluid ounces of potassium cyanide.

CM.4—bottle with 10½ ounces of potassium cyanide crystals.

CM.5—bottle 18 fluid ounces of potassium cyanide.

CM.6—bottle 5½ ounces of potassium nitrate—no cyanide.

CM.7—bottle with 5 fluid ounces of Sulphuric acid.

CM.8—bottle with 22 fluid ounces of Phosphoric acid.

CM.9—bottle with 2½ fluid ounces of weak Phosphoric acid.

CM.10—bottle with a small quantity of Hydrochloric acid. 30

CM.11—parcel of 400 grammes of borax.

CM.12—bottle with small quantity of Hydrochloric acid.

CM.13—bottle—no cyanide of potassium.

CM.14—teacup containing traces of cyanide of potassium.

CM.15—sheet with stains but no trace of potassium cyanide.

B 1 to B.15 After I had examined the articles I resealed them with the seal of my department and I handed them back to Constable McKinnon on the 7th October, 1946. These are the items CM.1 to CM.15. Admitted and marked B.1 to B.15.

This B.14 is the cup I say contained traces of cyanide of potassium. 40
It is an ordinary tea-cup.

The rapidity of the evaporation of potassium cyanide depends upon the quantity and the concentration of the solution. On the 4th October I found traces of potassium cyanide in that cup B.14. If potassium

cyanide was in cup B.14 on the 17th September it would depend on whether the cyanide was in it in crystal form to find traces on the 4th October; it would also depend on if the cup was covered or in which place it was stored; if it was in solution much would depend on the concentration.

I am not in a position to say whether potassium cyanide was present in the cup on the 17th September; it might have been and might not.

Cross-examined by Mr. Luckhoo :

Potassium cyanide and other acids which I found are all used in the Goldsmith's trade. In solution the evaporation in potassium cyanide takes place quickly; when inhaled it causes constriction of the throat; the taste would be bitter; it has a stinging sensation if taken alone in strong solution.

Re-examined by Mr. Farnum :

My answer depends on the strength of the solution. If a fatal dose is sufficiently diluted the bitterness and the sensation would be much reduced.

(In answer to Mr. Farnum with permission of the Court.)

On the 7th October Constable McKinnon brought me a mattress sealed with Police Seal No. 59. I examined it; it had stains over a very large area. I was unable to detect any presence of any cyanide on the stains. I sealed it with my seal and I returned it the same day. I do not know what caused the stains. Mattress admitted and marked "C."

This is a tube; it comes from my custody; it contains 5 grains potassium cyanide. Admitted and marked "F."

(Counsel for defence intimate that they do not wish to ask any further questions.)

*In the
Supreme
Court.*

*Prosecution
Evidence.*

No. 6.
N. Newsam,
12th May
1947,
Examina-
tion,
continued.
Cross-
examina-
tion.

Re-examin-
ation.

"C."

"F."

No. 7.

EVIDENCE of W. W. Besson.

No. 7.
W. W.
Besson,
12th May
1947.
Examina-
tion.

WILLIAM WILLESBERT BESSON saith on his oath as follows:—

I am a registered medical practitioner and a Government Medical Officer stationed at Springlands.

On Tuesday 17th September, 1946, I went to my surgery round about 9 a.m. I remained there until about 12 o'clock. My surgery is on the ground floor and I live above; at that particular time the house was being painted and I was living at No. 63 Rest House. During the morning round about 11 o'clock a car drove into my yard, and stopped just outside my surgery. Accused came to the surgery and told me that he had a sick patient in the car. I told him to bring the patient in. Accused and another man lifted in the patient, an East Indian woman: she appeared rather limp and I told them to put her on the surgery floor. I asked the accused what was the matter; he said the patient had been taken ill that morning. I asked him if he was not the person whom I had known previously.

*In the
Supreme
Court.*

*Prosecution
Evidence.*

No. 7.
W. W.
Besson,
12th May
1947,
Examina-
tion,
continued.

(At this stage Mr. Luckhoo intimates that he would formally object to what is coming next: he said that he has observed what evidence it will be from the depositions. Counsel for the Crown says objection is premature that he does not propose at this stage to lead any evidence whose admissibility is open to objection.)

I asked him if he was the same person who had called me to see a patient some time before; he told me he was the person.

I examined the woman accused brought; she was dead. I told the accused it was a serious matter and that I would have to report the sudden death after a short illness to the police authorities. I sent a 10 message to the police who were next door. Sergeant Thomas came to my surgery. Accused was present. I handed the body of the dead woman to Sergeant Thomas.

At 4 p.m. that day I examined the dead body in the presence of Sergeant Thomas and Constable Willis. Accused had told me that the dead woman was his wife.

Externally there were no signs of violence; *internally* a part of the right lung showed some congestion and there was a little fluid in the right side of the chest. Around the right kidney the tissues showed some bruise blood; the bleeding in the tissues around the kidney was probably 20 caused by some injury; any blow in the loin might produce it. I removed the stomach with its contents and placed them in a jar provided by the police; I placed the two kidneys and a piece of liver into another jar supplied by the police; I sealed the two jars with the police seal No. 60; I handed them over to the police; the jars were numbered 40 and 145. These A.1 and A.2 I think are the jars. I heard the evidence given by the Government Analyst in respect to the contents of those two jars. I had handed over the jars to the police for transmission to the Government Analyst, Mr. Newsam.

Having regard to the evidence of the Government Analyst I say 30 death was caused by cyanide poisoning. Potassium cyanide is a quick acting poison. Potassium cyanide poisons by the liberation of prussic acid in the stomach. A normal stomach is of acid reaction. The taking of food liquid or otherwise would cause outpouring of gastric juice which is acid and therefore would be more acid than a resting stomach; in other words there would be increased acidity.

The smallest fatal dose of potassium cyanide is between 2 and 3 grains. The most characteristic feature of cyanide poisoning is the rapidity of onset of symptoms; the symptoms come on with great rapidity and the patient becomes insensible. With that insensibility is lost the power of 40 voluntary act. The person taking the poison now assumes a characteristic appearance; there is rigidity of the body, the eyes are staring, the pupils are dilated and a froth appears at the mouth; the breathing is often heavy and the heart gradually fails resulting in death. It is possible to get vomiting. I should think there is vomiting in the majority of cases.

Where vomiting takes place it should take place almost immediately after the poison is taken; some of the poison would be in the vomit.

Consciousness would be lost in a matter of seconds; I cannot say what is the longest time.

In answer to the Court :

The eyes of the woman were slightly dilated.

*In the
Supreme
Court.*

Cross-examined by Mr. Luckhoo :

No. 63 where I lived is about 8 miles from my surgery. I am sure when I say I arrived about 9 a.m. at my surgery ; I can tell you if you wish how I am sure. I work inside my surgery. I have a door which is sometimes closed and sometimes open ; I have benches outside of my surgery where people sit. Sometimes I have a crowd outside of my surgery and sometimes not. Most mornings I have patients ; they would remain
10 in the yard until I am ready for them.

*Prosecution
Evidence.*

No. 7.
W. W.
Besson,
12th May
1947,

*continued.
Cross-
examina-
tion.*

I mentioned the "bruise blood" about the kidneys ; one could not get a similar condition merely because one is suffering from Bright's disease ; the woman was brown.

There have been on record a few cases where a statement is made that a minute or so may elapse before the symptoms show themselves ; if that is admitted then a person in that time may do a voluntary act.

Potassium cyanide has a characteristic smell.

Re-examined by Mr. Farnum :

On the 17th September I used my car to get to my surgery. I usually
20 drive my car and leave it in the yard. I did so that morning. I have had that particular car for a very long time. I have had it since 1939.

*Re-examin-
ation.*

In answer to the Court :

Internally I saw no signs of gross abnormality.

No. 8.

EVIDENCE of W. Young.

WALTER YOUNG saith on his oath as follows :—

I am an associate member of the Institute of Mechanical Engineers. I am Chief Engineer of Booker Brothers McConnell and Company. I reside in New Amsterdam. I have had experience in making scale models of
30 houses and buildings.

No. 8.
W. Young,
12th May
1947.
*Examina-
tion.*

On Friday, 11th October, 1940, I went with Superintendent Billyeald and Constable 4591 Britton to No. 79 Village. I saw a house there and I modelled it to the scale of $\frac{3}{4}$ inch to a foot. When I went there Hamidan an East Indian woman was fetched there. I see this plan Exhibit "M" ; the house I modelled is marked on the plan by the letter "A." This is the model. Admitted and marked "N."

"N."

The model contains model of the furniture of the house as I saw it on that day ; when I went there on the day one of the beds was without a mattress. I put mattresses on both beds.

40 The roof and the first floor can be detached in order to show more clearly what is inside.

The cardboard base is on the same scale as the plot of land on which the house rests. I do not show the palings ; the gates are in the same position.

Cross-examination declined.

*In the
Supreme
Court.*

No. 9.

EVIDENCE of F. Sookdeo.

*Prosecution
Evidence.*

No. 9.
F. Sookdeo,
12th May
1947.
Examina-
tion.

F3.
F4.

F2.

" F1."

FRANK SOOKDEO saith on his oath as follows :—

I am a Police Photographer. I live at Rosehall, Courantyne. On Monday 7th October last I went with Superintendent Billyeald to No. 79 Village Courantyne and I saw a house on the west side of the public road. Exhibit " N " is a model of that house. I took photographs of the exterior and interior of the house. I used two rolls of films. These are six negatives of the exterior of the building of which " N " is a model. Admitted and marked F3. These are 10 negatives of the interior of " N." 10

From F3 and F4 I made a series of prints. These prints are mounted in two lots of 8 each ; this one has 4 photographs of the interior and 4 of the exterior. Admitted and marked F2.

This one has 2 exterior photographs and 6 photographs of the interior of the building. Admitted and marked F1.

I photographed the cupboard in the workshop ; it is shown at No. 3 and No. 4 in Exhibit F1.

I photographed the couch in the house ; it is shown in photographs Nos. 5 and 6 in Exhibit F1.

I photographed the bed against the window ; it had no mattress ; 20 it is shown on photograph 8 in Exhibit F1.

I photographed the hearth in the kitchen ; it is shown at No. 3 in Exhibit F2.

Cross-examination declined.

Adjourned to Tuesday, 13th May, 1947, at 9 a.m.

No. 10.
E. Willis,
13th May
1947.
Examina-
tion.

9 a.m. Hearing continued :

No. 10.

EVIDENCE of E. Willis.

EARL WILLIS saith on his oath as follows :—

I am constable No. 4383 of Springlands Police Station. On Tuesday 30 17th September 1946 I was with Sergeant 4019 Thomas when Dr. W. W. Besson performed a post mortem examination on the body of a female East Indian called Ayesha or Mohabubhan at the mortuary at Plantation Skeldon at 4 p.m. I saw the examination. I knew Ayesha before the day of her death. Accused was also present at the post mortem examination.

Dr. Besson put the stomach of Ayesha in a post mortem examination jar B.O. 40, and a portion of the liver and two kidneys in another jar B.O. 145. The jars were sealed with Police Seal No. 60. I kept them in my possession. On the 18th September 1946 I took the jars to the Government Analyst Mr. Newsam in Georgetown. 40

Cross-examination declined.

No. 11.
EVIDENCE of C. McKinnon.

*In the
Supreme
Court.*

CLEMENT MCKINNON saith on his oath as follows :—

I am Constable No. 4599 attached to Reliance Police Station, Canje. On Tuesday 1st October 1946 I was at Springlands Police Station. Between 2 p.m. and 3 p.m. I accompanied County Superintendent Billyeald to the house of accused at No. 79 Village. The accused showed us both over the house. On leaving the house we returned to the station. Accused was with us all the time.

*Prosecution
Evidence.*

10 On the 2nd October I returned with Mr. Billyeald to the premises with the Superintendent. I entered the lower portion of the house of the accused; we took away some bottles and a teacup from a cupboard. Mr. Billyeald took them. They were sealed with Police Seal No. 60.

No. 11.
C.
McKinnon,
13th May
1947.
Examina-
tion.

On the 3rd October I took 15 articles marked CM1 to CM15 to Mr. Newsam the Government Analyst; one of those articles was a sheet and the other were bottles and a teacup; they were all sealed with Police Seal No. 60. They are the exhibits now in Court B1 to B15.

The Government Analyst on the day I took B1 to B15, the Analyst gave me some exhibits.

20 I returned to the Analyst on the 7th October; I took a mattress to him; it was one which was taken from the house of accused; the Analyst on that day gave me back exhibits B1 to B15 sealed with his seal; he also gave me back the mattress.

Cross-examined by Mr. Luckhoo :

Superintended Billyeald and I removed the bottles in exhibits B1 to 15 from the workshop of the accused; most of those bottles were in the press. Some of the other bottles were on the press and others at the side of the press.

Cross-
examina-
tion.

30 I cannot remember if any was taken from upstairs; it might be possible that a bottle or two might have been taken from upstairs.

No. 12.
EVIDENCE of H. Thomas.

No. 12.
H. Thomas,
13th May
1947.
Examina-
tion.

HILTON THOMAS saith on his oath as follows :—

40 I am Sergeant of Police No. 4019 in charge of Springlands Police Station. On the 17th September 1946 at 11 a.m. I received a message and I went to Dr. Besson's surgery. I entered the surgery. Dr. Besson was there and the accused was also there. In the surgery I saw the dead body of Ayesha. I knew her before; she was the reputed wife of accused. I asked accused if Ayesha was ill or whether she was complaining of being ill; he said "No." That "about 9 o'clock Naimoon woke me up and said 'Pa look wha Pawah ah do'," he said he got up and saw Ayesha lying on her bed frothing. Naimoon is his daughter.

I took charge of the dead body and took it to the mortuary at Plantation Skeldon. I was present at the post mortem examination performed by Dr. Besson.

*In the
Supreme
Court.*

*Prosecution
Evidence.*

No. 12.
H. Thomas,
13th May
1947,
Examina-
tion,
continued.
"G."

I returned to the station after the examination ; later that afternoon accused came to the station ; he made a statement ; no charge was at that time contemplated against the accused. I put the statement into writing ; I read it over to him ; he said it was correct and signed his name to it. This is the statement ; Admitted and marked " G. "

The next day 18th September I witnessed the burial of the dead body of Ayesha at Skeldon.

On Sunday 29th September I went to Hamida's house. Hamida is the sister of accused. She lives at Skeldon. I found the accused there. I told accused I had a warrant to search his house. I took accused to his house at No. 79. The house was locked ; accused opened the house. I searched the premises. I searched the house upstairs first ; under the house is a workshop ; I searched that too ; in the workshop there is a cupboard ; the cupboard was secured by a small padlock ; accused pulled open the padlock ; he pulled it and it opened. In the cupboard I found 3 bottles containing liquid ; I asked the accused what the liquid in each bottle was ; he said nitric acid, muriatic acid, cyanide of potassium. I took the three bottles and the accused to the police station ; at the station I sealed the three bottles in the presence of the accused with Police Seal No. 60 ; those three bottles were kept in police custody. These exhibits B1 to B3 are the three bottles.

At 7 p.m. that day I went to Saffeullah's house ; he is related to the accused ; he is uncle to accused. I took 3 bottles from Saffeullah's house ; two contained liquid and one contained white solid stuff ; I took the bottles to the station and sealed them with police seal No. 60. I marked them CM4, CM5 and CM6 ; I had put the marks CM1, CM2 and CM3 on the bottles I had taken from the house of accused. These exhibits B4 to 6 are the bottles I took from Saffeullah's house. The six bottles B1 to B6 I gave later to Constable 4599 McKinnon.

*Cross-
examina-
tion.*

Cross-examined by Mr. Mungal Singh :

I do not know that Saffeullah's wife is the sister of the accused. I left other bottles in the cupboard at the workshop of accused. I did not bring those away.

Naimoon is about 14 years old. I did not take a statement from Naimoon. I do not know if any policeman took a statement from her. Accused told me he was lying on the sofa when Naimoon told him " Look wha Pawah ah do " ; he said that after that he went into the bedroom and found Ayesha lying on the bed frothing.

No. 13.
S.
Billyeald,
13th May
1947.
Examina-
tion.

No. 13.

EVIDENCE of S. Billyeald.

STANHOPE BILLYEALD saith on his oath as follows :

I am the Superintendent of Police in charge of the Berbice Division. On Tuesday 17th September, 1946, I was at Whim Magistrate's Court when I received a report. On Sunday 29th September 1946 I received a certificate from the Government Analyst.

On Tuesday 1st October I was at Springlands between 1 p.m. and 2 p.m. I proceeded south down the public road to Skeldon to the house of

40

one Hamidan. I saw the accused Noor Mohamed ; he is also called "Cuffie." I told him I would like to see the house at No. 79 Village where his wife Ayesha had taken ill and died. Accused came with me to No. 79 Village. The public road there runs from north to south ; he showed me his house about 40 rods west of the public road ; it is a single-storeyed house on pillars about 3 ft. 6 ins. high ; it stood alone in its own piece of land surrounded by fencing. Exhibit "N" is a model of the house shown me by the accused as his. I examined the house and found that the doors and windows were bolted and secured ; the workshop or the boarded-in
 10 portion downstairs was similarly secured.

I told the accused I would like to see inside the house where his wife had taken ill ; he produced a bunch of keys from his pocket. These are the keys ; admitted and marked "E." Accused went upstairs on the landing to the door facing east to the public road. Accused unlocked the door with the keys ; the model "N" is placed as the house is situated.

I asked the accused if he was living in the house ; he said no, that he had locked it up the day his wife had died and that he had been living with his sister Hamida ever since. I asked him to look around inside and see if the furniture and effects were in the same conditions as when he had
 20 left the house. He did so and said they were. The furniture inside the model "N" is exactly the same as I had found in the house when I visited the accused. I asked the accused if he would show me the bed on which his wife had been taken ill. The accused showed me a couch inside the hall ; he told me that he had been asleep on that couch and that his daughter had called him to go and see his wife lying on the bed in the bedroom east. The accused took me in the east bedroom which I found had two double beds side by side, one to the east or against the window ; accused pointed to that one saying that was the one his wife had been
 30 lying on. The mattress on that bed had a large stain towards the bed head. I asked the accused if that was the place that his wife had vomited on ; accused said he did not know, that it might be urine. I asked the accused if he knew what his wife had died from ; he said he did not know. I asked him if he had heard his wife had died from poisoning ; he said No.

I told the accused that the police had a certificate to say that his wife had died of cyanide of potassium poisoning. I asked him if he had heard anything like that. He said no, he had heard nothing like that.

I cautioned the accused and I told him that the police must make enquiries into such a sudden and unnatural death by such a deadly poison.

I asked accused if he would show me his workshop downstairs.

40 Before I asked him this I had examined the living quarters upstairs. I examined the kitchen. I found that the hearth had been freshly daubed and cleaned and that any trace that it was previously used was absent.

The hearth is shown in the photograph F.2 at Nos. 3 and 4 ; it is seen there as I found it.

At the back of the kitchen I found six enamel drinking cups hanging on a rail as they are shown in the model ; they were clean and dry without fluid or sediment, watering stains or any odour. On the shelf above were three other enamel drinking cups one was turned up and two were turned
 50 down ; there was also a further enamel drinking cup on the upright of the kitchen door. All these drinking vessels were clean and dry without any fluid or sediment, water stains or smells.

*In the
 Supreme
 Court.*

*Prosecution
 Evidence.*

—
 No. 13.
 S.
 Billyeald,
 13th May
 1947,
 Examination,
continued.

*In the
Supreme
Court.*
—
*Prosecution
Evidence.*
—
No. 13.
S.
Billyeald,
13th May
1947,
Examina-
tion,
continued.

No. 2 photograph in F.2 is what I have described.

In the hall or middle room I found a large and a small food safe. On the large safe I found two drinking glasses turned up and another turned down; they were small drinking glasses. On top of the small meat or food safe I found four drinking glasses (small ones) turned down; I also saw a tin or enamel cup turned up and a pot tumbler turned down. All those drinking glasses in the middle room were clean and dry and they had no fluid or sediment or watering stains or smell.

In the gallery there were on a sideboard two small drinking glasses turned down, one small one turned up and a large one turned up; they were clean and dry without fluid or sediment, watering stains or odours. 10

In the east bedroom I found near the bed no drinking vessels, cups or glasses, bottles or phials.

Beyond what appeared to be vomit stains on the bed there were no vomit stains or other stains on the floor of any part of the house.

I had asked accused to show me his workshop; with the same bunch of keys accused opened the front bottom door opening into the lower portion of his house; inside I found what appeared to be a goldsmith's workshop with benches, tools, a hammock and a wooden press secured to the wall. The ground floor of the model "N" shows the disposition as I found it. The wooden press is shown there attached to the wall. 20

I asked the accused what he used in the course of his trade as a goldsmith; he said, "Sulphuric acid, nitric acid, muriatic acid and a solution." I asked him what kind of solution; he said cyanide of potash. I asked him where he kept these things, he pointed to the wooden press on the wall; I asked him who was responsible for these things, he said he was, that he kept them locked up, that he kept the keys himself on account of his children being about. I asked him to show me the things. With the same bunch of keys "E" he unlocked a small padlock from the press; "S." this is the padlock; admitted and marked "S." Accused showed me several bottles inside the wooden press. I told the accused again that the sudden and unnatural death of his wife was something the police must enquire into and told him to close up the house and that I would like him to come to the police station to give a full and complete account of the events that took place before and after the death of his wife Ayesha. 30

The accused locked up the cupboard with the bottles and a tea cup which was inside. He used the same padlock "S."

Accused came to the Springlands Police Station and between 5 p.m. and 6 p.m. that same 1st October he was conveyed to New Amsterdam and detained in police custody. 40

The next day Wednesday 2nd October the accused was taken to Reliance Police Station and formally charged and cautioned in connexion with this inquiry; he said nothing in answer to the charge; he was then placed before the Magistrate at Reliance Police Court.

At about 2 p.m. that same day 2nd October I went back to the house of accused at No. 79 Village. Hamida, sister of accused was present, Constables McKinnon, Britton and others were with me.

I used the keys " E " and went into the workshop. I took from the wooden press the bottles, tea-cups and the parcel marked CM.7 to CM.14 and now Exhibits B.7 to B.14.

The tea cup B.14 had sediment rings round the cup to the bottom ; the present condition is similar to what it was when I had first seen it ; some of the material is however gone. I also saw the other Exhibits B.1-6 ; I placed B.1 to B.14 in McKinnon's charge. I had spoken to Hamida and she brought to the station a bed sheet which is now B.15 ; it had stains on it.

10 On Monday 7th October I was again at the house of the accused ; Sookdeo, a photographer of Rose Hall, Courantyne was with me. As instructed by me he took a series of photographs to show the exterior and interior views of the house of the accused. F.1 and F.2 are the photographs ; they are in two sets of eight photographs taken. F.1 has the first eight of the two series. I mounted the photographs myself.

The height of the workshop is 3 feet 6 inches ; the bottom portion of the cupboard is about 2 feet 3 inches from the ground.

20 On the 22nd October when I was removing exhibits from the press or cupboard I found that the small padlock pulled open quite easily. I also paced the distance from the wooden press or cupboard out through the front door of the workshop round to the eastern steps of the landing through the gallery in through the hall to the eastern bedroom to the east bed. I found that was 40 paces and it took 30 seconds to traverse. In a like manner I paced from the wooden cupboard up the south or kitchen stairs in through the kitchen through the hall and to the east bed in the eastern bedroom ; that was 30 paces and it took 23 seconds ; to pace from the eastern landing round to the stairs into the kitchen took 36 seconds and 50 paces.

Cross-examined by Mr. Luckhoo :

30 The 1st October was the first time I went into the house of accused ; I was informed that the sergeant had been there before. When I went there he, accused, produced the keys and he used them himself. I saw no other than the bunch of keys exhibit " E " which accused produced. On the night of that day I seized the keys at the Police Station. Accused came with me to the Central Station ; he was left in the station when I was not there between 3 p.m. and 5 p.m. ; he was in police custody.

40 Accused did put the key to the padlock of the cupboard and appeared to be turning it. He did not pull the padlock ; he applied the key to the padlock and appeared to be turning. I presume that this key is the one used because it is the only one that can fit the lock. I tried the key later but found it not to be working. I would say the lock is defective.

The cup B.14 when I saw it had sediment ; it appeared to be moist sediment ; there was no liquid which could be thrown out. I believe there are one or two pieces of paper left in the cupboard ; no receptacles are left inside. The cup B.14 has no handle. I know that potassium cyanide is used for the cleaning of jewelry ; that is general knowledge. The land on which the house stands was enclosed by a wire fence ; the fence was held into position by wallaba posts ; I believe there were three rows of wire.

*In the
Supreme
Court.*

*Prosecution
Evidence.*

No. 13.

S.
Billyeald,
13th May
1947,

Examina-
tion,
continued.

Cross-
examina-
tion.

*In the
Supreme
Court.*

No. 14.

EVIDENCE of Ramchandarsingh.

*Prosecution
Evidence.*

*No. 14.
Ramchand-
darsingh,
13th May
1947.
Examina-
tion.*

RAMCHANDARSINGH saith on his oath as follows :—

I am stationed at Detective Office, New Amsterdam. I am a Sergeant of Police. On the 1st October 1946 I was at Springlands Police Station between 3 and 4 p.m. On that day accused was brought to the station by County Superintendent Billyeald: In the presence of the accused Mr. Billyeald told me that the accused elected to make a statement; Mr. Billyeald told me to take it down in writing. I cautioned the accused and he made a statement to me. I reduced it into writing; I read it over to him; he also read it; he said it was true and correct; he signed his name in my presence and in the presence of Sergeant 4019 Thomas. This is the statement. 10

Mr. Luckhoo objects to the portion of the particular statement at the end; Counsel for the Crown had called attention to it and now tenders the whole statement. Mr. Luckhoo objects on the ground that it is not relevant to the issue and that even if it is not evidential it is so highly prejudicial that it should be excluded; further it appears that the last two sentences in the statement to which objection is taken were given in answer to questions put to the accused. 20

Mr. Farnam submits that everything that the accused said or did is relevant to the inquiry.

“ R.”

(Court admits statement and marks it “ R,” leaving over the ruling on the admissibility of the last two sentences until the bigger question on the admissibility of other evidence is argued and authorities submitted.)

Cross-examination declined.

*No. 15.
M. James,
13th May
1947.
Examina-
tion.*

No. 15.

EVIDENCE of M. James.

MILDRED JAMES saith on her oath as follows :—

I live at No. 78 Village. In 1945 and 1946 I lived at No. 79 Village. I know the accused. I lived about 3 rods from him. I live in a range owned by Saffeullah; Basil Perry lives in the same range. I began to live in it in 1946; when I started to live in that range Ayesha was living with accused, his daughter Naimoon about 14 years old and three small children. Ayesha used to sew for me. She was my dressmaker. I used to visit the house. Accused and Ayesha lived very badly. Accused always used to beat Ayesha. From the time I was living that went on. I remember the month of September when Ayesha died. I remember two incidents occurring in the month of August the month before Ayesha died. The first incident was one afternoon at about 6 o'clock in August; I was sitting on Lady Ruth's step at the last room of the range; I heard Ayesha crying. I left and went to pictures at about 7.30 p.m. At about 11 p.m. I returned from pictures; I heard Ayesha still crying; I went across to Ayesha's house; I always went when they had story. I called out to accused and told him if he was not weary beating Ayesha; accused told me I must get down his steps before he kicked me down; I asked him that he was continually beating her. I 40

know this man (produced); he is Abraham Massiah; he was Ayesha's husband. Abraham Massiah called out; accused was in the house he could have heard; Massiah called out just as I was coming down the steps and immediately after accused had told me he would kick me. Massiah said Ayesha if you don't leave this man he will kill you and I got to all you leave him; I went home after that.

About two weeks after this incident and about three weeks before her death I took a dress to Ayesha one morning; she was to sew it for me. I saw her; she was upstairs; she came downstairs; she and I went in
 10 the workshops; accused was leaning out of the bedroom window. Ayesha and I spoke; accused could hear what she said; she was crying; she lifted her dress; she showed me her right leg; it had a black and blue mark; she was sitting on a chair; accused came in the workshop dragged her by the hair and knocked her down; I tried to take him away from her; accused then said "Neighbour Mildred you don't know this woman, through this woman people got to say I kill my first wife, she must go away." Ayesha said she was not going. Accused then said "If you can't go alive you got to go dead." I told accused then that even if I
 20 have to go to New York and I heard anything happened to Ayesha I would return and speak the correct word that he told her. I left and went home.

