

~~GA 7~~ ~~G 2~~

Judgment
18, 1956

UNIVERSITY OF LONDON
W.C.1.
19 FEB 1957
INSTITUTE OF ADVANCED
LEGAL STUDIES

IN THE PRIVY COUNCIL

No. 46 of 1955

ON APPEAL

FROM THE COURT OF CRIMINAL APPEAL

FOR TRINIDAD AND TOBAGO

B E T W E E N:

RAMSOOK RAMLOCHAN Appellant

- and -

THE QUEEN Respondent

RECORD OF PROCEEDINGS

T.L.WILSON & CO.,
6, Westminster Palace Gardens,
Victoria Street,
London, S.W.1.
Solicitors for the Appellant.

CHARLES RUSSELL & CO.,
37, Norfolk Street,
Strand,
London, W.C.2.
Solicitors for the Respondent.

**INSTITUTE OF ADVANCED
LEGAL STUDIES,
25, RUSSELL SQUARE,
LONDON,
W.C.1.**

IN THE PRIVY COUNCIL

No. 46 of 1955

ON APPEAL

FROM THE COURT OF CRIMINAL APPEAL
FOR TRINIDAD AND TOBAGO

BETWEEN

RAMSOOK RAMLOCHAN

Appellant

- and -

THE QUEEN

Respondent

UNIVERSITY OF LONDON
W.C.1.

19 FEB 1957

INSTITUTE OF ADVANCED
LEGAL STUDIES

6092

RECORD OF PROCEEDINGS

INDEX OF REFERENCE

No.	Description of Document	Date	Page
1	<u>IN THE SUPREME COURT OF</u> <u>TRINIDAD AND TOBAGO</u> Proceedings <u>Prosecution Evidence</u>	18th May 1955	1
2	Horace Paul Charles	18th May 1955	2
3	Ramkisson Soodeen	19th May 1955	6
4	Deonarine Pherangie	19th May 1955	8
5	Baboonie	19th May 1955	13
6	Oscar Deane	20th May 1955	16
7	Boodram	20th May 1955	17
8	Abdool Rahaman	20th May 1955	19
9	Herman Gittens	20th May 1955	21
10	William Saunders	20th and 23rd May 1955	23
11	Abdool Rahaman (Recalled)	23rd May 1955	31
12	Boodram (Recalled)	23rd May 1955	31
13	Arnold Forbes	23rd May 1955	31
14	Proceedings	25th May 1955	33

No.	Description of Document	Date	Page
	<u>IN THE SUPREME COURT OF TRINIDAD AND TOBAGO</u> <u>Prosecution Evidence (Continued)</u>		
15	Albert Eddison Kerr	25th May 1955	34
16	Arnold Forbes (Resumed)	25th May 1955	35
17	Awadi	25th May 1955	37
18	William Saunders (Recalled)	25th May 1955	38
19	Proceedings	25th May 1955	40
	<u>Defence Evidence</u>		
20	Ramsook Ramlochan	25th May 1955	41
21	Proceedings	26th and 27th May 1955	44
	<u>Defence Evidence (Continued)</u>		
22	Ramsook Ramlochan (Resumed)	27th and 31st May 1955	45
23	Proceedings	31st May 1955	53
	<u>Prosecution Evidence</u>		
24	William Saunders (Recalled)	1st June 1955	54
	<u>Defence Evidence (Continued)</u>		
25	Arthur Roberts	1st June 1955	56
26	Corporal O'Roscoe	1st June 1955	56
27	Proceedings	1st June 1955	56
	<u>Prosecution Evidence</u>		
28	William Saunders (Recalled)	1st June 1955	57
29	Arnold Forbes (Recalled)	1st June 1955	57
30	Abdool Rahaman (Recalled)	1st June 1955	58

No.	Description of Document	Date	Page
	<u>IN THE SUPREME COURT OF TRINIDAD AND TOBAGO</u> <u>Prosecution Evidence (Continued)</u>		
31	Boodram (<u>Recalled</u>)	1st June 1955	59
32	Proceedings	1st, 2nd & 3rd June 1955	59
33	Summing Up	3rd June 1955	60
34	Proceedings	3rd and 6th June 1955	96
	<u>IN THE COURT OF CRIMINAL APPEAL FOR TRINIDAD AND TOBAGO</u>		
35	Grounds of Appeal		99
36	Judgment	29th July 1955	104
	<u>IN THE PRIVY COUNCIL</u>		
37	Order granting special leave to appeal in forma pauperis	1st December 1955	107

EXHIBITS

Exhibit Mark.	Description of Document	Date	Page
A.F.4.	Letter to Chemist, with Report appended	14th June 1954	112
W.S.9.	Letter to Chemist, with Report appended	14th June 1954	111
W.S.10.	Statement of Ramsook Ramlochan	13th June 1954	109
W.S.11.	Warrant	23rd October 1954	113
W.S.12.	Search Warrant	12th June 1954	109

ON APPEAL
FROM THE COURT OF CRIMINAL APPEAL
FOR TRINIDAD AND TOBAGO

BETWEEN:

RAMSOOK RAMLOCHAN Appellant

- and -

THE QUEEN Respondent

RECORD OF PROCEEDINGS

10

No. 1.

PROCEEDINGS.

In the
Supreme Court
of Trinidad
and Tobago

TRINIDAD.

IN THE SUPREME COURT OF TRINIDAD AND TOBAGO.
No.25 of 1955 S.F.160 of 1955 P.O.S.

THE QUEEN v. RAMSOOK RAMLOCHAN.

Indictment for murder of Minwatee Ramlochan also
called Toy on the 12th of June, 1954, at Fyzabad.
Wednesday 18th May, 1955.

No. 1.
Proceedings.
18th May 1955.

Accused arraigned and pleads not guilty.

20

E. A. Durity Crown Counsel for the Crown.
Pandit Seunarine instructed by C.Kangaloo for the
accused.

The following persons were drawn and sworn as jur-
ors:

- No. 15 Eric J. Dieffenthaler
- 31 Leo Jackie
- 10 Fenton P. Davidson
- 19 Thomas F.C. Encinas
- 6 Fitzroy Celestine
- 21 Martin Franklin
- 30 James Inglis
- 1 Anwar Ali
- 43 Hector H. Pogson
- 42 Ermino M. Mosca
- 33 George Lee Fai
- 50 Learie Weekes.

30

Eric J. Dieffenthaler was elected foreman.

In the
Supreme Court
of Trinidad
and Tobago.

No. 1.

Proceedings.

18th May 1955 -
continued.

Challenges: No.29 Leo Herbert was drawn and chal-
lenged by Seunarine and No. 44 Budram Ragattie was
drawn instead. He was challenged by the Crown.

No.35 Kenrick R.Lewis was drawn in his stead and
challenged by Seunarine. No.15 Eric J.Dieffenth-
aller was drawn and sworn in his stead.

No.11 Newton E.Dayal was drawn and challenged by
the Crown.

No.37 Mulchan R.Manbooh was drawn in his stead and
challenged by the Crown. No.19 Thomas F.C.Encinas
was drawn and sworn in his stead.

10

No.48 Charles Smith was drawn and challenged by
Seunarine.

No.33 George Lee Fai was drawn and sworn in his
stead.

Prisoner given in charge of the jury.

Durity opens his case to the jury on behalf of the
Crown. In the course of same, he states: "The
doctor will tell you that at 6 o'clock that morning
the child was a corpse".

20

Seunarine objects, saying there is no such evidence
and wishes the Court to rule that Counsel has no
right to say so and to restrain him from saying
things of the sort.

Court rules that it has no means of knowing what
the doctor is going to say when he comes into the
box. It will be a matter for comment by the De-
fence if the Crown's witnesses do not live up to
the opening.

Prosecution
Evidence.

No. 2.

30

No. 2.

EVIDENCE OF HORACE PAUL CHARLES

Horace Paul
Charles.

18th May 1955.
Examination.

Horace Paul Charles, sworn on the bible, says: I
am a member of the Medical Board of the Colony and
District Medical Officer of Siparia. I remember
the 12th of June last year. During the course of
that day I went to a spot in a cocoa field near a
place called "The Standard Gate" on the road to

Fyzabad. I met a number of police officers there and a crowd of people. I was shewn the body of an East Indian girl with the head completely severed from the body at the middle of the neck. The head was lying close to the body about a yard from the neck and a foot from the lower limb. It was lying at the foot of an immortelle tree. The body was fully clothed. The clothing appeared in the normal condition to that sort of person. The hair on the head was tied by a bit of cloth in a tidy manner. The hair was rolled into a bun at the back as often seen in Indian women and this tied with a bit of cloth. There was blood on the ground close to the spot where the neck was resting, four or five tablespoonfuls for the most. There was a small quantity of blood on the clothing near the neck. I didn't see any signs of blood on the head tie. I viewed the body and as a result of my instructions it was removed to the mortuary of the Siparia Hospital. The body was a dead body when I saw it. I performed a post mortem on the body at the mortuary the said day in the presence of Dr. Pawan the Government Pathologist. This was about 6 p.m. Dr. Pawan assisted me. I found the head was completely severed from the body severing all the vital structures which pass through the neck. There was a small fresh incision on the right index finger which had a wound inflicted within 18 hours at most. A superficial type of wound and about a half inch long. It was not actually bleeding but its freshness could be gathered from the accumulation of blood in the wound. I examined the internal organs which were extremely exsanguinated. Not one of the organs contained anything like the normal quantity of blood it should contain. As a matter of fact it was impossible to get a tablespoon of blood from any part of the body. I concluded that death was due to shock and massive haemorrhage caused by the transection complete cutting across the spinal cord and large blood vessels of the neck. I concluded that death must have occurred between 12 and 14 hours previously. The body was identified to me as that of Minwattee Ramlochan by Ramkisson Soodeen of Siparia Old Road. She seemed to be about 13 years of age. The injury was caused by a sharp, heavy cutting instrument. A heavy cutlass would have caused it. It would depend upon the amount of force used. I would expect a heavy cutlass.

50 Question: Having regard to your opinion as to the

In the
Supreme Court
of Trinidad
and Tobago.

Prosecution
Evidence.

No. 2.

Horace Paul
Charles.

18th May 1955 -
Examination -
Continued.

In the
Supreme Court
of Trinidad
and Tobago.

Prosecution
Evidence.

No. 2.

Horace Paul
Charles.

18th May 1955.

Examination -
continued.

cause of death and the small amount of blood you saw there, in your opinion could the body have been decapitated on that spot?

Objection by Seunarine: It is not an opinion but an inference.

Overruled.

Answer: It is not my opinion that it was.

Question: Why are you of that opinion?

Answer: Because the amount of blood which every human being must have as a minimum to live was not present within the body or on the spot.

10

Question: If decapitation had taken place there when she was alive what would you have expected?

Answer: There would be a large quantity of blood around the body on the ground - at least 3 or 4 pints - imperial, spilled about the place there. That would have been a minimum. If she had been decapitated there after death the blood would have been within the body.

I said just now the decapitation was caused by a heavy sharp cutting instrument because there was nothing to suggest that more than one blow was made - It was one clean cut. I concluded that the cutting instrument must have started from behind. I can't say whether the body was supine, prone or sitting or standing. My opinion as to the time within which death occurred is based on the time rigor mortis sets in and the time it stops. This factor which is variable on account of climatic conditions and it is only possible to give a rough estimate of the time within which death occurs, say within 2 or 3 hours. It could not have occurred before 4 a.m. nor after 7 a.m. I first saw the body a little after 8 in the morning. I was not able to say then how long before death had probably occurred. There were no signs of her having been ravished. I saw the accused the same day at the Police Station, Siparia and with his consent I examined his body. I found no evidence of injury on his body. I found no source of bleeding at all. I saw no eczemas and none were drawn to my attention. There was no naked eye evidence to suggest that he was suffering from any disease.

20

30

40

Cross-examined by Seunarine: I can't be certain as to the time of death within a minute or even half an hour from the rigor mortis method. When I went on the scene I looked at it. I tried to see what sort of wound was inflicted and see if there was any post mortem lividity or any rigor mortis. I used no instrument on the spot. I don't know this book "John Glaister on Medical Jurisprudence and Toxicology". I agree that generally the body surface will be cold within 8 to 12 hours but the temperature of the medium in which the body is lying exerts an important influence upon the time factor and must be taken carefully into consideration. This relates to the time death has taken place. I didn't take the temperature of the locality. It must have been about 80 degrees. I say so from casual observation. 80 degrees in the shade. I made a calculation. Rigor mortis sets in in the Tropics about 6 hours or so. When I saw it in the field it had not yet started. So that at the time I considered that death had occurred at any time less than 6 hours. Rigor mortis set in about 10 o'clock. Six hours is the minimum period and 9 hours the maximum for rigor mortis to set in. Working backwards I must have found that rigor mortis had set in at 1 p.m. I have no note of the time. The temperature test is more accurate. Human blood can be grouped into 4. Groups O and A and B and AB. These groups can be further sub-divided: O can be sub-divided OMN, OM and ON. The larger number of human beings belong to groups O and A. There are many substances which produce stains resembling bloodstains vegetable, colouring matter, rust to a casual observer depending on how casual is the observation.

To Court: Red ink, nail polish.

Continuing: There were remains of red nail polish on his toe nails. When a patient comes with eczema, if untreated it might last on for months. If treated depending on the therapy, the patient's reaction state of blood might be healed in 5 or 6 days but the evidence of it may stay on for many weeks. There might be no more need for treatment, but the evidence may remain on for 2 weeks, 3 weeks and more. The deceased girl was not suffering from V.D. from a casual examination. I examined as close as I could with my eyes. I have no report from Dr. Pawan whether either of them was suffering from venereal diseases. On the last

In the
Supreme Court
of Trinidad
and Tobago.

Prosecution
Evidence.

No. 2.

Horace Paul.
Charles.