The same morning he passed by my house about 9 o'clock; as he passed he said he did not want one black man go in his yard.

On the 17th September when Ayesha died I was at No. 79 Village. I was on the public road about 2 rods from the house of accused; I saw a car pass; accused, Noor's mother, Ayesha and the chauffeur were in it. The car went towards Skeldon Hospital. The car was going slowly and Ayesha was leaning on the shoulder accused; I followed the car to the hospital; as I got up to the car Ayesha was lying in the car she was
 30 "frothing through the mouth." Accused took Ayesha upstairs; he came down; he was going to call Mr. Mohabir. I asked him what was wrong with Ayesha. He said he didn't know, that he was lying on the couch when Naimoon woke him up and told him her "Pawah took in."

I asked him again what was wrong with her; he replied "Neighbour Mildred if is anything you know don't talk." I told him "All I know you does beat she bad." Some time later I saw Ayesha leaving in car going in the direction of the doctor.

Cross-examined by Mr. Luckhoo:

I have been living at No. 78 just the week after Ayesha's death. I am stopping at my cousin at No. 78; her name is Mrs. Hackett. It is
 40 not true to say that I am not speaking the truth; I am not lying. Saffeullah was my landlord when I lived at No. 79. I paid the rent to him. Saffeullah gave me no receipts; he used to put it in a book. I have not the book; I gave it to Basil Perry; he and I lived together in the same room. We are now separated.

I cannot remember the last time I paid Saffeullah rent. I paid rent for August I cannot remember if I paid for September. When I left I was owing rent; I can't remember how much. I cannot remember how many weeks' rent was owing. The rental was by the week. It is not true to say that I was not at No. 79 during the months of August and
 50 September last year. I have not paid Saffeullah any rent since I left

*In the
Supreme
Court.*

*Prosecution
Evidence.*

No. 15.
M. James,
13th May
1947,
Examina-
tion,
continued.

Cross-
examina-
tion.

*In the
Supreme
Court.*

*Prosecution
Evidence.*

*No. 15.
M. James,
13th May
1947,
Cross-
examina-
tion,
continued.*

his place. I sleep at No. 79 in the night and dwell in the day at 78 ; that does not go on up to now ; that stopped about two months ago.

It was early in August when the first incident happened. I went to the Metro picture house. I cannot remember the name of the picture I saw. It was an English picture. I saw her crying ; she was on the front platform ; I left her there when I went to the pictures ; she was not in the same place when I returned. I did not see accused beat her but she was shouting to the top of her voice. Lady Ruth was sitting on her step ; she was there before I went to pictures. Lady Ruth and I returned from pictures together ; I went up Ayesha's steps ; Lady Ruth did not go up with me she went away ; she could not have heard any of the going on between me and accused. She lived in the same range with me. 10

When I went up the steps Lady Ruth had gone already to her range.

I did not have any row with my husband in the month of August.

I do not go to the station and report the ill-treatment.

I was going into the shop on the morning of Ayesha's death when I saw the car. I was going to buy things for breakfast. I had come straight from my range. The car was going to Skeldon ; I saw Ayesha leaning on the shoulder of accused and I suggested that she was ill. I did not call out. The hospital is not as far as a mile from where I was ; there are two Chinese shops in the area ; one is at No. 79 and the other is at Skeldon. When I got to the hospital accused was just coming out from the car. Ayesha was in the car. I went up to her ; I spoke to her. I know Mr. Mohabir the dispenser ; he was not there then. Accused took out Ayesha from the car. Accused took her upstairs ; he was assisted. I waited downstairs. Accused came downstairs and went to Mr. Mohabir's home. I stood up by the gate while accused called at the front steps ; he did not go with a bicycle ; he walked. Accused was rapping at the front steps and I told him to go round at the back ; he did so. I left before Mr. Mohabir came out. I don't know if accused saw Mr. Mohabir. I did go. When Ayesha was being taken out of the car her dress was lifted up and I covered her with a sheet ; they brought the sheet with her. I threw the sheet across her. I cannot remember the colour of the sheet. I knew Jim the chauffeur ; Jim knows me. An East Indian woman was also in the car. I do not know her name, I did not notice the assistant dispenser. 20

My new worker made the dress I am wearing ; her name is Mrs. Gonsalves. She has been working for me for only a week ; she is a stranger ; she belongs to Plaisance.

When Ayesha was sewing for me I also had another dressmaker who lived at Skeldon ; her name is Johanna. It is not true that Ayesha never worked for me. She was a regular seamstress and I was one of her customers. 40

Accused knocked at the front ; he did not get an answer ; I told him to go at the back and he did so.

I had a basket with me. I did not even cook breakfast that day.

*Re-examina-
tion.*

Re-examined by Mr. Farnum :

When I left the range I left Basil Perry in that room. I was not responsible for the rent after I left.

No. 16.
EVIDENCE of A. Massiah.

*In the
Supreme
Court.*

ABRAHIM MASSIAH saith on his oath as follows :—

I am an Assistant Foreman at Ramjohn's Saw Mill. I live at No. 79 Village. Saffeullah is my landlord. Saffeullah is the brother-in-law of accused. Going from my house towards the public road Augustus Bender's house is first reached ; his house is about 12 feet from mine ; the next house is that of the accused ; it is about 12 feet from Bender's. I have lived at No. 79 for about 14 years. Ayesha was my wife. She and I got
10 married at the Church of Scotland at Auchlyne in 1930. I have been living in that house for 9 years ; the house is mine. I rented the house lot from Saffeullah. I have known the accused for about 11 years now. Accused was living with one Gooriah ; she was also known as Bakridan. Accused and I were very friendly up to the time when my wife went away with accused.

*Prosecution
Evidence.*

No. 16.
A. Massiah,
13th May
1947,
Examina-
tion.

Gooriah is not alive now ; she died some time in 1944. She died before my wife left me. Accused was living with Gooriah up to the time she died. My wife was with me until July, 1945.

Adjourned to Wednesday 14th May, 1947 at 9 a.m. *

20 Hearing continued :

9 a.m. ABRAHIM MASSIAH further saith on his oath as follows :—

My wife Ayesha lived with the accused for about two years. She died on Tuesday in September 1946. I remember the day. After she began to live with the accused they lived very nicely for a few weeks ; after that I noticed that he used to beat her. They did not live well after that ; he continually beat her and on a few occasions he put her out of the house. I remember the day she died ; the night before I was at home. I heard a noise during the night ; it was about midnight ; I got up and lighted the lamp ; I opened the front door of my house and was standing on the
30 steps. I heard the voices of the accused and one Dalgetty ; I also heard the voice of Hamidan, sister of accused. Ayesha was in the house ; I also heard her voice ; the voices of the accused and the others were also coming from inside the house of accused. I heard accused call to Dalgetty saying "Come man Dalgetty come tell me what Ayesha tell you." Dalgetty spoke ; I did not hear what he said. I heard a blow and something fell very hard on the floor. I heard Ayesha say "Dalgetty me tell you so ?" I then heard another blow. Ayesha said "God Dalgetty look you go mek Noor Mohamed kill me now." I heard yet another blow ; Ayesha shouted aloud "God Noor Mohammed ah kill you go kill me foh true." Accused
40 then said "Yes you bitch ah go kill you to-night you na got no right foh carry ma private business and tell people outside." The noise went on like that ; on and off I heard a lash just once in a way until about 4 o'clock. I usually leave for work about 6.30 o'clock in the morning. I got up before six o'clock on the Tuesday morning 17th September ; I noticed Ayesha sweeping the yard as she was accustomed to do. I saw Hamida in the doorway of the kitchen. I left home to go to work ; I have to walk past accused house to go to the public road ; I usually pass about 3 rods from his house. I passed his house that morning ; when I was passing I heard the voice of the accused in the house ; he was speaking

*In the
Supreme
Court.*

*Prosecution
Evidence.*

No. 16.
A. Massiah,
13th May
1947,
Examina-
tion,
continued.
Cross-
examina-
tion,

to his daughter ; he said " Naimoon, who you Poowah deh ? " " Poowah " means " aunt," a father's sister ; he was referring to Ayesha ; all his children call Ayesha " Poowah." Naimoon replied. " She dey down-stairs." Accused said " Tell she foh come up yah." I stopped for that while listening to see if there would have been any beating. I did not hear any beating so I went to work ; later that day I learnt that Ayesha was dead.

Cross-examined by Mr. Luckhoo :

A good time after Ayesha left my house I took another wife ; it was about a year after. Her name is Basiran. She is still with me. I did not want Ayesha to leave me ; when she left me I was sorry. I felt that accused had no right to take away my wife. It is not true that from that time I had bad mind for the accused. I tried several times to get her to come back to me ; even when I had the other woman I used to try. Accused put Ayesha out on more than one occasion. I tried on those occasions to get her to come back to me ; she did not go back to me ; she gave me her reasons. 10

The sound of the beating was a bit dull. When I heard the lashes I was on my doorstep ; that was on the night before Ayesha died ; it sounded like hard lashes. Ayesha was crying loud ; I would not say too hard ; she could be easily heard from his house to mine. I did not go over to his house to see what was happening ; I never woke up any neighbours. I only had one neighbour in front of me and I noticed he had got up already ; that neighbour is Bender. I spoke to Bender. I came out in my yard and stood near his house ; the houses are very near each other. Around about midnight I heard the noise and about 10 or 15 minutes after I heard the first lash. I afterwards sat at the front portico of my house. I would not be able to say how many lashes I heard. I would not say it was a large number of lashes. My evidence of the words uttered by Ayesha and Noor Mohamed is not untrue ; all I say is true. 30

I did not go to sleep after that. I do not know Jamaladeen. I did not notice anyone enter the workshop of the accused that morning. I never noticed if the workshop was open. It is not a lie that accused called out to Naimoon. He did call out to her. Naimoon was inside the kitchen. I saw her there ; that was about half-past six. I stayed there just a few minutes about 10 or less than that. When I was passing the yard Ayesha was still in the yard.

No. 17.
A. Bender,
14th May
1947.
Examina-
tion.

No. 17.

EVIDENCE of A. Bender.

AUGUSTUS BENDER saith on his oath as follows :—

40

I live at No. 79 Village. Abraham Massiah is my neighbour. I know the accused. I knew his wife Ayesha. I was living there when Ayesha and accused began to live together. They lived " very bad " ; " partly every other day they fight." I remember the day Ayesha died. The night before I was at home. I heard when accused came home at about 11 to 12 o'clock ; he was singing. When he got home he called on his daughter Naimoon one or two times to open the door ; the door was opened but I do not know who opened it. I was at home sitting down. He went in the house and lighted the gas lamp ; I heard accused and

Dalgetty discoursing in the house ; he called on Dalgetty to tell him what Ayesha told him ; Dalgetty commenced to talk ; he was speaking very low. Accused told Ayesha " I going to beat you tonight until you dead you take my house business and carry it out." I heard a lash and a heavy crash on the floor immediately after. I lighted my lamp and I went outside ; when I went outside I saw Massiah standing at his portico with a lantern ; the lady he is now living with was by his side. I went back into my house. After a while they commenced to talk again ; accused began to beat Ayesha again ; they stopped for a while and I heard the
 10 beating again. Off and on the beating lasted for about an hour. After that I went to bed.

On Tuesday morning I woke up ; after tea I came out in the yard and fed my fowls ; that was about 9 o'clock or after 9 o'clock. I saw Ayesha come out from the kitchen door with a cup and a plate ; she sat on the first treader of the steps ; she was drinking tea ; she left the cup and the plate on the steps and she went to the latrine ; she stayed there about 5 minutes ; she came out and went in the yard ; accused was on the front steps ; as she got in the yard accused spoke to Ayesha ; she went to him. They went upstairs together and they went in the house. Ayesha had
 20 nothing in her hand when they went upstairs. I stayed outside for about 2 or 3 minutes then I went in my house and put down the plate from which I was feeding the fowls. I then went to a range in which Ruth Oldfield lives ; it is Saffeullah's range. Ruth Oldfield is called Lady Ruth. Mildred James used to live in that range with Basil Perry. I went to Ruth Oldfield. Ruth Oldfield and I were discoursing for about 2 or 3 minutes when I saw the accused running towards us in the direction of the public road ; he passed Ruth's house ; Ruth asked him what happened ; he said he went in the house and he found Ayesha on the bed frothing. Accused went on to the road. After he came back from the road, he and about two
 30 others put Ayesha in a hand cart and took her out ; when they got to the theatre yard, Ayesha was put into Jim's car and the car drove away. I went to the hospital after them.

Cross-examined by Mr. Luckhoo :

I am not on bad terms with the accused. I speak to him and accused can tell you he and I are good friends ; we eat and drink together. I had a fight with accused in 1945 ; accused burst his own head. It happened during the fight. Accused and I are nevertheless good friends. I mind fowls and I farm a little. I also burn coal. In September last year I was
 40 burning coal ; when I am burning coal I leave home at any time ; I burn coal only about 20 rods from my house. If I leave home at 6 o'clock sometimes I am back at 6.30 a.m. I do not have to spend time at the coal pit ; sometimes I only look at it and turn away. I have my farm at the same place as the coal pit. I spend time at my farm. I go to the coal pit in the morning or in the night. I did not go to the farm on the morning Ayesha died. I did not burn coal on that day. I was in my own yard that mornng.

When she came back from the latrine she went to accused at the front steps ; he was standing downstairs on the steps about the first or second treader. I did not hear him speak. I could see accused from my yard ;
 50 if I was in the house I would not have been able to see him. It is not true that I could not see him from where I was standing ; I was standing by

*In the
 Supreme
 Court.*

No. 17.
 A. Bender,
 14th May
 1947,
 Examination,
continued.

Cross-
 examina-
 tion.

*In the
Supreme
Court.*

*Prosecution
Evidence.*

No. 17.
A. Bender,
14th May
1947,
Cross-
examina-
tion,
continued.

my fowl coop and I could have seen him even higher up than the first or second treader where he was standing ; the fowl coop is near to the latrine.

Accused was pushing the hand cart ; the cart took Ayesha to the theatre gate. I do not know where accused got the hand cart from. I was at home that morning. He spoke to Oldfield when he was going out the first time not when he was returning. It is not true that he lifted her and took her to the car.

I was sitting at my range when accused came in. I always sit and listen when pictures are on. One could hear it plainly from my house.

The lashes were hard lashes. I cannot say how many lashes I heard. 10

I am more friendly with accused than Abraham as I have never eaten or drunk with Abraham. I have done so with accused. I did not shout out when I heard the beating. I did not go out.

In answer to the jury :

I do not know who removed the cup and plate from the steps where Ayesha left it. When she went to accused and they went in the house the cup and plate were on the steps.

No. 18.
O. Richards
14th May
1947.
Examina-
tion.

No. 18.

EVIDENCE of O. Richards.

OSBORNE RICHARDS saith on his oath as follows :—

20

I live at No. 79 Village. I am an assistant at the drug store of Mr. Garvey Gustavius King ; the drug store is situated next to Saffeullah's house.

On Tuesday 17th September last year I was in Mr. King's drug store ; at about 9.30 a.m. accused went to the drug store and asked for Mr. King. I told accused Mr. King was at the back of the store ; accused then left the store. About 15 minutes later accused returned ; he seemed to be in a hurry. When accused came back Mr. King was in the store ; accused told Mr. King that he was asleep and his daughter awoke him saying that his wife was frothing. Mr. King told accused to take his wife to the hospital. Accused then left. 30

Mr. King at that time was living at the back of the store. Mr. King had been living there for 3 months before that day. I had seen the accused in the shop on previous occasions. I looked at the time when accused came that is how I knew it was half-past nine.

Cross-examined by Mr. Mungal Singh :

Cross-
examina-
tion.

I looked at the time when accused came. Mr. King had previously given me instructions that if any one came to him and he was not there I must look at the time in order to be able to tell him. It was half-past nine. I gave evidence in the Magistrate's Court before Mr. Fitzpatrick. I cannot remember if I said I was in the store about 9.30 a.m. Many persons did not come at the store in the absence of Mr. King ; accused was the only person who came when Mr. King was at the back. I never told the accused he could not see Mr. King then. As soon as I told him Mr. King was at the back of the store he left. 40

No. 19.

EVIDENCE of G. G. King.

In the
Supreme
Court.

GURNEY GUSTAVUS KING saith on his oath as follows :—

I carry on a Chemist Shop at No. 79 Village. On Tuesday 17th September 1946 I saw the accused. I saw him at my drug store or shop. He came into the store at about 9.45 a.m. He said that he was just awakened by his daughter who told him that his wife was frothing; he further told me that he had gone to the Doctor but that the Doctor was not at home. I immediately advised him to take his wife to the hospital.

10 At that time I was living on the premises at the back of the store; I had been living there about 6 months or so.

Cross-examination declined.

Prosecution
Evidence.No. 19.
G. G. King,
14th May
1947.
Examina-
tion.

No. 20.

EVIDENCE of Insanally.

INSANALLY saith on his oath as follows :—

I am a farmer and a rural constable. I live at No. 78. I know the accused and I knew Ayesha. Last year the first of the year I had a conversation with accused; I went to his house; I told accused that Ayesha brought me there to make a peace; I told him that Ayesha had told me that he was cursing her saying she was keeping a man. Accused told me he never told her so. I told him that before he got himself in trouble he had better leave the woman. He said all right he would make peace with her early. Ayesha was there; I left them and went away.

20

Cross-examination declined.

No. 20.
Insanally,
14th May
1947.
Examina-
tion.

No. 21.

EVIDENCE of A. Charles.

ALFRED CHARLES saith on his oath as follows :—

I live at No. 79 Village, Courantyne. I carry on a cookshop there. I am also a rural constable. I know the accused. I knew Ayesha his wife. One Tuesday in March last year I spoke to the accused. I met him on the road; I told him his wife had reported to me that he had driven her away; he told me he did not want her any more. At that time Ayesha was living at Zohora Ghanie's place. Accused and Ayesha lived together again. I saw them living again the day following that on which I spoke to him.

30

The third month after then Ayesha was staying at one Dean's place. She spoke to me one day when she was at Dean's place and the next day she went back to accused.

40 *Cross-examination declined.*

No. 21.
A. Charles,
14th May
1947.
Examina-
tion.

*In the
Supreme
Court.*

No. 22.

EVIDENCE of J. Jules.

*Prosecution
Evidence.*

No. 22.
J. Jules,
14th May
1947.
Examina-
tion.

JULIAN JULES saith on his oath as follows :—

I am a rural constable. I live at No. 79 Village. I knew Ayesha. I know the accused. Accused and Ayesha lived very badly. Accused was treating her "bad." In March last Ayesha was living in a house at the back of me about a rod from my house. Accused had put her out. The house in which Ayesha lived belonged to Zohora Ghannie.

One night while Ayesha was in that house about 12 midnight to 12.30 a.m. I head a cry ; I peeped through my jalousie ; I saw Ayesha stand up at the third treader of the steps reckoning from below. Accused was at the bottom ; he went up to Ayesha and said " Why you stand so long to open that door ? " he further said that it was some man she had inside ; she said " No papa go in and see " ; accused chucked her and tumbled her over ; she got up, ran to hold him saying " Ow papa carry me home " ; he gave her another chuck. She got up and said " Ow papa don't mind you kill me carry me home I can't do without you " ; he gave her another chuck and said " What am I going to do with a whore like you ? " Accused went away. Ayesha cried the whole night. After a time they lived together again.

*Cross-
examina-
tion.*

Cross-examined by Mr. Luckhoo :

Ayesha lived about 2 weeks at that house. The story happened during the second week. It is not true that she only stayed there for about 2 days. It is true that the story happened ; it is nothing but the truth so help me God. It was midnight I was in my bed. I was not sleeping. I heard the cry and I went to the jalousie. I am a rural constable. I did not go out ; I did not call out. I can tell you the reason why I did not go out or call out.

Zohora Ghanie was living in a separate part of the same house in which Ayesha lived. Ayesha's room was in a separate building, the two parts were joined by a landing. Zohora Ghanie did not come out. Ayesha used to stay in an upstairs ; people lived downstairs. Two persons lived downstairs. I did not see them come out.

I did not charge accused because he was not keeping any noise. Ayesha was not shouting ; she was only just crying. She can still take the chuck and if one goes in to husband and wife story one may feel ashamed.

No. 23.
Seerattan,
14th May
1947.
Examina-
tion.

No. 23.

EVIDENCE of Seerattan.

SEERATTAN saith on his oath as follows :—

I am a farmer. I live at No. 78. I have known the accused for about 4 or 5 years. We are friends and he has done goldsmith work for me. I knew Ayesha ; she died on the 17th September last year. During the month of August last year I went to the house of accused. I took an " ornie " or Indian veil for Ayesha to work. Ayesha was by the kitchen door eating. Accused was in the house ; he was sitting down ; he was

about 2 or 3 rods from Ayesha. I never went inside the house ; I could see him from where I was standing on the kitchen step ; she was eating and she seemed as though she was crying.

*In the
Supreme
Court.*

I spoke to her ; accused was there and could hear what I was saying ; Ayesha spoke to me, I believed that accused could hear what she was saying.

*Prosecution
Evidence.*

I told her that I had brought an "ornie" for her to work for my wife ; she told me that she was sorry she left Abraham's house as she was suffering ; she said accused was treating her badly and was blaming her saying she was friendly with another man. I told her why she was bearing the punishment, why she did not go back to Abraham. Accused came up to Ayesha at the door and told her that she was only squandering his money and that a woman like her was not fit to live with another man.

No. 23.
Seerattan,
14th May
1947,
Examina-
tion,
continued.

Cross-examined by Mr. Luckhoo :

Cross-
examina-
tion.

In August last year I was living at No. 78. I live at No. 74 for about 6 months. I left No. 74 in June year before the last. I still live at No. 78. It is not true that the accused doesn't know me at all. I have known accused for about 4 to 5 years. I am good friends with accused ; we actually drink together. Sometimes I call accused uncle by respect and his wife Auntie. I know his name is Noor Mohamed. That was the first time I was going to his wife Ayesha. My wife sent me. Ayesha did not receive the job ; she said she was not working any more. She worked for my wife before, since she was living with Abraham. I just know Abraham like that as people working together. I have been upstairs to Abraham's house. I never stayed with him. I never ate or drank with him.

Accused made me a ring ; the ring is in the pledge ; he also made an earring for my wife ; both are in the pledge. They are in pledge at Bookers Pawn Shop at Springlands. I cannot really remember the date I put in my ring ; it was early this year ; the other one was pledged since last year. The ring was not made for my finger, it was made for my wife's. The ring is pledged in my name ; I really can't remember how much I got for it ; I think it is \$3.41. I think my wife's own was pledged some time in December last year ; it was pledged in my wife's name, Alice. I have the pledge tickets at home.

I only went there once in Ayesha's time, but I went there more than once in his other wife's time.

Since August I have not gone back to the house of accused.

Re-examina-
tion.

Re-examined by Mr. Farnum :

I went up in Abraham's house to give Ayesha clothes to work. My wife and my sister-in-law went also.

*In the
Supreme
Court.*

No. 24.

EVIDENCE of F. Chunoo.

*Prosecution
Evidence.*

No. 24.
F. Chunoo,
14th May
1947.
Examina-
tion.

FOGARTY CHUNOO saith on his oath as follows:—

I am the Assistant Dispenser at the Skeldon Hospital. Mr. Mohabir is the Chief Dispenser. On Tuesday 17th September last year I saw the accused between 9 a.m. and 10 a.m. Accused brought a sick woman in a car; he told me he did not know what was wrong with her. She had no pulse. I felt her pulse. Her face was bluish and she was sweating. She was foaming at the mouth. She was breathing deeply; she was unconscious. I do not remember if anything was covering her when she was brought in. I asked the accused if she had vomited at home; accused said "yes." I asked him for the thing she had vomited on; he sent someone for a sheet; someone brought a sheet in about 15 minutes; it had vomit on it; the vomit formed a triangular patch at one end of the sheet. I smelt it; I could not smell anything. I asked the accused if Ayesha had taken anything like fire water i.e. sulphuric acid. Accused replied "Firewater would burn the mouth." I gave accused the sheet to smell; he said "This smell like gold solution"; I asked him how the gold solution was made up; he said it was made up of potassium cyanide and other things. I reported the matter to Mr. Mohabir; Mr. Mohabir came and told them to take Ayesha to the Doctor. 10

I gave Ayesha $\frac{1}{2}$ ounce Mist. Aether Co, a compound of Ether, as a stimulant; that was to revive her.

Cross-examination declined.

No. 25.
L. Munroe,
14th May
1947.
Examina-
tion.

No. 25.

EVIDENCE of L. Munroe.

LOUISA MUNROE saith on her oath as follows:—

I live at Skeldon. I am a certified midwife. I was at Skeldon Hospital on the 17th September 1946 when accused brought his wife Ayesha to the hospital. 30

Cross-examination declined.

No. 26.
Court
Proceedings
14th and
16th May
1947.

No. 26.

COURT PROCEEDINGS.

Mr. Farnum Counsel for the Crown says he shall apply to lead certain evidence which appears on the depositions. On inquiry counsel for the defence asks that the jury should retire during the argument.

1.50 p.m. Jury made to retire to the jury room during the argument.

Mr. Farnum says he is applying to lead evidence of the death of the former wife of the accused from potassium cyanide poisoning on the 17th May 1944 under circumstances very similar to those surrounding the death which is the subject of this inquiry. 40

Mr. Luckhoo objects to the admissibility of the evidence on the following grounds :—

*In the
Supreme
Court.*

(I) It does not establish system or course of conduct.

(II) It does not rebut any suggestion on the part of the accused of accident or mistake.

*Prosecution
Evidence.*

(III) The evidence is not relevant to the issue before the Court.

No. 26.
Court

(IV) In proximity of time and in circumstances there is no nexus between the two sets of facts.

Proceedings
14th and
16th May

10 (V) The evidence does not implicate or connect the accused as being the person responsible for the death of his first wife Gooriah ; the evidence is to the contrary.

1947,
continued.

(VI) Even if the evidence is legally admissible, it should be rejected as legal evidence on the grounds of policy and fairness since it would tend to prejudice the accused.

Mr. Luckhoo says :—

1. Gooriah died 2 years 4 months before Ayesha ; the evidence would come from Bender, Lakan, Shubra and Elcock.

20 (A) Gooriah did not die at the home of accused after a lapse of time since she left accused ; no question that accused administered potassium cyanide because of the time which elapsed between when the time she left his home and the time she died. Accused could not be implicated. She died at Saffeullah's place.

2. System not established nor course of conduct.

3. Accused has not suggested accident or otherwise. He does not suggest that he knows anything of the death of either party.

Cites

(I) *Makin v. A.G. of N.S.W.*

30 1894 A.C. 57 at p. 65 ; 63 L.J. 41, this case, no question as to whether the act was done designedly or otherwise—or to rebut defence open to accused.

(II) *R. v. Bond* 1906 2 K.B. 389.

at p. 397

at p. 402 “ In all these cases . . . relevant.”

Adjourned to Friday 16th May at 9 a.m.

Mr. Luckhoo continues :—

(II) contd.

Refers to p. 415—in *R. v. Bond* ante. Bray J.
Accused was not present when Gooriah died.

(III) *R. v. Christie*

40 1914 83 L.J. 1087.

Evidence highly prejudicial.

Lord Moulton at p. 1102.

9.43 *Mr. Luckhoo concludes.*

*In the
Supreme
Court.*

9.44 *Mr. Farnum replies :—*

(I) There is evidence to connect accused with death of first wife and death of second wife—not admitting that is essential.

*Prosecution
Evidence.*

No. 26.
Court
Proceedings
14th and
16th May
1947,
continued.

(A) Evidence that first wife was suffering from toothache on day of death—evidence that accused was heard to say you must drink this thing it will do you good—evidence told her “Go at once”—evidence left home carrying in her hand small white paper and child she was still nursing—Went to Saffeullah’s house carrying piece of white paper and the child—After alarm raised and Doctor arrived at Saffeullah’s house—accused sent a boy to pick up white paper in the yard—accused smelt paper and told Doctor she took cyanide of potash—said cup had it also—Doctor said he smell none in either. 10

(B) In each case suspicion of adultery—in each case beatings ; in the first case accused said I got a mind to poison this bitch but I frighten trouble—In the second case he said if you don’t leave this house alive you will leave it dead—I will get rid of you as I got rid of my first wife.

(C) In each case there is evidence that accused had prior knowledge that the victim had taken cyanide. 20

(D) In case of first wife when Doctor came in accused told Doctor he did not know what was wrong—his subsequent conduct would establish that he did in fact know e.g. smelling paper and saying she had taken cyanide and also cup.

In case of second wife accused told Doctor at the surgery that he did not know what was wrong with her, when he really did know—had previously told dispenser at hospital that she had taken solution—Potassium cyanide.

(II) Submits each death took place in circumstances of remarkable similarity. 30

(III) Evidence admissible to rebut a defence which would otherwise be open to the accused, suicide or accident. .

(IV) Submission of evidence being prejudicial not sustainable.

R. v. Roden (1874) 12 Cox C.C. 630.

In that evidence was admitted to show that other children had died at early ages but unlike the one case being tried in her lap and not in bed.

R. v. Smith (1915) 11 C.A.R. 229
at p. 233.

R. v. Garner (1862–1863) 3 F. & F. 681. 40

(v) Submits evidence admissible to show that accused knew what the symptoms of potassium cyanide poisoning were ; on each occasion when he said he did not know he knew the victim was suffering from cyanide poisoning.

10.52 a.m. Objection overruled ; Court permits evidence to be led.

10.53 a.m. Jury returns.

No. 27.

EVIDENCE of Ramchandarsingh (recalled).

In the
Supreme
Court.

1 p.m. RAMCHANDARSINGH further saith on his oath as follows :—

Prosecution
Evidence.

I gave evidence earlier in the case relative to the taking of the statement exhibit " R " (Court now rules the sentences objected to and not read at the time statement tendered, admissible. Whole statement now read).

No. 27.
Ramchand-
arsingh
(recalled),
16th May
1947.
Examina-
tion.

10 I know the Doctor's house ; from the road there is a clear view under his house ; one can see under there clearly from the road before one gets to the gate.

Cross-examined by Mr. Mungal Singh :

One cannot from the road see anyone in the surgery if the door is closed ; one would see the door.

Cross-
examina-
tion.

No. 28.

EVIDENCE of D. Heyliger.

No. 28.
D. Heyliger,
16th May
1947.
Examina-
tion.

DALYRYMPLE HEYLIGER saith on his oath as follows :—

20 I am a Police Constable No. 4447 attached to Albion Police Station. In January, 1944 I was stationed at Springlands. On the 21st January accused came to the station ; he made a report. I was present ; he said he had lost \$300 ; he said he had left \$300 with his wife Gooriah ; he said that she was living in a room of a range apart from his house, that he went out on the road and that on his return he saw one John Sadool running down the steps of the range. Inquiries were made and a statement was taken from the accused relative to the allegation of his loss. I read the statement over to the accused ; he said it was correct and he signed his name ; this is it.

Admitted and marked " P."

" P."

30 On the 17th May 1944 a report was made at the station. I cannot now remember who made the report. Police inquiries were made relative to the death of Bakridan also called Gooriah. On that day 17th May 1944 I saw the accused ; he came to the station. I took a statement from him in course of inquiries ; I cautioned him before taking the statement. I took it down in writing, read it over to him ; he said it was correct and he signed it ; this is the statement. Admitted and marked " Q."

" Q."

Cross-examined by Mr. Luckhoo :

Cross-
examina-
tion.

I do not know if an inquest was held into Gooriah's death. I was transferred to another station before the inquiries were concluded. I believe I was transferred in the same month of May.

*In the
Supreme
Court.*

No. 29.

EVIDENCE of J. Phoenix.

*Prosecution
Evidence.*

JAMES PHOENIX saith on his oath as follows :—

I am a Warrant Officer of Police stationed at Police Headquarters, Brickdam, Georgetown.

No. 29.
J. Phoenix,
16th May
1947.
Examina-
tion.

During the month of May 1944 I was the N.C.O. in charge of Police Station Springlands. On the 17th May 1944 I received a report from Dr. Besson. On the 9th June 1944 accused came to the station. I cautioned the accused ; I told accused I was inquiring as to death of his wife. He elected to make a statement. I cautioned him ; he made a statement ; I took it down in writing and read it over to him ; he said it was true and correct and he signed it in my presence and of Constable 4379 Harry. This is the statement. Admitted and marked " T." 10

" T."

*Cross-
examina-
tion.*

Cross-examined by Mr. Mungal Singh :

No inquest was held relative to the death of Gooriah up to the time I left Springlands Police Station. I left in October 1944.

Re-examined by Mr. Farnum :

I do not know if any inquest was held. Application was made for one.

No. 30.
J. H.
Sadool,
16th May
1947.
Examina-
tion.

No. 30.

EVIDENCE of J. H. Sadool.

20

JOHN HENRY SADOOL saith on his oath as follows :—

I am the Bookkeeper at Skeldon Factory. I have known the accused for many years. I used to visit the house of the accused. I ceased visiting his house round about 1942. I resumed my visits in 1943 and stopped visiting him round about September 1943.

On the 19th January 1944 in the evening I went in the gallery of Saffeullah's range. I went there at about 10.30 o'clock ; that is the range nearer to the house of accused.

When I got there I pulled the door of a room and found that it was locked ; I decided to leave and whilst leaving someone from the dark side of the gallery rushed out at me ; the person fired a lash at me ; as I was moving the lash did not get me. I ran down the stairs and the person chased after me. 30

Whilst running I hit against a pole and that pole broke. Fearing that my pursuer would have caught me I picked up the broken piece of pole and fired a lash at the person ; the lash got the person and he fell. I went home.

My hat fell off and I left it behind.

Cross-examination declined.

40

No. 31.

EVIDENCE of A. Hipplewaithe.

*In the
Supreme
Court.*

ALBERT HIPPLEWAITHE saith on his oath as follows :—

I am a Constable No. 4407. In January 1944 I was stationed at Springlands. I am now stationed at Ruimveldt. On the 19th January 1944 accused came to the station and reported that he had lost \$300. In the course of the inquiry I took a statement from the accused relative to his report. I read it over to him; he acknowledged it to be true and correct and signed it. Admitted and marked "O."

*Prosecution
Evidence.*No. 31.
A. Hipple-
waithe,
16th May
1947.
Examina-
tion.

"O."

10 *Cross-examination declined.*

No. 32.

EVIDENCE of A. Massiah (recalled).

No. 32.
A. Massiah
(recalled),
16th May
1947.
Examina-
tion.

ABRAHIM MASSIAH further saith on his oath as follows :—

In 1943 I was living near to accused; I was living with Ayesha and accused was living with Gooriah. In September 1943 I was returning from the Mosque at about 9 p.m.; it was the time during the fast of the Mohammedans. As I reached the house of accused; accused called me say "Buddy man come." I went to him; he told me "Buddy tonight me catch me wife with John Sadool"; there were many persons standing
20 with him. Saffeullah, his sister Saffeullah's wife his wife Gooriah, my mother-in-law Boodhie, Shubra (Gooriah's cousin) and Ayesha were among those there.

I told him I was sorry. I asked him not to get himself in trouble. After a while my wife, my mother-in-law and I went home. After that he beat Gooriah very badly and I have often spoken to him about that. On one occasion he drove me down his kitchen step while I was going to make peace between them.

30 Accused put Gooriah away once; she went to a relative of his and after that I saw her living in a range at Saffeullah's room; my wife and I always went to his house then; I have asked him to forgive her on account of the children. On one of the visits to him when he and I were alone he told me "Buddy ah got a mind to poison this bitch" referring to Gooriah. I said "Boy don't worry trouble na dey far." I remember when she died; I was out at work.

At the time of her death, the youngest child was nursing; it was a boy; it was walking strong also.

Cross-examined by Mr. Luckhoo :

40 I heard she was dead when I was at my workplace. She was not sick; I cannot say she died suddenly as I was not present. I was living in the same yard at the time of her death. I knew the police were making inquiries into her death; I gave the police a statement; they came to

Cross-
examina-
tion.

*In the
Supreme
Court.*

No. 32.
A. Massiah
(recalled),
16th May
1947,
Cross-
examina-
tion,
continued.

me. I told the police that accused had said he had a mind to poison the bitch. That statement I made after Gooriah's death; I do not know how many days but it was after. I signed the statement I gave the police. I do not know if it was in the first statement I made. I cannot say now how many statements I gave to the police after Gooriah died.

I gave the police a statement after Gooriah's death that accused had said he had a mind to poison the bitch. It was before Ayesha's death. It was while Ayesha was still living with me. I cannot remember giving the police a statement leaving out the fact that accused said he had a mind to poison the bitch.

10

The threat sounded serious. It was not true that accused and Gooriah lived well after the trouble with John Sadool; they never lived well after that.

No. 33.
A. Bender
(recalled),
16th and
19th May
1947.
Examina-
tion.

No. 33.

EVIDENCE of A. Bender (recalled).

AUGUSTUS BENDER further saith on his oath as follows :—

I remember the Mohamedan fast in September 1943. One Friday night in September accused came and touched me. I went over with him to his house; he pointed to his wife who was standing on the steps with a baby in her hand and told me that he had caught John Sadool in the house with his wife Gooriah. I told him not to make any noise or to beat her; he did not beat her. I stayed with him until about midnight. That night Gooriah left and went to one Jowrah's room to sleep; she returned to the house of accused about the second day after that. They began to live a little good but later they lived bad.

20

One day he was beating her; he had her with hand outstretched (witness demonstrates) beating her by the fireside; her dress had blood and blood was on the floor. When I removed him from Gooriah I asked him if he meant to kill her; he said he didn't care that he made up his mind for anything that might come because they had money.

30

I went and spoke to his brother-in-law. On another occasion I found him beating Gooriah again; he had her on the ground and was beating her on her private parts with a piece of stick. I stopped him from beating her. I pacified them; I asked him what he meant to do; he said the woman was no good because she lived with a black man.

I remember the time Gooriah died; I saw her on the day she died; I saw her in the house; accused was in the house. The two of them were talking. I heard accused say "Go at once" to her. I do not know what he was speaking about; at the time I was in my house; I went in the yard about 4 rods away when I met Jane Fraser under a mango tree; the mango tree is in front of the house of accused; about 2 minutes after we were discoursing I saw Gooriah coming towards us passing the alley between us; she was going towards the public road. She had a child in her hand and she had a piece of white paper wrapped up in her hand; the paper was no bigger than a 2 shilling piece. It was her youngest child she had in her hand. Jane Fraser spoke to Gooriah and she spoke to Jane Fraser.

40

After the conversation Gooriah went across to Saffeullah's house. I remained with Fraser for some time. After that I saw a little boy running coming; the boy was shouting loudly, accused was in the house; he could have heard. The boy said "Pawah Gooriah dead." The boy ran into the house of accused; accused and the boy went over to Saffeullah's house. About three minutes after I went to Saffeullah's house. I saw Gooriah lying on a couch in Saffeullah's house. Dr. Besson was there; accused was there; the house had plenty of people.

*In the
Supreme
Court.*

*Prosecution
Evidence.*

No. 33.
A. Bender
(recalled),
16th and
19th May
1947,
Examina-
tion,
continued.

10 Accused left where he was and went to the window on the west side; he called a boy and said "Boy, bring that paper and give me"; the boy brought the paper and gave the accused; it was a paper similar to the one Gooriah had in her hand when she was going across. Accused took the paper; he gave it to Dr. Besson and told the Doctor, "Look the paper she drink potash." He swing round and picked up a cup from the floor and told the Doctor "this is the cup she drink it in." The Doctor took the cup.

Cross-examined by Mr. Luckhoo :

Cross-
examina-
tion,

When I found her with her hands outstretched accused was beating her with a piece of stick.

20 3.15 p.m. Adjourned to Monday 19th May at 9.30 a.m.

Hearing continued :

AUGUSTUS BENDER further saith on his oath as follows :—

Cross-examined by Mr. Luckhoo :

30 The beating with the stick with Gooriah's hands outstretched took place the same year she died. Accused did not have her hands tied. She herself was holding her hands outstretched; he was beating her on her hands. This took place in the kitchen. It is not true that I never went into his house. I went into his house several times; if accused says to the contrary he would be lying. Gooriah was not shouting for help; she was not trying to escape.

The beating on her private parts took place in the house in the hall; he did not tie Gooriah; she was lying down; it was in the day time; it was in the afternoon; both beatings took place afternoon time. She had her clothes on. No one was holding the dress up. He was beating her over the dress; he was beating her with a piece of stick; she was not doing anything with her hands; she was not struggling; she was not calling out for help. When I spoke to accused he stopped. I could hear the lashes from my home. I have not made up the story; I wouldn't make up anything against accused. The hands were on the fireside; the 40 fireside was high; Gooriah was a short woman.

On the day when Gooriah died I met Jane Fraser; it was about 2 p.m. or couple minutes to 2 p.m. it was after 1 p.m. Gooriah had the child in her left hand; the right hand was free; she had no other child with her only the one.

Gooriah had the piece of paper in the hand with which she was holding the child. Her hand which had the paper was not closed. (Witness demonstrates.) I did not see what was in the paper; it was as big as a 60 cent piece or a two shilling piece; it was folded round. Anybody who

*In the
Supreme
Court.*

*Prosecution
Evidence.*

No. 33.
A. Bender
(recalled),
16th and
19th May
1947,
Cross-
examina-
tion,
continued.

looked could have seen it. She stood up and spoke to Jane Fraser for about 2 or 3 minutes. Gooriah then left and went in the direction of Saffeullah's house. Jane Fraser and I were conversing about our own story. I cannot remember what we were speaking about.

About 5 minutes after Gooriah left us I heard the boy shout that Gooriah was dead. Jane Fraser went with me to Saffeullah's house. I went in the house along with Fraser. She was not near to me but in the house when accused sent the boy to bring the paper up. It is not true that I never went to Saffeullah's house that day. Gooriah did not leave the house at midday; the children did not go along with Gooriah; they were 10 not on their way to school. After Gooriah died they sent to the school for the children. When Gooriah went over to Saffeullah's house the children gone to school a long time before that.

No. 34.
Jane
Fraser,
19th May
1947.
Examina-
tion.

No. 34.

EVIDENCE of Jane Fraser.

JANE FRASER saith on her oath as follows :

Joseph Fraser is my husband; I live at 79 Village with my husband. I live in the range next to the one in which Basil Perry lives; my range has about 7 rooms.

I remember Gooriah first wife of accused. I remember the day she 20 died. On that day I saw Gooriah; when I saw her I was sitting in the gallery; my husband who was selling fish had just gone out. I was alone. When Gooriah passed I was in the gallery; I was not doing anything. Gooriah was going towards the road; she passed me and I spoke to her. She stood up and spoke to me. She had two children with her; she had a small one in her hand and the other one was holding on to her dress behind her. (Witness demonstrates how she was holding one in her hand.) She went on to the road on towards Saffeullah's house. I remained where I was; I heard something; I think accused was at home. I ran over when I heard; a lot of neighbours in the yard ran over too. Elizabeth Douglas 30 was one. When I went over I saw Gooriah lying in a little room downstairs. I know Augustus Bender. I saw him that day. The first time I saw Bender that day was when my husband and I were coming from fishing I saw him under the mango tree between 12 noon and 1 p.m. I think I spoke to him that day.

Gooriah and accused were always fighting.

After Gooriah died accused eventually lived with Ayesha. Ayesha used to sew for me. Ayesha and accused never lived well; they always fought.

Ayesha and accused sometimes would fight and live apart, and later 40 Ayesha would go back and live with accused.

At one time when she separated Ayesha stayed in a room at Zohora Ghanie's place. Once when Ayesha was living at Ghanie's place I heard her shouting at the top of her voice. I also heard the voice of accused just there about the same time; Ayesha shouted "Ow me father ah begging

you ah going fall at you foot come in and see no man in dis house." Accused replied "Is the jewels ah come for give them to me and let me go." That was about 6 to 7 months before she died.

*In the
Supreme
Court.*

I have seen Ayesha and the accused fight about 2 to 3 times ; I cannot remember how long before her death was the last fight. They were on the landing of their house and accused struck her with a goldsmith's hammer. He hit her several times on her side with it ; he did not say anything while he was doing that ; I stood up and watched.

*Prosecution
Evidence.*

No. 34.
Jane
Fraser,
19th May
1947,
Examina-
tion,
continued.
Cross-
examina-
tion.

Cross-examined by Mr. Luckhoo :

10 When Gooriah spoke to me I was alone ; I think so. It was not very long after she passed me that I heard she was dead ; it was not as long as an hour or three-quarters an hour ; perhaps about half an hour. From the time she left me until I heard the report I was the same place sitting in my range. I was still alone. I went over to the house. I did not go over alone ; the neighbours ran.

When I got to the house I think the accused ran behind us.

I cannot say how long Ayesha spent at Ghanie's place ; she did not spend long. The begging I referred to was at night time ; I was in bed already. My house is not far from Zohora Ghanie's house (Witness
20 points to a distance in the compound) ; Ghanie's house is just the third yard from mine.

I came out to the step in the gallery and listened on. I did not go over. The incident about the hammer took place may be about some weeks or months before Ayesha's death ; I really cannot remember how long before the death.

No. 35.

EVIDENCE of Joseph Fraser.

JOSEPH FRASER saith on his oath as follows :

30 I am the husband of Jane Fraser ; we live together at No. 79 Village in Saffeullah's range near to the accused. I knew Gooriah the first wife of accused. I remember the day she died ; I went fishing in the morning ; I took the fish home. When I was going home with my fish I passed by the house of accused ; accused was at home. I heard him talk. He was talking to Gooriah ; I heard her voice too. They were in the drawing room when they were speaking.

40 Accused said " You must drink this think it would do you good." I passed on to my house ; that was between 1 p.m. and 2 p.m. After I got home I went out selling fish ; while I was selling fish I saw Gooriah in Saffeullah's house. I sold fish to Saffeullah's wife. Gooriah was then sitting on a bench in Saffeullah's gallery. While I was there Gooriah spoke. I went away. I went on selling fish ; some time later I was at home ; I heard something. I went across to Saffeullah's house. I saw Gooriah lying on the floor in the kitchen.

No. 35.
Joseph
Fraser,
19th May
1947.
Examina-
tion.

*In the
Supreme
Court.*

*Prosecution
Evidence.*

No. 35.
Joseph
Fraser,
19th May
1947,
continued.
Cross-
examina-
tion.

Cross-examined by Mr. Luckhoo :

I passed alongside the house on the south ; I passed on the outside of the palings. My wife accompanied me when fishing ; she returned with me. I did not hear anything else ; I did not stop. I only heard when he told her to drink the thing. My wife was about 4 rods in front of me. It was not possible for her to hear at the distance she was. I heard Gooriah say " Alright." If the people were in the house I could have heard. I spent about 15 or 20 minutes at home ; then I went out to sell my fish. Saffeullah's house was the first house I went to. While I was in my house I saw Gooriah pass. It was about 20 minutes between the time I got home 10 and the time I saw Gooriah at Saffeullah's house. She spoke ; she was quite well.

No. 36.
Seerattan
(recalled),
19th May
1947.
Examina-
tion.

No. 36.

EVIDENCE of Seerattan (recalled).

SEERATTAN further saith on his oath as follows :—

I remember Gooriah. I remember September 1943. I had a conversation with accused about that time at his house ; I told him I had taken a ring for him to make ; he told me he was not taking any jobs as he had house worries ; he asked me if I knew John Sadool ; I told him " yes." He said Sadool had been in house the night before ; he then said 20 as he was there he could murder or kill because his wife Gooriah was friendly with a black man ; he referred to Sadool. I went away.

I remember the day Gooriah died ; I saw her that day about midday ; I saw her on the road going across to Saffeullah's house ; I spoke to her.

Cross-
examina-
tion.

Cross-examined by Mr. Luckhoo :

It is not true that accused does not know me. I never went back to him with the ring. I took it to another goldsmith, one Sonny of No. 79. I did not take it same day. I went back home to No. 74 village. I do not know how long after I took it to Sonny. I however did not go back to No. 79 until another two or three weeks. It was to make a man's ring for 30 myself. It was a finger ring. I broke up the same finger ring and made a gold chain with a pendant for my wife ; the same goldsmith made it. Accused had worked for me before then ; he had made a finger ring and an earring for my wife.

I spoke to Gooriah the day she died ; she was coming across the road ; I spoke to her for less than 5 minutes ; it might be for 3 or 4 minutes.

No. 37.

EVIDENCE of Mahadai.*In the
Supreme
Court.*

MAHADAI saith on her oath as follows :—

I live at Springlands. I knew Ayesha. At the beginning of last year 1946 I took the cloth for the dress I am wearing now to Ayesha for her to make ; she made it. When I was going in the yard Ayesha say " Ow Daddy you want to kill me." Accused was in the bedroom of the house then ; Ayesha was there too. When I went to the kitchen step I heard Ayesha's voice ; I went in the bedroom ; I saw Ayesha's hands tied with a piece of cord and accused was beating her with a buckle ; I held accused and Ayesha got away. I told accused that before he beat the woman like that he should leave her and let her go away. He said she wanted " picknic " and he would kill her rass before he gave her " picknic " ; on another occasion I took an ornice for her to hemstitch. I found Ayesha sewing in the workshop ; accused was making jewelry. She told me to wait ; I waited, accused told Ayesha to give him her bangle as he had owed people ; he said he would melt the bangle ; Ayesha said that accused had sold everything she got from her husband and that she could not give him. Accused did not say anything. I got the ornice and I went home. Ayesha had also said he had sold the machine. After I got the ornice I went away. I did not listen to what they said after that.

*Prosecution
Evidence.*No. 37.
Mahadai,
19th May
1947.
Examina-
tion.*Cross-examined by Mr. Mungal Singh :*

I do not remember the date I took the dress : I cannot read and write ; I do not know the date. What I heard is what I said.

Cross-
examina-
tion.

No. 38.

EVIDENCE of W. W. Besson (recalled).No. 38.
W. W.
Besson
(recalled),
19th May
1947.
Examina-
tion.

WILLIAM WILLESBERT BESSON further saith on his oath as follows :—

When accused brought Ayesha into the surgery I asked him whether he was the same person connected with a patient whom I had seen some time before and who had died. The name of that patient was Gooriah. Gooriah died on the 17th May 1944 ; on that day I was riding a bicycle from Skeldon Hospital towards my surgery at Springlands. It was about 3 p.m. When I approached the house of a man whom I knew to be the goldsmith Saffeullah, the accused ran out to me from this house and asked me to go to see a person who had just taken in sick ; I entered the house and I asked Mrs. Saffeullah in the presence of accused what had happened ; she told me that the patient, the wife of accused, had just returned into the house from the latrine, had collapsed on the floor and was put to bed. I was taken into a small bedroom on the ground floor of the house and I saw lying on the bed the patient, stiff, staring at the ceiling and frothing at the mouth. I examined Gooriah ; I found that her pupils were

*In the
Supreme
Court.*

*Prosecution
Evidence.*

No. 38.
W. W.
Besson
(recalled),
19th May
1947,
Examina-
tion,
continued.

dilated and did not respond to light. I then asked the accused to take my bicycle, hurry to my surgery and bring my medical bag. He returned shortly afterwards and I administered an injection to Gooriah. As I was then observing the course of the illness the accused re-entered the room with a piece of crushed copy book paper in his hand; he handed it to me and said it smelt of cyanide; he said he got it from the yard. I found the paper had no substance on it and it had no smell to me; the accused then left the room. I was still watching the course of the patient's illness when the accused entered the room again; he had an enamel cup; he handed the cup to me saying "This cup smells of cyanide." I examined the cup; 10 I found it was empty and to me it had no smell.

Shortly afterwards Gooriah died. I then in the presence of accused asked Mrs. Saffeullah for her husband; she said he was upstairs asleep. With her permission I went upstairs and I was greeted by Mr. Saffeullah who was wearing pyjamas. Accused remained downstairs. I went up alone. I spoke to Mr. Saffeullah. I saw a cupboard in the room upstairs. That was the room in which Saffeullah was. The cupboard was locked.

The next day I examined the dead body of Gooriah.

My findings on my examination were consistent with death by 20 potassium cyanide poisoning.

At the post mortem examination of Gooriah I removed some of the internal organs, the stomach, the kidney and a piece of the liver. I sealed them in two police post mortem jars Nos. 40 and 145; these jars were sealed with police seal No. 60 and handed over to the police.

Where a person has taken a fatal dose of cyanide and vomiting ensues, the vomit when fresh should smell of the bitter almond smell of cyanide.

I also said the poison is volatile; when the vomit is fresh the smell would tend to be stronger at first. The breath might have the same smell.

The foaming at the mouth would come on after the loss of consciousness; where a person has lost consciousness and is foaming at the 30 mouth as a result of cyanide poisoning I do not think that person could be roused by calling her name, by shaking or by throwing of water in the face.

On the day when Ayesha was brought to me and when I said I had motored to my surgery I had left my car in the front of the yard when I arrived at my surgery. I had arrived at about 9 o'clock that morning.

*Cross-
examina-
tion.*

Cross-examined by Mr. Luckhoo :

Potassium cyanide is a quick acting poison; it causes collapse and it affects locomotion. In a case of a person taking potassium cyanide where at post mortem 2 grains are found in the stomach I do not think it is possible 40 for that person to walk 458 feet carrying in one arm a child. I do not think it is possible for that person having taken that dose to be alive and able to speak some 15 minutes after.

No. 39.

EVIDENCE of C. McKinnon (recalled).

In the
Supreme
Court.

CLEMENT McKINNON further saith on his oath as follows :—

Prosecution
Evidence.

On the 17th May 1944 I was stationed at Springlands Police Station. On that day I went to the house of Saffeullah at No. 79 Village; there I saw the dead body of Gooriah on a bed in a room downstairs. Accused was in the house. Warrant Officer Phoenix spoke to Saffeullah in my presence. I do not think accused was present. Saffeullah gave us two bottles; he took those bottles from a locked cupboard in the house; the
10 cupboard was in the southern corner of the house on the first floor of the house. Saffeullah unlocked the cupboard. I seized the bottles; I took them to the station where they were sealed with Police seal; they were marked CM1 and CM2. These are the two bottles. Admitted and marked K1 and K2.

No. 39.
C.
McKinnon
(recalled),
19th May
1947.
Examina-
tion.

K1, K2.

The next day I was present when Dr. Besson performed a post mortem examination on the body of Gooriah. I received two jars from Dr. Besson; one of the jars contained stomach contents and kidney and the other contained a portion of the liver; the jars were sealed with police seal No. 60. The jars were Nos. 40 and 145; they are A1 and A2. That same
20 day I left New Amsterdam and went to the Government Analyst Mr. C. L. C. Bourne. I delivered the jars A1 and A2 to him.

On the 26th May 1944 Mr. Bourne gave me a certificate and returned the jars to me without the contents.

On the 8th June 1944 I searched the premises of the accused in his presence. I found a bottle containing liquid; I marked it CM3. I also found a small parcel containing some whitish stuff; I cannot remember if I had marked the parcel. This is the bottle I found on the premises of accused on that day. Admitted and marked K3.

K3.

The same day 8th June I executed a warrant at Saffeullah's house
30 I found in a cupboard in Saffeullah's house two bottles containing liquid; it was the same cupboard from which I had previously got bottles. These are the two bottles; I had marked them CM4 and CM5. Admitted and marked K4 and K5.

K4, K5.

There was also a press upstairs in Saffeullah's house. There were some parcels in the press upstairs. I cannot be definite as to what they were.

The bottles K1 to K5 were all sealed with Police Seal No. 60 and taken by me to Mr. Bourne the Government Analyst on the 19th June. I also took the small parcel to him. I returned to him on the 21st June
40 and I received exhibits K1 to K5. I did not get back the parcel.

Cross-examined by Mr. Mungal Singh :

Cross-
examina-
tion.

I have known Saffeullah for over three years. I know he is a goldsmith; since I have known him he was a goldsmith. I do not know if persons are employed in his workshop. I think I went to his house with the search warrant between 2 p.m. and 3 p.m. I would not be absolutely sure. The workshop is on the same floor, i.e. as I go up the bridge. I saw two boys working there as I went in; that was on the 8th June 1944.