18th May 1955.

Cross-
Examination.

In the
Supreme Court
of Trinidad
and Tobago.

Prosecution
Evidence.

No. 2.

Horace Paul
Charles.
18th May 1955.

Cross-
Examination -
continued.

Re-examination.

occasion as far as I recall I think I said 12 to 14 hours death had occurred. I could not have said 14 hours positively because all along I was explaining the system. At the preliminary hearing I think I recalled saying death occurred at 12 hours but it may be longer. Death took place between 11 hours and 14 hours before the post mortem examination. I can't be certain that death took place before 6 a.m.

To Court: The cut on deceased's finger was caused by a sharp cutting instrument. It might be either a sharp cutting instrument like a pen-knife or a heavy instrument of the same sharpness giving a glancing blow. The bleeding on the finger could have been caused any time from 18 hours before post mortem up to and during the time of decapitation.

Re-examined: It is difficult to say whether accused had any marks of healed eczemas, because if he had a healed eczema 4 or 5 weeks old, I would not have taken any notice of it.

3.25 p.m.: Adjourned to 9.30 a.m. Thursday 19th May, 1955.

Thursday 19th May, 1955. Resumed at 9.30 a.m.

10

20

No. 3.

Ramkissoon
Soodeen.

19th May 1955.

Examination.

No. 3.

EVIDENCE OF RAMKISSOON SOODEEN

Ramkissoon Soodeen sworn on the Iota, says: I am a labourer and live at the Siparia Old Road with my wife Deerajie. She has borne children for me amongst them a girl child named Minwatee. Her nickname was Toy. She is now dead. She was 13 years and 4 months old at the time of her death. I know the accused. He and Minwatee were married Hindu rites on 15th May 1954 at Standard Gate at the home of Deonarine Pherangie. After they were married they lived in a home by themselves at Standard Gate. I work at Apex Oilfields. On my way to work and from work I had to pass along a road near where accused and his wife lived. I

30

remember Thursday 10th June last year. I went to work. On my way from work I met the accused at the Standard Gate at about 4.30 p.m. He told me to take Toy home. I asked him what happened. He told me that he is suffering from venereal. He told me the doctor taking \$20 a fortnight and to keep away from his wife for a few weeks. I told him that is too much I will check up on that. I left him there and I went home. I did not take Toy home. I remember Saturday 12th June 1954 I went to work on that day. On my way to work I did something. I went to my daughter's home at Standard Gate where she lived with the accused. I reached there 6.20 a.m. I called to daughter "Toy", There was no reply. I did not see her. I did not hear her voice. One Baboonie the wife of Deonarine Pherangie was with me at the time. I walked away from there and went to my work. Whilst I was at work I was told something and in consequence I left work and went to the Standard Road. I saw there the dead body of my daughter Toy by an immortelle root in a cocoa field behind the accused's house. The head was cut off from the body and on the ground by the side of the body. That same day I identified the body to Dr. Charles as being that of my daughter Minwatee Ramlochan. That morning when I went to my daughter's house I called out in a loud voice. Before the celebration of this wedding there was a "teelack" an engagement ceremony at Deonarine Pherangie's home. It was about 15 days before the wedding. At that ceremony accused was present. I gave him \$100 teelack in money to become engaged to my daughter. This morning of the 12th June I went in the yard of my daughter's home. I did not look into the kitchen nor in the house. I just called out. After the doctor performed the post mortem the body of my daughter was delivered to me and I caused it to be buried the following day.

40 Cross-examined: The marriage was not registered so that he was not legally married. I understand that accused was legally married to a girl Baby. I don't know that before marriage to my daughter he refused to marry one Chanoo. My daughter and he so far as I know were living very well. She never complained of any ill treatment to me. During that from date of marriage till death she came to my home on two occasions. The first occasion 2 days and on the second occasion 3 days. Toy never

In the
Supreme Court
of Trinidad
and Tobago.

Prosecution
Evidence.

No. 3.

Ramkissoon
Soodeen.

19th May 1955.
Examination -
continued.

Cross-
Examination.

In the
Supreme Court
of Trinidad
and Tobago.

Prosecution
Evidence.

No. 3.

Ramkissoon
Soodeen.

19th May 1955.

Cross-
Examination -
continued.

complained about any venereal disease that she had or that her husband had. The conversation which I said he had with me on the 10th did take place. My wife, Deerajie's sister Basmatia, is married to Wahid Rahaman not Haniff Rahaman. I did not say so on the last occasion. I know Abdool Rahaman who is a witness in this case. I don't know if he is a cousin of Wahid. I said I came on the Saturday to my daughter's place at about 6.20. I had to take up work at 7 o'clock. I said directly 6.20 because I had a time piece not the one I have on my wrist. Besides that I have a pocket watch that I work with. I pulled it out when I reached there to know how much time I had to reach my work. I did not look in the latrine or any where at all. Whilst I was there no one looked. The teelack is usually given by the bride's father to the bridegroom to assist him in buying the jewels for the girl and to assist him generally in paying the expenses of the marriage and so on. Roughly the wedding cost me on my side about \$800 and on his side just the same roughly. It was a big wedding. The wedding took place by my house, inside my house.

10

20

Re-examined: Nil.

By Seunarine: To go to my daughter's home on my work I have to branch from the Main Road Fyzabad Guapo Road and 500 feet to my daughter's home.

No. 4.

No. 4.

Deonarine
Pherangie.

EVIDENCE OF DEONARINE PHERANGIE.

30

19th May 1955.

Examination.

Deonarine Pherangie, sworn on the Lota: I am a proprietor and also work at U.B.O.T. Oilfields of Trinidad and live at Standard Gate. I live there with my wife Baboonie. I know the accused. Accused calls my wife "Ajie" that is grandmother. I know he was married to one Minwatee. I know they lived on my land in a separate house from me and my wife but same yard. His house was about 50 feet away from my house. Minwatee was also called Toy. I remember Friday 11th June last year. After 7 p.m. that day I was at home so was my wife Baboonie. Whilst there Minwatee and the accused came to my house. They were there from about 6 to

40

8 o'clock. Toy told me something and whilst the conversation was going on accused came in. As a result of what Toy told me I told the accused that Toy told me that he had said he was going out to some dinner and would be returning at about 9 o'clock.

Counsel for defence enquires whether witness repeated what Toy had told him. In answer to Durity witness replies in the negative.

10 Jury informed by the Court to take no notice of that statement as it is not evidence not having been stated in the presence and hearing of the accused.

Witness: I asked him if he told Toy she must sleep in the house. He said "What will happen". I said "That house is unprotected she can't sleep alone in that house". He said he would not go out any more. About 8 o'clock they left and went to their home. Only the two of them lived in that house. They left together. I slept at home that night. Whilst asleep something awakened me. I heard a slam as if something hit boards in the house of accused. The noise was loud enough to awake me. I opened my window and looked in the direction of accused's house. I saw nothing. It was dark outside. I got up around 6 o'clock. I went downstairs. My house is a tall house. I did not see Toy nor heard her voice. I left around a quarter to seven. Up to that time I had not heard or seen her. Toy and her husband use the same latrine that I use. It is around 60 feet from my house. It is about the same distance from accused's house. At an angle forming a triangle with the 2 houses. It is an open yard. At the time I had a kitchen downstairs. If I am downstairs in my kitchen and any one leaves their house to go to the latrine there would be nothing to prevent me seeing him if I was looking in that direction. Accused was working at the time I left for work every morning. After he left for work Toy sometimes would step across by me. I left for work at about 6.45. Whilst at work I received a message in consequence I returned home and went to a cocoa field at the back of accused's house. I saw the dead body of Toy in a cocoa field near to an immortelle tree. The head was off the body and side of it. The body had clothes on it at the

20

30

40

In the
Supreme Court
of Trinidad
and Tobago.

Prosecution
Evidence.

No. 4.

Deonarine
Pherangie.

19th May 1955.

Examination -
continued.

In the
Supreme Court
of Trinidad
and Tobago.

Prosecution
Evidence.

No. 4.

Deonarine
Pherangie.
19th May 1955.

Examination -
continued.

time. This dress was on the body. I recognise it as Toy's dress. This piece of white cloth also. That was tied around her head. Tendered in evidence admitted and marked D.P.1. (dress) and D.P.2. head cloth. I know a girl by the name of Sookdayah. I saw her at my home. I see her all around. She was not used to visit me. Accused used to live on the other side with one Baby. Seunarine objects to this evidence as it was not led at the preliminary hearing.

10

Court informs Mr. Seunarine if at the end he is unable to cross-examine the witness on this account the cross-examination will be deferred.

Continuing in examination: The engagement ceremony to Toy took place at my house. It is called teelack. Accused was present at that ceremony also Ramkissoon Soodeen, Toy's father. The Teelack paid was \$100.25 Ramkissoon Soodeen gave him that money. After he received that money he had a talk with me. He asked me to assist him by directing him about the marriage. He asked my advice about buying jewellery and foodstuffs. He asked me to tell him what jewellery to buy. I gave him certain advice but he did not follow that advice. I told him to buy a gold necklace, earrings, finger rings and I can't remember what else. I suggested to him that he should spend about \$80 in jewellery. He made no reply. He bought jewellery which he showed me. I don't know what price he paid. I am skilled in valuing jewellery. It's value was around \$100. Something happened in the house after they came to live there. The house in which they lived is not at Standard Road. It is not there now since 6 or 7 months. It was on my land. It was the accused's house. I did not break it down or authorize its being broken.

20

30

Cross-
Examination.

Cross-examined: I am accused's grandfather. I gave my statement to the police. I can't remember the date. I can't remember if it was 4 or 5 months after the 12th of June. I know there was inquest. I can't remember it was stayed and accused's arrest ordered.

40

To Court: I gave the statement to the police one or two months after the 12th of June.

Continuing: I can't remember if it was 4 months.

If you say I said so at the last trial I can't doubt it. I saw the police take him away on the 12th. I next saw him next day at dusk. At that time I had not given that statement to the police. I know there was an inquest in this matter. I know they arrested him. After the boy was arrested I can't remember if I gave my statement to the Police. Police Constable La Vende took my statement from me. It was given in my house from about 5 o'clock in the afternoon to 7.30 at night. I said the police always come home by me from the time of this incident. I gave them one statement. I can't remember if I said I gave my statement after his arrest. My wife got a summons to attend this inquest. I can't remember what day. I can't say how long before accused was arrested. I think I gave my statement to the police after my wife got the summons to the inquest. I can't remember how long. I don't know whether it was days, a week, or a month. I can't remember if I gave my statement after the inquest was stayed. He did not tell me that he wanted to buy more expensive jewellery for my wife. He did not ask me to stand as security for him so that he could pay for it by the month. I know the jeweller. I had ordered jewellery from the jeweller for her. I know Awadi assisted him. I don't know if he stood surety. He bought more expensive jewellery. I can't remember saying that I actually suggested to accused not to buy such expensive jewellery but I am not doubting I said so at the last trial. I don't know Chandoo. I don't know any girl in Cedros. I went with accused to a house in Granville, Cedros. I went inside. I didn't see the girl. Accused went to get engaged to a girl. I went with him. He did get engaged. That was a month before he got engaged to Toy. The girl's father gave \$4.00 for choosing his daughter. He broke that engagement to marry Toy. I did not take him to marry Chanoo and he refused. I don't know Chanoo. I was glad when he got engaged to Toy. I know accused had some wood in the forest. It had his initials on it "R.R." When you buy wood in the forest it is customary and necessary to have your initials on the wood. They don't allow you to take it otherwise. A few days after the accused was arrested I went in the forest and removed the wood. He never refused to give me the wood. I took it with his consent. Accused's jewellery was stolen from what accused told me. Basdeo Jagtar

In the
Supreme Court
of Trinidad
and Tobago.

Prosecution
Evidence.

No. 4.

Deonarine
Pherangie.

19th May 1955.

Cross-
Examination -
continued.

In the
Supreme Court
of Trinidad
and Tobago.

Prosecution
Evidence.

No.4.

Deonarine
Pherangie.

19th May 1955.

Cross-
Examination -
continued.

is my son-in-law. He married my daughter. I don't know if the police searched his house. I don't know if they went to make enquiries. I said the police went there to make enquiries on the last trial but I was not there but I heard so. I don't know accused was accusing my son-in-law. Accused did not tell me whom he suspected. I told him to go to the police and make the report. I did not tell him "You sent a search warrant in my son-in-law's house you are nasty people". All was well. He was in my house up to the 11th from 6 to 8 p.m. Every day he was in my house. He came a few minutes after 6. On the 11th I came from work a few minutes to 6 and met her there. When I met her there she spoke to me. Accused came about 5 to 6 and we spoke to each other. My wife was present all the time he was there. The conversation lasted for 12 to 15 minutes. They left at 8 o'clock. It is a fact he was there on the 11th. Every day they are in my house and remain up to 7 or 8 o'clock and from there go home to bed. They eat sometimes at me sometimes at them. They go home and come back, discuss until it is time to sleep. I said in the Magistrate's Court "I got up at about 5.50 that morning that is the usual time for getting up". I said also "I did not see Ramsook. I knew he had gone to work. I heard his voice ask for fig and I heard him tell my wife that he is going now". I was in bed when I heard him talk about the fig. My wife was downstairs all the time I was downstairs. She did not go anywhere. Then I left for work at about 6.45. The yard is all around the house, for about 100 feet. It is open yard. I have portugal, orange, mango, underbrush grass and weed. No climbing up those trees. After I come from the latrine I was not looking in the direction of it all the time.

10

20

30

Re-examination.

Re-examined: I don't even know Chanoo. I said I was not displeased because accused did not marry Chanoo. The engagement ceremony with Toy took place after I had gone to Cedros and in my own house. The wood belonged to accused and myself. I purchased the wood. It was my money. I gave the accused the money to buy the trees and pay for the hauling because I was busy.