*In the
Supreme
Court.*

No. 40.

EVIDENCE of C. L. C. Bourne.

*Prosecution
Evidence.*

CHARLES LANCELOT CLEVELAND BOURNE saith on his oath as follows :—

No. 40.
C. L. C.
Bourne,
19th May
1947.
Examina-
tion.

I am now resident in Barbados. In May 1944 I was the Government Analyst of this Colony. I retired on the 23rd August 1946.

On the 22nd May 1944 I received from P.C. 4599 McKinnon one Post Mortem Jar No. 40 sealed with Police Seal No. 60 containing a stomach and one kidney. I also received Post Mortem Jar No. 145 sealed with Police Seal No. 60 containing a portion of a liver ; I analysed the contents 10 of the jar No. 40 ; I found in the stomach and in the contents of the stomach a total of 2 grains of potassium cyanide.

On the 19th June 1944 P.C. McKinnon brought me 4 bottles labelled and marked CM1, CM2, CM3 and CM4. These bottles are Exhibits K1, 2, 3 and 4.

I analysed the contents of those 4 bottles and I found in—

(i) *Bottle CM1* exhibit K1—1 lb. of crystals of potassium cyanide.

(ii) *Bottle CM2—K2*—contained 2 ozs. of potassium cyanide in moist lumps. 20

(iii) *Bottle CM3—K3*—contained 8½ fluid ozs. of slightly cloudy almost colourless liquid. Each fluid dram of which contained 1·3 grains of potassium cyanide.

(iv) *Bottle CM4—K4*—contained 7½ ozs. of slightly cloudy almost colourless liquid. Each fluid dram contained 1 grain of potassium cyanide.

I also received bottle CM5, exhibit K5 from McKinnon and a small packet containing half an ounce of white crystals. The packet consisted of potassium nitrate, it was marked CM6.

(v) The *bottle CM5—K5*—contained 4½ fluid ounces of cloudy 30 almost colourless liquid ; each fluid dram contained 1·9 grains of potassium cyanide.

The contents of CM6 were used in the analysis.

The jars were returned to McKinnon empty and the bottles K1 to K5.

An analysis was attempted on the liver but could not be proceeded with as decomposition had too far advanced.

Cross-
examina-
tion.

Cross-examined by Mr. Luckhoo :

Potassium nitrate is commonly called saltpetre.

No. 41.

EVIDENCE of W. W. Besson (recalled).

WILLIAM WILLESBERT BESSON (recalled at the request of Counsel for the Crown) further saith on his oath as follows :—

I have heard the evidence of Mr. Bourne the Government Analyst, relative to the finding of 2 grains of potassium cyanide in the stomach and contents of Gooriah. Death was caused by cyanide poisoning. The bottle of potassium cyanide exhibit K.1 has the antidote printed on it.

Cross-examination declined.

10 *In answer to the Court :—*

When I examined the dead body I could find nothing that would cause her death beside poisoning. There was no gross abnormality.

*In the
Supreme
Court.*

*Prosecution
Evidence.*

No. 41.
W. W.
Besson
(recalled),
19th May
1947.
Examina-
tion.

No. 42.

EVIDENCE of R. Mohabeer.

ROBERT MOHABEER saith on his oath as follows :—

I am the Chief Dispenser at Skeldon hospital and was such on the 17th September 1946. On the 17th September 1946 I went to the ward where I saw Ayesha the wife of the accused. I knew them both before that day. She was lying on a bed in the ward; she was unconscious. She was unconscious and pulseless; there was a blueness of the face, the respiration was gasping, the skin was cold and clammy and the limbs were flaccid; her eyes were fixed and glaring. Accused was present; I spoke to him. I asked him what had happened; he said he was sleeping and was awakened by his daughter who told him that her mother was lying in bed frothing. I asked accused if the Doctor had seen his wife; he said "No." I asked him "Why not?"; he said the Doctor was not in. I told him that I had just received a note from the Doctor who had sent a patient for admission. I told accused to take her immediately to the Doctor; accused took her away.

30 When I told accused I had just got a note from the Doctor accused did not answer.

Cross-examined by Mr. Luckhoo :

When I went into the ward I saw the accused there; accused did not go to my house to call me; at that time I was visiting the yard; I had just returned to the hospital by the yard I mean the estate compound. I went to the hospital first that morning at about 6.30 o'clock, I went home and returned to the hospital again about 8.30 o'clock then I went visiting the estate compound. That was in accordance with my regular practice. The nurses and my assistants would be aware of my practice.

40 The patient I admitted arrived about 10.30 a.m.

Re-examined by Mr. Farnum :

I usually visit the compound and if there is any sick I get in touch with them during my visits. I was not at home from about 8.30 o'clock that morning.

Adjourned to Tuesday 20th May at 9.30 p.m.

No. 42.
R.
Mohabeer,
19th May
1947.
Examina-
tion.

Cross-
examina-
tion.

Re-examin-
ation.

*In the
Supreme
Court.*

No. 43.

EVIDENCE of E. Douglas.

*Prosecution
Evidence.*

*No. 43.
E. Douglas,
20th May
1947.
Examina-
tion.*

ELIZABETH DOUGLAS saith on her oath as follows :—

I live at No. 79 Village in Saffeullah's range. I live in the same range with Basil Perry. My range is near to the house of accused. I knew Gooriah. I remember the day she died. I saw Gooriah pass my range on that day. She had a child with her; it was the last baby. She was carrying the child in her arms. I heard something some time after. I went across the road to Saffeullah's place. While I was at Saffeullah's place I saw her lying on the floor in the kitchen: accused was not there when I went; he came after; when he came he asked what was the matter with her; they told him. He peeped through the kitchen window; he sent a little boy to pick up the paper; the boy brought the paper and gave it to the accused; accused smelt it and said "It is potash Naimoon mother drank" He took another piece of paper and wrapped up the paper the boy gave him; he then gave it to the Doctor. 10

*Cross-
examina-
tion.*

Cross-examined by Mr. Mungal Singh :

Gooriah had 4 children. On the day when I saw Gooriah she only had one baby in her arm. I spoke to her and she spoke to me. The conversation lasted less than five minutes. There were many persons in the kitchen beside me. I know Mildred Elcock; she is a seamstress; she was there too. I did not hear a woman tell the accused that a paper was outside at the window. 20

The piece of paper that accused picked was an "exercise" paper; the paper with which he wrapped it up was a piece of white shop paper.

*No. 44.
Court
Proceedings
20th May
1947.*

No. 44.

COURT PROCEEDINGS.

SAYED SATTAUR saith on his oath as follows :—

(Mr. Luckhoo says he desires to object to the evidence as being irrelevant, he says he bases his objections on what he has seen on the depositions. Jury retire in order to permit Mr. Luckhoo to refer to the depositions and develop his argument.) 30

Mr. Luckhoo says that he does not see how the evidence could be relevant because no evidence has been led that the accused is a Mohamedan or that he conforms to the Mohamedan religion. He further urges that the witness will be setting himself up as an expert. He further states that the evidence is in the nature of comment. Mr. Farnum admits that no evidence has yet been led that the accused is a Mohamedan but that he intends to lead such evidence. He urges that the evidence is relevant and therefore admissible. He states that the evidence is sustainable also on the ground that it tends to show the view of Mohamedans as to certain acts. 40

Court rules that the evidence is not admissible. At this stage because there is no proof that accused is a Mohamedan.

10.14 a.m. Jury returns.

No. 45.

EVIDENCE of Ibrahim.

*In the
Supreme
Court.*

IBRAHIM saith on his oath as follows :—

No. 45.
Ibrahim,
20th May
1947.
Examina-
tion.

I am the Mohamedan Priest at No. 79 Village. I am in charge of the Mosque there. I have been in charge of the Mosque for about 10 to 11 years. I belong to No. 79; I was born there and I grew up there. I know the accused. I knew Gooriah his first wife and I knew Ayesha the second wife. I know what religion the accused follows; it is the Islamic religion; accused is a Mohamedan, he follows the Islamic religion. Both
10 wives were Mohamedans; they also followed the Islamic religion. Accused used to go sometimes to the Mosque. The Port Mourant priest had married accused and Gooriah; I performed the ceremony of marriage between accused and Ayesha about 2 years ago according to Mohamedan rites. I have been a priest for about 10 to 11 years now. The Koran is our book.

I know John Sadool; he is not a Mohamedan. I know Sadool's mother; she is a black woman.

*Cross-examined by Mr. Luckhoo :*Cross-
examina-
tion.

I knew Ayesha very well. I do not know of an occasion when accused
20 put Ayesha out of his house; they never came to me.

I know Mrs. Abdool Karim. She is my sister-in-law. One night I left the Mosque at 8 o'clock and went home. I live in the same house as my sister-in-law but separately. When I got home I saw Ayesha with my sister-in-law and her children. Ayesha did not tell me that accused had put her out. I did not speak to accused about it. I did not tell accused that Ayesha told me that if he didn't take her back she would kill herself. She did not tell me she would kill herself. She told me that as a priest I must speak to Abraham her first husband; that was about 9 to 10 months
30 now. I cannot remember when; it was last year. She said I must ask him to stop to write her this side, that side about Cuffie (accused), he always interfere with her. She said I must stop Abraham from interfering with her, "writing this body and that body." I said that was her business and Abraham's business. I left them and went in the house.

She spent one night with Mrs. Karim; the next night she went away. Ayesha never asked me to speak to accused.

I do not know if she went from Zohorah Ghanie's house to Mrs. Karim's house. She never in my presence said she was going to do something to herself; that did not happen.

*Re-examined by Mr. Farnum :*Re-examina-
tion.

40 She did not say why she wanted me to tell Abraham to stop interfering.

In the
Supreme
Court.

No. 46.
EVIDENCE of Azeez.

Prosecution
Evidence. AZEEZ saith on his oath as follows :—

No. 46.
Azeez,
20th May
1947.
Examina-
tion.

I live at No. 79 Village. I know the accused ; I knew Ayesha ; I remember the day Ayesha died ; that morning I passed the house of accused between 8 and 9 o'clock to go to the house of Jacob the barber. I came from the public road ; I live near to the Palladium Theatre. While I was passing I saw Ayesha sweeping the yard and I saw accused on the front steps of his house.

Cross-
Examina-
tion.

Cross-examined by Mr. Luckhoo :

10

I was walking along the public road. There is no made up track from the public road that can carry one straight to Jacob the barber ; I walked through the Metro yard.

I can't tell you if there is a track which goes straight from the public road to Jacob ; there are many tracks except the one you are telling me about. I never took a rod and measured it ; I cannot tell you which is the shortest or longest track. It is not true that I never passed the house of accused. I know Massiah ; he is not my very good friend. I had my hair cut that morning by Jacob.

I work in the field at Skeldon. I work sometimes in the gang, some- 20
times I load punt. I cannot remember in what particular gang I worked in September last year. It was a Tuesday morning Ayesha died. I did not work that morning ; I did not work on the Monday either. I did not work on the Wednesday. I did not work at all that week. That week was Mohammedan good day so I did not work. It was a festival ; it was Ede. That Tuesday morning was not the day of Ede. I cannot remember how many days before or after was Ede. It is no use my telling you a particular day and tell you lies ; I cannot remember. I take the holiday off because I had to get up a lot of things ; it was not only that week, sometimes I take two weeks, sometimes I take the whole month. I took 30
a week before Ede and I took a week after Ede ; in all I took three weeks. I am telling you the truth.

No. 47.
Soonia,
20th May
1947.
Examina-
tion,

No. 47.
EVIDENCE of Soonia.

SOONIA saith on her oath as follows :—

I remember the day Ayesha died. I was in the car that took her to hospital. I saw when she was taken in the car. She had a dress on ; accused held her by the feet, a boy held by the head and they took her to the car. Naimoon the daughter of accused brought a pillow and a sheet after she was in the car. The sheet was thrown over Ayesha's feet ; the 40
car then went to the hospital. Accused and the boy took her out of the car

to take her up to the hospital. I told Mildred James in the presence of accused to take the sheet and cover her; Mildred James took the sheet and covered her and they took her upstairs.

*In the
Supreme
Court.*

Cross-examined by Mr. Mungal Singh :

*Prosecution
Evidence.*

After Mildred James covered Ayesha with the sheet I came away. I do not know what happened at the hospital. When Ayesha was taken upstairs I had already left. I cannot say if Mildred James went up; after Ayesha was covered with the sheet I went away.

No. 47.
Soonia,
20th May
1947,
continued.

10 1 p.m. Jury make application to visit the locus in quo. Application granted. Jury to visit on Wednesday 21st May and to leave New Amsterdam at 9 a.m.—Counsel for defence inform Court that it would not be necessary to take accused.

Cross-
examina-
tion.

No. 48.

EVIDENCE of M. Moore.

No. 48.
M. Moore,
20th May
1947.
Examina-
tion.

MALCOLM MOORE saith on his oath as follows :—

I am the Head Teacher of Skeldon Anglican School. Two of the children of the accused attend my school. Gool Mohamed and Jameel Mohamed Khan. On the 17th September 1946 the children were in school during the morning session that is from 8.30 o'clock to 11.30 o'clock.

20 *Cross-examination declined.*

No. 49.

EVIDENCE of S. Billyeald (recalled).

No. 49.
S.
Billyeald
(recalled),
20th May
1947.
Examina-
tion.

STANHOPE BILLYEALD (recalled at the request of the prosecution) saith further on his oath as follows :—

I visited the Metro Theatre yard last Thursday. I walked from the public road past the theatre yard to the house of the accused. I found that the theatre yard has been fenced in, enclosing the Metro Theatre; new wallaba posts were used. It was not so fenced on the 17th September last year; the fencing appears to be recently done about a month or so ago.

30 *Cross-examined by Mr. Luckhoo :*

There is a Singer's sewing machine in the workshop of accused beneath his house. That machine was in the workshop on the 17th September, 1946; it is not shown in the model.

Cross-
examina-
tion.

*In the
Supreme
Court.*

*Prosecution
Evidence.*

No. 49.
S.
Billyeald
(recalled),
20th May
1947,
Cross-
examina-
tion,
continued.

Mr. Farnum asks that the statement of the accused be read as he intends to close the case thereafter. Mr. Mungal Singh rises to object to that procedure; he submits that Mr. Farnum has not complied with the Criminal Law Procedure Ordinance Chapter 18 as amended by the Criminal Justice Ordinance 1932 s. 19. He refers to s. 76A of the Principal Ordinance.

Mr. Farnum says in reply that the witnesses are available, that they are in attendance and may be called by the defence. The witnesses not called were on the depositions and are on the premises.

Adel Muhammed El Dabbah

1944 60 T.L.R. 456 at p. 468.

10

Court rules that the Crown's procedure is quite correct; that as the witnesses are available counsel for the defence cannot complain.

No. 50.
A. Massiah
(recalled),
20th May
1947.
Examina-
tion.

No. 50.

EVIDENCE of A. Massiah (recalled).

ABRAHIM MASSIAH (recalled at the request of the defence) further saith on his oath as follows:—

In answer to Mr. Luckhoo:—

"W." This is a statement I gave to the police; it bears 12th April 1945; I have signed it. Statement admitted and marked "W."

"X." This is a statement I gave to the Police on 7th June 1944. Admitted 20 and marked "X."

"Y." This is a statement I gave to the Police on the 26th October 1944. Admitted and marked "Y."

"Z." This is another statement I gave to the Police on the 4th October 1946. Admitted and marked "Z."

Statement of accused before Magistrate read.

Case for the prosecution closed.

Accused warned of the several courses open to him and after consulting his counsel says I will make a statement from the dock and call evidence.

2.30 p.m. On application of counsel for the defence Court adjourned 30 to Thursday 22nd May at 9.30 o'clock.

No. 51.
STATEMENT by Noor Mohamed.

*In the
Supreme
Court.*

NOOR MOHAMED states :—

Your Honour, I rely on all the statement I made to the police. I had nothing to do with the death of Gooria and Ayesha. I was not legally married to none of them ; their life were not insured. I got nothing from their death. Your Honour from the time I started to live with Ayesha sometimes I would have row with Ayesha and would slap her. Twice I put her out. She begged me and I took her back. She always said if I put her out again or didn't want her she prefer to kill herself because she didn't want Massiah, and her parents was against her. Your Honour on the 16th September 1946 I came home sweet ; my wife Ayesha row with me because I was drunk ; I told her that if my way didn't suit her to clear out. She began to cry, call Naimoon and gave her her earring and took off her bangle. I fell asleep. The next morning Naimoon woke me up say—" Pa look what happen to Poowah." I went in the bedroom and saw my wife Ayesha frothing on the bed ; I ran over to dispenser King ; he was not in. I took a bicycle from my brother-in-law Saffeullah and went to the Doctor ; on the way I met Benni Persaud ; he accompanied me to the Doctor ; a lot of people were under the Doctor house ; I asked for the Doctor ; someone told me that he is not in ; we then rode back. Whilst coming I saw dispenser King in his drug store ; I called in and told him ; he told me to take her to the hospital ; I got a car and took her to the hospital. Mildred was not there ; there was no sheet in the car ; I sent for sheet afterwards ; Your Honour I did not want to call Mr. Mohabir, the dispenser. I am not in speaking term with Gussy Bender. In 1945 when in a fight he burst my head, I had eight stitches on my head Your Honour. He never comes over to my house. Your Honour, Seeratten I have never seen until he gave evidence in Court nor do I know him. From the time I started to live with Ayesha myself and Massiah came in bad term ; he don't speak to me neither I speak to him but he always instigate Bender to fight with me. God knows Your Honour I am entirely innocent ; nothing more to say.

*Defence
Evidence.*

No. 51.
Statement
by Noor
Mohamed,
22nd May
1947.

No. 52.
EVIDENCE of Z. Ghanie.

ZOHORA GHANIE saith on her oath as follows :—

I live near to Saffeullah on the other side of the road at No. 79. Jules is my neighbour. I knew Ayesha. Ayesha stayed at my place about 6 to 7 months before she died. She stayed there two days and the third day she went away. She came at my home on a Friday ; she stayed the Friday, Saturday and on the Sunday she went away. That was the first time she stayed at my place. She never stayed there again. I gave evidence in the Magistrate's Court. I was called for the prosecution.

Cross-examined by Mr. Farnum :—

I know Dean the goldsmith ; I do not know if Ayesha ever stayed there. I did not see or hear accused come to my house during the time Ayesha was there. I am at the front side at the shop.

No. 52.
Z. Ghanie,
22nd May
1947.
Examina-
tion.

Cross.
examina-
tion.

CANNIES PHATMA saith on her oath as follows :—

I live at No. 79 Village near Zohora Ghanie. I know Ayesha. I remember Ayesha went to Zohora Ghanie last year ; she stayed at Ghanie's house about 2 or 3 days. She came to me on Saturday while she was at Ghanie's house and asked me to allow her to bathe in my bathroom. She spoke to me. I asked why she was at Zohora. She told me she and her husband had a little misunderstanding. She told me if her husband didn't take her back she would kill herself.

10

Cross-examined by Mr. Farnum :

When she told me she was going to kill herself I did not tell anybody else. I know that shortly after Gooriah died accused married Ayesha. Ayesha did not tell me that accused wanted to marry a third person. I gave a statement to the police ; that statement was taken by P.C. Harry ; I touched the pen ; Singh was not there when I touched the pen. Only Harry I gave the statement to and it was only once. I gave the statement at my house ; he wrote it down. It was after Ayesha died ; it was after two weeks from the death ; I cannot remember the time. A boy called Singh was boarding at my house at that time ; he is called Guggisburg.

20

I told P.C. Harry that I was a fruit seller and that I lived with my husband at No. 79 Village Courantyne. I told him that I knew both accused and Ayesha. I told him we did not visit each other. I told P.C. Harry that Ayesha had told me that she and accused had some misunderstanding ; I also told him that she had left her house and went to live at Zohora's place for a few days ; that during one of those days Ayesha came and asked me to let her have a bath and I allowed her to use my bathroom. I did say I asked her the cause of her trouble. I did not tell the police that she told me that Noor Mohamed said he had seen another woman and wanted to marry her ; I did not tell the police that " she did not tell me the name of the woman." I told the police that from that day Ayesha left my house and never returned. I never told him anything more. When Ayesha died I was not at home. I did not tell P.C. Harry I was not at home. I told P.C. Harry that she said she would commit suicide ; P.C. Harry said he did not want to hear that. I never told any other policeman that Ayesha said she was going to commit suicide.

30

I spoke to P.C. Britton ; I did not tell him that Ayesha said she would commit suicide ; Britton spoke to me before Harry did. Britton and others asked me if I knew anything about the story I told them I knew nothing about it. I thought Ayesha was making joke that is the reason why I did not tell Britton anything.

40

Ramchandarsingh also asked me if I knew anything about the story. I told him I knew nothing. McKinnon also asked me ; I told him I knew nothing. I am a tenant of Saffeullah the brother-in-law of accused. I pay rent to Saffeullah.

When Ramchandarsingh asked me if I knew anything about the story my husband did not tell me to tell the police ; my husband was not at

home ; he came after two weeks ; he asked me if I knew anything ; I told him I knew nothing. I gave evidence for the prosecution in the lower court ; when I was in the lower court I knew accused was charged for murder. The Police Superintendent was in the Court.

*In the
Supreme
Court.*

Re-examined by Mr. Luckhoo :

*Defence
Evidence.*

When Ayesha came to my bathroom was long before she died ; it was not last year it was year before the last ; I am sure because it was more than 9 months before she died. After that story Ayesha and Noor Mohamed made back.

No. 53.
C. Phatma,
22nd May
1947,
continued.
Re-examination.

10

No. 54.

EVIDENCE of I. Lakhan.

ISLIM LAKHAN saith on her oath as follows :—

I live at No. 79 Village. I know the accused. I knew Gooriah the first wife. I remember the day when she died. It was a Wednesday in 1944. I saw Gooriah on the road on that day at about 11 a.m. I only saw her once that day. I was buying fish on the road from a man ; when I was finished I went home and Gooriah went in Mrs. Saffeullah's home. When I was looking after my baby I heard Saffeullah's daughter shouting "Come quick I don't know what's wrong with Gooriah." I went over with

20 Mrs. Kulladeen and Miss Mildred Elcock. I found Gooriah lying on the floor in the kitchen ; accused was not there ; accused came afterwards ; the Doctor also came. Saffeullah has a little son ; I saw him bring a piece of paper from outside ; he showed it to accused and told accused it was poison ; the boy was then about 11 years. Accused did not send the boy to pick up any paper ; accused told the boy to show the Doctor.

I know Bender. I did not see him there at the time.

Cross-examined by Mr. Farnum :

30 When I was buying the fish on the public road I saw Gooriah on Saffeullah's bridge. Gooriah then came out and bought fish. I did not speak to her ; I did not hear her speak when she was buying the fish ; she bought the fish about half an hour before she died. The name of Saffeullah's son of whom I spoke is Zareoullah.

No. 54.
I. Lakhan,
22nd May
1947.
Examination.

Cross-examination.

No. 55.

EVIDENCE of Shubra.

SHUBRA saith on her oath as follows :—

40 I live at No. 79, Khodadeen is my husband. I know the accused and I knew his wife Gooriah. Gooriah was my cousin. My mother and her mother were sisters. I remember the day she died. Someone called me about 2 p.m. that day. Khatoon, Saffeullah's daughter called me. I went alone. Gooriah was lying in the kitchen when I went. I saw when accused came ; he was near to me. I did not hear him send anybody for any paper or cup. I know Bender. Bender was not there.

No. 55.
Shubra,
22nd May
1947.
Examination.

*In the
Supreme
Court.*

*Defence
Evidence.*

No. 55.
Shubra,
22nd May
1947,
continued.
Cross-
examina-
tion.
Re-examin-
ation.

Cross-examined by Mr. Farnum :

I remember accused showing a cup to the Doctor. I remember accused showing the Doctor a piece of paper. I remember accused saying "It show like potash been in this paper." I remember him saying the cup smelt like potash. There were not many persons in the kitchen when I went.

Many persons came after I got there. It was at the time I went over rubbing up Gooriah with lime rum ; I was trying to revive her. I do not know who handed me the lime rum. I do not know if Bender was there.

Re-examined by Mr. Luckhoo :

I did not see the person who handed the paper to accused ; I saw the cup come in ; the door was half closed.

10

No. 56.
Hamida,
22nd May
1947.
Examina-
tion.

No. 56.

EVIDENCE of Hamida.

HAMIDA saith on her oath as follows :—

I live at Skeldon. Accused is my brother. I knew Ayesha. She died on a Tuesday. On the day before I went to the home of accused. My son Ramjanally went with me. I had breakfast there ; after breakfast I went back to Skeldon. That Monday night I went back again to the home of accused ; I went also with Ramjanally. I wanted to discuss Ramjanally's wedding. Ramjanally is about 22 years. I got to my brother's home at about 8 o'clock. Naimoon and Ayesha were at home. Accused was not at home ; the other three children of accused had gone to matinee ; the children came home afterwards. I went to bed at about 10 o'clock that night ; up to that time accused had not come home. Ayesha went to bed also at about 10 o'clock ; the children also went to bed. There were 2 beds in the bedroom ; I slept in the bed nearer the front step and towards the public road. Ayesha and I slept in one bed and the four children towards the other.

Ramjanally slept in the Morris chair in the gallery. Accused came home about 11 o'clock ; he called out. Ayesha got up and went to the back door. I did not get up. Accused spoke after he came in the house ; he was drunk. I woke up about 6 o'clock in the morning. When I got up Ayesha was still in bed sleeping ; when I got Naimoon had already got up ; she was going to catch fire. I told her I was going home ; she said alright and I went home. Ramjanally went away before me.

Later that morning I was at the house of one Washington ; while there my daughter Badrul Nissi told me she saw her uncle (accused) in a car going to the hospital. When I looked I saw the car rush in the hospital. I then went to the hospital.

When I got to the hospital the car was still there ; accused was upstairs ; I went up at once ; Ayesha was on the bed. I spoke to accused ; I asked him what was wrong ; he said he was asleep and Naimoon woke him up.

40

When I got to the hospital I called Ayesha ; she did not answer ; she was frothing up. While I was there Jamaladeen came ; he worked with accused ; he went away and came back with a sheet ; he gave the sheet to Fogarty Choonoo. Accused took Ayesha to Dr. Besson. I took the sheet home and washed it.

I know Mildred James. I did not see her about the hospital.

Cross-examined by Mr. Farnum :

The same day my brother came to live with me ; he came to stop at my house the same day she died ; Ayesha was buried the day after. I
10 now say accused came to live with me on the Wednesday the day of the funeral ; he came and lived immediately after the funeral.

On the Tuesday night we kept " wake " ; accused was at my house all Tuesday night. After the funeral was over I told accused to stay with me. On the Wednesday after the wake accused did not go back to his house to bring his clothes. After three days his clothes came to my house ; accused wore the same clothes day and night.

The next time I saw accused after he left for the Doctor was when he returned with the dead body at about 11 a.m. I followed the dead to the hospital. I waited there with accused ; I went home and returned and
20 found accused still there ; the Doctor cut Ayesha ; accused was there. After the examination the Sergeant took accused to the station. Accused came to my house about 8 to 9 o'clock that night. When he came to me then he brought no bag or grip. I heard at the small court for the first time that Ayesha took poison. I knew Gooriah ; I never heard that she took poison ; at the time Ayesha died I did not hear that Gooriah took poison. I did not see Gooriah when she was frothing. I was at the backdam.

After 3 days accused went back to his house. I did not go with him. His daughter Naimoon and Nisa went with him. Saffeullah's brother's
30 daughter I refer to as Nisa. Saffeullah's brother is Hussain. Nisa is married ; her husband is Cyril ; she has children. They stayed about half an hour. Accused never went back after that.

Naimoon told me that she and Nisa cleaned up the house ; accused was there, he was in the bedroom ; they told me that when they came back home ; accused Naimoon and Nisa came back together to my house. After they came back accused brought his clothes. When they came back Naimoon and Nisa told me that they had cleaned up the place, washed up the things and redaubed the fireside. When accused left my home for his house he told me he was going to bring his clothes. Naimoon and Nisa brought the
40 clothes ; accused did not bring any. After he came back accused did not tell me anything about the house.