40

To Court: He selected the trees. Accused had \$10.00 in it and I around \$30.00. We bought it in partnership.

No. 5.

EVIDENCE OF BABOONIE

In the
Supreme Court
of Trinidad
and Tobago.

Prosecution
Evidence.

No. 5.

Baboonie.

19th May 1955.

Examination.

Baboonie, sworn on the Lota: I am the wife of Deo-
narine Pherangie. I live with him at his house
at Standard Gate, Fyzabad. I know the accused.
He is related. He is my sister's grandson. He
calls me Aggie which means grandmother. I know
Minwatee, she is now dead. She was the wife of
the accused. They lived together in accused's
10 house just by my house. Behind Ramsook house is
a cocoa field. I remember seeing something there.
I saw Minwatee below an immortal tree. She was
without head, body one side head the other side.
That was Saturday. The day before that the Friday
I was home that evening. Nobody came there that
evening. My husband came home about 5 o'clock.
He met nobody home and nobody came after he reached
home. Nobody call at all that night. Friday 6
o'clock she was there by me. After noon Ramsook
20 also came and Toy say "Sonny say to stop home". My
husband was there. Sonny is Ramsook. My husband
spoke to Ramsook. He told him "Toy can't stop in
the house alone". Ramsook say "What go happen if
she stop alone". My husband say she can't stop
alone. When you come you going carry she. Ram-
sook say "All right. I ain't going now". After
time they left my house and gone in their house.
I get up 4 o'clock every morning to cook tea and
breakfast. I have an alarm. On the Saturday
30 morning I get up 4 o'clock. I saw light in Ram-
sook kitchen. My kitchen downstairs. I went
downstairs about 5 past 4. I gone in my kitchen.
I ain't see nothing. Whilst I in my kitchen I
ain't see nothing. I doing my cooking. I know
Ramsook goes to work every morning too - Toy cooks
for Ramsook. Every day Ramsook leaves to go to
work and she comes home every day. I know Toy
could cook. She cooks in her kitchen. From the
time I got up I did not see Toy. I did not hear
40 her voice. I saw the accused that morning. I saw
him come down from the house and go to his kitchen.
That was about 5 o'clock in the morning. He went
from the kitchen carry his toothbrush with him to
the barrel and wash his mouth. Daylight bright.
I could not see if there was light in the kitchen.
After brushing his teeth he went into his house.
Then he went from the house into the kitchen again.
He took his breakfast bag, he came out and he going

In the
Supreme Court
of Trinidad
and Tobago.

Prosecution
Evidence.

No. 5.
Baboonie.
19th May 1955.
Examination -
continued.

to work. On his way to work, he passed my house. He asked me if I have ripe figs. I said I don't know if I have. He got figs. I asked him where Toy and he said "She is there home". Up to that time I had not seen Toy or heard her voice. He took the figs and he gone in his road. It was about 6 o'clock then. Every day after he gone to work Toy used to come at me. That morning she did not come. After accused left for work no one came. I know Ramkissoon Soodeen. He is Toy father. I saw him that morning, I saw him by Toy house calling out. I didn't hear any answer. I went by Toy house. I call, no answer and I did not see her. Ramkissoon left. I went inside of Toy house. I did not see her in the house or in the kitchen. I went by the pipe stand, by Awadi's house. I did not see her. I have a latrine. I went in there. On the way I did not see her nowhere did I see her. Me and my neighbour went to the back of the house and whilst going I saw the body by an immortelle tree. That was about 7.30 a.m. The police came. The body was same way as I met it. I saw Sergeant Saunders. After the accused Ramsook left and before I had gone to the pipe stand that is in my yard nobody went to Ramsook's house. I did not notice how he was dressed. I know Sookdayah.

10

20

Cross-
Examination.

Cross-examined: Accused came to my house around 6 o'clock. Toy's father "Whiteman" came about 6.30. My husband was there taking tea. I went and called and came back home. From the time accused left for work at 6 and Toy's father came at $\frac{1}{2}$ past 6 I was at home and my husband was upstairs. I had done given him food. When he came down I gave him food in the gallery below the house. About 10 to 7 I went into the house. After Toy's father went away I began to search. Toy comes at me before 7. She come before taking food and then goes back and take food. Every single day she says so every day "Well I am going to take tea now". He took fig from the rice room but I don't know if he ate it. He only remained 2 minutes. He went in the rice room and take the fig. He must pass by my house to go to the room every morning. If I stay in my kitchen I can't see in hers. I can't see inside his house. If I come out I can see, I can see the light in his kitchen. Toy came on the Friday and met my husband and myself, he came from work about 5 o'clock. When they

30

40

came in the house Toy was already there but she goes home and comes back every 5 minutes. She and Sonny left around 8 o'clock and went to bed and we all went to bed. I don't agree that they never came there that night. There was going to be a Pandara. Friday night is the cooking night Ramlal died. There was no roat, no Kata and suraj puram. Rroat is on Saturday morning, Suraj pooram is on Sunday. A kata can be kept any day. You can make a roat big or small and have to do cooking to suit night.

10

To Court: I saw no one go into accused house between 4 a.m. and 10 to 7, When I went into it. Apart from when I saw accused brush his teeth and leave for work I saw nobody come out of it. I can see the door from my kitchen.

20

By Seunarine: The kitchen has one door, but the house has two doors one in front and one at the back. I can't see the back door but it has no step. I was not standing there watching to see who came in the house and who going but I am doing my work and doing that too. Before Ramsook went to work I was in my kitchen. The same house I live in now is the same house I lived in then but I do not have the kitchen there now. I have moved the kitchen.

Re-examined: The kitchen is now upstairs.

3.23 p.m. Adjourned to Friday 20th at 9.30 a.m.

Friday 20th May, 1955: 9.30 a.m. resumed.

30

Baboonie, still on her oath.

By Court: Accused said he was going to Pandara. It was in connection with Ramlal, Ramdhanie's father. Friday is the cooking for the pandara and the pandara starts from 8 o'clock to 10 o'clock and the feeding about 10 o'clock. He said he was going to the cooking. He said he was going to cook. I am sure about that.

40

Cross-examined by Seunarine: Ramsook told me about the cooking when he came and Toy told me before he came. Ramsook did tell me.

By Durity: Nil.

In the
Supreme Court
of Trinidad
and Tobago.

Prosecution
Evidence.

No. 5.

Baboonie.

19th May 1955.

Cross-
Examination -
continued.

Re-Examination.

20th May 1955.

Cross-
Examination.

In the
Supreme Court
of Trinidad
and Tobago.

No. 6.

EVIDENCE OF OSCAR DEANE.

Prosecution
Evidence.

No. 6.

Oscar Deane.
20th May 1955.
Examination.

Oscar Deane, sworn on the bible, says: I am a police constable attached to the Divisional Detective Office, San Fernando and official Police Photographer of the South. I remember the 12th June 1954. I saw Sergeant Saunders on that day. He took me to Standard Gate on the Fyzabad Road. He took me to a cocoa field at the back of a house. I there saw a dead body of a woman lying on the ground. The head was not on the body. I saw a head lying close to the body. Sergeant Saunders gave me certain instructions in consequence of which I took 3 photographs. The first photograph was taken with camera facing East. It shows the dead body of a woman lying among some trees. 10

The second photograph shews a close up view of the said picture of the dead body and a head.

The third photograph shews another close up of the said dead body and the head taken from the opposite angle. In photograph one there is an immortelle tree to the right. In photograph No. 2 the tree is also seen. In photograph one the neck of the body is to the right of picture near to the tree. Witness points to the spot in picture 1. 20

Tendered admitted and marked O.D.1, O.D.2 and O.D.3.

Cross-
Examination.

Cross-examined: I took these pictures around 10, 10.30 in the morning. When I went the body was covered. I am not certain, I think it was with a bag. I did not move the body or head in order to take these pictures nor did anybody else do so. There was bush below the mortelle tree. It had been recently brushed. It was not high. Some thick bushes are in the background. That was not the nature of the whole field at the time. It was a thick cocoa field lately brushed. 30

Re-examined: Nil.

No. 7.

EVIDENCE OF BOODRAM

In the
Supreme Court
of Trinidad
and Tobago.

Prosecution
Evidence.

No. 7.

Boodram.

20th May 1955.
Examination.

Boodram, sworn on the lota, states: I am a pumpman engine attendant and I live at Standard Road, Fyza-bad. I know the accused from the time he was child. I was in the U.B.O.T. In the course of my duties I have to patrol the field from the office to No.2 Turntable inside Standard Road. I have to ride a bicycle and watch the office and the turntable. I have to see if the engine is working, if anything like jerk lines pulling the wells, or see if anybody interfering and make a report. I work on shift. On Friday night I was working on morning shift from midnight Friday night to 8 o'clock Saturday morning. At 2 o'clock I left the office riding on the Company Road going to No.2 turntable. Before reaching I saw a man and a girl. I rode behind them and before I pass them they turn into Sookdeo house track and I passed them a little way and looked back I saw them going up that track. I made them out. They were Ramsook the accused and Sookdayah. She is Sookdeo's daughter. I went along to the turntable. I checked my engine and the jerk lines. I stopped a little bit about half an hour. I turned back going to the office on my bicycle. I see two men going in front of me in the same direction. After I pass them they went into a short cut on the right hand side. The short cut goes in the direction of accused's house. I made out the men. They were Ramsook the accused and Sookdeo the father of Sookdayah. Sookdeo did have a cutlass in his hand. The short cut starts from Standard Road to No.68 well. It starts about 600 to 700 feet from the turntable from Standard Road to accused's house. Along the short cut is a little more than $\frac{1}{2}$ mile. I know Sookdayah and Sookdeo about 4 years, from the time they come there to live. Office to turntable is about $\frac{1}{2}$ mile. I stayed about $\frac{1}{2}$ an hour at the turntable. It must have been few minutes more than 2.30 when I saw accused and Sookdeo.

Cross-examined by Seunarine: I gave my statement to the Police after the inquest at Siparia Court. I gave evidence in the Police Court in December 1954. I said then I had given my statement to the Police about a month before. That would have been November '54. The Police talked to me today.

Cross-
Examination.

In the
Supreme Court
of Trinidad
and Tobago.

Prosecution
Evidence.

No. 7.

Boodram.

20th May 1955.

Cross-
Examination -
continued.

The Sergeant Saunders spoke to me. He did not have a paper writing down what I was saying. I passed them a few feet when they went into the short cut. I must be say at the last trial when I got abreast but I don't remember.

To Court: The short cut is 600 to 700 feet from the turn table. When I saw 2 men walking in front of me and I riding, about 300 feet from me. I was about 40 feet from the turntable. I told the magistrate I saw them from No.2 turntable. Distance is about from here to door (approximately 40 feet).

10

Continuing under cross-examination: When I left turntable and came in the road and took up my bicycle they were 300 feet ahead of me. When I say track leads to direction of accused's house. It leads anywhere. From there you can go to his house. It could come to my house too. Sookdeo's house on a hill. If you come down the hill you cross over the river on a pipe line. You can't go this way to the short cut. I did not say to the magistrate that I walk from office to turntable. I said I had a bicycle I was riding.

20

Court calls attention that it does appear that in the Court below from the depositions that he said he had a bicycle and was riding. Should put the whole.

Seunarine states that was in cross-examination.

Seunarine to witness: Did you say at the last trial here that "When I go from the office to the turntable I walk I have a bicycle. I ride a bicycle when I go from office to table?"

30

Witness: Long time I used to walk. I said "work" not "walk".

Continuing: I knew Police were looking for people who knew something about this case. I had a generator light. It makes a little noise. It throws good bright light. I could see anything clear up to 40 feet. The glare would go for 100 feet, but I would not be able to see anything.

To Court: If a horse was in front of me 100 feet I would see there was an object but could not make it out. Everybody in the district knows that I am pumpman and watchman. I am not telling an untruth when I say I saw this boy that night. I did see him.

40

Re-examined: Nil.

No. 8.

EVIDENCE OF ABDOOL RAHAMAN

In the
Supreme Court
of Trinidad
and Tobago.

Prosecution
Evidence.

No. 8.

Abdool Rahaman.
20th May 1955.
Examination.

Abdool Rahaman, sworn on the Khoran, states: I am working with a cocoa contractor. I live at Siparia Old Road. I know the accused since he was a baby. I am 42 years. He lived inside Standard last year about $\frac{3}{4}$ mile from where I live. I remember Friday June last year. During the night of Friday I went to hunt. I left home around 11 o'clock. I carried 3 dogs, a lance and a headlight. I tied the headlight on my head. I reached home about 5 o'clock in the morning. On my way home I noticed something. I was going through Standard Field. Just behind the house of the accused whilst going through the dogs run at somebody. I looked and saw a lighted torchlight coming towards me. I called back the dogs. The person still come up to me. It was a carbide headlight. I turned my head with the headlight on the person. I recognised who that person was. It was accused. He was about 20 feet away from me. He spoke to me asking me what I doing here, I told him "I hunting manicou". He said he was hunting too. He did not mention what. He had a torchlight and a cutlass in his hand. He had no dogs. I turned back into the same Standard Road. I walked to a pipe stand passed through another cocoafield came out on Premier Road and then to my home. When I saw accused, it was 3.30 to 4 o'clock. Later that day Saturday morning I heard something. I went into the same cocoafield where I had seen accused earlier. I saw a crowd and plenty Police. I went into the crowd and saw a dead body lying down by a mortelle tree. It was covered with a bag. I know that Sergeant. (Sergeant Saunders called into Court). I can't remember if he was there. I went to Toy's funeral next day. I saw her body. The head was sewn on to the body. When accused had been standing up talking to me on the Friday was about 80 feet distant from where I saw the body in the field. Toy was his wife.

To Court: Accused only had a cutlass, no gun or dogs. One cannot hunt with a cutlass alone.

Cross-examination by Seunarine: I am the man called "Tal". I am the same person who went to gaol for 2 years for beating one Seukeran. He is not accused's grandfather or anything else to him. He is

Cross-
Examination.

In the
Supreme Court
of Trinidad
and Tobago.

Prosecution
Evidence.

No. 8.

Abdool Rahaman.

20th May 1955.

Cross-
Examination -
continued.

my brother-in-law's cousin. When I came out from
gaol I never threatened accused saying "I made gaol
for your family and I will do for one of you". I
gave the police a statement after the accused was
charged with murder. I don't know the date. He
was arrested. I know the deceased's father. He
is called "Whiteman". I call him so too. I used
to go to the house of Whiteman whenever he called
me and he used to come to my home whenever I called
him. I call him on occasions and he called me on
occasions. When I have dinner I invite him and
when he has dinner he invites me. His family comes
to my house and my family goes to his house. I
can't remember if I said "Yes, you used the word
there is a great friendship. There is a friend-
ship because we live well. I don't know about
great". I said I saw Whiteman at the funeral. I
never told him about it. Up to now I never told
him about it. I know Awadi. He is my uncle.
This statement was taken in the night at Awadi's
home. The police sent Awadi to call me. Police
Constable La Vende took the statement. I gave the
statement in the evening I can't remember if it was
7 o'clock. I went to hunt. I was finished and
was coming back. I saw accused with the torch-
light. Around 9 o'clock the next morning I said
in the Court below I saw the body close under an
immortelle tree in the cocoa. It was the body of
accused's wife. The cocoa field where I saw the
body is just behind the accused's house. I passed
and met him the same night I was hunting. I met
the accused in that spot. I showed the spot, a
bank near an old well and he was coming. I did not
see him at the very spot covered by the body. I
passed about 80 feet from that spot. I said in the
Magistrate's Court, "That was the spot where I had
seen accused earlier that night". When I say spot
I mean 80 feet away by the bank. I said also "The
body of the wife of the accused was close under an
immortelle tree in the cocoa. 20 feet is from
here to where that man is sitting. Spot does not
mean 280 feet. I walked a part on the standard
road and a part in the bush. I walked along the
Standard Road for $\frac{1}{2}$ mile. I got from the Fyzabad
Guapo Road to where I saw the accused that night.
I cross the road there is a track going to a turn-
table close to the accused's house. I passed there,
got to the turntable. If I continued straight
from the turntable to the Standard Road you can go
to the Premier Road and get home, but I didn't pass

10

20

30

40

50

there because I don't hunt in the Main Road. I hunt in the bush. I was returning and hunting all the way.

To Court: I had manious in a hamsack.

Continuing: The turntable draws oil and stores it in these storage tanks. I passed under a tank. Don't know if it is an oil tank. I passed with a naked carbide lamp burning. When the company does not want you to go with light in an area they put up notice boards. There is no notice board there. Accused has no children with Toy. The lance I hunt with is about so long (indicates on arm about 2 feet) and the pole is 20 to 30 feet of bamboo. I had no gun and no cutlass. I follow the dog trace and the dogs go and hunt. You don't have to cut the forest you just bend down and pass under anything across. I didn't carry a cutlass. I didn't expect to reach so far. When I go in the forest I usually carry a cutlass. I read in the papers about Loomat. You can suggest I am the Loomat in this case. He could not be inside his house when I saw him.

Re-examined: I left the Fyzabad Guapo and walked along the track and came by a table crossed a few jerk lines and that took me out by a well by a tank, overhead. I then went across the Standard Road and got on to a bank of an old well. Whilst walking along that bank I saw the accused coming from the cocoa field towards me.

30

No. 9.

EVIDENCE OF HERMAN GITTENS

Herman Gittens, sworn on the bible, says: I am a corporal of Police attached to the Divisional Detective Office, Siparia. I remember 12th June last year Saturday. About 8 o'clock of the morning of that day a report was made at the Detective Office, Siparia. I assisted in making enquiries into that report. A little after 8 o'clock I left on enquiries. I went to No.16 Road Palo Seco. I was told something there, in consequence of what I was

40

In the
Supreme Court
of Trinidad
and Tobago.

Prosecution
Evidence.

No. 8.
Abdool Rahaman.
20th May 1955.

Cross-
Examination -
continued.

Re-
Examination.

No. 9.

Herman Gittens.
20th May 1955.
Examination.

In the
Supreme Court
of Trinidad
and Tobago.

Prosecution
Evidence.

No. 9.

Herman Gittens
20th May 1955.

Examination -
continued.

told I went further into the road. I saw motor truck T.A.8147. It was parked on No.16 Road Palo Seco. I saw the driver Ramsawak Shah standing near to the truck and the accused also standing near to that said truck. He was then dressed in this grey shirt and a torn up cream flannel pants. I spoke to him. I told him: "This morning your wife's body was seen in a cocoa field at the back of your house with her head severed from the body". He did not say anything. I then requested him to accompany me to the scene at Standard Gate Fyzabad. He said nothing. He went into the tray of the truck and he took up a long pair of khaki trousers and a basket. I looked into the basket and I saw a small bowl in it containing fish, tomatoes and 2 roti and an empty bottle. We then started to walk in the direction of the police car which I had there. About one to two footsteps in front of me. As he was walking in front of me I noticed on this grey shirt which he was wearing at the time I observed stains resembling bloodstains. He was also carrying a long pair of khaki trousers which he had taken from the tray on his arm. I didn't say anything to him then. Shirt tendered, admitted and marked H.G.1. The stains were at these points circled in red. They were about 8 in number. I took him with me in the police vehicle to Standard Gate, Fyzabad in a cocoa field where the body was. I met Superintendent Bernard there, other members of the Police Force including Sergeant Saunders. When I took him there he was still wearing the grey shirt (H.G.1.) and the torn up flannel trousers. He still had the basket and the khaki longs. In the presence and hearing of the accused I said: "Sergeant, I have observed there are spots resembling blood stains on his shirt. Look on his shirt". When I said that to the Sergeant the Sergeant spoke to the accused "How is it that these stains are on your shirt?" Accused said "What, I don't know about that". I left him there with the Sergeant. He still had the basket and the pair of long khaki trousers. I saw the accused at Apex gate where I went to him about 9 a.m. When I brought him to Standard Gate he had no other shirt with him other than the one he was wearing either in his basket or elsewhere.

10

20

30

40

Cross-
Examination.

Cross-examined: I don't know anything more about his shirt. I heard he left the station the next morning. He had no white shirt with him along

with the pants. I did not say in the preliminary enquiry "What! I don't know anything about that". The question was not asked. I had it on my statement. It was in the hands of the prosecution. It is not an introduction up here. The food in the basket appeared to be good food. It would be fit to be eaten. If I said on the deposition that the tomato was cooked with the fish then I said so. The truck was marked "Aziz Ahamad". I met him at work. 10 Accused is a truck loader and that truck carries gravel and sand. Aziz Ahamad is a transport service. He was dressed in working clothes, the grey shirt and cream flannel trousers.

Re-examined: Nil.

In the
Supreme Court
of Trinidad
and Tobago.

Prosecution
Evidence.

No. 9.

Herman Gittens.
20th May 1955.

Cross-
Examination -
continued.

No.10.

EVIDENCE OF WILLIAM SAUNDERS.

William Saunders, sworn on the bible, I am a Sergeant of Police stationed at Siparia Police Station. In the month of June 1954 I was in charge of the Fyzabad Police Station. On the 12th June 1954 about 8 o'clock in the morning a report was made at the station. In consequence of that report I went to the Standard Road, Fyzabad. I was then accompanied by other members of the Police Force. On arrival there I went to a cocoa field north of the Standard Road and I saw a crowd of people and policemen and on the ground I saw the dead body of a young Indian girl. The head had been completely severed from the body. The head was lying about 2 feet away from the shoulder near the left leg. There was a root of an immortelle tree near to the body. I noticed there was a chop on the root and in the crevice there was what appeared to be blood-stains. I caused a portion of the root containing the chop to be removed from the tree. This is the root. Tendered admitted and marked W.S.1. The root was this way in the ground, the chop on the upper side. The portion of neck was about 1 foot to 1½ feet from the root. I had it severed from the tree the very morning of the 12th. The body was clothed in a flowered print dress (D.P.I.) and this blue slip W.S.2. The head was tied with this 30 40

No.10.

William Saunders.
20th May 1955.
Examination.

In the
Supreme Court
of Trinidad
and Tobago.

Prosecution
Evidence.

No.10.

William Saunders.

20th May 1955.

Examination -
continued.

cloth (D.P.2.). There was nothing on the feet. The feet were bare. The remains of flour mixed to make bakes covering the palms of both hands with spaces here and there. There was not any on the back of the hands, there was none above knuckles but a little on the back of the fingers. There was a ravine with running water about 18" to 2' about 3 feet wide was near to the spot where the body was. The root was part of immortelle tree growing on the spot. On the stomach of the deceased there was a grain of garlic. This is it. It is dried now. Tendered admitted and marked W.S.3. There is a popular belief that if a weapon is rubbed with garlic the person would not feel the wound. Whilst in this cocoa field I saw the accused. I arrived on the scene about 8.20 a.m.

10

Adjourned to Monday 23rd May, 1955.

23rd May 1955.

William Saunders, still on his oath: The spot where I found body was 284 feet from house of accused. I saw accused on the 12th June. He was brought on the cocoa field where the body was lying by Corporal Gittens. Superintendent Bernard spoke to him. A policeman raised the bag covering the body and the Sergeant said to accused pointing to the body "Do you know who this is?" Accused said "Yes, it's my wife". He appeared normal and unmoved. Corporal Gittens said to me in the presence and hearing of accused "Sergeant there are a number of spots which appear to be blood stains on the shoulder and back of this man's shirt". Gittens pointed to the spots on the back of the shirt which the accused was wearing at the time. I noticed several red spots resembling blood stains. I said to the accused: "There are a number of stains resembling blood stains on the back of your shirt, how do you account for them?" He replied "I don't know about that". I see that shirt in Court today (indicates where he saw stains on shirt at ringed spots) H.G.1. Accused had a khaki pair of pants hanging over his arm and a breakfast basket. I examined the basket there. There was a carrier containing cooked food in it. He was taken away by Corporal Forbes. He had the basket and the trousers with him. That day I went into the house of the accused. I noticed a pair of damp khaki pants hanging on a line in the house. I took possession of those trousers. I examined them. I noticed on one of the pockets stains resembling blood stains. These are the trousers. I

20

30

40

saw the stains on the areas now ringed in red indicated by witness. Trousers tendered, admitted and marked W.S.4. I also took some pieces of cloth hanging from the side walls of the kitchen - 2 pieces. I tender them. 2 pieces of cloth tendered in evidence admitted and marked W.S.5 and 6. The inside of the kitchen and house looked undisturbed. I saw the accused again at the police station Siparia. I had with me the trousers W.S.4. I asked the accused shewing the trousers to him if he knew them and he said "Yes, they are mine". I told him these pants are very damp and then I pointed to the stains on the pocket resembling blood stains and I asked him if he could say how those stains got there. He said "I don't know". I saw the other khaki trousers which he had over his arm when he was brought to the cocoa field by Corporal Gittens on a bench on which accused was sitting alongside of him. I examined those trousers. I noticed on the lower portion of the right leg a stain which appeared to be a blood stain and pointed it out to him. I said to him "This stain appears to be a blood stain. Can you say how it got here?" He replied "I can't say". I took possession of the trousers. I tender them. Tendered admitted and marked W.S.7. This is where I saw the spot (indicates spot in red ring). He was wearing a pair of black watchekongs. I also took them from him. These are they. I produce them. Tendered, accepted and marked W.S.8. That very day I saw Dr. Charles at the Siparia Station. I saw Dr. Charles examine the accused's body. I examined the entire body of the accused. I noticed that his body was clean and there were no signs of injury whatever or eczemas. I gave the following articles to Corporal Forbes with certain instructions:

	W.S.4.	1 pair khaki long pants	analyst	No.3380-1.
	W.S.7.	1 " " " " "	"	No.3381-2.
	W.S.5.	1 piece of stained white cloth		No.3382-3.
40	W.S.6.	1 " " " " "	"	No.3383-4.
	H.G.1.	One grey shirt	No.3384-5.
	W.S.8.	One pair old black watchekong		No.3385-6.

That was on the 14th June 1954.

They were returned to me on the 3rd August 1954 together with the Government Chemist report. Tendered admitted and marked W.S.9.

Court explains to jury that under the Evidence Ordinance Ch.7. No.9 any document purporting to be

In the
Supreme Court
of Trinidad
and Tobago.

Prosecution
Evidence.

No.10.

William Saunders.

23rd May 1955.

Examination -
continued.

In the
Supreme Court
of Trinidad
and Tobago.

Prosecution
Evidence.

No.10.

William Saunders.
23rd May 1955.

Examination -
continued.

a certificate or report under the hand of a Government expert on any matter or thing which has been submitted to him for examination or analysis or report shall be admissible as evidence of the facts stated therein without proof of the signature or appointment of such Government expert and that the Government Chemist is one of those Government experts - Government Chemist includes Deputy Government Chemist who signed it. Report read to jury.

To Court: The red circles on exhibits were not put on by anyone in my department. 10

Continuing: When they were returned to me I observed the red rings around the spots where I had previously observed the stains resembling blood and they also bore the numbers. My letter requesting analysis contained no numbers. The report was returned to me with numbers written on it corresponding to those on the exhibits.