When accused came back he did not tell me anything about his poison cupboard. Up to the time he went to the house he did not tell me he thought Ayesha took poison. I know the box in which accused keeps his solution in his workshop. I do not know if accused used to get his poison solution from Saffeullah. I washed the vomit off the sheet ; accused was in my house at the time. I did not ask accused what made her vomit like that. After the Doctor cut open Ayesha I did not ask accused what was wrong.

*In the
Supreme
Court.*

*Defence
Evidence.*

No. 56.
Hamida,
22nd May
1947,
Examina-
tion,
Cross-
examina-
tion.

*In the
Supreme
Court.*

*Defence
Evidence.*

No. 56.
Hamida,
22nd May
1947,
Cross-
examina-
tion,
continued.

Dalgetty did not come to my house to call me to pacify accused and Ayesha the night before she died. I saw Dalgetty and accused that night before I went to the house of accused. They were drinking at my house at about 7 o'clock not 8. They drank a half bottle of rum at my house ; after that they left. It is not true that Dalgetty came and asked me to go to the house of accused. During the time I was at Ayesha's house I did not see her fall. Accused did not tell her to leave his house that night. During the whole night accused and Ayesha had no quarrel.

When I got up the next morning I did not wait for tea. I went away. My daughter made tea at my home. 10

I went to the house of accused to speak to him about Ramjanally's marriage ; he is not yet married ; he is engaged.

I did not get to talk with accused ; I went away hoping to go back during the day to get to talk with him. I have 5 girls at home ; I have 9 children at home. Ramjanally my son is about 22 years old.

I do not know of Gooriah's story with John Sadool. I have only heard. I do not know when Ibrahim went ; I did not go. Accused never told me that John Sadool and Gooriah brought disgrace on our family.

No. 57.
Jamalu-
deen,
22nd and
23rd May
1947.
Examina-
tion.

No. 57.
EVIDENCE of Jamaludeen.

20

JAMALUDEEN saith on his oath as follows :—

I am also called Jam Jam. I live at No. 78 Village. I know the accused ; he is a goldsmith. I worked with him as an apprentice ; I worked with him as such for about a year and 6 months. I worked with accused up to the day Ayesha died. I remember the day she died ; it was a Tuesday. I went to the workshop on that day. I went there at about 7.30 a.m. to 8 a.m. I went inside the workshop. When I arrived the workshop was open ; I found Ayesha inside ; she was lying in a hammock in the workshop. I spoke to her ; she spoke to me. She appeared just as usual. I remained in the shop for about 5 minutes and then I left. I went to Saffeullah's workshop. I refined a ring in Saffeullah's workshop. I got it from my workshop ; I spent about half-an-hour at Saffeullah's workshop. I came out on the road when I saw accused ; he had come from Mr. King's drug store. I spoke to accused and went to his house. Both of us went into the bedroom. I found Ayesha lying on the bed. I went for a cart ; I brought the cart from one Karamat. I did not use the cart. At about the same time a car came in. Jim was the driver of the car ; he is called Kamrudin. Accused, Benn Persaud, I and a woman put Ayesha in the car. The car left the yard. I then went home. I went to the hospital later. I cannot remember how long after the car left. I saw Ayesha ; she was lying ; accused was there. I saw the acting dispenser, Fogarty Choonoo. I was sent for a sheet and I brought it ; I gave it to the dispenser. 30

I made jewelry and cleaned them. 40

Cross-examined by Mr. Farnum :

I am not working now. I have been to Saffeullah's place. I know that accused used to get his cyanide from Saffeullah. I have never seen accused mix his solution. I do not know where he mixes it. I do not know how to mix solution. I clean jewelry with solution. The solution must be fairly fresh when it is being used. I have never seen accused mix solution. I used to go and bring the cyanide from Saffeullah. I used to bring it in a tea-cup ; this exhibit B14 is the tea-cup. I would clean the jewelry in that cup. When I am finished I would leave the solution in the cup. One could only use the solution twice only ; when we use it twice we pour it in a bottle and keep it. It is kept although we couldn't use it again.

I have seen this bottle K1 in Saffeullah's house. Saffeullah does not give me the powder ; Saffeullah's son in the workshop gives me the solution. I see the bottle because I used to go in Saffeullah's press to take out the brushes. Saffeullah's son would lend me the key and I would open the press where the Bottle K1 used to be ; I would take out the brushes and take them over to accused.

I have never seen accused go to that press. I can't remember if accused himself brought solution from Saffeullah. I last used the cup for cleaning jewelry on the Friday afternoon before Ayesha's death ; I did not use crystals. I used solution. The cup B14 was always kept in the press.

The poison cupboard in the workshop of accused had a lock which could open by itself ; the lock had no key. Accused kept the keys for the workshop. I have never seen him open the workshop in the mornings. I have not seen accused use exhibit " E " to open the padlock " S. " I have seen the bunch of keys " E " before ; I have seen it in the workshop. I have seen that particular small key on the bunch before. I do believe I have seen it from the time I went there.

When I first went to accused the press did not have a padlock ; about 6 months after I was there accused put on the padlock ; one afternoon I went in the press and took solution to clean a chain ; after I was finished I took my handkerchief and wiped the chain ; accused told me that the thing was poisonous ; he told me to throw away the kerchief and I did so. I threw it in the latrine. A few days after accused put a padlock on the cupboard ; it was exhibit " S. " It was not new when he put it on. I don't know if when he put the padlock on if he put it on to keep me out. He sent me to the press later and would tell me to pull the padlock and it would open. I never saw accused use a key to open it.

I have seen other padlocks there ; accused had other padlocks. I only know of the workshop padlock.

Accused never told me he kept the things locked up because he thought his children would get into the cupboard.

I have never seen accused beat Ayesha. They lived happily as far as I know. I can't remember if I ever heard accused say Ayesha was his enemy and that she would have to go. I have never seen him pull Ayesha by the hair or say " You whore you make me first wife die and make people say me kill she " ; I do not know if he said that in the presence of Mildred James.

*In the
Supreme
Court.*

*Defence
Evidence.*

No. 57.
Jamalu-
deen,
22nd and
23rd May
1947,
continued.
Cross-
examina-
tion.

*In the
Supreme
Court.*

*Defence
Evidence.*

No. 57.
Jamalu-
deen,
22nd and
23rd May
1947,
Cross-
examina-
tion,
continued.

I cannot remember if Mildred James said that if she went to New York she would come back to give evidence against him. I have never seen Mildred James in the workshop.

On the Thursday after Ayesha died I went to the workshop of accused. When I went to the workshop I did not see accused in the house or in the workshop. I had gone previously to No. 79 to borrow the key ; that was the day after she was buried ; accused gave me the key ; I opened the door. I went there to start the silver necklace ; I did not go into the poison cupboard. The silver necklace was in my drawer. I worked in the workshop that day and for a week after. I used to carry the key back 10 to accused every day and go back every day.

I saw Naimoon go to the house one morning the Saturday of the week in which Ayesha died ; she and her brother Goolsheer Mohamed went ; I never saw accused there. I never saw Nisa in the house after Ayesha died. I did not clean my jewelry after Ayesha's death ; I went into the cupboard after Ayesha's death ; I never used the cup exhibit B14 after Ayesha died. I went in the cupboard for sandpaper not cyanide. I did not take any notice if the cup was in the same place or if the cupboard was the same way.

I read in the papers that Ayesha had taken cyanide. When Ayesha 20 was buried I heard the nurse say she had taken poison. About a day or so after she was buried I heard from the nurse. I did not tell accused what I had heard.

When I heard that Ayesha had taken poison, I thought that it might have come from the poison cupboard. The poison in the cupboard was in solution or acid. When I use solution, the solution does not leave any sediment in the cup.

Adjourned to Friday 23rd May 1947 at 9 a.m.

Hearing continued :

JAMALUDEEN further saith on his oath as follows :—

30

Cross-examination continued :—

Cross-examined by Mr. Farnum :

I gave two statements to the police. I gave them both at Springlands Police Station. I gave both of the statements before the accused was arrested. I know he was arrested shortly after I gave the second statement. When I gave the 2nd statement Mr. Billyeald was in the station. I gave the statement in the small room at the back next to the Court Room. Mr. Billyeald was in the court room just near by ; he could hear everything. The first statement was given a couple of days before the second statement. In my first statement I told the police accused and his wife were living 40 good. On the 19th September 1946 accused did not ask me to tell the police that accused and his wife were living well. I did not in my second statement say that accused had asked me to say that he and his wife were living good ; I did not say that was the reason why I said it in the first statement. I did not tell the police in the second statement that I heard accused tell Ayesha that she was an enemy to him and that she must go away from him. That statement was taken by Ramchandarsingh ; it was witnessed by P.C.s Heyliger and McKinnon ; the Superintendent

Mr. Billyeald was nearby ; I can't remember if I told the police in the second statement that accused after saying Ayesha was an enemy went upstairs and threw her clothes outside and put her out. It is not possible that I told them that. I told the police that Ayesha took up belongings took them to Zohora's house and I helped her to carry the machine. I do not know if accused put her out. I did not tell the police that I saw accused beating Ayesha at the door of Zohora's house. I did not tell the police that I saw my boss meaning accused pull Ayesha by her hair to the ground and also slapped her ; I did not tell the police that it took place in the workshop and in the presence of Mildred James. I never saw that happen at all. I did not tell the police in my second statement that accused said to Ayesha " You whore you make me first wife dead and people say me kill am."

*In the
Supreme
Court.*

*Defence
Evidence.*

No. 57.
Jamalu-
deen,
22nd and
23rd May
1947,
Cross-
examina-
tion,

continued.

I did not tell the police that Mildred James prevented the accused from beating Ayesha any further. I did not tell the police that Ayesha was always carrying and bringing news. I did not tell the police that Mildred James said that even if she went to New York she would come back and give evidence if she heard anything. The time is so long that I can't remember everything. I think I did not tell the police that.

I told the police in that statement that I went to work as usual between 6.30 a.m. and 7 a.m. I did not see accused that morning while I was at the workshop. I did not tell the police that while I was at the workshop on that day Thursday 19th September 1946 accused told me at the workshop that if the police asked me anything I must tell them no, that he accused and his wife were living good. I did not tell the police that was the reason why in the first statement I had said they were living good.

The second statement I gave was not read over to me. I put my initials on some of the pages. I was told to do so. I signed the statement. While I was speaking Ramchandarsingh was writing. I knew I was giving a statement to the police. I can read and write.

When the police took the first statement from me ; they read it over. I said it was correct and I signed it.

This is the first statement I gave ; I remember it was a Sunday. Admitted and marked JD.1. I said in the first statement the padlock could be opened if it was pulled hard. (Witness is handed the padlock ; he pulled it and said that was pulling it hard.) I have never seen a key for the padlock.

JD.1.

The second statement I gave was during the morning. This is my signature at the bottom of the statement. I see my initials on the several pages ; my initials appear at 7 places on the statement. This is it. Admitted and marked JD.2. (Part referring to Dalgetty and obeah not read as it has nothing to do with the case ; it was shown to counsel for defence, but not to the jury.)

JD2.

I went to the pictures on the night that Ayesha went to Zohora Ghanie's house. I told the police that. I told the police what the solution is made up of. It is in the statement. (Witness describes how the solution is made.) I have never seen it done but I have a book with the directions. It may be that the cyanide crystals are thrown in. One Latchman a goldsmith told me how to do it and I copied it in a book. Accused had no need to keep potassium crystals in his poison cupboard.

*In the
Supreme
Court.*

*Defence
Evidence.*

No. 57.
Jamalu-
deen,
22nd and
23rd May
1947,
Cross-
examina-
tion,
continued.
Re-examin-
ation.

When I went in the house and saw Ayesha frothing ; I saw the froth on the sheet ; I did not take any notice if she was vomiting ; the froth looked fresh. I was a bit far from Ayesha. I helped to pick Ayesha up ; I was at the feet ; accused was at head ; he was nearer to the froth ; I know the smell of potassium cyanide ; when it becomes weak one cannot smell it.

Re-examined by Mr. Mungal Singh :

I gave evidence in the Magistrate's Court.

In answer to the Jury :—

Refining the ring is the same as milling the ring. That could not be 10
done in our workshop as we have not got the mill.

At this stage Mr. Luckhoo calls Kamruddin ; Mr. Farnum counsel for the Crown says that this witness absented himself and could not be found, that he proposed calling him and that perhaps counsel for defence may apply for a warrant. Mr. Luckhoo applies to the Court that a warrant be issued for the arrest of the accused. Court orders warrant to be issued.

No. 58.
R. Oldfield,
23rd May
1947.
Examina-
tion.

No. 58.

EVIDENCE of R. Oldfield.

RUTH OLDFIELD saith on her oath as follows :—

I live at No. 79 at Saffeullah's range. I am also called Lady Ruth. 20
I live there with my three children, the eldest 16, the second 7 years and the third 6 years. I know Mildred James ; she used to live in the same range in which I am living. I knew Ayesha and I know the accused. I remember when Ayesha died ; I cannot remember the date but I know it was September.

When Ayesha died Mildred James was not living in the range ; she removed from there between July and August. I do not remember the time of the day she removed. I heard her speaking with her husband a night ; they had misunderstanding ; that same night her cousin Nathan moved her away. From that night I have never seen her back again 30
in that range. I have a step leading from my room. I was living at the range for 8 years. Mildred James never sat on my steps. No neighbour ever sat on my steps and I never sat on my neighbours. I have never seen Ayesha crying at any time since I was living there. I never went with Mildred James at any time to the pictures ; I go to the pictures occasionally but always alone.

On the night before Ayesha died I never heard any beating or any sounds of lashes at all.

Cross-examined by Mr. Farnum :

Cross-
examina-
tion.

I was christened Lady Ruth. Mildred James and I lived as neighbours. 40
On the day Ayesha died I was not sitting on my steps with anybody ; I was at home. On the day Ayesha died Sumintra was sitting on my steps with baby in her hand ; she was leaning against the steps with her baby in her hand. (*Witness demonstrates.*) I never told the police I was sitting on my steps in company with Sumintra. Mildred has never

stood up on my steps. I never saw the picture called Hotel Berlin at the Metropole. I do not know the picture.

I do not know whether accused and Ayesha lived well or not. Leaving the house of the accused to go out to the road I live in the first room; Sumintra lives in the second. I was in my room the morning Ayesha died. For the whole of that morning I did not leave my room. Anyone going from Noor Mohamed's (accused) house to the public road would have to pass either by the back of my room or to the front of it. I did not see when Ayesha was brought out of her house. I did not know
 10 when she was being brought out. I did not hear any talking or confusion or anyone saying the woman was taken ill. After she was dead then I heard. I was awake. I did not see accused leave his house that morning and hurry on to the public road. I did not see accused on the morning Ayesha died. I really cannot remember if I saw accused on the morning when Ayesha died.

A policeman came to me and I gave him a statement; I gave only one statement; I think P.C. Heyliger is the one who took the statement (Heyliger is shown to the witness). I cannot remember his face. I signed the statement: I see my signature to the statement: I told the police that
 20 although I lived so near I did not know if they lived good or bad or if they had any misunderstanding. If it is in the statement that I said I was sitting on my steps in company with Sumintra perhaps I said so. I can't remember telling the police that at 9 a.m. I saw accused pass in an haste towards the public road. I told the police I think I saw accused pass. "I think so yes." I saw him pass. My brain is so bad nowadays. I did not see accused pass in a haste. I did not speak to him. I do not know anything more about it. It was after 11 o'clock when I heard she was dead. Yesterday was the first time I knew I was wanted to give evidence; I received the summons yesterday. After I got the summons I spoke to
 30 no one about the case after I got the summons or before. I went to the station last night. I did not know what I was coming here about until this morning. When I came here this morning I found out what I was coming about; I found that out before I came into Court. Up to this morning I did not know what Mildred James said before the Magistrate or in this Court.

I knew Gooriah. I knew that Gooriah was living next room to me; I heard about the John Sadool story; Gooriah was in the room next to mine. Gooriah called me on the night John Sadool was said to go to the range. I did not see him. I do not know if accused went there; I heard
 40 his voice outside. I know Gooriah went back home after the Sadool story. I do not know how they lived after that; I did not hear any cries.

My mother lives at No. 78. I sleep at her house sometimes. I do not remember whether I slept at my mother's house in July or August last year; my mother was sick but I do not remember which month it was. I remember the month James left. When James left, Basil Perry her husband remained in the range; he is there until now.

My mother was ill for about a week; when she was ill I slept there.

Re-examined by Mr. Luckhoo :

I am quite sure Mildred James never went to pictures with me at any
 50 time. This is the statement I gave the police. Admitted and marked "RO."

*In the
Supreme
Court.*

*Defence
Evidence.*

No. 58.
R. Oldfield,
23rd May
1947,
Cross-
examina-
tion,
continued.

Re-examin-
ation.

RO.

*In the
Supreme
Court.*

No. 59.

EVIDENCE of H. Khan.

*Defence
Evidence.*

HYATT KHAN saith on his oath as follows :—

No. 59.
H. Khan,
23rd May
1947.

Examina-
tion,

Cross-
examina-
tion.

I live at Skeldon. I am the Mohameden Priest of the Skeldon Mosque. I have a religious festival called Ede. It is held once a year. During last year it was held on the 28th August last year. It is held after the 30 days' fast.

Cross-examined by Mr. Farnum :

Mohamedans shouldn't take any food during the 30 days. After the day of Ede, the Mohamedans do not go out to work as a rule straight 10 away. Some take a week or two off ; it may be they may go out to work the next day or days after ; it depends entirely on the person.

In answer to the Jury :

There are two Edes in the year, Ede and Backrede. I cannot remember when was the other Ede.

No. 60.
M. Elcock,
23rd May
1947.
Examina-
tion.

No. 60.

EVIDENCE of M. Elcock.

MILDRED ELCOCK saith on her oath as follows :—

I am a seamstress ; in 1944 I lived at No. 79 Village Skeldon. I live next to Saffeullah's house. I now live in Georgetown. I left Skeldon in 20 November 1944. I knew Gooriah ; she used to live with accused. She died on the 17th May 1944 ; on that day I was at home. I went over to Saffeullah's kitchen between 2 p.m. and 3 p.m. There were many persons in the kitchen at the time. I saw Gooriah lying on the floor of the kitchen. Accused came to the kitchen after I arrived. I could not say what time. As soon as he arrived in the kitchen a woman called him ; I do not know who the woman was ; she called the accused to the window ; she was in the kitchen ; she said a paper was through the window ; accused sent a boy to pick it up ; the boy returned bringing a small piece of white paper ; he gave it to the accused ; accused took the paper into the bedroom to 30 the Doctor.

The said woman called the accused again and showed him a cup on the shelf. Accused took the cup in the bedroom where the Doctor was. I gave a statement to the police shortly after Gooriah died ; I do not remember the date.

Cross-examination declined.

In answer to the Court :

I left immediately after the Doctor came. I left a little while after. I left long after. I did not go back to the house. I could see from the kitchen the Doctor in the bedroom.

In answer to Mr. Farnum through the Court :

I did not tell the police a boy took the Doctor. I told the police a boy took it to the accused and he took it to the Doctor. I did not tell the police the Doctor took the paper from the boy. I did not tell the police that accused looked outside and said "Boy go and see what paper is that outside." I told the police a woman pointed out the paper to accused. My statement was witnessed by P.C. McKinnon ; I signed the statement ; this is my signature. This is the statement I signed and gave to the police ; it was read over to me. Admitted and marked "ME" ; it is dated
 10 7th June 1944. It happened long ago ; what I told the police in the statement was the truth.

*In the
Supreme
Court.*

*Defence
Evidence.*

No. 60.
M. Elcock,
23rd May
1947,
continued.
ME.

Adjourned to Thursday 29th May at 2 p.m.

No. 61.

EVIDENCE of B. Persaud.

BENNI PERSAUD saith on his oath as follows :—

I live at No. 70 Village. I am the nephew of the accused. I knew Ayesha. I remember when she died on the 17th September last year. On that morning I was going to Springlands ; I went to the station and after that proceeded to No. 79 Village. On my way I saw accused coming
 20 towards me ; I asked him where he was going ; he said he was going to the Doctor ; he was riding a bicycle ; I was also riding a bicycle. I turned back with him. We went to Dr. Besson's house ; Dr. Besson was not at home. We then went to No. 79 Village at Mr. King's drug store ; accused alone went in the drug store ; he came out and told me to look for a car. I then went and got Jim's car. The car was taken to No. 79. When I got there I saw accused and Sonia coming with Ayesha. I assisted in taking her into the car ; we put her in the car and we went in the hospital. Ayesha was covered with a white sheet. Accused, Sonia and I went in the
 30 car with Ayesha. We went to the hospital ; the three of us took her out of the car ; Jim the chauffeur also assisted.

I know Mildred James. She was not at the hospital. No one else assisted us with Ayesha.

After accused went upstairs ; he remained in the hospital. I know Mr. Mohabir ; he came after a while and looked at Ayesha. Accused never left the hospital. From the hospital Ayesha was taken to the Doctor's house. Accused and I went along with her.

Cross-examined by Mr. Farnum :

Accused asked for Mohabir when we got to the hospital ; he asked
 40 Fogarty Chunoo for Mr. Mohabir. I really cannot tell what Chunoo's answer was. Chunoo did answer him ; I do not remember what Chunoo said ; Chunoo said he was not in. I cannot tell if Chunoo asked where he was. I do not know if anyone left to go for Mr. Mohabir. Chunoo asked accused what was wrong with Ayesha. Chunoo asked him if he didn't

No. 61.
B. Persaud,
29th May
1947.
Examina-
tion.

Cross-
examina-
tion.

*In the
Supreme
Court.*

*Defence
Evidence.*

No. 61.
B. Persaud,
29th May
1947,
Cross-
examina-
tion,
continued.

know anything at all. Accused did not say "Like she drink solution because she vomit pon de sheet." The sheet was sent for; Accused smelt it at the request of Chunoo; accused then said it smelt like solution.

I went in the Doctor's yard when I met accused and before I went to the hospital. I went with accused to Dr. Besson's yard. I did not see a car there. I know the Doctor's car. Many persons were waiting when I got there. I knew at that time that the Doctor was living at No. 63. This was after 9.30 a.m.

I did not hear that the Doctor said he was there at his surgery since 9 a.m. that day. Accused asked some people who were sitting under the house if the Doctor was in; the man said "the Doctor isn't in." Accused said nothing more and we went away. I think it was a man he spoke to. I cannot remember seeing anyone I knew there that morning. 10

After we left the Doctor's place I said nothing to accused. At the hospital was the first time I heard accused speak about solution. Between the time we left the Doctor and the time we went into Mr. King's store accused did not speak to me about his wife at all. Accused seemed worried; he spoke of his wife before that.

When I went to the Doctor's surgery with Ayesha I helped to put her in the room. 20

The police took two statements from me. What I told the police in both statements was true. Each statement was read over to me and I signed it. I can read and write.

In the second statement I did not say "because she vomit in the sheet like she drink solution"; he smelt the sheet first and then said "like she drink solution." I have been in the workshop of the accused.

I went to Ayesha's funeral; I was late. After the funeral I did not speak to accused. I went home to No. 70. I did not go to the workshop after the funeral.

No. 62.
N. Nisa,
29th and
30th May
1947.
Examina-
tion.

No. 62.

30

EVIDENCE of N. Nisa.

NAIMOON NISA saith on her oath as follows:—

I live at Skeldon. I am the daughter of the accused. I am 14 years old. I have three brothers; they are all younger than I am.

I remember the 16th September last year a Monday. I went to bed at 10 o'clock that night. My father was not in. Hamidan and Ramjanally were there at 10 o'clock. My three brothers and I were in my bed; Hamidan and Ayesha were in the other bed; Ramjanally was in the Morris chair.

My father came in later; Ayesha began to quarrel; she said my father liked to drink too much rum. Accused told her that if she didn't like his ways she must go out. She began to cry. She called me from the bedroom and gave me a pair of earrings; she said "Naimoon take this"; I took it. She said "sometimes me na may see she back again." She pulled 40

off her bracelet and put it on the couch by the side of my father. I then went inside the bedroom back into my bed with my brothers.

Next morning I woke up at 6 o'clock. Ramjanally was not there; when I was lighting fire Hamida told me she was going. Ayesha was sleeping. My father was then sleeping on the couch in the hall.

I asked Hamida if she was going to drink tea; she said no and she went home. I made tea. I usually made the tea. Ayesha woke up between 7 and 8 o'clock. She went in the latrine. She came upstairs, took the workshop key; opened the workshop and went inside. I was passing
 10 for a bucket of water at the pond; I saw Ayesha lying in the hammock in the workshop. I took the water to the receiver in the kitchen. I went in the house for a comb. I passed through the hall; my father was then sleeping on the couch. I took the comb from the bedroom and came outside. I stood up on the landing with the comb. I called my small brother from the mango tree; the same time I saw my step-mother coming up from the workshop smiling; she went in the bedroom; I heard a groaning in the bedroom; I ran in; I found Ayesha frothing; she was lying on the bed. I shook her and said "Powa what happen?" she did not reply. I ran out and woke up my father; he was in the hall sleeping
 20 on the couch; I told him "look what happen to Powa." My father ran in the bedroom; he shook her and said "Mother what happen?" She did not reply. My father then asked me what happened; I told him I didn't know what happened to Powa.

My father (accused) put on his trousers and went out of the house; later that morning she was taken away in a car.

Cross-examined by Mr. Farnum :

I know Mildred James; she did not tell me that my stepmother was dead. The girl called Mildred told me that my stepmother was dead.

Adjourned to Friday 30th May at 9 a.m.

30 Hearing continued :

NAIMOON NISA further saith on her oath as follows :

Cross-examination continued :

Cross-examined by Mr. Farnum :

After Ayesha was taken to Hospital I went to Hamida's house. I got the news that Ayesha was dead while I was at Hamida's house. It was not a black woman who told me; my aunt Hamida told me. Hamida told me that she went to the hospital and saw Ayesha dead. I can read and write. I gave a statement to a policeman; it was read over to me; I signed my name to it; I told the police the truth in the statement.
 40 I see my signature at the bottom of the statement; I gave that statement at 2 o'clock in the afternoon of the same day on which Ayesha died. I gave the statement at Hamida's house; this is the statement I gave. Admitted and marked "NN." I do not know where my father was when I gave the statement. I did not tell the police about "Mildred a black woman" as is in the statement. I only knew her name was Mildred James when I read it in the paper. I only knew her as Mildred before. I only read her name in the paper after she gave evidence in this Court.

In the Supreme Court.

No. 62.
 N. Nisa,
 29th and
 30th May
 1947,
 Examination,
continued.

Cross-examination.

NN.

*In the
Supreme
Court.*

*Defence
Evidence.*

No. 62.
N. Nisa,
29th and
30th May
1947,
Cross-
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tion,
continued.

Since this case I have been staying at my aunt Eliza's place. I was staying there for about 6 months now ; her husband's name is Hoopdar ; my aunt lives at Skeldon. No one spoke to me about Mildred James during the whole of this case.

I did not know before now that Mildred James said that she was at the hospital. I knew Thursday of last week (22nd May) for the first time that I was required to give evidence ; no one told me I must not say I saw Mildred.