The following day I cautioned the accused. He made a statement which I reduced into writing. I read back the statement to accused. He appeared to have understood it. He signed the statement in my presence. I used no force or threat or held no promise as an inducement to make the statement. This is the statement. Tendered. No objection. Admitted and marked W.S.10. Statement is read by the Clerk of the Court to the jury. 20

An inquest was held in this matter at the Siparia Police Court. The inquest proceedings were stayed. The coroner issued certain directions. In consequence of those directions I swore to an information and obtained a warrant for the arrest of the accused. This is the warrant. I executed this warrant at 12.30 p.m. on the 23rd October 1954 at Siparia Police Station. I arrested the accused and cautioned him. He said "I charge for murder but I don't know what way". Warrant tendered admitted and marked W.S.11. 30

The road on which the accused's house was, is called Standard Road. It crosses the Fyzabad Guapo Road. From accused's house to the junction of these two roads is 300 to 350 feet approximately. The bush in the cocoa at the back of accused's house appeared to have been freshly brushed. Anyone standing on at the junction of these two roads and looking in the direction of the accused's yard could see anyone in accused's yard. 40

Cross-examined: I was making enquiries into this matter from the beginning. I was not first on the scene. I was in charge of Fyzabad Police Station. Assistant Superintendent made enquiries for part of it. I assisted. Assistant Superintendent Bernard, Inspector McCoy, Inspector John, Inspector Duke, Inspector De Souza, Corporal Gittens, Corporal La Vente, Corporal Forbes, Corporal O'Roscoe, Police Constables Allette, Phillips, Chevalier and David and many others. There was a full dress enquiry at the time. A good many statements were collected. All of the statements were submitted to Superintendent Bernard; all did not go through me. I don't know how many statements. I have 31 years experience in the Police Force. I did not get instructions from Superintendent Bernard to arrest anyone for murder or for any offence at all. Those statements were submitted to the coroner. He ordered an enquiry. It started some time in October some 4 months after the incident, less 4 days. I attended the inquest at the Siparia Coroner's Court. I gave my evidence there. I was sworn to tell the truth, the whole truth and nothing but the truth. I don't remember if Assistant Superintendent Demas appeared for the Police. Someone was present in Court representing the Police. Only the coroner asked questions. I don't remember if the person asked questions. I was not present throughout the enquiry. I was not present when Forbes gave the whole of his evidence. I know Basdeo Jagtar the son-in-law of Deonarine Pherangie and Jagdeo Deonarine. I was not in Court when they gave their evidence. They gave statements. All the statements I got I forwarded to the Superintendent. I was asked questions by the coroner and I answered them. I don't remember anyone representing the Police. I saw 3 spots on the trousers on the line (W.S.4.) on the right pocket. That is all I saw. There is another pair of pants on which I saw a spot resembling blood (W.S.7.). There were 2 pairs. The one I found in the house I found about 5.30 p.m. on Saturday 12th June. I did remember going through the house in the morning with Corporal Forbes. I don't remember I said positively at the last trial I did not go. I was present at the last trial when Corporal Forbes gave his evidence. I have no recollection of Forbes saying that he went together with me through the house. I heard you address the jury at the last trial. I can't remember you saying that whereas Corporal Forbes said he went with me I said positively I did not. You may have said so.

In the
Supreme Court
of Trinidad
and Tobago.

Prosecution
Evidence.

No.10.

William Saunders.

23rd May 1955.

Cross-
Examination.

In the
Supreme Court
of Trinidad
and Tobago.

Prosecution
Evidence.

No.10.

William Saunders.
23rd May 1955.

Cross-
Examination -
continued.

Counsel for Defence to witness: I have a certified copy of the notes of evidence of the inquest into the cause and circumstances of the death of Minwatee Ramlochan. Have a look at this document.

Durity objects to his friend showing any document to the witness without laying a foundation for his so doing. This document purports to be a certified copy. It appears that Counsel is seeking to show that the witness made a statement here inconsistent with what he said before the Coroner. The copy of the evidence is not admissible for that purpose. 10

Seunarine states that he had made every effort to obtain the original. He had subpoenaed the Registrar to produce them and he was not here.

Court informs Seunarine that he should have obtained an order of a judge in Chambers vide Order LXXll rule 15. Court informs Seunarine that during the adjournment he had seen the Sub-Registrar with reference to the Subpoena which Counsel had stated he (Seunarine) had requested he issued to the Registrar to produce the original proceedings of the inquest touching the death of Minwatee and that Registrar had informed him that he had already directed him to the same rules to which the Court had drawn his attention before the adjournment, namely, Order LXXll rule 15. The rule stated that before an original document could leave the Registry that an order on an ex parte application would have to be made by a judge in Chambers, but, if he wished the proceedings in view of the fact that it was a criminal matter the Court would make an oral direction to the Registrar to produce them. 20 30

Seunarine states that he did not understand that the Registrar had stated a Judge in Chambers.

Sub Registrar directed accordingly.

William Saunders, still upon his oath: I was present the whole time Forbes gave his evidence in Court at last trial. The pair of pants W.S.4. was found on a line. I heard him say that he had produced those pants at the inquest and had said that he had taken it from a line in the yard. I did not hear him say that there was no blood on them. He never said so. At that inquest I said "I noticed on one of the pockets of the pants and on a portion 40

of the leg spots which appeared to be blood stains. I took possession of those pants". I said Corporal Forbes was given possession of several exhibits from the Government Chemist. That is the pants I found in the house. It also had a stain on the leg. I say so now that you have reminded me.

Counsel invites witness to look and see if he sees the spots now.

10 Witness does so and indicates 2 spots ringed in red pencil on the right leg. (Shown to jury).

20 Continuing: When I said they were the only spots - they were the only spots on the pocket. I don't remember whether in the Magistrate's Court I mentioned spots in other areas of the pants. I answer questions asked. I said at Magistrate's Court. I can't remember if I said one at the inquest. At the inquest I answered questions the coroner asked me. I don't remember going in the house with Corporal Forbes between 8.30 and 9 a.m. In the house of accused on Saturday 12th June 1954 I can't boast that I remember everything I said. I can't remember saying that I never went nor I do not remember having gone at that time. I paid no attention to the points you put to the jury. I don't remember going into the house with Corporal Forbes. I don't remember Forbes' evidence at all. I went there at 5.30 p.m. Accused was in the station. I called Baboonie into the house. Inspector de Souza was there and that was the time I found those pants.

30 Accused was sent to the station around 9.30 to 10. The door was opened by someone from Baboonie's home. I searched around the place gathered up some cloth then later on went up to the station and showed them to accused. At the coroner's inquest if the answer does not disclose that I showed him the pants with the blood stain I would say I was not asked by the coroner. My statement was submitted before the coroner's inquest and if you look at it you will see it there. I saw accused with the

40 pants beside him. He said that "he did not know". I can't say if Forbes said at his trial that he took possession of the shirt and pants. That is in my statement which went in to the coroner before the inquest if the proceedings do not have that. I said so then. I say that I was not asked by the coroner.

To the Court: When an inquest is to be held all

In the
Supreme Court
of Trinidad
and Tobago.

Prosecution
Evidence.

No.10.

William Saunders.
23rd May 1955.

Cross-
Examination -
continued.

In the
Supreme Court
of Trinidad
and Tobago.

Prosecution
Evidence.

No.10.

William Saunders.

23rd May 1955.

Cross-
Examination -
continued.

the statements are collected and forwarded to the coroner. The coroner orders an inquest. The coroner summons the witnesses he wants and he asks them the questions he wishes to.

Continuing under cross-examination: It is a fact that I showed him the pants with the stains. I took the pants up from the bench beside him and I made him take the shirt off and give it to me. I took him to the back room. The pants were about 2 feet roughly from him. Someone brought another shirt for him to go home on my instructions. I heard accused give evidence. I don't remember him saying he had another shirt with him and he went home in it. I can't remember your speech to the jury and mentioning the shirt. It was the first time I was asked what did the accused go home in. I said accused appeared normal and unmoved. I was not asked any questions at the inquest which invited that answer. If it was not stated at the preliminary hearing the same answer applies. I was asked here. At the coroner's inquest if I did not mention that Gittens called attention to the stains on the shirt the answer is as I said already I was not asked. It is not a fact that I never spoke to him on any occasion about blood stains. I spoke to him about 3 occasions about blood stains. I took the statement from the accused at the Police Station. I took it at 5 a.m. I returned to the station a few minutes before 5 o'clock and I was instructed to take a statement from the accused and I took it. The accused when he came had shoes on his feet, he was wearing black watchekongs. He had a ring with a lovers knot. No blood was found on the watchekongs or the ring. One handkerchief was handed to me by accused and I took possession of the other which a member of the party took by an old drum. No blood found on it. A gilpin cutlass no blood. They were all submitted to the analyst. I was present when sample of finger nails were taken, washings from forehead etc. were taken; they were submitted to the analyst and no blood was found. His finger nails were scraped. That was also sent and no blood was found. I understand washings were taken from his forearms. No blood was found. Washings were taken from instep, forehead, hair. No blood was found. I was present when blood was taken from the accused. I was not present when samples of blood of deceased were taken. I understand the samples were forwarded to the Chemist.

Re-examined: Nil.

10

20

30

40

50

No. 11.

EVIDENCE OF ABDJOL RAHAMAN (Recalled)

Abdjol Rahaman, still on his oath, recalled at the application of Counsel for Defence: What I said here that I turned back into the same Standard Road I walked to a pipestand, passed through another cocoa field and came out on the Premier Road I said before the jury also at last trial.

10 I could go from spot where body was found on to the Premier Road without going on the Standard Road. I don't remember your cross-examining me before lunch. I never said I kept on the bank and went on the Premier Road. I never said I never travelled on the Standard Road that morning.

Re-examined: Nil.

In the
Supreme Court
of Trinidad
and Tobago.

Prosecution
Evidence.

No.11.
Abdjol Rahaman.
23rd May 1955.
Recalled.

No.12.

EVIDENCE OF BOODRAM (Recalled)

20 Boodram, recalled at request of defence still on his oath: When I saw Sookdeo and accused they were about 10 to 12 feet from the Sookdeo house track coming to 68 gap. I did not say on the last trial that I had seen them coming from the house and go on the road. 68 is between office and turntable. I didn't say it is not between. If I did, I did not understand the question.

Re-examined: I am working there for over 20 years. I must know where the office is and the turntable.

No.12.
Boodram.
23rd May 1955.
Recalled.

Re-
Examination.

No.13.

EVIDENCE OF ARNOLD FORBES.

Arnold Forbes, sworn on the bible: I am a Corporal of Police, now stationed at Cedros. In the month

No.13.
Arnold Forbes.
23rd May 1955.
Examination.

In the
Supreme Court
of Trinidad
and Tobago.

Prosecution
Evidence.

No.13.

Arnold Forbes.
23rd May 1955.
Examination -
continued.

of June last year I was stationed at Fyzabad. I remember the morning of June 12, 1954. I assisted Sergeant Saunders and other policemen in making enquiries. In the course of my enquiries I went to Standard Gate, Fyzabad. I went into a cocoa field. There I saw the dead body of a young Indian woman later identified as Minwatee. I saw Dr. Charles. He viewed the body and issued certain instructions. In consequence I took the body to the mortuary Siparia. I took accused to Siparia Police Station. He had a pair of khaki trousers, a basket containing food. I took the basket and the knaki trousers from him and set them aside in the charge room on a bench and left certain instructions at the charge room and went pursuing further enquiries. Later that day I saw Mr.Kerr Deputy Government Chemist. I took him to the mortuary Siparia. I told him something there. There was the dead body of Minwatee. He took a sample of blood of the dead body in a test tube, sealed it and labelled it. The same day I took him to the Siparia Police Station. Accused was there among some policemen. Mr.Kerr was with me. I asked the accused if he had any objection to giving the Chemist a sample of his blood. He said he had none. Mr.Kerr took a sample of blood from the accused in a test tube which he labelled and sealed in the presence of accused. Mr.Kerr also took clipping of his finger nails with his consent, washings from his insteps, arms, forehead including the hair, scraping from the finger nails. All these things I took to the Government Chemist on the 14th June 1954. All except the blood samples were returned to me on 3rd August. I produce all these exhibits, except blood samples. Tendered, admitted and marked A.F.1. I now produce the blood sample 3391 of accused and blood sample 3392 of deceased. Tendered, admitted and marked respectively A.F.2., A.F.3. 10 20 30

I received back this report. Report tendered, admitted and marked A.F.4. Read by clerk to the jury. These are the trousers I took him to the station with, W.S.7. 40

Adjourned to 9.30 a.m. Wednesday 25th May, 1955.

Wednesday 25th May, 1955.

No.14.

PROCEEDINGS.

In the
Supreme Court
of Trinidad
and Tobago.

No.14.

Proceedings.

25th May 1955.

10 Seunarine makes an application that the Court visits the locus in quo in order that jury may see (a) the spot to be pointed out by Abdool Rahaman where accused was standing talking to him about 80 feet from where he had seen body; (b) the route that he took when he was returning from hunting between the points from the Fyzabad Guapo Road to his home; (c) that the said witness points the direction from spot where body was found to Premier Road without going on Standard Road; (d) that the distance where the witness stood talking to accused to the spot where body found be measured.

Then Boodram:

- 20 (a) to point out the spot 10 feet from Sookdeo's house gap and where he was riding his bicycle;
- (b) No.68 short cut.

Then the spot where witness denied that one could go across the river through the bushes to the 68 short cut.

Deonarine Pherangie to point out where the house and kitchen of accused were situate and the door of the kitchen.

30 Durity supports the application that the jury visit the scene, that Abdool Rahaman points the route he took from the Fyzabad Guapo Road to the point where he was when he saw the accused. Jury agree that that is all that they wish to see.

Court agrees to visit the scene. Court informs Counsel that it had directed a subpoena to Mr. Kerr Deputy Government Chemist in order to clear up the point as to where blood mentioned in Certificate was found on the exhibits.

No.15.

In the
Supreme Court
of Trinidad
and Tobago.

EVIDENCE OF ALBERT EDDISON KERR.

Prosecution
Evidence.

No.15.

Albert Eddison
Kerr.
25th May 1955.
Examination.

Albert Eddison Kerr is called by the Court and sworn on the bible, states: I am Deputy Government Chemist. I carried out an analysis on the exhibits detailed in this my report (W.S.9). I placed numbers against them in the margin and corresponding numbers on the exhibits themselves. According to my report I found human blood on it. It was on the Exhibit No.3381 right pants pocket on the 3 areas circled in red and on two areas on the right leg circled in red. I see trousers 3380. I found human blood on the right leg also circled in red pencil. I see grey shirt 3384. I found human blood on back of shirt on 7 areas circled in red pencil. The blood found on all those 3 exhibits were of group 'O'.

10

Cross-
Examination.

Cross-examined by Seunarine: When the clothing has starch upon it it may be possible that the starch could interfere with the positiveness of a test. I am not going to express any opinion as to whether starch could interfere but when I carry out a test on any garment I first carry out controls on a part of the garment unstained with blood to ascertain its effect on the test. If I found that there was anything that would effect the blood grouping I could so state in my report. There was no substance in any of these garments to effect the test. In this particular case I wouldn't be able to say what part. I would take out a thread or sufficient to see if it could effect the test. One thread would be sufficient. It is possible in washing that one part may be washed out and not another part. I did do a control test. It is routine. I do not take notes of it. I take notes only of important things that I might forget. That is done in every case. In the part that is not washed there may be substances that may hinder a positive analysis in blood grouping. I would not say I used a qualitative or quantitative test. I used the approved serum test. What I said does not apply to whether it was human blood or not. I am not in a position to say all the various substances that might affect a test. I can only know when I have tested them. I am only prepared to express an opinion when I have tested it. I can't say, whether mud, ferrous oxide, nail polish can.

20

30

40

I would not say if these or any of them were present that I could not be positive about the grouping. I would say that from the strength of the re-action I am positive the blood grouping was "O". If I am testing a garment with a stain I cut out a portion of the garment with a part unaffected by the stain and do a test on the unstained portion to see if it would affect the test. They are done together. There is a wide variety of substances that might affect. I carry out the test not to determine the substances but as a control. I did the test. I did a control and I am satisfied that it was blood group "O". I had an assistant and we both carried it out together.

10

Not re-examined by Durity.

In the
Supreme Court
of Trinidad
and Tobago.

Prosecution
Evidence.

No.15.

Albert Eddison
Kerr.

25th May 1955.

Cross-
Examination -
continued.

No.16.

EVIDENCE OF ARNOLD FORBES (Resumed)

Corporal Arnold Forbes, still upon his oath: By Durity: I said I had gone to cocoa field where I saw the dead body of Minwatee. I saw the accused. He was brought to the scene by Corporal Gittens. The dead was covered by the time he got there. Superintendent Bernard caused it to be uncovered. The Superintendent asked the accused if he knew who that person was, pointing to the dead body. Accused said it was that of his wife. Accused appeared unmoved with no expression of any emotion at all.

20

Cross-examined: I went to the scene around 8.30. I went to the house of the accused between 8.30 and 9 a.m. on Saturday 12th June along with Baboonie and other members of the Force. I don't remember if Sergeant Saunders was among them. I don't remember if I said at the last trial that Sergeant Saunders was with me. I can't remember if I said so at the Magistrate's Court. I can't remember at the last trial if you commended me for having spoken the truth. I have no desire to see the depositions because they would not help me to remember.

30

To Court: If it is so stated on the depositions it would mean I said so.

40

No.16.

Arnold Forbes.

25th May 1955.

Examination
(Resumed).

Cross-
Examination.

In the
Supreme Court
of Trinidad
and Tobago.

Prosecution
Evidence.

No.16.

Arnold Forbes.
25th May 1955.

Cross-
Examination -
continued.

Continuing under cross-examination: I produced a pair of khaki pants at the inquest. I am not in a position to say where they came from because I was not present when they were taken up. It is possible there were no stains as far as I noticed. I took a pair of pants to the analyst. I had two pants to take to the Chemist. I did not take them up anywhere. I took a pair of pants from Ramsook at the station and put it down on a bench beside him where he was sitting. They were handed to me to take to the Chemist. I don't remember saying I took a pair of pants and a shirt from him. I did not take a shirt from him. I took a pair of trousers and a basket. He was wearing the shirt. If I said so that would be a mistake. I did not hear you tell the jury that you said I took the shirt and pants from accused whereas Sergeant Saunders said that he did. I don't remember having said at the inquest that I took a pair of pants from the accused. I did not wish to look at the inquest notes, they would not help me to remember what I said. I was duly sworn and after answering questions Assistant Superintendent Demas asked me questions. My evidence was read over as far as I remember and I signed my depositions.

10

20

Seunarine informed by the Court that the original depositions are here if he wishes to make use of them.

Seunarine: It might not be necessary.

Witness continuing: The bed did appear to have been slept in. The rest of the house was quite orderly and clean. I saw nothing to indicate that the house was recently washed or scrubbed. There were indications that flour had been kneaded there. There did not seem to be indications of a struggle in any part of the house. Similar food to that found in the basket was found in a pot in the house of accused. If I said at the last trial I was accompanied by Sergeant Saunders when I visited accused's house it ought to be true. I see my depositions at the preliminary trial.

30

40

To the Court: Whatever appears in the depositions I believed to be true.

Continuing: I see here I said so it ought to be true. It is probable I said so at the trial. I passed through the hall of the house in the morning.

I went into the rooms of the house. I don't remember all that I did there that morning. I took up no exhibits in that house except they were handed to me. No member of the Force picked up any exhibit. Sergeant Saunders did not pick up any exhibit that I know of whilst I was there. I went into the kitchen and I saw two pieces of white cloth soiled but I can't remember whether I saw them in the kitchen or elsewhere. I did see a kerchief. I don't remember where. I don't remember any other exhibit. I put them in at the inquest as having taken them to the Government Chemist. They are the same that have been put in in this case. I took possession of the clothes the accused had been wearing. There were bloodstains upon them. There was a gilpin cutlass taken by me to the Government Chemist. All the exhibits that went to the Government Chemist in this matter I believe were taken by me. I was there when the Government Chemist took blood from the accused body. That and the clippings and washings were taken with his consent. No blood was found in the clippings, washings, etc.

10

20

30

Re-examined: The trousers with the stains on the pockets I do not know where they came from. I was not present when they were found. I said I took the khaki trousers (W.S.7.) from the accused and placed them on the bench on which he was seated, gave certain instructions and returned to the scene. From there I went to the mortuary with the dead body. I remained there with that dead body until the Government Chemist came about 7 p.m. or a little later.

In the Supreme Court of Trinidad and Tobago.

Prosecution Evidence.

No.16.

Arnold Forbes.

25th May 1955.

Cross-Examination - continued.

Re-examination.

No.17.

EVIDENCE OF AWADI.

Awadi, sworn on the khoran, states: I am a proprietor. I work at Apex Oilfields Trinidad and live at Siparia Standard Gate. I know the accused. I knew his wife Minwatee. She is now dead. He had a talk with me before he got married to Minwatee. He was engaged to be married in Cedros. The girl's parties from Cedros put up a date to come to his house. On the day put up, the people from Cedros did not come. He told me he wrote a

40

No.17.

Awadi.

25th May 1955.

Examination.

In the
Supreme Court
of Trinidad
and Tobago.

Prosecution
Evidence.

No.17.

Awadi.

25th May 1955.

Examination -
continued.

letter saying he was not going to marry again. After a week I told him we have a girl here if he want to marry. That was Minwatee. He said no he not going to marry at all. I used to see him every day. He said he seeing trouble to cook food and that he is going to marry. I told him the girl I had told him about if she is not engaged I could talk to the father about her. After he got married to her. He said he wanted to get married about 2 or 3 weeks after he had said he was not going to get married. He was living in the same house where he carry Minwatee. He used to live there by himself. It had a kitchen near a house.

10

Cross-
Examination.

Cross-examined: I gave 2 statements to the police. I gave evidence at the Coroner's Inquest before they arrested the boy. I said nothing about the girl from Cedros and all that. I was not asked. The first I spoke about it in Court was at the lower Court.

Re-
Examination.

Re-examined: I gave a statement to the police. I told them the truth.

20

No.18.

William Saunders.

25th May 1955.

Recalled.

No.18.

EVIDENCE OF WILLIAM SAUNDERS (Recalled)

Sergeant William Saunders, recalled, still upon his oath:

By Durity: I said I seized trousers W.S.4. on the execution of search warrant having sworn to an information the very day 12th June to search for evidence. This is the warrant put in admitted and marked W.S.12. I endorsed it on the back of the warrant the same time what I found. The accused at the time was not present. I showed him the trousers and blood stains and told him where I found them and in whose presence, but I did not read the endorsement.

30

Court warns the jury that the endorsement in the warrant is not evidence and should not be regarded as such. The fact that the witness says he found pants and that he endorsed it on the

warrant does not carry his evidence any further and is not evidence of the truth that he did find trousers in the house. It still rests on his word.

In the
Supreme Court
of Trinidad
and Tobago.

Sometime near the end of May last year the accused made a report at the Fyzabad Station. I interviewed him. He reported that Friday night 28th May 1954 he went out and that his house was broken and a quantity of jewellery and clothing belonging to his wife were stolen. I went to the house at Standard Road. I inspected the premises. I did something with him to assist him to recover these jewels. I executed search warrants on several houses and failed to find the jewels or clothing. No one was prosecuted. I searched certain houses at Standard Road. I have not found the jewels or the clothing. The jewels were gold chain with stone attached, two brooches, rings, etc. I would like to refresh my memory from the warrant. I wrote there from what he told me.

Prosecution
Evidence.

No.18.

William Saunders
25th May 1955

Examination -
continued.

20 (Court permits him. Witness refreshes his memory).
The value was around \$55.

Cross-examined: The house of Basdeo Jagtar was not searched by me. I am unable to say if it was searched. Other members of the Police Force (Detective Branch) carried out enquiries. Accused said he suspected Basdeo Jagtar. I don't know if he is son-in-law of Deonarine Pherangie. I know that he did not tell me so.

Cross-
Examination.

30 On the warrant I put in I recorded the blood-stains were on the pants. I did not pull out his pocket. It was hanging on the line waist down, pockets out. Inspector de Souza and Police Constable Allette and Badoonie were with me.

With permission of the Court: I only asked questions when taking the statement where there was doubt as to the meaning of anything he said.

40 Durify: There are other witnesses who have been subpoenaed by the Crown, namely, Pherangie, Ivan La Vende Police Constable, Boysie Rambert and Vernon Thomas. I don't propose to examine any of these witnesses. They are all present and available for cross-examination for that purpose.

Re-
Examination.

Seunarine: I don't require them.

In the
Supreme Court
of Trinidad
and Tobago.

No.19.

PROCEEDINGS

No.19.

Proceedings.

25th May 1955,

Accused is addressed by Court as follows: The time has come for your defence. You may stay where you are in the dock and (1) say nothing, (2) make a statement to the jury in which case you cannot be cross-examined, or (3) come into the box as any ordinary witness be sworn or made to affirm and give evidence. In this last case you may be cross-examined by Counsel for the Crown. In any case you may call witnesses. What do you elect?

10

Accused states: I wish to come in the box.

Counsel states that he will be calling 2 witnesses one of which is the Clerk to the Judges to prove his signature to a letter dated 6th of May 1955 Ref.No.63/55 purporting to be signed by Mr.Pierre the Clerk to the Judges in which he stated that Counsel's letter of 26th April 1955 applying for a copy of the trial judge's notes of evidence in this matter of a previous trial was referred to the Honourable Mr.Justice Duke and that he refused his application.

20

Court states that it is unnecessary to cite the Judge's clerk to prove his own signature and that the letter is not material to the issue and a note has been made of the letter.

Counsel refers to volume X1 1950-1951 in the Appeal of Boysie Singh and others where it was laid down that where it is desired to prove in the 2nd trial inconsistent testimony of witnesses at the first trial it is inadvisable for Counsel for the prisoner to give evidence of the statements made at that trial and that the Judge's long hand notes are the best evidence of such testimony and wishes Court to order a certified copy.

30

Court states it cannot over-rule another judge's orders. Will consult him.

No. 20.

EVIDENCE OF RAMSOOK RAMLOCHAN

In the
Supreme Court
of Trinidad
and Tobago.

Defence Evidence.
No.20.

Ramsook
Ramlochan.
25th May 1955.
Examination -
continued

10 Accused sworn on the Lota: I was married to Min-
watee under Hindu rites on the 15th May, 1954. It
was not registered. I lived with her at Siparia
Standard Gate. I saw her dead body sometime in
the cocoa field. That was less than a month after
our marriage. That was the 12th June 1954 that I
saw her dead body about 9.30 a.m. On the night of
11th June I was at home. I went to bed about 7.30
to 8. Myself and my wife Toy went to bed. I got
up around 5.30 next morning, the 12th. My wife
woke me up. I had no watch at the time. I am
averaging. I had a watch and when people stole,
they stole everything including the watch. That's
the time I spoke to Sergeant Saunders. He came and
searched. I worked with Aziz Ahamad on a truck
as a loader and when I awake around 5.30 she handed
me a towel. I washed my face. She handed me a
20 cup of tea. After that she handed me my handbag.
It was a breakfast bag. I had food in the bag for
two times. I can't eat early in the morning so I
have to take my breakfast and lunch with me. I eat
my first meal around 10. When I took my bag and
I told her I was going and turned my back she said
it have a jinner, if she could go. I told her if
the old people and them going she could go. It
was a roat, katah, and suraj puram. Suraj puram
was on Sunday morning. The roat was Saturday
30 morning and the katah Saturday night. After tell-
ing her that I passed across by my grandmother Ba-
boonie and asked her if she had fig. She was in-
side the kitchen. She said she did not know what
it had. I ate the figs. I ate one right there.
I went on the job, the driver came and we all went
to work. I left home around 20 to 6. I heard
Boodram say I was around No.2 turntable around 2.30
to 3 by Sookdeo's house. I was not by the house,
I was home sleeping. From the time I went to bed
40 at 7.30 p.m. to the time I got up I went nowhere at
all. I did not kill my wife. I do not know who
did. I had no quarrels during that time. No bad
living at all. I love her plenty. When I was
married I got \$100 teeluck, I bought jewellery for
her. I spent upward of \$100 to buy this jewellery.
I paid \$52 in cash and credited the balance. I
spent about \$700 to \$800. It was a big wedding.
I made debt plenty at different places. I had some

In the
Supreme Court
of Trinidad
and Tobago.