When my father came home on the 16th September last year he was happy ; he was not singing. I heard when he called out. I did not see Dalgetty ; I did not hear Dalgetty speak ; I did not hear Dalgetty say anything. I did not hear my stepmother mention Dalgetty's name. I caught the fire on the morning of the 17th September 1946. I made it in the fireplace. Ayesha did not sweep out the yard that morning ; no one swept the yard. She opened the workshop ; sometimes it is done by her other times by me or the boy. After I made the tea I gave my three brothers tea. My three brothers went to school ; I went downstairs for water ; I took the water upstairs ; I did not go down in the yard after that. My stepmother did not have her tea that morning. I did not ask her if she was going to take tea then. When I make tea for her sometimes she takes it herself, sometimes I give it to her. She never sits on the landing sometimes to take tea. When I took up the bucket for water my brothers had already left for school ; they left at about 7 o'clock. About half an hour after they left I took up the bucket of water. I had finished washing up the tea things when I took up the water. I had left Ayesha's tea there. 10

Sometimes Ayesha used to take her tea after the boys had gone to school ; sometimes she would take it about 9 o'clock. As soon as Ayesha got up that morning she went downstairs to work ; she did no sewing that morning ; she did no work that morning. She went downstairs after the boys left for school ; she was downstairs before I took up the bucket of water. As soon as I had put the bucket of water in the receiver I went on to the landing and stood up. I saw Ayesha come up the steps smiling ; that was between 7 a.m. and 8 a.m. She went up the back steps. The landing on which I stood up was the landing of the back steps. Ayesha went to the latrine that morning. When Ayesha came out of the latrine I had not gone for the water yet. When I was bringing the water up the workshop was open ; Ayesha was then in the hammock. The poison cupboard was closed ; it had the padlock on. My stepmother passed me on the landing, she was walking fast ; she came out from the workshop door. She went inside the house. She had nothing in her hand. The workshop keys were hanging on the bedroom door on that morning ; the whole bunch of keys ; she got them from there. I left my mother's tea in the pot. I put it in front of the fireside. Her tea and my father's were in the teapot. My father did not have his tea that day. I heard the groaning ; when I went inside she had not started to vomit ; she was frothing. I saw when she began to vomit ; that was after I woke up my father ; she vomited some little time after she was on the bed and that was after I woke up my father. She vomited about 5 minutes after I woke my father up. My father had gone out already when she vomited. My father just pulled on his pants over his pyjamas and went out. I did not hear Ayesha say any time that morning that her back was hurting her. I do 30 40 50

not know if Ayesha fell any time the night before ; I do not know if she received any blow.

In the afternoon of the same day Ayesha died 17th September I went back home to my father's house ; a little child Zodo went with me ; I do not know her age ; she goes to school ; she is in 4th standard ; she is Hamida's daughter. No one told me to go. I went back to the house to give my father's gold plate (i.e. the plate in which he kept gold) to my uncle Saffeullah. I took it from the house ; no one sent me for it. It was in the dressing case drawer in the bedroom ; my father had brought it over
 10 from Saffeullah on the Monday ; he brought over gold in his hand ; he called me from upstairs and said " Naimoon put this gold in the gold plate." The gold plate is always at my father's place ; it does not go backwards and forwards.

The plate was my father's plate and not Saffeullah's. My father gave me the piece of metal ; he had no work on the gold. My father had some other small pieces of gold in the plate. I did not take back the gold alone ; I took the plate with the gold. The dressing case in which the plate was is near to the bed on which my stepmother vomited.

I did not tell anyone that I was going for the plate ; no one told me to
 20 go for it. The dressing case was not locked ; I just pulled the drawer and it opened. The drawer has a lock but it is not kept locked ; it can be locked by a key ; the key for the dressing case drawer was in the same bunch with the house key and the workshop key. The drawer is never locked. I have never seen him try lock it ; I know the key is on the bunch. My father came home that night ; I told him that I had taken the plate to Saffeullah. I had the keys. I did not know what my stepmother died of. I did not know if my father was going to be locked up for my stepmother's death.

I expected my father was going to come back. I carried over the plate
 30 to Saffeullah as I thought the funeral was going to be from our house. The house was locked up and I had the keys. I am sure no one told me to take the plate over to Saffeullah's house ; it was an enamel plate. The plate was my father's ; it had plenty of fine gold so I carried over the whole plate. I did not see any white powder in it. I only saw the gold.

I did not wash any cups that afternoon. After three days I went back to the house ; Nisa and my father went together. Nisa is my cousin ; her father is Hussain ; she is bigger than I.

Nisa told me that we must go and clean up the house ; when we were leaving my father came with us. We went upstairs in the house, I washed
 40 only the teapot and the rice pot, not all the cups and plates ; there was a little bit of rice in the rice pot and the teapot had only the grounds from the tea ; the tea pot had only the coffee grounds. The teapot was where I had left it.

I had said that I had left my father's and my mother's tea in front of the fireplace ; that was correct. I left the tea in the teapot and after the three days I found the teapot dry. I had the keys all the time ; I had locked up the house on the day when Ayesha was taken away.

I told my father that I had seen Ayesha come up from the workshop with a smile on her face and that soon after I heard her groaning. The
 50 policeman asked me what happened ; I did not tell the policeman that

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I saw Ayesha come from the workshop ; I had told my father before I had seen the policeman ; I told my father in the morning and I spoke to the policeman in the afternoon.

I still say that I told my father that I saw Ayesha come out of the workshop and go up the stairs smiling.

After my father had taken away Ayesha that morning I was left in the house. The next time I saw my father after that was in the afternoon ; that was near the big bridge at Skeldon. I spoke to him. I had already given the statement to the police. I had carried the plate to Saffeullah before I spoke to my father. 10

When I spoke to my father at Skeldon bridge I did not give him the keys to the house or to the workshop. When I went back to get the plate the workshop was closed up. I closed it up. No one told me to close it up. I closed up the workshop as the machine was in it and my father's tools were in it. I closed up the workshop after my father left with Ayesha I was left alone at home ; the other children were at school.

During the day when the children go to school they come home for breakfast. When my father left with Ayesha I knew he was not coming back ; he did not tell me he was not coming back to the house. I said to myself " Sometimes he might not come back." After they left for the hospital I went straight to Hamida. I did not know what was wrong. My father did not tell me he was not coming back ; he did not tell me to lock up the place and go to Hamida. 20

I went inside to lock up the workshop ; I had to go in in order to pull the big door. The workshop key was in the padlock on the staple at the workshop door ; the house key was on the same bunch with the workshop key. My brothers' clothes were all in the house. I did not give my father the keys that afternoon at all.

No one came to the house from the time my father left and the time I locked up the house and left with the keys. 30

After Ayesha's funeral I went to the house with my father on one occasion ; that was the time I went with Nisa. I went there twice after the funeral, the second time I went to deliver some clothes. I have seen Jamaldeen working in the workshop when I went back by myself to deliver clothes. I have never seen my father in the workshop at any time after Ayesha's death. Jamaldeen used to get the keys from my father. Ayesha died on a Tuesday and the Saturday I delivered the keys to my father about 3 to 4 o'clock. My father did not ask me for the keys ; I told him to keep them ; he did not ask me why I closed up the workshop or the house. 40

When I went back with my father and Nisa I found no cups in the bedroom. I found no piece of paper on the floor or anywhere else. I swept the house, washed the teapot and the rice pot and daubed the fireside ; my father was then picking up our clothes. My father did not go downstairs in the workshop. My father did not say at any time wonder what she drank the stuff in ; he did not tell me anything ; I did not wash any cups ; when I went to the house I found all the cups and glasses clean. I found no cup or glass in the bedroom : I know Jamaldeen well.

Re-examined by Mr. Luckhoo :

All three of my brothers do not go to school only two go. The one that does not go to school is Zeer Mohamed ; he is 4 years old. When I spoke to my father at Skeldon bridge he was with a policeman.

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No. 63.

EVIDENCE of H. Khan (recalled).

HYATH KHAN further saith on his oath as follows :—

There is another Ede, Backrede ; that was celebrated last year on the 5th November.

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tion.

10 *Cross-examination declined.*

No. 64.

EVIDENCE of Kamrudeen.

KAMRUDEEN called at the request of the defence. Mr. Luckhoo intimates that he does not wish to ask him any questions. 2.08 p.m. Case for defence closed.

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tion.

Adjourned to Monday morning 2nd June at 9.30 o'clock.

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Kamrudeen
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No. 65.

DEFENCE COUNSEL'S ADDRESS.

Hearing continued :

20 9.36 a.m. Mr. Luckhoo addresses.

(i) Suspicion not proof ; if evidence suspicious that is not proof.

(ii) Ayesha not legal wife, no children.

(iii) Goldsmith—has potassium cyanide for his work.

(iv) Defence can hardly deny that they had rows or that on occasions when accused used Ayesha very badly.

(v) Ayesha herself took poison to be free from the ill-treatment.

30 (vi) Accept everything Crown said events do not point to accused as being the perpetrator of the murder—Even if Mildred James' statement is taken—James' statement only amounts to threat—People make bold statements when in a temper ; statement by James " if anything you know don't talk " could only refer to beating.

(vii) Accused did not leave hospital at all—Benni Persaud Accused did not in his statement say he went in search of Mohabir.

(viii) Massiah's evidence as to beating night before death—Reason why she might do away with her life—Massiah lying when he said he heard accused speaking early morning of Ayesha's death—Doctor saw no external marks of violence. Bender's story—not true, that as regards beating grossly exaggerated.

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(ix) Ayesha wanted accused ; she preferred death rather than to be away from accused—Julian Jules.

(x) What did he stand to gain ? he was not legally married to her, her life was not insured.

(xi) Azeez—did not work that week—Ede—Azeez did not see Ayesha on the 17th September perhaps at another time.

(xii) Accused told Chunoo it smelt like solution—consistent with innocence.

(xiii) Padlock only opened by pulling. Evidence establishes that. Ayesha could help herself to cyanide from the cupboard at any time. 10

(xiv) No evidence that accused washed up anything—Naimoon did.

(xv) Naimoon's story of gift of earrings and the taking off of bangles.

(xvi) Zohora Ghani—Phatma said Ayesha said if her husband did not take her back she would kill herself—In March.

(xvii) Jamaladeen—saw Ayesha in hammock on morning of death. What was she doing there ?

(xviii) *Gooriah*—statements by Massiah—vary as to statement about " I got a mind to poison the bitch "—Trying to vent his spleen on accused.

Bender saw paper while speaking with Fraser under mango tree. Fraser says she was not there. Joseph Fraser. 20

(xix) Accused could not have administered potassium cyanide to *Gooriah* at *Saffeullah's* place as accused was at his own house.

1.52 p.m. Mr. Luckhoo concludes.

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No. 66.

PROSECUTION COUNSEL'S ADDRESS.

1.53 p.m. Mr. Farnum addresses :—

(i) Evidence of death of *Gooriah* was led to meet defence of suicide. Circumstances followed a similar pattern.

(ii) Accused said he had no potassium cyanide when *Gooriah* died. *Saffeullah* had potassium cyanide crystals—accused when he got to *Saffeullah's* house says she drank potassium cyanide. 30

Gooriah bought fish half an hour before she died—*Gooriah* took nursing baby with her—Accused put her in range. Episode with John *Sadool*—Statement of accused " P " on 21/1/44 I hate to see her—" Massiah I got a mind to poison this b——"

(iii) Accused lives with Ayesha shortly after.

(iv) Toothache—*Gooriah*—" You must drink this thing it will do you good."—Go at once.

(v) Smelt paper and cup and told Doctor she took cyanide in *Gooriah's* case, in Ayesha's case he smelt sheet and tells Chunoo she drink solution. 40

(vi) Told James through Ayesha people are saying he killed his first wife.

(vii) Exhibit Q. Statement of accused 17/5/44. On day of *Gooriah's* death ; accused and *Gooriah* were upstairs at noon—Fraser and Bender right as to time.

Suggests that accused was trying to show that Gooriah had committed suicide just as accused was trying to show Ayesha had committed suicide.

(viii) Suggests that Gooriah took poison for aching tooth and further suggests Ayesha took for aching back—Bruise blood found by Doctor.

(ix) Ayesha took poison upstairs—Vomiting takes place almost as soon as poison is swallowed—vomiting was on her bed nowhere else.

(x) Poison given or taken in bedroom and carefully removed in plate and took it to Saffeullah's house.

(xi) Night of 16th accused Ayesha of leaking out his house business.
10 On morning of 17th September, Massiah, Azeez and Bender saw or heard accused between 6—9 o'clock.

(xii) Taken by Ayesha when she and accused were upstairs—Medical evidence shows that poison was taken upstairs while she was on the bed.

(xiii) Accused did not go to the Doctor—Believe Doctor that he was in his surgery at 9 a.m. and left his car where it could be seen.

(xiv) Accused told Chunoo he did not know what was wrong with his wife—If Naimoon told him about workshop he would not have given Chunoo that answer— Asked about fire water—He said the sheet smelt like solution and he explained what he meant.

20 (xv) Although he had told Chunoo he smelt solution he only told the Doctor she had taken ill; he never mentioned a word about solution—Accused was deliberately wasting time, trying to delay the application of proper treatment. If Ayesha had recovered she might have spoken.

(xvi) Naimoon said she left her mother and father's tea in the teapot; her mother and father had no tea—On Saturday of week coffee pot had no coffee—Naimoon and locking up. Supports Bender that Ayesha drank tea and supports view that accused had coffee that morning.

Adjourned to Tuesday 3rd June 1947 at 1.30 a.m.

Hearing continued.

30 *Mr. Farnum continues :*

(xvii) Money not the only motive. Accused kill Ayesha for two reasons. She was talking about Gooriab; if he had put her out she would talk more. She had to be silenced.

(xviii) Not suggested that he forced poison down Ayesha's throat. Trick or deceit—Suggested that trick caused Ayesha and Gooriah to die.

(xix) *Jamaladeen*—only out to help defence.

(xx) Accused told Billyeald 1st October he did not know his wife died of potassium cyanide. Accused told him he kept cupboard locked because of children and that he always kept keys. Attempted to open cupboard
40 with key—habit.

(xxi) Naimoon gave a statement that same afternoon and before she saw her father—Policemen asked her what happened—Statement "NN"
—Division of jewelry—Hamida was awake. Nothing said by her of division of jewelry.

(xxii) Why should Ayesha commit suicide?—Accused did not put her out—She was put out twice but did not commit suicide—"If you don't like my way you may go."

10.34 a.m. Mr. Farnum concludes.

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No. 67.

COURT PROCEEDINGS.

No. 67. 10.35 a.m. Summing up.
Court Proceedings 11.15 a.m. Summing up adjourned.
3rd June 1947. 12.47 p.m. Summing up resumed.
2.59 p.m. Summing up concluded.
3.00 p.m. Jury retire.
4.58 p.m. Jury return and ask for explanation about negligence. Court explains to jury what culpable negligence means, but informs the jury that Court of itself does not see how it forms part of this case ; if however that there was criminal negligence and they found it it might reduce a crime from murder to manslaughter. Jury further ask for bottles and a list and were given. 10
5.20 p.m. Jury retire again.
5.33 p.m. Jury return a unanimous verdict of Guilty of Murder.

Mr. Luckhoo says he desires to make application under S. 174 Chapter 18 to reserve a question of law which had arisen on the trial for the consideration of the Court of Appeal.

This question of law relates to the admissibility of evidence concerning the death of Gooriah. 20

Mr. Luckhoo says he is aware that the question is one entirely at my discretion but asks in the circumstances of this case and the importance of the particular point of law which has arisen that it is a fit and proper case for me to exercise that discretion ; says that I had ruled on it.

Mr. Farnum says that there must be a question of law ; that if there is no doubt about the admissibility of the evidence the Court would not state a case.

Cites *Rex v. Smith* 11 C.A.R. 230.

Application declined.

30

Sentence of death passed on accused.

JUDGE'S NOTES OF SUMMING UP.

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1. *Murder*—Define and explain—see Archbold's definition, 31st Edition, p. 859.

2. *Malice*—Express and implied—Distinguish—In present case alleged by Crown express malice; allegation should be proved. Explain aforethought.

3. *Motive*—Generally, Crown not bound to prove motive; here Crown suggests motive and produces evidence of threats and utterances of accused to that end. Obligation on Crown to prove motive.

4. *Onus*—(I) Burden of proof always on the prosecution; never shifts during the whole case—Remains there throughout whole case.

(II) Accused presumed to be innocent until jury find otherwise.

(III) Accused not required to say anything—He is not to prove innocence—prosecution must establish case beyond reasonable doubt—If case not so established jury must acquit. Explain reasonable doubt.

(IV) Accused made statement in dock and called witnesses; jury must consider whole case, all evidence led, both in favour and against accused.

(V) Jury may find in evidence of prosecution elements which support defence and vice versa; all must be considered.

5. *Duty*—(A) (i) To consider only evidence led in the case—no extraneous matter to be brought in.

(ii) Weigh carefully evidence of each witness; may believe part of a witness' evidence and reject a part. If of opinion whole evidence of any witness unreliable reject the whole.

(iii) Depositions of some witnesses put in to discredit statement on oath in this court; purely matter for jury as to view taken in respect of witnesses' testimony here. In some instances statements made to the police beforehand and in the absence of the accused have been put in with the same object—Warn jury that those statements or depositions are not evidence against the accused; they must be on guard always not use them to the detriment of accused—Give examples.

(B) (i) Jury sole judges of facts; decision as such cannot be questioned; no one will inquire as to the course or by what means the verdict is arrived at—They must give impartial consideration to evidence.

(ii) Does not intend to express any opinion of my own on the facts and shall not—Jury must not mistake any inflexion in voice or anything I say as intending to express any view of facts—Jury must form their own opinions and take responsibility for them.

(iii) Endeavour to put all facts to jury but tell them if anything is omitted, they must supplement it; they have heard counsel for defence and the prosecution and all the witnesses.

6. *Charge*—Read Indictment again—Impress on Jury that accused charged with murder of Ayesha and no one else. Must not consider evidence led as to death of anyone else—Other evidence led but that would not come into consideration now, only later, and that would depend on the findings they make concerning Ayesha's death.

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7. *Cause of Death*—If medical evidence is accepted Ayesha died of potassium cyanide poisoning.

8. Evidence not direct ; evidence circumstantial. If reasonable doubt as to whether case is proved, accused must be acquitted ; Warn that before they convict on circumstantial evidence “they must be satisfied that the facts were such as to be inconsistent with any other rational conclusion than that accused was the guilty person.”

9. If convinced by evidence led in respect of Ayesha's death that accused administered poison to Ayesha or caused her to take it whether by compulsion or by a trick as suggested by the prosecution—Remember 10 there is no direct evidence, evidence only circumstantial—then and only then recourse to evidence relating to Gooriah's death ; Mark well with object only to consider whether the act done by accused was designed or accidental or whether Ayesha committed suicide.

10. Warn once more must first make definite finding in relation to Ayesha's death ; if finding in favour of accused or if in reasonable doubt about finding acquit without considering any other evidence. Other evidence i.e. of Gooriah's death, only to rebut defence open to accused—accident, suicide, mistake.

11. Refer to evidence in detail referring only to Ayesha's death ; 20 deal with points on both sides.

12. Then put each point adduced by counsel for defence in relation to death of Ayesha under heads as taken in notes, also what counsel for prosecution said in answer.

13. Read statement accused made in dock. In addition call special attention to two features which were beyond dispute (i) Bender, one of the principal witnesses for the prosecution had fight some time before with accused—accused suffered injury in fight, eight stitches in wound. Accused said bad blood ; Bender said relationship later became good, reconciliation denied by accused. (ii) Abraham Massiah another 30 important witness was Ayesha's legal husband ; Massiah made several efforts to get her back from accused without success. Ask jury to consider carefully what reliance, if any, they may place on testimony of Bender and Massiah in the circumstances. Warn that if they by any chance feel inclined to believe the whole or any part of their testimony they should look to other evidence to see if they find support.

Refer also to Seerattan—accused said he did not know him—Seerattan said they were each known to each other.

Mark well—accused Goldsmith—In course of work has cause legiti- 40 mately to use potassium cyanide.

14. *Bender*—Evidence of treatment—16th September “beat you till you dead”—17th September saw Ayesha drinking tea—left cup and plate on steps went to latrine—5 minutes—accused on front steps—accused spoke to her—they went in house—Bender spoke to Ruth Oldfield for a few minutes—then accused rushed out of house etc.

Ruth Oldfield—Cf. Ruth Oldfield's evidence in relation to whether she conversed with Bender or not. She does not support.

Abraham Massiah—Threat to kill—17th September Ayesha sweeping at 6 a.m.—Saw Hamida at doorway—Heard accused asking Naimoon for Ayesha. Naimoon's reply—she is downstairs. 50

Azeez—Saw Ayesha sweeping yard on morning of death and saw accused at front steps—between 8 a.m. and 9 a.m. (Draw attention Massiah saw at 6 a.m.—whether consistent or not with Azeez 8 a.m. to 9 a.m. matter for jury—read evidence to both on that point). Cf. Naimoon's testimony.

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Mildred James and Ruth Oldfield—Refer—point out where they conflict as to whether they went to theatre together, as to whether James was still living there or not.

(Defence strongly urged Mildred James not present, did not go to hospital after Ayesha was taken—question of sheet in car—Bennie Persaud saw sheet covering Ayesha—said James not there; presence also denied by accused. Soonia supports Mildred James)—At this stage put defence part—Accused always gave same version as to how he was sleeping—called by Naimoon and told “ Look wha Powah ah do ”—Defence says accused consistent in statements.

Naimoon—Refer Naimoon's evidence in detail on this point—point out Ayesha's movements according to Naimoon's version to workshop and up steps smiling—then bedroom—soon after collapse. Refer Jamaldeen's evidence—Ayesha in workshop early morning 17th September—in hammock.

Point out Naimoon's testimony as to disposal of jewelry on night of 16th September—Whether indication that she was disposing of belongings for last time—Refer also version accused.

Naimoon said neither Ayesha nor accused had morning coffee—Left all by fireside when she shut up house that day 17th September—Cf. Bender. Naimoon went back—house intact—she had key—only coffee grounds in pot.

Dr. Besson—Doctor's evidence—cause of death Potassium cyanide poisoning—quick acting poison—Refer evidence. Tell jury if they accept Doctor's evidence as to nature how poison acts they must consider in light all evidence whether Ayesha drank or took poison before she went into house or after.

Refer access to poison cupboard in workshop—probable or improbable; Refer Jamaldeen' as to reason why accused put on lock; Cf. Billyeald's evidence as to what accused told him in relation to why he kept cupboard locked; Recall all relative evidence—defective padlock. Put prosecution's view—Defence as to that.

15. Refer to symptoms Ayesha showed on 17th September. How accused reacted to them. Went to Dispenser King, hospital and Doctor; accused said—went Doctor but did not find him in, supported by Benni Persaud. Prosecution suggests untrue—Doctor's evidence as to that—Matter for jury.

Accused to Fogarty Chunoo—Sheet smelt like gold solution—Potassium cyanide—Chunoo smelt nothing. Accused 1st October told Billyeald furniture and effects same condition as when left house—See Naimoon's evidence—washed up everything, daubed over fireside—Same day of death removed plate from press near bed on which Ayesha was taken ill.

Cannies Phatma—Ayesha said she would kill herself if accused did not take her back—Refresh minds of jury by reading parts of evidence—

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directing attention to positive statement that might assist them when considering question of suicide.

16. Mention evidence of suspected infidelity on Ayesha's part by accused—Evidence of being beaten, etc.

17. Review story for prosecution and story for defence keeping closely to points adduced on both sides ; Direct attention to possibility or probability of suicide. Point out again evidence circumstantial—Again give warnings as indicated earlier in respect to this kind of evidence, as to the effect of statements put in to discredit witnesses, etc. Put Defence Counsel's view for consideration to jury, that they must have reasonable doubt as to how Ayesha came by her death—that even if they accepted all the evidence it would be unreasonable to bring a verdict of guilty as that would amount to speculation—tell jury prosecution does not agree. 10

Inform jury that if they agree with view of defence must acquit without hesitation but if they were convinced by the evidence led i.e. if they were satisfied beyond reasonable doubt that the accused killed Ayesha by poisoning then and only then were they entitled to consider the circumstances under which Gooriah died. They must take the circumstances of Ayesha's death, her dead body, the evidence as to the way it died, the opportunity of the accused to cause the death or not, the motive of the accused for causing the death ; even then the death might have been accidental or might have been the result of suicide or mistake—the only purpose then of looking into Gooriah's death is to look into the coincidences as they may find proved and to say whether they can come to an irresistible conclusion that Ayesha's death was designed and not one of accident or suicide. The prosecution says it is designed ; the defence says it is suicide. 20

Emphasise Gooriah died in Saffeullah's house. Accused was not present ; accused was in his own house across the road—Point out this mark of dissimilarity—Saffeullah Goldsmith brother-in-law of accused. 30

Gooriah's Death.

Abraham Massiah—Accused told him of her infidelity—“ I got a mind to poison the bitch.” Inform jury Massiah gave four statements to police—All after Gooriah's death—the earliest two did not mention anything about poison—Ayesha left Massiah in July that year—After that he mentioned about poison. Gives as reason Ayesha persuaded him not to mention ; she was then living with him—Jury to assess.

Bender—Infidelity—cruelty. Heard him tell Gooriah—“ Go at once,” later she went over to Saffeullah—collapsed died. White paper in yard—accused action said she drank potash ; cup—potash—movements of accused. (Give some warning in respect of Bender and Massiah in view of alleged unfriendly relationship with accused.) 40

Dr. Besson—Gooriah died potassium cyanide poisoning—Doctor did not smell any potassium cyanide on paper or cup accused gave him. Symptoms shown by Gooriah—accused said. Cf. Ayesha's symptoms.

Joseph Fraser—Accused said “ You must drink this thing it would do you good,” Gooriah said “ Alright.” Cf. Bender's go at once. Same day Gooriah died.

Refer to statements of accused as given to police and admitted in evidence as to events on points around Gooriah's death. Put his side fully and as presented by his counsel. Accused in statement—Gooriah had toothache. Review evidence Islam Lakhan, Shubra, Mildred Elcock, Elizabeth Douglas, Jane Fraser. Put all points adduced by counsel on both sides. Firstly summarise evidence of both sides in Ayesha's death, ask to consider finding there first, if favourable to accused acquit, if unfavourable that is to say if he did administer poison to Ayesha then pause to inquire if his purpose be guilty; in pursuit of that consider 10 Gooriah's case for similarity and examine nexus, to rebut accident, mistake or suicide; if satisfied act done designedly—murder, if not acquit for it might be one of three, accident, mistake or suicide. If evidence consistent with design and suicide or accident or mistake, must acquit.

Repeat warnings as to impartial consideration etc. finally remind jury how to regard evidence in respect of Gooriah's death; point out points of similarity and dissimilarity—stress defence counsel's view on the points noting absence from premises of Saffeullah's house at time Gooriah taken ill—Quick acting poison could not have been taken at home of accused says defence—prosecution agrees, but says dominion by accused—suggests 20 trick.

*In the
Supreme
Court.*

No. 68.
Judge's
Notes of
Summing
Up,
3rd June
1947,
continued.

No. 69.

ORDER IN COUNCIL granting special leave to appeal to His Majesty in Council.

AT THE COURT AT BUCKINGHAM PALACE

The 19th day of December, 1947

Present

THE KING'S MOST EXCELLENT MAJESTY

LORD PRESIDENT

MAJOR MILNER

LORD AMMON

MR. BEVAN

30 WHEREAS there was this day read at the Board a Report from the Judicial Committee of the Privy Council dated the 13th day of November 1947 in the words following, viz. :—

40 “ WHEREAS by virtue of His late Majesty King Edward the Seventh's Order in Council of the 18th day of October 1909 there was referred unto this Committee a humble Petition of Noor Mohamed in the matter of an Appeal from the Supreme Court of British Guiana (Criminal Jurisdiction) between the Petitioner Appellant and Your Majesty Respondent setting forth (amongst other matters): that the Petitioner was charged under Section 100 of the Criminal Law (Offences) Ordinance Chapter 17 British Guiana with the murder of one Mohabubhan also called Ayesha on the 17th September 1946

*In the
Privy
Council.*

No. 69.
Order in
Council
granting
special
leave to
appeal to
His
Majesty
in Council,
19th
December
1947.



*In the
Privy
Council.*

No. 69.
Order in
Council
granting
special
leave to
appeal to
His
Majesty
in Council,
19th
December
1947,
continued.

and was found guilty and sentenced to death on the 3rd June 1947 : that there were no eye-witnesses and the evidence was circumstantial : that the accused had lived with the deceased since 1944 and with four children of a former marriage : that being a goldsmith he had used potassium cyanide in his business and kept it in the workshop (under the living apartments) in a locked cupboard : that under the guise of similar facts the prosecution introduced evidence concerning the death of one Gooriah wife of the accused who died from cyanide poisoning on the 17th May 1944 : that for this death the accused was never arrested and no charges were brought against anyone : that Counsel for the defence objected to the admissibility of the evidence about the death of Gooriah on the grounds (*inter alia*) that it did not establish system or course of conduct and that the evidence was not relevant to the issue before the Court : that there is no Court of Criminal Appeal in British Guiana : that the Petitioner submits that the evidence dealing with Gooriah and others was wrongfully admitted and that the admission vitiated the whole proceedings : And humbly praying Your Majesty in Council to grant the Petitioner special leave to appeal from the verdict and sentence passed by the Supreme Court dated the 3rd June 1947 10
20
or for such other Order as to Your Majesty in Council may seem meet :

“ THE LORDS OF THE COMMITTEE in obedience to His late Majesty’s said Order in Council have taken the humble Petition into consideration and having heard Counsel in support thereof and in opposition thereto Their Lordships do this day agree humbly to report to Your Majesty as their opinion that leave ought to be granted to the Petitioner to enter and prosecute his Appeal against the Judgment of the Supreme Court of British Guiana (Criminal Jurisdiction) dated the 3rd day of June 1947 : 30

“ And Their Lordships do further report to Your Majesty that the authenticated copy under seal of the Record produced by the Petitioner upon the hearing of the Petition ought to be accepted (subject to any objection that may be taken thereto by the Respondent) as the Record proper to be laid before Your Majesty on the hearing of the Appeal.”