Defence
Evidence.

No.20.

Ramsook
Ramlochan.

25th May 1955.

Examination -
continued.

cash and credit some things. When I was buying this jewellery Deonarine Pherangie was around. He showed me cheap jewellery and told me to buy those. I told him it is too cheap I want expensive one. Awadi was there and he assisted me. Just before I married Toy I was engaged to marry a girl at Granville, Cedros called Chanoo. I did not like the girl. I gave back the engagements and stopped the marriage. Deonarine Pherangie wanted me to marry her. Before this breaking off of marriage I used to live next to Deonarine. My grandmother stopped cooking after that for me. I got married to Toy after that. I never complained to Ramkisson Soodeen of V.D. about myself and the doctor or treating nor any complaint about Toy. I did not have venereal diseases. Toy was a good girl. She did not have venereal diseases. I suspected Jagdeo Jagtar in connection with the loss of my jewellery. He is Deonarine's son-in-law. He is married to Pherangie's daughter. The police searched Jagtar's house. After that Pherangie spoke to me, he said I sent search warrant in his son-in-law's house, we are nasty people. Since that we doesn't talk from since that. I talk to Baboonie and Jagdeo Deonarine Pherangie's son. I had some wood in the forest with my initials "R.R." I bought that wood in the forest and paid in the Warden's office for it. When I paid for it, I had to put my initials before I could remove them. The wood was mine alone, I was not in partnership with Pherangie. He did not put money and I put money. I did not give him permission to take the wood. I paid bullmen to bring it where the truck would pick it up. After my arrest I don't know what happen. I never went to Pherangie's house between 6.30 and 8 p.m. on the 11th and had a talk about going to a dinner and leaving the girl alone.

10

20

30

When the police met me I was actually working and had on the grey shirt (H.G.1) and old cream flannel pants. I had a khaki pants and white shirt on my arm. I got them out of the truck. I put them there on the 12th June when I went to work. I went to work in them and changed them and put on the grey shirt and the flannel pants. They are my working clothes. When I am finished I leave my working clothes in the truck and put on my white shirt and khaki pants. I bring my working clothes to wash once in a month, sometimes 2 months. We carry metal (broken gravel), boulders, sane, grape-

40

fruit and crates, bound with galvanized wire. We carry all kinds new and old crates. When the truck is going I sit at the back. The khaki pants and the shirt I had with me was taken by Corporal Forbes at Siparia Police Station. Sergeant Saunders did not come and take them up from a bench on which I was sitting, beside me. He showed me no clothes at all. He never spoke to me about any stains at all, stains resembling blood stains. I always get eczemas and they does pass. I have none now. I scratch them and sometimes they bleed. I have them all in my back, legs, all about. I have to work during the hot sun sometimes when I perspire they scratch me and I scratch them. I know Abdool Rahaman who gave evidence. I know Seukeran who he said he had beaten and gone to gaol for 2 years. He is my grandfather. I call him Ajar. When Abdool came out of gaol whenever he met me he say, "I went to gaol for all you" and he going to do for one of us. I was born in 1937. I gave a statement to Sergeant Saunders at 5 a.m. on the Sunday. He asked me questions and I replied.

I had a kitchen and a house on that spot. They were separate. The kitchen was covered with timit and tapia walls. The timit is about 5 feet from ground. I had one door in my kitchen facing my house. I had 3 doors and 4 windows. If my aggie stays by her side she cannot see inside my kitchen.

30 Cross-examined: The distance of the kitchen door to the door of the house it faces is about 15 feet. The door that faces the kitchen faces my agie side. I don't know if she could see there is light in my kitchen. Forbes did not take the white shirt I had on my arm or the flannel pants I was wearing. He took the grey shirt I was wearing and the khaki trousers I had on my arm. I don't know why he took them and why he did not take the others. He did not tell me anything nor did any other policeman tell me anything. I did not know at that time that there were blood stains on the back of the shirt and on the trousers. When I was taken to the field I did not know that there were stains on back of shirt. My wife woke me up around 5.30. The first thing I did was to go to the kitchen. The next thing I did was I went by the drum at the side of my kitchen and washed my face. After I finished washing my face wife handed me a cup of

In the
Supreme Court
of Trinidad
and Tobago.

Defence
Evidence.

No.20.

Ramsook
Ramlochan.

25th May 1955.

Examination -
continued.

Cross-
Examination.

In the
Supreme Court
of Trinidad
and Tobago.

Defence
Evidence.

No.20.

Ramsook
Ramlochan.

25th May 1955.

Cross-
Examination -
continued.

tea. Next thing she handed me my hand bag with my food. Then I turned away from her and she spoke to me. That was about 20 to 6.

Counsel: Take time and see if you left out anything.

Witness states that I can't remember if I left out anything.

Question: Did you change clothes?

Answer: I did change clothes.

Question: Why did you leave that out? 10

Question: Did you go to the W.C.?

Answer: I didn't go to the W.C. I didn't go in the morning.

Question: It is not because you did not want anybody to go to the house before you left?

Answer: No.

No.21.

No.21.

Proceedings.

PROCEEDINGS.

26th and 27th
May 1955.

May 26th 1955: Resumed.

Court states to Seunarine: The learned Judge's notes of last trial in his own handwriting have been forwarded to me and are now at Court's disposal. If he wishes to know what was said by any particular witness the Court will consult the notes and if it is necessary to contradict the witness would call the Registrar to put them in evidence. 20

Seunarine states that he is thankful for that but he cannot be a party to that. He wants a certified copy of the notes so that he can contradict witnesses as they come to the witness box as is done in all fair trials. 30

Court states that it cannot now order a certified copy of the notes of evidence to be supplied at this stage.

Seunarine asks leave to retire as he cannot do justice to his client.

Court states: "If you consider it consonant with the ethics of your profession you may do so".
Seunarine retires.

Court: Gentlemen in the circumstances I regret I have to adjourn this case until tomorrow morning at 9.30 a.m.

Friday 27th May 1955: Resumed.

10 Seunarine - Regrets what happened yesterday. He apologises to Court and jury for inconvenience which resulted his action and the loss of one day. If he erred, he erred on the side of justice and he asks leave to proceed with the trial.

Court reminds Seunarine that there are only certain circumstances under which a barrister may desert a cause. Court took it he had satisfied himself that the circumstances of this case do not come within any of the reasons which would have justified his abandoning his client. It accepted his apology on behalf of the jury and the Court.

20 Court reminded Seunarine that Judge's notes contained over 80 pages and that in insisting that he must have a certified copy of them he was asking something which he must have known was impossible at that stage.

No.22.

EVIDENCE OF RAMSOOK RAMLOCHAN (Resumed)

30 Ramsook Ramlochan, still on his oath: By Durity: When I said to my wife she could go to the dinner if the old people are going I referred to the dinner of Ramdhanie Ramlal. When I was going to work I spoke to the old lady asking her for figs. I did not ask Baboonie or Deonarine Pherangie whether they were going to the dinner. They are not the only old people in the district. I had them in mind apart from other old people. It is not a fact that I did not ask them because my wife had no conversation with me at that time. I did not have the conversation with them about the figs to see if they suspected anything. I usually speak to them when I pass to go to work. I came out washed

40

In the
Supreme Court
of Trinidad
and Tobago.

—————
No.21.

Proceedings.

26th and 27th
May 1955 -
continued.

Defence
Evidence.

—————
No.22.

Ramsook
Ramlochan.
27th May 1955.
Cross-
Examination
(Resumed).

In the
Supreme Court
of Trinidad
and Tobago.

Defence
Evidence.

No.22.

Ramsook
Ramlochan.

27th May 1955.

Cross-
Examination
(Resumed).

my mouth. My wife handed me a towel. The drum inside of my house and the tank at side of kitchen. It is a long tank we borrowed for the wedding. My wife's hand alone came out through the door. She handed me the cup of tea in the kitchen. She handed me the breakfast basket in the kitchen. I did not notice whether her hands had mixed flour. I didn't notice nothing in the morning. When I was taken to the field I did not notice mixed flour on her palms. I did not plaster that mixed flour on her hands after she was dead. I don't know if she was finished cooking. I did not notice if she was cooking at all. I did not notice all those things. I gave a statement to the police. I was asked questions and I answered them truthfully. I went to the junction of the Fyzabad Guapo Road and the Standard Road. I did not wait at the junction. I walked down to a bridge 200 to 300 feet away. I did not wait there and take a taxi there. I took a taxi by the bridge. I told the Sergeant I waited there a few seconds and went and sat on the bridge. I did not stand there to see no one moved in the direction of my house before I got a taxi. I heard what Deonarine Pherangie and Baboonie said about the conversation I had with them on the 11th about 6 p.m. that I wanted to go to dinner and leave my wife alone in the house. I did not tell Toy that I had to go to any dinner. I had no conversation with Toy about going to any dinner until when I was leaving for work. I intended to go to the dinner when I came back from work Saturday 12 o'clock. I knew I had to go to the dinner Saturday so I did not have to make up my mind. I did not meet my wife's father Ramkissoon Soodeen on the afternoon of Thursday the 10th June. We had no trouble with him. I did not tell him I had venereal disease to frighten him to take home the girl. I did not say \$20 a fortnight in order to make him believe I had it in a very advanced stage. I can't remember if Dr.Charles examined me at all. I remember seeing Dr.Charles at the Police Station, I can't say whether it was the 12th or 13th. I can't remember if he examined my body so I can't say yes or no. Jewellery was stolen but I can't remember the amount because my wife had amount. It was my wife that missed the jewellery and told me. I did not miss them. My wife did make the complaint. I did not make the complaint. I was not home. If I did not lose any jewels then my wife told me a lie. She told me she lost a grip with jewels and clothes.

10

20

30

40

50

I don't know where the jewels or the clothes are. I did not remove them. Some of the jewellery was left. I don't know what became of that balance of jewels. I don't know if she does have on jewels on her hand, watch or anything. I didn't notice. I did not notice when I saw her dead body if she had or not - they did not ask me anything. I know Sookdeo who lives near to No.2 turntable at Standard Gate. I know his daughter Sookdayah by face. I speak to her "Morning" when I pass "right, right". I was not in love with Sookdayah. I don't know she used to call me cousin. My former wife was Baby. She is still my lawful wife. I did not get a divorce from her. I don't know if she is Sookdayah's cousin. I am separated from Baby not quite 2 years. During that time I have not been friendly with Sookdayah. On the 12th I was not with her about 2 a.m. on the Standard Gate going up to her house. I was home sleeping. I was not with the father at 2.30 a.m. with the father. I was home sleeping, I know nothing about that. I can't remember how long ago Abdool Rahaman made the first threat or the last. I don't keep things in mind. I am not telling an untruth that he made threats to me. I was afraid of him. I never made a report at the police station on any one of these occasions. At 3.30 to 4 I was not at the back of the house. I was at home sleeping. I have no flashlight. I don't hunt. When I went to work I changed my pants, khaki and put on the old pair of flannels. I said so in my statement but he did not ask me about shirt so I did not tell him about white shirt. He asked me if I changed my clothes. I said I changed my pants. I didn't change the shirt the same time I changed it whilst I was travelling on the truck. He didn't ask me about the shirts. When I last saw my wife I did not notice her clothes. I does not notice whether she has her head tied or not. I recognized the body by the clothes. I know her clothes. I buy the cloth. I did not recognize her by the face. I was not shewn the face. The body was covered with a bag. The Inspector raised a part of the bag I saw from the waist to foot. I did not see a head lying by the body. It surprised me to see the body there. When I saw the body I was not surprised. I had not seen it there before. I did not know that the body was there. I can't remember if I said that is my wife. Neither the head nor the whole body was shewn to me. I was pulled away and put on the jitney. I see my wife's

In the
Supreme Court
of Trinidad
and Tobago.

Defence
Evidence.

No.22.

Ramsook
Ramlochan.

27th May 1955.

Cross-
Examination
(Resumed).

In the
Supreme Court
of Trinidad
and Tobago.

Defence
Evidence.

No.22.

Ramsook
Ramlochan.

27th May 1955.

Cross-
Examination
(Resumed).

body lying there without a head and say nothing. What could I say? I was struck. When I recovered I was in the station.

To Court: I can't remember if Corporal Gittens told me at Palo Seco that "This morning your wife's body was seen in a cocoa field at the back of my house with her head severed from the body". He told me something about my wife but I can't remember. He told me to take my things and come. I did not expect to find my wife dead when I left Palo Seco.

10

Continuing: To Durity: I expected to see her alive. Whilst the corporal took me from Palo Seco to the cocoa field he did not ask me anything. I did not ask him anything. Ramlal's house where the dinner was to be held was on the same road as Sookdeo's house about 2 miles from my house. Sookdeo's is between $\frac{1}{2}$ mile to $\frac{5}{4}$ mile. Leaving my house to go to Ramlal's house I would have to pass Sookdeo's house. It is not a fact that as Ramkissoon Soodeen did not take her back I decided on other means to get rid of her. The old people Baboonie and Pherangie did not suggest that I should leave Toy with them until I came back from dinner. I had no talk with them. My plan was not to leave her in this house alone and go to Ramlal's house where there would be several people who could say Ramsook was there and I and my partner would sneak out from the dinner come back and kill my wife in that house and then return to Ramlal's house. I had no plan at all so Baboonie and Pherangie could not spoil my plan. I did not leave them (Baboonie and Pherangie) and go home at 8. We went to sleep. I never left the house. I did not sneak out whilst my wife was sleeping and that is how I was seen with Sookdeo at 2.30 a.m. I was home sleeping. I did not re-arrange any plan because I had no plan. My partner and I did not arrange a point in the bushes where my wife was to be killed. I had no partner. I did not arrange to get her to leave the house, follow me to this track. I did not go home sneak into my house.