HIS MAJESTY having taken the said Report into consideration was pleased by and with the advice of His Privy Council to approve thereof and to order as it is hereby ordered that the same be punctually observed obeyed and carried into execution. 40

Whereof the Governor or Officer administering the Government of the Colony of British Guiana for the time being and all other persons whom it may concern are to take notice and govern themselves accordingly.

E. C. E. LEADBITTER.

EXHIBITS.

O.—STATEMENT of Accused.

Exhibits.

O.

Statement
of Accused,
20th
January
1944.

“ O ”

Springlands Police Station.

20.1.44.

NOOR MOHAMED also called Kuffee states,

I am a Gold smith and rural constable. About 5 months ago my wife and myself had a quarrel over the visiting of John Sadool at my house, and his visit was ceased. About two weeks ago I removed her to a room about
10 15 rods from the one I occupy this happened through the visit of John Sadool at my residence and I did this only to get ease from what occurred about 5 months ago.

At about 7 p.m. on the 19.1.44 I was going out and I went to the room where my wife was and gave her \$300.00 (three hundred dollars) made up in \$20 notes, \$5, \$10, \$2, and \$1 in the presence of Sowkat. On delivering the money to my wife I did not checked it in front of Sowkat or my wife but said to her “ keep this \$300.00 I am going out on the road, when I return I will take it from you.”

On my returning home at about 11 p.m. same date, I saw the door of
20 my wife’s room opened, and heard her saying left the money and come out of my house. I was then 1 rod from the room. As I arrived about $\frac{1}{2}$ rod from the steps in company with Sowkat, John Sadool ran out of the room where my wife was and struck me with a piece of Bamboo; I fell and he ran away after being chased by Sowkat. My wife then shouted, Look ah got the brute hat hey, and he gone with the money. I then waked Sammy my wife’s neighbour and asked him if he heard the noise, he said yes. I then left and came to Springlands Police Station and reported the matter.

NOOR MOHAMED.

30 Taken by me at 2.15 a.m. on the 20.1.44 at Springlands Police Station in the presence of P.Cs. 4599 McKinnon and 4614 Bentick and read over to Noor Mohamed he said it is true and correct and signed his name.

No. 4407 Constable HIPPLEWITH.

Exhibits.

P.—STATEMENT of Accused.

P.
Statement
of Accused,
21st
January
1944.

Exhibit P

S Lands Police Station.

21.1.44.

NOOR MOHAMED also called Cuffie having been duly cautioned states :—

I am a gold smith by trade. I live at No. 79 Village. Bakridhan is my wife of Mohamedhan rites since 1931. We have 4 children one died. Myself and wife lived very well from the time of our marriage up to the 9th September 1943 when I caught her misconducting herself with my then friend John Sadool. Since after we are not living well, and on the whole I hate to see her, although I still allow her to remain in my house. I do not ever give her money to purchase ration. I do this myself. Week before last Saturday 8.1.44 I told her to leave as I was still annoyed with her. I secured the room for her. Since then am giving her 10 shillings per week for ration and 1 and 2 shillings during the week. I do not know how much money I had at home when my wife left ; but I think I had over \$320.00. I remembered that it was on the 3rd January, 1944 I made up a coil of \$300.00 in notes from my whole amount which left me about \$120.00 still. I went to Newamsterdam on this date and took the money with the intention of making purchases. I made none and returned home the same day with the coil of \$300.00 in notes. It was made up of three \$20.00 notes and the balance in \$10.00, \$5.00, \$2.00 and \$1.00 notes, how many different notes I don't know. Between the 4th and 19 Jan. 1944 I purchased no gold. I gave my wife \$3.00 to buy clothing for the children. I paid Dumidar about \$9.00. I cannot remember making any other payments or purchases over \$10.00. I now remember that I paid Mr. Mangal Singh \$35.00 by telegraph. But I further remember that it was not about \$120 left at home on the 3rd it was about \$80.00, this \$35.00 was not included ; I spent about \$50.00 in food and luxuries between 3rd and 19.1.44. Between the 8th and 19th January, 1944 I went no where day nor night except on Saturday night 15th and Wednesday night 19th. During this period I scarce worked. From the 8th to 19.1.44 my wife slept at my home every except Saturday night 8th and Wednesday night 19th.

I at no time told my wife that I had money in the bank. The reason of my wife not sleeping home at me on Saturday 8th and Wednesday 19th is because I told her I was going to be out and I did go out. On both nights the children slept with her, nobody was left at home. On Saturdays I left my money the coil of \$300.00 at home ; about 9 a.m. locked the door and took both the chest of drawers keys where the money was left and the door keys. I returned about 4 p.m. I again left at about 5 p.m. after giving my wife 10 shilling for ration and never returned home until about 9.30 p.m.

On Wednesday night 19th I left home about 7 p.m. accompanied by Sowkat a neighbour for a walk as I did on Saturday night 8th. I took the coil of \$300.00 with me. Sowkat was dressed in short pants and a shirt both khaki. I did not tell Sowkat about the money. On my way to the road I stopped at my wife leaving Sowkat outside about 2 rods away on the

ground from where I handed my wife the money \$300 by the door. Sowkat could have seen me handing my wife something. On handing over the money to my wife I said "keep this \$300.00 money I am going out when I return I would take it along with the boy." I spoke in the ordinary tone of my voice. It was possible that the neighbours of the adjoining rooms may have heard. I do not know if any of them was at home. I did not see where my wife had put the money. Sowkat must hear what I told my wife about the money.

Exhibits.
P.
Statement
of Accused,
21st
January
1944,
continued.

10 Between 10.30 and 11 p.m. myself and Sowkat was returning home, when I told him to await for me as I will be taking the money from my wife. As I was about 2 to 3 rods from my wife's room I hear my wife say "left the money and come out from the house who call you here." I did not hear a reply.

I then asked who is that? My wife said "look this man come back ah me house again." By the aid of the light from my wife's room I saw John Sadool ran out from inside my wife's room. He was dressed in white shirt; I can't say what colour pants he had on, nor can I say if he had on shoe or not but he was bare-headed. By this time I got near the step of my wife's room.

20 Sadool ran down and struck me with a stick on my left jaw. I fell and he ran away. Sowkat who was quite near ran behind him but returned without catching him.

I did not start to climb the step when I got struck I saw Sadool raised a stick but I cannot say what hand he held it by, but it is the same stick I held and took to the Police Station. This occurred near to the step of my wife's room and not far away. I did not run behind Sadool. By falling I also got my forehead bruised.

30 On the first occasion when my wife misconducted herself with John Sadool, I had decided to put her away and told her so. The family however came together and we decided that I allow her to remain and be as a servant for a year; in case my my changed I can let remain if not send her home to her parents. I watched to see if she would of misconducted herself within that year and my wife fully aware of what the relatives decide. My wife has no father or mother both died the mother died before I marry her. The father after.

After receiving the blow from Sadool and fell when I got up my wife told me that Sadool had taken away the money and gone but she has his hat and showed it to me. I also took the hat to the Station. I did not go in to room to give my wife the money I stood by the door.

40

NOOR MOHAMED.

Taken by me at S/Lands Police Station at 1.45 a.m. on 21.1.44 and read over to Noor Mohamed who said it was true and correct and signed his name in my presence.

D. L. D. HEYLIGAR P.C.4447

21.1.44

D. JOHNSON Lepl 3540

21.1.44.

*Exhibits.***Q.—STATEMENT of Accused.**

Q.
Statement
of Accused,
17th May
1944.

Exhibit " Q."

Springlands Police Station,
Courantyne

17.5.44.

NOOR MOHAMED having been duly cautioned states :—

I live at No. 79 Village. I am a Gold-Smith by trade. Bakridhan (deceased) was my wife in Mohamedhan rites, and we lived together at No. 79 Village Courantyne from since our marriage 14 years ago. Of the marriage we had 5 children (4 boys 1 girl) one boy died leaving 3 boys and 10 the girl which is the eldest.

We lived quite well up to last year 1943 September when I found her in faults i.e. committing adultery with one John Sadool. For that I had put her aside for about one month.

After then I took her home again ; after our relatives and a Mohamed priest Mohamed Ibrahim had met and decided that she (my wife) make a promise confessing her faults and be of good behaviour for at least one year, if not I should put aside for good.

During the early part of this year 1944 I however decided that she part live from me so that she would not be altogether at my home. 20

I obtained a room in a range belonging my brother-in-law Saffiulla about 15 rods away from my house for her. During the day Bakridhan dwelled there cook and wash and sleep at my home. As far as I can remember she only slept away 3 nights in that room. In January this year 1944 whilst my wife was at the room I was going out for a walk and not feeling safe to take all my money I left with her \$300.00 in notes.

On my return I met John Sadool at the room who struck me with a stick and in his running away, I heard my wife said he (John Sadool) carry away the money.

I made a report at Springlands Police Station, but up to this present 30 I have not recovered the money. I now recollect that this incident was on Wednesday night January 19th 1944.

About a week after the Anglican Cathechist Persaud came and spoke to me. He advised that I should take my wife home altogether as being in the room she is opened to danger. I took the Cathechist's advice and took Bakridhan home again.

From then we lived quite well, we never had any contention neither I did not find her in any faults of misconduct.

About 3 months ago Bakridhan (my wife) complained of fever, I called Doctor Besson who attended her, and she became well again. 40

Since then she was quite well and strong, she never complained of no ailments whatever up to today Wednesday 17th May 1944.

Today Wednesday 17th May 1944 we (my wife Bakridhan and children) got up about 6 o'clock a.m. We had tea which she prepared.

About 8 o'clock a.m. I went downstairs to my workshop which is under my house in company with my apprentices, Gairulla, Goolscheer and Baboo. I left my wife upstairs with 2 of the children. The others had already left for school.

Exhibits.

Q.

Statement
of Accused,
17th May
1944,
continued.

I only remained in the shop supervising I did not actually work as I was not feeling well since Monday 15th.

10 About 10 a.m. I saw her came and sat in the shop talking to the apprentices. Sometime after I went up stairs for a book and returned still finding her in the shop. During the time my wife spent in the workshop one Mrs. Jhudar came, enquiring for her ear-rings from me and left. She spoke to my wife.

Between 10 a.m. and about 12 noon my wife moved about regularly up-stairs downstairs and in the work shop. About 12 noon my two children returned from school, my wife went upstairs and asked me if I was ready for breakfast. I told her I was not. She prepared this breakfast early the morning about the same time she prepared the tea.

20 About 12.30 p.m. my wife told me she was going to my sister Rahiman who lives on the opposite side of road to me at No. 79 Village and left, together with the two children who were returning to school and also took the others with her.

From the time we awoke and all during the time she moved about to the time she left, she appeared to be quite well and strong, and spoke as usual. She never appeared in any way different, nor act any way unusual.

About 2 o'clock p.m. I felt an attack of a pain on the right of my chest and sent calling my wife by my apprentice Gairulla.

On Gairulla's return he said my wife ask to say she was coming. About $\frac{1}{4}$ to $\frac{1}{2}$ hour not seeing her, I again sent back Gairulla.

30 This time Gairulla told me that when he arrived in the kitchen of my sister, he saw Mannie ah stagger. I ask him what was wrong he said he did not know.

My wife is usually called by name Mannie by my apprentices as they are my nephews.

Gairulla left saying he was going back. I then sent Goolscheer to find out what was wrong, whilst I prepared to go myself.

Before I was quite ready I heard Goolscheer shouting from the public road "Mammon Mammon come quick quick come see what happen."

I hastened and on arrival at my sister Rahiman's house, I found my wife lying on the kitchen floor, with Rahiman, Shubra and Cathlene rubbing her hands head and feet. Some black women were also standing.

40 I lifted up my wife's head and called at her but she made no reply. Everybody then said I must call the Doctor.

I left and on reaching the road I saw Doctor Besson passing; I stopped him, and asked that he stop to see my wife.

Together I returned to the house with Doctor Besson, and found my wife lying on a bed in a room under my sister's house.

I saw the Doctor Besson examined and gave her two injections. About $\frac{1}{4}$ hour after receiving the injections, Doctor Besson said my wife was dead.

Exhibits.

Q.
Statement
of Accused
17th May
1944,
continued.

My wife never reported to me of anyone sticking her, or that she had a fall, nor between the time I took her home back after the Cathechist had spoken me, I never struck her.

NOOR MOHAMED.

Taken by me at Springlands Police Station at 10.55 p.m. on 17.5.44 and read over to Noor Mohamed who said it was true and correct and signed his name in my presence.

D. L. D. REYLIGAR

C. 4447

17.5.44. 10

1. D. JOHNSON Lcpl 3540
2. J. A. SIMON P.C. 4498
3. C. MCKINNON CONT. No. 4599.

X.
Statement
of
A. Massiah,
7th June
1944.

X.—STATEMENT of A. Massiah.

Exhibit "X."

No. 79 Village.

7.6.44.

ABRAHIM MASSIAH states,

I am a farmer and I live at No. 79 Village with my wife Ayesha.

I have known Cuffy and his wife Gooria for about 8 years, and we are all friendly. I know Saffeullah (Saffee). My house is on land rented from him, and I have occupied this land for about 10 years. 20

I work at Crabwood Creek and I leave home usually about 6.30 a.m. in the morning and return about 5.30 in the afternoon.

I heard that Cuffie and his wife had a disturbance through her being friends with one John Sadool. I know Sadool well. I understand that he told her to leave the home and she left for two or three days and the priest brought her back home. I cannot remember who told me about it. I know that she slept at Cuffee's house.

I have never heard him beating her at any time up to her death. 30

On 17.6.44 I did not see Gooria when I left home they were not up as yet.

I returned home at about 6.00 p.m. and heard that Gooria was dead.

I do not know anything of her death.

A. MASSIAH.

Taken by me at No. 79 Village, C.C. B'ce at about 3.10 p.m. on 7.6.44 and read over to A. Massiah who said it was correct and signed his name in my presence and that of P.C. 4379 Harry.

H. A. THORNE

4106

40

7.6.44.

Witness :

(1) G. HARRY P.C. 4379.

ME.—STATEMENT of Mildred Elcock.

Exhibits.

Exhibit ME.

No. 79 Village, C.C. B'ce.

7th June 1944.

ME
Statement
of Mildred
Elcock,
7th June
1944.

MILDRED ELCOCK states :—

I am a seamstress and I live at No. 79 Village C.C. B'ce next to Saffeeullah.

I knew Gooria well, I also know her husband Noor Mohammed also called Cuffee.

- 10 On Wednesday 17th May 1944 I was at home. At about 2.00 p.m. I heard a voice calling for "Chachee Chachee. Oh God al you come see what wrong with this girl." I recognised the voice to be that of Zobed, one of Saffeeullah's daughters. I looked outside at the back of my house and saw her speaking to Mrs. Khodadeen, who lives on the northern side of my house. Mrs. Khodadeen asked "Who gal dah." Zobed replied "Da gal over dey." She called no name. Zobed then went back to Saffeeullah's (Saffee) house saying "Look wha dis gal ah bring pon awee."

Shortly after Zobed came to me and asked if I had smelling salts. I gave her Limacol and she left.

- 20 I then went to Saffee's house which is on the south of mine, and I saw a crowd of people inside. I went into a passage leading to the kitchen and there lying on the kitchen floor I saw Gooria.

She was lying with her head to the North, she was panting, and frothing at the mouth. Her left hand was twitching and her body still. I saw Rahunan (Saffee's wife) rubbing Gooria's hands with Limacol. I heard Saffee's wife say the Doctor should be called.

There were several persons in the house but I do not know their names. Cuffy was not there at the time, nor was Saffee.

- 30 Saffee's son (I do not know his name) was also present; I left and went to my home. As I was leaving I saw Saffee's wife and another E.I. woman lift Gooria who appeared to be unconscious, and place her on a bed in a bedroom nearby. On my way out (through the back) I saw Dr. Besson coming in through the front door. I had remained for about 10 minutes at Saffee's house.

While at home, by looking through a window in my pantry I had a clear view of Saffee's house. I saw the bedroom in which Gooria was lying. I could not see her, but I saw Dr. Besson moving about and apparently attending to her.

- 40 I remained at home for about 10 minutes then returned to Saffee's house.

When I arrived there, I met Khatoon one of Saffee's daughters on the back step, speaking to an E.I. woman whom I do not know. I also saw Cuffee. I heard him ask, pointing to some water on the kitchen floor. Why is the kitchen wet, Khatoon said they had been sprinkling water on Gooria's face.

Shortly after, Cuffee went to the kitchen window and looked outside and I heard him say to one of Saffee's son, "Boy, go and see what kind of paper is out there." The boy went outside and returned with a small

Exhibits.
 ME.
 Statement
 of Mildred
 Elcock,
 7th June
 1944,
continued.

piece of white paper which he handed to Cuffee. Cuffee gave him back the paper and told him to show it to the Doctor. The boy did so and I saw Dr. Besson take the paper from him.

The boy then said that Gooria had taken water in a cup. Cuffee asked him for the cup. I did not see when he handed Cuffee the cup, but I heard Cuffee tell him to take it to the Doctor. I then left and returned home. Gooria was still unconscious. This time I did not remain at the house as long as I did the first time.

Shortly after I arrived home I heard that Gooria was dead.

Before the Doctor arrived I did not see anyone give Gooria anything 10
 to drink.

I have heard the rumour that there was some disturbance between Cuffy and Gooria during 1943. I know nothing about it.

MILDRED ELCOCK.

Taken by me at No. 79 Village at about 10.00 p.m. on 6.6.44 and read over to Mildred Elcock who said it was correct and signed it in my presence and that of P.C. 4599 McKinnon.

Witness :

J. H. PHOENIX

C. MCKINNON P.C. 4599.

4106

6.6.44.

20

T.
 Statement
 of Accused,
 9th June
 1944.

T.—STATEMENT of Accused.

Exhibit " T."

Police Station S'Lands.

9.6.44.

NOOR MOHAMED also called Cuffee after having been further cautioned states :—

In connection with my trade (gold smith) I make use of sulphuric acid, nitric acid, Muriatic acid, and Cyanide of Potash.

About three to four years ago I used to purchase these things from Bovells Drug Store at No. 79 Village. At that time I was working on my 30
 own. I then went to work with my brother-in-law Saffee, so I do not now purchase any. He supplies me with all I want acid. I do all cleaning of jewellery at his home. Sometimes I take solution to my home to clean. This is when the work is pressing at Saffee.

When I have solution at home I keep it in a press in the workshop. This press has no lock and never had one.

I sometimes keep acids at home, in small quantities. I keep them in the same press.

I do not keep cyanide at my home. I have never kept any. Even when I was working at myself, I would buy sufficient to use at one time 40
 and mix all the same time.

My workshop is under my house, it is kept locked at night. If I am not at work during the day my apprentices does be in the shop.

From 1st May 1944 to now I have had no Cyanide in my shop or at home.

On 8.6.44 the Police executed a search warrant at my house and brought away some solution from my house also some white substance in a piece of paper. This substance is salpetre and is used in connection with my trade.

On 9.6.44 I went to Police Station S'lands and Sgt. Phoenix put the same salpetre in an envelope and sealed it in my presence.

10 On 17.6.44 my wife did not complain of any illness except toothache. She told me of this in the morning. I told her to pull it out if she wanted. She said it was not paining her so much.

That was the first for the week she complained of toothache.

The salpetre the police brought away, I bought a long time ago from Bovells Drug Store. The Sgt. also sealed the bottle with the solution in my presence.

NOOR MOHAMED.

Taken by me at Police Station S'lands at about 8.15 a.m. on 9.6.44 and read over to Noor Mohammed who said it was correct and signed it in my presence and that of P.C. 4379 Harry.

20

J. H. A. PHOENIX

No. 4106.

9.6.44.

Witness :

D. C. HARRY P.C. 4379.

Y.—STATEMENT of A. Massiah.

Springlands Police Station.

26th October 1944.

Abraham Massiah further states :—

30 I live at No. 79 Village and I am a farmer. I know Noor Mohamed also called Cuffie who is a goldsmith, and his late wife Gooriah (deceased), they were my neighbour, and myself and wife Ayesha were very good friends to Noor Mohamed and his wife. My wife Ayesha used to visit their house. Some time early part of this year 1944 between January and February, I heard Noor Mohamed said that one John Sadool is friendly with his wife Gooriah and he caught Sadool with his wife. Noor Mohamed drove his wife away for a few days. Noor Mohamed wife Gooriah was brought back to his house by the Mohamedan Priest Abraham and others.

40 After Gooriah returned home Noor Mohamed and herself was not living well he always beats her. Noor Mohamed also hired a room in a range about 10 rods from his house. During the time Gooriah was living in the room which he Noor Mohamed had hired for her, he plotted with his wife Gooriah and another woman name Belariah to get John Sadool to go in Gooriah room, so as to beat him. Noor Mohamed wife Gooriah (deceased) had to agree to this plot by her husband and Belariah was

Exhibits.

T.

Statement
of Accused,
9th June
1944,
continued.

Y.

Statement
of
A. Massiah,
26th
October
1944.

Exhibits.
 Y.
 Statement
 of
 A. Massiah,
 26th
 October
 1944,
continued.

sent to John Sadool to inform him that Gooriah said he must go there tonight. John Sadool did went there the night to Gooriah (deceased) who admitted him in the room. Just then Noor Mohamed and Sowakat Alli rushed in the room and with sticks and they gave him a few lashes and he Sadool ran away leaving his hat which fell from his head.

Noor Mohamed took the hat to Springlands Police Station and reported that John Sadool went in Gooriah (deceased) room and stole three hundred dollars.

On the date which Gooriah died I was not at home. I left my house about 6.30 a.m. for my work at Crabwood Creek. I returned from work about 5 p.m. in the afternoon and my wife told me that Cuffie had given his wife some thing in a piece of paper and told her that if she loved him, let her go over to his sister Mrs. Saffee house and mixed the thing in water and drink it, Gooriah took the thing and she said I will show you that I will drink it because I know you dont want me any more and about half an hour after she heard Gooriah is dead. 10

When the Police were making enquiries and taking statements my wife Ayesha told me that we must not tell the Police about any quarrel or anything to against Noor Mohamed and she was present when I gave my statement to Sgt. Phoenix, she gave hers first and I gave mines after 20 on same day.

A. MASSIAH.

About 2 months after the death of Noor Mohamed wife (Gooriah) my wife Ayesha left my house and went over to live with Noor Mohamed, as his wife. I now know the reason why my wife had insisted on me not to tell the Police the truth about Noor Mohamed and his deceased wife Gooriah affairs ; there are many persons who know about the thing given to Gooriah to drink by Noor Mohamed, but are afraid because Noor Mohamed said if anyone say anything against him, he is a constable he will gave them trouble. 30

A. MASSIAH.

Taken down in writing by me at 8.45 a.m. on the 26.10.44 at Springlands Police Station and read over to A. Massiah who said it is true and correct and signed his name in my presence and that of R.C. Sgt. Crispin Gonsalves.

R.C.D. SINGH L/Cpl. 4116.

26.10.44.

Witness :

CRISPIN GONSALVES R.C. Sgt.

W.—STATEMENT of A. Massiah.

Springlands Police Station,
Corentyne, Berbice.

12/4/45.

Exhibits.

W.
Statement
of
A. Massiah,
12th April
1945.

Abraham Massiah M.E.1 states :—

- I am an Assistant Foreman at Ramjohn's saw mill, Crabwood Creek, and I am living at No. 79 Village, Corentyne, Berbice. I know Noor Mohamed. We are neighbours. I also knew his wife Gooria, she is dead now. Noor Mohamed, his wife Gooria and I live well as neighbours.
- 10 I can remember one night in last year (the month, day or date I cannot remember, but it was the month that we Mohamedans fasted in the year 1944) between 8 and 9 p.m. I was returning from church in passing Noor Mohamed's house he was standing on his step, he called me I went up to him and saw Gooria (dead) standing on the platform of the step at top. Noor Mohamed brother-in-law Saffie Oolah and his Noor Mohamed sister Babnee were also standing on the step. Shovrah Gooriah's cousin, my wife Ayesha and my mother-in-law Boodia were also on the steps. Noor Mohamed told me Buddy tonight me catch me wife with John Sadool. I told him I was very sorry to hear such a thing happen and he must try
- 20 and dont get himself into trouble. I then called my wife and mother-in-law and we went to our house which is about two rods west of Noor Mohamed's house. I heard nothing more about the affair until about 4 days after when I visited Noor Mohamed at his house. His wife Gooriah was not present. In course of conversation Noor Mohamed told me in his own words—Me mad poison the Bitch, but me frighten trouble. I told him dont worry to do that. After talking a little more I left and went home. About 4 days later Noor Mohamed told me that Gooriah had left. About three days later I saw Gooriah in Noor Mohamed's house. She was in the kitchen. I did not speak to her. I can remember that since Gooriah
- 30 returned to Noor Mohamed I generally heard him beating her in the night. I did not go over because Noor Mohamed had at one time before, he told me he caught her with John Sadradool that I must clear out of his house, whilst he was beating his wife and I went to speak to him. For this reason I do not go over whenever he is beating Gooriah. Someone had also told me Noor Mohamed said I had reported at station that he makes counterfeit money. On May 17th, 1944 this was a Wednesday, whilst I was at the saw mill crabwood creek I heard that Gooriah is dead. This was about 5 p.m. whilst on the way home I heard people saying that Gooriah poison herself. When I reached home I saw a crowd of people
- 40 in Saffie Oolah's house and I learned that is where Gooriah died and his house is situated on the eastern side of No. 79 Public Road. I did not go into the house on the 18th May 1944 I attended Gooriah's funeral at No. 78 Village. Mohamedan asked her Gooria that if he Noor Mohamed tell her to do any thing if she would do it. Also if he give her anything to drink if she is going to drink it and she Gooriah answered Yes, me go do anything you tell me to do and she my wife Ayesha said she believes that Noor Mohamed gave Gooria poison. That is all. I now remember. When Noor Mohamed told me he mad poison the bitch he had further said that look how dispenser Mohabir wife dead me believe he poison she
- 50 and he no get trouble and me no think me can get trouble if me poison

Exhibits.
 W.
 Statement
 of
 A. Massiah,
 12th April
 1945,
continued.

the bitch. Two months after Gooriah death that is the 25th July 1944 this was a Tuesday, my wife has left me and gone to live with Noor Mohamed and is still living with him as man and wife at No. 79 Village. This is a true story and correct.

ABRAHIM MASSIAH.

Taken by me at Springlands Police Station at 11.45 p.m. on the 12.4.45 read over to Abraham Massiah who said it is correct and signed his name.

S. A. PHILIPS Lcpl. 3976.

12.4.45.

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NN.—STATEMENT of N. Nisa.

NN.
 Statement
 of
 N. Nisa,
 17th
 September
 1946.

Exhibit "NN."

Pln. Skeldon,*

17.8.46.

* [sic]

NINIAN MESAHA states :—

I am fourteen years old and live with my father Noor Mohamed and step-mother Mabuban also called Isah decd. at No. 79 Village.

My mother's name was Bakridan. She died about 2 years ago leaving Gool Mohamed 11, Jamil Mohamed 7, and Zeer Mohamed 3 and I.

Herself and my father Noor Mohamed lived happily until she died. 20

I do not know what she died from. My father is a gold smith.

My father married to Mabuban during April 1946, but they were living together in my father's house since September, 1945.

Mabuban has no children. I know that she was married but do not know the name of her husband who is still alive. I do not know what caused the separation between herself and her husband.

Since Mabuban and my father started to live together, they never had any fight nor quarrel.

I do not know if Mabuban had complained of any sickness before.

About 9 a.m. on Tuesday 17th Sept. 1946 I heard Mabuban groaning 30 in the bed-room. I went in and saw her. She was lying on the bed frothing from her mouth.

I aroused my father who was sleeping on a couch outside and told him what happened. He left with a view of calling the doctor. He returned about five minutes later with a car and conveyed Mabuban to Pln. Skeldon hospital. I did not go to the hospital.

About 11 a.m. on Tues. 17th Sept. 1946 I was at my aunt Hemida's house when I heard of the death of Mabuban.

I was told by Mildred, a black woman of No. 79 Village. I knew that she was afterwards conveyed to Dr. Besson at Springlands.

On the night of Monday 16th Sept. 1946, my father slept on a couch outside, while my stepmother slept in the bedroom.

The other three children and I slept in the bedroom also.

Up to the time my stepmother took in sick (about 9 a.m. on Tues. 17.9.46) my father did not wake up.

My father and my stepmother usually sleep together but sometimes they separate.

I do not know why they separate at sometimes.

Mabuban was treating the other three children and I nicely. I had
10 loved her. She never used to flog us.

NIMAN NESSAH.

Taken by me at Pln. Skeldon at 3.60 p.m. on 17.9.46. and read over to Niman Nessah who said that it was true and correct and signed her name in my presence.

J. HENDERSON P.C. 4590

17.9.46.

Exhibits.
—
NN.
Statement
of
N. Nisa,
17th
September
1946,
continued.

G.—STATEMENT of Accused.

Exhibit "G."

Springlands Police Station.

18/9/46.

G.
Statement
of Accused,
18th
September
1946.

20 NOOR MOHAMED states—

I am a gold smith. I am living at No. 79 Village, Courantyne. Bakrudan deceased was my first wife. She died during May, 1944, leaving four children namely Naiman, Masa Goolmohamed, Janiel Mohamed, and Zair Mohamed. Five months after Bakrudan's death I took up with Maboban also called Isha (decd.) we live together as reputed husband and wife until March 1946 when I marry her.

On Monday 16.9.46 I was at home in company with Maboban and children about 4 p.m. Alfred Chin a driver of Plantation Skeldon came to my home with a large bottle of rum. We both started to drink, shortly
30 after Ageday of Plantation Skeldon came and the three of us continued drinking until about 6.30 p.m. when Chin and I had dinner.

The three of us left my home and went on No. 79 Public Road and met Cyril Dookie and Dalgetty. Chin said to Dalgetty "You go take something man." Dalgetty said Yes. Chin and Dalgetty left Cyril and I and went to No. 79 rum shop. Shortly after they returned Dalgetty brought a half bottle of rum in his pocket. Dalgetty Chin, Cyril and I went to Hamida house at Plantation Skeldon, there we drank the half bottle of rum. Ageday did not go with us to Hamida's house.

At about 7.30 p.m. Dalgetty Chin, Cyril and I left Hamida's house
40 and went to Mr. Mars house at Pln. Skeldon, there we drank another half bottle of rum. Before I left my sister Hamida house Ramjonally my nephew told me he has a letter and photograph from Rose Hall Courantyne to show me in connection with his expected marriage. I told him to take them home to my house.

Exhibits.
 G.
 Statement
 of Accused,
 18th
 September
 1946,
continued.

At about 10.30 p.m. Dalgetty Chin Cyril and I left Mr. Mars house. Chin stopped home. At his house. Cyril Dalgetty and I continued until we reached near the well at Pln. Skeldon. Cyril stopped home. Myself and Dalgetty continued. At this stage I felt sweet but was not drunk. Dalgetty took me home to my house at No. 79. The house was closed. I rapped and called, Isha, Isha. She got up and open the back door, I went up the steps. When Maboban said Mohamed you sick and you stay out so late. I said Man it ent late theatre just over. She said like you and Dalgetty bin ah drink. Dalgetty said No Mother if is so then I wouldn't come back. I went in the house Dalgetty went away 10 and she closed the door. I changed my clothes. I told her to make up the sofa. She made up the sofa and ask me " Mohamed you no go eat ? " I said No. Ramjonally then said Wha wrong Mama (meaning Uncle) like you tight I said Shut you mouth boy and I went to bed. On the sofa. Ramjonally told me that Hamida is sleeping in the bedroom. I now remember that Maboban had told me that Didi (meaning Hamida) and Ramjonally come. I told Ramjonally tomorrow (17.9.46) I will look after the thing. I slept; in the morning about 7.30 to 8 a.m. on the 17.9.46 Naiman woke me up and said Pa come and see wha happen to powa (meaning Maboban). I got up and go in the bedroom and saw she 20 was frothing from the mouth. I held her head up and said Isha Isha wha wrong. She didn't answer I asked Naiman where she (Maboban) went to, Naiman said Powa got up and went to the latrine and from the latrine she went and lie down in the hammock in the work shop under my house.

From there she got up and went and lie on the bed in the bedroom. I ran over to Dispenser King, but did not see him. I went to my brother-in-law Saffeullah house and borrowed a bicycle. Saffeullah asked me what was wrong. I told him my wife lie down on the bed frothing. I rode to the Doctor's house at Springlands. The Doctor was not at home. I returned and went to Dispenser King. I told him my daughter woke me 30 up this morning, when I got up I saw my wife frothing. I went to the Doctor, the Doctor is not at home. He told me to get a car and carry her to the hospital. The Dispenser Mr. Mohabeer wasn't in. Shortly after Mr. Mohabeer came and told me to take her to the Doctor. I took her (Maboban) to the Doctor at Springlands. The Doctor say \$5.00. I paid the Doctor \$5.00. The Doctor sound Maboban and said She is dead, he is going to send over for the Sergeant. Before that the Doctor asked me how long Maboban was sick I told him this morning. He said you are telling a lie, shortly after the Sergeant came and we took her body to Pln. Skeldon Mortuary. Before I left home in company with Chin and 40 Ageday I told Isha to give me a pocket kerchief. She said None nah doh. She go buy a yard ah cotton and make four. I said you ah tell lie, no buy no cotton. She didn't give me the kerchief and I left. Maboban and I never had no contention. Maboban and I were living good. About 4 p.m. I saw Dr. Besson performed Post mortem on the dead body of Maboban at Pln. Skeldon Mortuary by cutting open the body.

NOOR MOHAMED.

Taken by me at Springlands Police Station at 7.45 p.m. on the 18.9.46 and read over to Noor Mohamed who said it is true and correct and signed his name in my presence.

H. THOMAS,
 18.9.46.

JD1.—STATEMENT of Jamaludeen.

Exhibits.

Exhibit JD.1

Springlands Police Station.

29.9.46.

JD1.
Statement
of
Jamalu-
deen,
29th
September
1946.

JAMALUDEEN states :—

I am 16 years old, I am living at No. 78 Village with my father Raffudeen. I am a goldsmith apprentice, working with Noor Mohamed of No. 79 Village for one year and six months. Noor Mohamed Goldsmith Shop is situated under his house. I knew Maboban also called Isha (deceased). She was Noor Mohamed's wife. I also know Noor Mohamed children, namely Naiman, Gool, Zam and Zair. They are not Maboban's children, their mother died about 2 or 3 years ago.

Since I am working with Noor Mohamed I usually goes to work between 6 and 7 a.m. every day except Sundays and would leave work at about 6.30 p.m. at Sometimes when we have plenty of work we would work up to 10 p.m.

So far as I know Noor Mohamed do not take in his own work he works for Saffeeullah of No. 79 Village who is also a goldsmith and brother-in-law of Noor Mohamed.

20 Saffeeullah usually supplies the shop (Noor Mohamed) with solution. This solution consists of Nitric acid, Muriatic acid, raw gold and potash Cyanide ; it is used for cleaning jewels. This solution is always being kept in a wooden press in the shop. When we are not actually using it ; this press is secured by a small padlock and key this lock could be opened if it is pulled hard by any one. I now remember that the lock has no key it is being closed but not locked. Maboban was a seamstress she also work in the said goldsmith shop. In this shop there is a hammock.

30 On Tuesday 17.9.46 about 7.30 a.m. I went to work and met the work shop opened and swept. I saw Maboban lying in the hammock in the work shop. I told her morning. She said morning. I opened my drawer took out a finger ring and went over to Saffeeullah's gold smith shop over the road to get the ring milled about 7.45 a.m. Whilst I was milling the ring and I saw Noor Mohamed on the road No. 79 Public Road he ran into Saffeeullah house and from there he ran into Mr. King Drug Store.

40 I continued milling and paid no attention to him. Shortly after I went for a bucket of water on the road I met Noor Mohamed who appeared to be worried. I asked him what happened he replied saying Come quickly. Both of us went to his home quickly and there I saw Maboban lying on a bed in her bedroom frothing from her mouth. Noor Mohamed asked Maboban what happen to you. She did not speak, Noor Mohamed told me to go and get a cart I went for the cart, but at the same Jim came with his car. I assisted putting Maboban in the car, herself Noor Mohamed left for Pln. Skeldon Hospital.

About 11 a.m. on the 17.9.46 I heard Maboban died. On the 18.9.46 I witnessed the burial of the deceased. At Pln. Skeldon burial ground.

Exhibits.
 —
 JD1.
 Statement
 of
 Jamaludeen,
 29th
 September
 1946,
continued.

I do not know of any trouble between Noor Mohamed and Maboban (decd.) So far as I know they were living good always smiling and making jokes and at sometimes about 3.30 to 4 p.m. they usually go fishing.

I took no notice of Maboban's condition when I first saw her lying in the hammock.

JAMALUDEEN.

Taken by me at Springlands Police Station at 2.10 p.m. on the 29.9.46 and read over to Jamaludeen who said it is true and correct and signed his name in my presence.

R. P. THOMAS Sgt. 4019

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29.9.46.

R.
 Statement
 of Accused,
 1st
 October
 1946.

R.—STATEMENT of Accused.

Exhibit " R."

Springlands Police Station.

1st October 1946.

NOOR MOHAMED also called Cuffee was told that enquiries are being made about the death of his wife Mahaboon also called Ayshia which took place on the 17.9.46, and was duly cautioned states :—

I am a gold smith and I live at No. 79 Village. On Tuesday the 17.9.46 about 7.30 to 8 o'clock in the morning whilst I was asleep on a sofa in the hall of my house my daughter Niman Nessah wake me up and said Pa, Pa, come see what happen to Phoowah meaning my wife Mahaboon. I got up and went in the bedroom and saw her lying on the bed frothing from her mouth. I called her Ayshia, Ayshia, and I did not get any reply from her. I then ran to the Dispenser Mr. King at No. 79 Village, and I was told by a black boy who was in Mr. King Drug Store that I cannot see Mr. King until 15 minutes after. I do not know the boy name but I know the boy works with Mr. King in the drug store. I did not tell the boy what I want to see Mr. King about. I now remembered that before I went to my Mr. King drug store I went to my brother-in-law Saffeuallah house and told him that this morning Niman woke me up and I see my wife frothing from her mouth. After I told my brother-in-law Saffeuallah about my wife, he did not say anything to me. I then went to Mr. King and from there I went back to my brother-in-law house and took one of the bicycles which was in his house and went to Dr. Besson at Springlands but I did not find him home. I then rode the bicycle back to Mr. King Drug store and met him in the Drug store and told him that I woke up and found my wife frothing from her mouth, I do not know what happened to her. Mr. King then told me to take her to the Hospital. I took back the bicycle to my brother-in-law Saffeuallah house, and I also told him that I will carry my wife to the Hospital and I want a car to carry her. I did not tell my brother-in-law that I want a car, but I told my brother son Benny Persaud to go and see if Jim car is there, tell him come quick because my wife is sick, and I want to carry her to Hospital. After this I went back home and Jamaludeen accompanied

me home ; I had told him on the road that my wife is sick and I want him to assist me with my wife. On my arrival home I found my wife still frothing from her mouth, I then told Jamaludeen to go for a cart and he went and brought a cart I do not know whose cart he brought but before I had told Jamaludeen to get a cart, I had asked one Karamat to lend me his cart. Just then the motor car came in the theatre yard at Metro and myself and others lifted her from my house and took her to the car. I cannot remember who assisted me to get my wife in the car. I then took her in the car to Skeldon Hospital. I left my wife Ayshia still in the car and went upstairs at the Hospital to the Dispenser I do not know the Dispenser name, he was the assistant dispenser, and I told him Doc that my wife is sick in the car down stairs. He told me to bring her up and I took her up assisted by others I cannot remember them, and placed her on a bed in the Hospital. The Dispenser then asked me what happened to her and I told him I do not know, he asked me if I am a gold smith and I said yes, he again asked me if she drank any thing, and I told him I do not know, he asked me if she vomited and I told him yes, he then asked me where is the vomit, I told him that she vomited on a bed sheet, and he told me to go for the bed sheet, I then send Jamaludeen for the sheet and he brought the sheet and gave the dispenser. Just then the chief dispenser Mr. Mohabeer came in and looked at my wife and then told me to take her to the Doctor and I brought her to Dr. Besson in another motor car I do not know who car it was. The Doctor told me he want \$5.00 I paid him the \$5.00 and he examined her and said she is dead. The Doctor then asked me how long she was sick and I told him only this morning, he then asked if is not my wife who had died at my brother-in-law Saffeuallah house the last time, and I told him yes. He then said he will call over the Sergeant and he called Sgt. Thomas I do not know what he told the Sgt. My wife Ayshia was not sick she was strong she never complain about any sickness from the time myself and her took up to live as husband and wife. I was not in the room when Dr. Besson performed Postmortem examination on the dead body, but I know that the Doctor opened my wife death body. The body was handed over to me by the Police and I buried the body at Pln. Skeldon burial ground on Wednesday the 18.9.46.

On Monday the 16.9.46 about 4 p.m. I was at home one Alfred Chin of Skeldon came to my house to pay a visit. Whilst there he asked me if I will take a drink and I told him yes, and he send a boy, I do not know the name of the boy, but now I remembered the name of the boy, his name is Ramgolam of Skeldon, and bought one bottle of rum. Ramgolam never drink any of the rum. About 4.30 p.m. one Adgeday came to my house and he also joined us in drinking the rum, before Adgeday came my wife Ayshia gave myself and Chin plantain to eat and both of us eat the plantain. About 6.30 p.m. myself Chin and Adgeday left my house and went to No. 79 Village Public road and we met Dalgety and Cyril. Chin asked Dalgety if he will take a drink and Dalgety said yes we all then went to No. 79 Village rum shop and there some one either Dalgety or Chin bought half bottle of rum and we went to my sister house at Skeldon her name is Hamida and there we drank the half bottle of rum. Adgeday was not with us at my sister house when we drank the half bottle of rum. Whilst at my sister house, her son Ramjanally showed me a letter and a photograph of Basalat daughter of Rosehall Courantyne. I then told him he must come home with the letter and the photograph. About 7 or

Exhibits.

R.

Statement
of Accused,
1st October
1946,
continued.

Exhibits.
 R.
 Statement
 of Accused,
 1st October
 1946,
continued.

7.30 p.m. myself, Dalgety, Chin and Cyril Dookhie left there and went to one Mars house at Skeldon, and we again drank another half bottle of rum and then myself, Dalgety, Chin and Cyril Dookhie came out of Mars house; Chin went to his house, and Cyril Dookhie went to his house and myself and Dalgety came to my house this was about 10.30 to 11 p.m. I rapped at my door and called my wife and she opened the door. I then went up my step and she said to me that you is not too well and so late you deh drinking with Dalgety. I then told her it is not too late, theatre just over. Dalgetty then said mistress don't talk so, Na see next time me na go come, and he went away leaving me at my house. Just then my wife told me that my sister Hamida and my nephew Ramjanally is at my house, I now say that my wife told me that Deedee and Bhoyuo was waiting for me. I told her alright. I then went in the bed room and change my clothes. Just then Ramjanally said to me Mamoo, mamoo like you sweet and I told him to shut his mouth what you ah talk my wife then asked me if I am not going to eat, I told her no. She made up the sofa and I lay down. Ramjanally then said mamoo what about the photograph and the letter, I told him boy left it for to-morrow and I fell asleep. Ramjanally and Hamida slept at my house that night, Ramjanally slept on a morris chair near to me and Hamida slept in the bed room with my wife Ayshia and children. I never had any quarrel with my wife Ayshia on the Monday night 16.9.46, Dalgety never told me anything that my wife told him something about me. I did not beat my wife on Monday day time or night the 16.9.46; I do not know when my sister Hamida and Ramjanally left my house, I do not know whether my wife had got up from her bed that morning and went anywhere from the house. I did not see Jamaludeen at my house on Tuesday 17.9.46 when got up from bed; as a gold smith I do keep acid and I bring over solution (cyanide) from my brother-in-law Saffeuallah workshop to clean jewellery. I do not buy cyanide Potassium I get the solution from my brother-in-law Saffeuallah. I do jobs for him and he supply me with the solution. I generally keep the solution and acid in a press in my workshop and I locked the press with a padlock, but if you pulled the lock the lock generally opened. My wife and children do not go near to the press where I keep the cyanide solution and acid. I remembered that myself and wife had a miss understanding and she left and went to Johorah house I cannot remember if she came home herself or I went for her because it is too long now. I do not know if my first wife Gooriah died from cyanide of potassium, she died at my brother-in-law Saffeuallah house. She also died suddenly like the last wife Ayshia who died on the 17.9.46.

NOOR MOHAMED.

Taken in writing by me at 5.20 p.m. on the 1.10.46 at Springlands Police Station and read over to Noor Mohamed also called Cuffee who said it is true and correct and signed his name in my presence and that of Sgt. 4019 Thomas.

Det. Cpl. 4116 R.C. D. SINGH.

1.10.46.

H. P. THOMAS Sgt. 4019.

1.10.46.

JD2.—STATEMENT of Jamaludeen.

Exhibits.

Exhibit JD.2.

Springlands Police Station

1st October, 1946.

JD2.
Statement
of
Jamalu-
deen,
1st
October
1946.

JAMALUDEEN states—

I live with my father Raffudeen and mother Nazeeran at No. 78 Village and I am a goldsmith apprentice and I am 16 years old. I know Noor Mohamed also called Cuffy and his reputed wife Ayseah (deceased). Some time in the early part of last year 1945, I went to learn gold smith trade with Noor Mohamed also called Cuffy at No. 79 Village where he lives. About one or two weeks after I went to learn gold smithing with Cuff, I heard Cuffy telling Ayseah (deceased) that she is an enemy to him, and she must go away from his house, because he do not want her as a wife any more. I do not know why Cuffy told her, that she is an enemy to him. Just then Cuffy went upstairs from the work shop which is below the dwelling house and took Aysiah (deceased) clothing and belongings and threw them in the yard from upstairs and put her out of the house. Aysiah then took her belongings which were scattered in the yard and took them to one Johorah House which is in the said lot at No. 79 village, I also assisted her in removing her foot machine to Johorah house and Aysiah left at Johorah house. On the said night after Aysiah had left Cuffy house, I went to the Metro theatre at No. 79 Village to see picture which started at 8.30 p.m. After picture I was going to my house. When Cuffy son Gool met me whilst coming out of the theatre and told me that Cuffy want to see me, now at his house. I then went with Cuffy son Gool to Cuffy house, where I met my boss Cuffy lying down on a sofa and covered with a blanket. I then asked my boss what happen and he told me that he is very sick and he want me to go and call Aysiah to come to his house back. I left and went to Johora house and rapped at the door and called Aysiah who came out to the step, and asked me what happened, and I told her that my boss Cuffy is very ill and he want her to go back home. Aysiah then dressed and came down the step. Just then I saw my boss Cuffy coming to Johora house, he came right up to the step of the house ; on seeing him I asked him what happened and he pushed me down the step, and started to beat Aysiah with his hand cuffing her on her face and head. I then left the two of them at Johora step and went away to my house. Next morning when I went to work I met Aysiah at my boss house, he was also at home. During the year and half I was working at Cuffy house, himself and Aysiah always quarrel they were not living nice ; every time they quarrel, my boss Cuffy always start first with Aysiah but Aysiah do not say anything to Cuffy, she always keep quiet. On one occasion I know that my boss Cuffy slapped Aysiah and pulled her down on the ground by her hair, this took place in the workshop and one Mildred James was present when Cuffy beat her. Mildred James prevented Cuffy from beating Aysiah further. My boss also cursed Aysiah by saying " you whore you mek me first wife dead and people saying that me killed her," because she Aysiah was carrying and bringing news, all this was said in the presence of Mildred James, and Mildred James told Cuffy " Alright Cuffy remember what you say just now, if me go away at New York self and anything happened to this woman (meaning Aysiah) me go come and

Exhibits.
 JD2.
 Statement
 of
 Jamaludeen,
 1st October
 1946,
continued.

say just what you say just now." Cuffy then said "supposed you hear Aysiah throw away she machine in the river," if she Mildred will come and say so. Mildred did not answer Cuffy. On that very day Cuffy also told Aysiah to clear out of his house, and Aysiah said she is not going. On Monday the 16.9.46 I went to work about 6.30 a.m. I did not hear any quarrel between my boss and Aysiah. About 3 p.m. I left and went home. When I left my boss workshop, he was drinking rum upstairs at his house in company with Balgety, and Adgeday. On Tuesday the 17.9.46 I again went to work as usual about 6 to 7 a.m. When I arrived at my boss house I saw Aysiah lying down in a hammock downstairs, my boss was upstairs. I spoke to Aysiah and she spoke to me, she was not sick. About 5 minutes after I left my boss place and went to Saffeuallah place to mill a gold finger ring. Whilst I was milling the gold ring I saw my boss Cuffy running coming towards Saffeuallah house and went to the house, and then came out and went to Mr. King drug store. I then went on the Public road and met my boss, and he told me in reply that I must come quick, he did not tell me what was wrong. I then followed him to his house and saw Aysiah lying on a bed in the bedroom frothing from her mouth. Cuffy then told me to go and get a cart. I then went to one Karamat at No. 79 Village and took his donkey cart and took it to my boss Cuffy house. Just then Jim motor car came in the metro theatre yard, myself, Cuffy Beenie and Royal mother lifted Aysiah from the house and took her to the motor car at the metro theatre yard, and thence to Pln Skeldon Hospital. Whilst at the Hospital the Assistant Dispenser Choonoo, then told my boss Cuffy to send for the bed sheet in which Aysiah vomited. I went to Cuffy house and took the bed sheet to the Hospital and gave Choonoo the dispenser and I left and came home at my house. About 20 minutes after I heard that Aysiah died. From the time I left my boss house on the 17.9.46 to the time I saw my boss the Public road when he told me to come quick it was about 10 minutes only. On Thursday the 19.9.46 I went to work at my boss house as usual about 6.30 to 7 a.m. Whilst at the work shop my boss Cuffy told me that if the Police ask me anything, if himself and his wife Aysiah had any quarrel I must tell the Police no, and that both of them were living good, and that is why I made the first statement in that manner. Many times I saw people go to my boss house and ask him to work obeah for them, the last occasion one Dalgety went to my boss Cuffy house about three weeks ago and asked my boss to try and do something for him so that he Dalgety wife may return back to him to live together.

On Thursday the 26.9.46 I again went to work at 7 a.m. I worked until about 11.30 a.m. Before I left for my home, my boss Cuffy told me that he left a candle in my drawer, I must take it to my house and keep it for him. I took the candle and brought it home, where I still have it. On the 11.5.46 my boss sent me to Saffeuallah house to get some Sulphuric acid from him. I went to Saffeuallah and asked him for the acid and Saffeuallah sent me to Bovill Drug Store at No. 79 Village to buy one pound of acid, I bought the acid and delivered same to Saffeuallah and he gave me part of the acid which, I took and delivered same to my boss Cuffy. When my boss finished using acid and other poison he do not send the balance left to Saffeuallah back, he always keep same at his work shop in a press.

Taken down in writing by me at 11.45 a.m. on the 1st October 1946 at Springlands Police Station and read over to Jamaludeen who said it is true and correct and signed his name in my presence and that constables No. 4447 Heyligar, 4591 Britton and 4599 McKinnon.

Exhibits.
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JD2.
Statement
of
Jamal-
deen,
1st October
1946,
continued.

Det. Cpl. No. 4116 R. C. D. SINGH,

1/10/46.

1. D. D. HEYLIGAR Cons 4447
2. C. MCKINNON P.C. 4599.

RO.—STATEMENT of Ruth Oldfield.

10 Exhibit RO.

No. 79 Village,
Courantyne.

2.10.46.

RO
Statement
of Ruth
Oldfield,
2nd
October
1946.

RUTH OLDFIELD states :—

I live at No. 79 Village C/yne. I am a domestic. I live in the end room of a range belonging to Saffeeulla ; I know Noor Mohamed also called Cuffie, and his wife Mohabubhan also called Isha. They lived in the house next to me.

20 Although I live so near I don't know if they used to live well or bad. I don't know if they had any misunderstanding.

On Monday night 16.9.46 I was at home but I don't know if Noor and Isha had any story. I did not see either of them on Monday 16.9.46 or the night.

On Tuesday 17.9.46 sitting on my step in company with Sumintra my neighbour. About 9 a.m. I saw Noor Mohamed passed in a haste towards the road. I did not see when Isha was removed from Noors house.

I only heard by rumour that Isha was dead, about 11.30 a.m. I did not where her body was.

30 I don't know anything about Isha's death. I did not go to their home on Tuesday 16.9.46.

RUTH OLDFIELD.

Taken by me at No. 79 Village C/yne about 11 a.m. on 26.9.46 and read over to Ruth Oldfield who said it was true and correct and signed his name in my presence.

D. L. D. HEYLIGAR

Cons. 4447

2.10.46.

*Exhibits.***Z.—STATEMENT of A. Massiah.**

Z
Statement
of
A. Massiah,
16th
October
1946.

Exhibit "Z."

No. 79 Village. Courantyne.

16th October 1946.

ABRAHIM MASSIAH further states :—

That some time in the month of March 1946, R.C. Charles met me at the Public road and told me that my wife Ayshia who was living with Cuffy said she regretted leaving me, to live with Cuffy, and he asked me if I will take her back. I told R.C. Charles that I am willing to forgive her and take her back as she is my lawful married wife. At that time Ayshia was stopping with Johora Gannie at her house. A few days after Ayshia returned back to Cuffie house. I met R.C. Charles some time after either the 2nd or 3rd day after Ayshia returned to Cuffy house, and he told me that Ayshia said I must wait a little. A week after I spoke to Ayshia myself and she told me that I must wait, she will left Cuffy and then she will returned to me. In the month of July 1946, Ayshia left Cuffy house and went away and was stopping with Deen goldsmith family, and I used to met her on the Public road and she had agreed to returned to me to live with me but I must left the wife I am living with first. I agreed to do so. About 4 to 5 days after I saw Ayshia at Cuffy house again. During the time she was at Cuffy house after she returned from Deen house to the time of her death on the 17.9.46 whenever she get a chance to speak to me she always do so. The last occasion I spoke to her was a week before her death and she told me that I must move out my house from Cuffy brother-in-law Saffeuallah place because Cuffy lives near to me and he will always trouble her if she returned back, to me ; I told her alright I will sell the house and we could go and live some where else. I was not at home when she died I left house at 6.30 a.m. on the 17.9.46 for work. When I was going to work I saw Ayshia sweeping the yard at Cuffy place.

ABRAHIM MASSIAH. 30

Taken down in writing by me at 6.45 p.m. on the 4.10.46 at No. 79 Village and read over to Abraham Massiah who said it is true and correct and signed his name in my presence and that of Const 4591 Britton.

R.C.D. SINGH CPL. 4116

4.10.46.

No. 4591 DET CONST P. BRITTON

4.10.46.

In the Privy Council.

ON APPEAL
FROM THE SUPREME COURT OF BRITISH GUIANA.

BETWEEN

NOOR MOHAMED *Appellant*

AND

THE KING *Respondent*

RECORD OF PROCEEDINGS

HY. S. L. POLAK & CO.,
DANES INN HOUSE,
265 STRAND, W.C.2,
Solicitors for the Appellant.

BURCHELLS,
9 BISHOPSGATE, E.C.3,
Solicitors for the Respondent.