20

30

40

Seunarine states there is no evidence to support these suggestions of the Crown.

Court rules there is some evidence from which the jury may or may not find the inferences the only logical conclusions to which they could come.

The evidence is circumstantial and it will be for the jury to say whether or not the suggestions are warranted by their findings.

Continuing: I did not wake my wife and tell her I was going to the dinner. I did not induce my wife to follow me. I did not have on two pairs of khaki trousers, I only have one pair.

10 Question: You walked as if in the direction of Ramlal's house and as you come to the point to where your partner was armed with a cutlass?

Answer: I know nothing about that. My wife woke me to go to work.

Question: As you got past that point and before your wife knew what was happening her head was off?

Answer: I know nothing about that. I was home sleeping.

Question: You were at that time wearing that grey shirt?

20 Answer: That grey shirt stops in the truck all time.

Question: As the man swung the cutlass, blood from the cutlass or from the body of your wife spattered your shirt?

Answer: I know nothing about that. I was home sleeping.

Question: You and your partner remained there until all the blood drained out of the body.

Answer: I knows nothing about that. I have no partner.

30 Question: Then you removed the body and the head to the back of your house in the cocoa field.

Answer: I knows nothing about that.

Question: You got blood stains on your hands and on the trousers which you wore over the other one.

Answer: I know I have one pair of trousers.

Question: You had a grain of garlic in your pocket?

Answer: I knows nothing about that.

Question: You put your hand into your pocket to take out the garlic and stained pocket?

In the
Supreme Court
of Trinidad
and Tobago.

Defence
Evidence.

No.22.

Ramsook
Ramlochan.

27th May 1955.

Cross-
Examination
(Resumed).

In the
Supreme Court
of Trinidad
and Tobago.

Defence
Evidence.

No.22.

Ramsook
Ramlochan.

27th May 1955.

Cross-
Examination
(Resumed).

Answer: I knows nothing about that.

Question: You set about washing the trousers?

Answer: I knows nothing about that.

Question: There is a ravine nearby?

Answer: There's a drain there. I don't know if it has water in it. It is a sewerage drain. All the water from the houses run into it.

(Witness shewn khaki trousers No.3380). They are not mine.

Question: In the darkness you did not realise that there were a few spots on the leg? 10

Answer: I knows nothing about that.

Question: You did not realise some blood had got on khaki pants (3381)?

Answer: I know nothing about that.

Question: As you washed the trousers all signs of blood on your hands, and nails were washed from your body?

Answer: I knows nothing about that.

Question: You put that body there to make it appear that your wife had just come out of the house and somebody rushed on her and killed her there? 20

Answer: I know nothing about that. I left my wife home.

Question: How did the blood get on your shirt?

Answer: I wouldn't know. I know I had eczema all over my body and a sore on my foot.

Question: Did eczemas cause those stains in the back?

Answer: Yes. 30

Question: The doctor said you had not any.

Answer: I might not have had the very time but I always had.

Question: Have you any now?

Answer: No.

Question: In the month of March last?

Answer: No.

To Court: I was sleeping so I don't know if Baboonie saw light in my house at 4 a.m. She did not see me go from the house to kitchen at 5 and wash my mouth. It was around 5.30. Baboonie is not correct when she says I left home at 6. It was 20 to 6. I did not tell the police I left home at 6 a.m.

In the
Supreme Court
of Trinidad
and Tobago.

Defence
Evidence.

No.22.

10

12.12: Adjourned to Tuesday 31st May, 1955, at 9.30 a.m. Whitsuntide intervenes.

Ramsook
Ramlochan.

27th May 1955.

Cross-
Examination
(Resumed).

Tuesday 31st May: Resumed.

Accused Ramsook Ramlochan, still upon his oath:

31st May 1955.

20

By Durity: I said I considered my wife a good girl, faithful to me. Just before I left she asked my permission to go to the dinner. Whenever she wanted to go anywhere she would ask my permission. That morning she did not talk to me about going anywhere else. She did not ask permission to go anywhere. So that I would not have expected her to leave the place to go anywhere else except the dinner place. In the statement to the police I said if the old lady going, I did not mean Baboonie. I meant any old people. I have not manufactured this conversation. I never told Baboonie about going to the dinner. It is not a fact that I left my wife's body at immortelle tree and I was dressed in the grey shirt and the khaki trousers (W.S.7.) and that is why I had no cause to change my clothes before going to work. That is not why I did not say in my evidence when I got up I changed my clothes. I did not hang up the one I had over it on the line after washing it. The pair I had at work had side straps. I noticed that when the side straps are unbuckled, the waists are the same size in both. I know nothing about that one. When I left home I did not notice whether her hair was done up. I did not notice how she was dressed. I never notice that no day. I did not watch her hands to see if they had flour on them. Before going to bed I did not notice what dress she had on. When we went to bed she had on a nightgown. When she got up I didn't think she would cook for me in the nightgown. I did not notice whether she had on a nightgown when I got up.

30

40

Question: I suggest that Sookdeo was your partner.

In the
Supreme Court
of Trinidad
and Tobago.

Defence
Evidence.

No.22.

Ramsook
Ramlochan.

31st May 1955.

Cross-
Examination
(Resumed).

Answer: I had no partner at all.

Continuing: My wife did not wash for me that day or that week she did not put those wet trousers on that line. The stains found on the shirt are from the eczemas. I had plenty sores on my foot. I had eczemas on my forearms but I can't remember if that day.

To Court: I can't remember if I had any eczemas on the day my wife died. Nearly two months that shirt had not come home. It was kept in the truck the whole of that time. 10

By Durity: It is not my habit to wake up Toy every morning. Sometimes she wakes me and sometimes I wake her. I got married on 15th May. A few days after, not quite a week I took her from her father's house to live in my house. Sometimes she wake me or I her. When I got up she could give me my food cooked. I was sleeping she woke me and told me time to go to work and gave me my meals. I didn't look at my wife's face because the police did not show me. It was covered by a bag. There were a lot of people. I was struck. I don't know nothing about if the head was there near the body. I can't remember seeing the head. I was struck, and I felt I can't recognize nothing. 20

To Court: I recognized her by the clothes. I was so struck. They did not tell me to look at anything. They just turned back and carried me to the station.

Continuing: The police only showed me the body and asked me if I knew it. They did not shew me the head. 30

Re-examination.

Re-examined: My lawful wife Baby Ramsook is still alive. I did not plan to kill my wife Toy. I had no reason to kill her. I loved her very much. We slept in the same bed that night. I said on Friday I wanted to tell the Judge and the jury something.

By permission of the Court:

Accused: On the last trial Deonarine Pherangie said in this Court that on Sunday the 13th June, 1954 6.30 to 6.45 in the evening I came to him and said the evidence he and Baboonie gave is to break my neck, but I have better sense than that. During that time I was at Siparia Police Station locked 40

up. I call them Agie and Ajah. I left after 7 o'clock. Corporal Saunders said I left 5 past 7 to 7.30. I walked. Police Station to Standard Road is about 4 to 5 miles. The police took my money in the station. I asked for it. They did not give it to me and so I walked. I got the money at the preliminary hearing at the station. I can't remember who gave it to me whether a policeman or civilian. I went to my father's home which was on the left hand side of Standard Road. I did not go at Deonarine Pherangie's home. I did not tell him those words. I suggest he is not telling the truth.

10

Durity: I do not propose to ask any further questions.

In the Supreme Court of Trinidad and Tobago.

Defence Evidence.

No.22.

Ramsook Ramlochan.

31st May 1955.

Re-examination - continued.

No.23.

PROCEEDINGS.

No.23.

Proceedings.

Application to recall Saunders to prove the time accused left station.

31st May 1955.

20 Court states it is unnecessary and does not allow it.

Application to call the policeman with diary who made the entries to be called.

Court states it cannot do so at this stage. Pherangie was never asked anything about this statement. Application refused.

Court is informed that diary is in Court. Allows constable to be called.

30

Counsel for Defence states that I wish to contradict the following witnesses on the following points:

Sergeant William Saunders: He stated here that Corporal Gittens said to him in the presence and hearing of accused that there were a number of stains on his shirt. At last trial he did not say it was in the hearing and presence of accused.

2. In this trial he said he can't remember saying

In the
Supreme Court
of Trinidad
and Tobago.

No.23.

Proceedings.

31st May 1955.

he never went in accused's house between 8.30 and 9 a.m. nor did he remember going. At last trial he said he never went.

Corporal Forbes: He said he did not say he saw no stains on the pants. At inquest he said so. At this trial he said he did not remember if Sergeant Saunders was among the police members who went to accused's house between 8.30 and 9 a.m. Last time he said positively he did.

Deo Pherangie said he did not remember if he gave a statement to police after inquest at his home. Last trial he said he had (not correct). 10

Abdool Rahaman said I walked along Standard Road for $\frac{1}{4}$ mile. At last trial says he did not walk along Standard Road. Counsel for accused states he wishes the original Inquest proceedings.

Court states that they were sent back to Port of Spain because he said he did not want them.

Court informs jury that the Court with the necessary witnesses will now proceed to the scene and return here afterwards. 20

2.40 p.m. Court, accused, his Counsel and Counsel for the Crown arrived at No.68 short cut. Resumed in Court 4.50 p.m.

5.15 p.m. Adjourned to Wednesday 1st June, 1955.

Prosecution
Evidence.

No.24.

William Saunders.
1st June 1955.
(Recalled).

Resumed.

No.24.

EVIDENCE OF WILLIAM SAUNDERS (Recalled)

William Saunders, recalled, still upon his oath: I was present and saw in the presence of accused and Counsel and the jury Boodram point to track near immortelle tree or the place where he said he saw the accused Sookdayah when he passed them. He was going towards No.2 turntable (Showed track leading to Sookdeo's house which he pointed out on a hill). 30

Witness Boodram indicated swing post where he was as spot where he first saw two persons on the road. He showed a spot about 15 feet west of the immortelle tree where the persons were. He walked to a spot about 35 feet from entrance of track 68

where he said the accused and the other person whom he recognised to be Sookdeo were. Boodram then led along the track which debouches on Standard Road and the Fyzabad Guapo Road at a point approximately equidistant from both roads, near old steam pump shed.

10 Abdool Rahaman was next called. Abdool Rahaman pointed to Track 68 the same direction from which the Court had come. Showed where he crossed the Fyzabad Guapo Road at point where there is a track through two electric posts apparently holding up transformers. Abdool Rahaman walked along to the track which leads straight ahead to the Standard Road and to Premier Road, but indicated a branch from that track along a bank on to a pumping jack and pointed to a spot in cocoa where he said he saw a light and his dogs ran in the direction of light. Rahaman further pointed to a fig tree where he said he was when he spoke to the accused
20 who was standing near another fig tree (by measurement 14 feet). This spot is measured to spot where I stood as place where dead body was found. It measured 229 feet.

I showed the tree and the balance of the root from which the Exhibit W.S.1. was cut and produced in Court; also small ravine about 6 to 8 feet away. I indicated a spot where house had been and where kitchen had been and Pherangie's house and kitchen. Accused's kitchen on Eastern side, door faced back
30 of house with space between. Front and door of house faced Pherangie's house and South. Another door was on West.

Mr. Durity also asked and the Sergeant pointed a spot by stand pipe on Junction of Fyzabad Guapo Road and Standard Road from which Pherangie's yard was visible. Jury was shown this spot.

Accused at request of his Counsel indicated that the Standard Road led to Ramlal's house past the track to Sookdeo.

40 The Court with the accused, his Counsel and Counsel for the Crown were present and in the hearing of everything which took place on the scene.

The visit lasted from 2.40 p.m. to 4.20 p.m.

Not cross-examined by Seunarine.

Not cross-examined by Durity.

In the
Supreme Court
of Trinidad
and Tobago.

Prosecution
Evidence.

No.24.

William Saunders.

1st June 1955.

(Recalled).
continued.

In the
Supreme Court
of Trinidad
and Tobago.

No. 25.

EVIDENCE OF ARTHUR ROBERTS.

Defence calls as its next witness:

Defence
Evidence.

Arthur Roberts, sworn on the bible, says: I am a Police Constable stationed at Siparia Police Station. On 12th and 13th June 1954 I was stationed at Siparia Police Station in charge room duties. I was alone. I did the recording in that book. Whilst on duty on the 12th I recorded the time of arrival in the diary. I wish to refresh my memory. (Witness allowed to do so). He arrived at 10.05 a.m. on the 12th June. I did not make the entry with respect to his departure. Corporal Oroscoe did.

10

No.25.
Arthur Roberts.
1st June 1955.
Examination.

Not cross-examined.

No.26.

No.26.

Corporal
O'Roscoe.

EVIDENCE OF CORPORAL O'ROSCOE.

Corporal O'Roscoe called: sworn on the bible: My name is Martin O'Roscoe and am stationed at La Brea Police Station. On Sunday 13th June 1954 I was stationed at Siparia. I had occasion to make entries in the diary. I made an entry with respect to the departure of the accused. He left at 7.05 p.m. the Police Station.

20

1st June 1955.
Examination.

Not cross-examined.

No.27.

No.27.

Proceedings.

PROCEEDINGS.

1st June 1955.

Counsel for accused states he has no other witnesses except for contradictions. He wishes to refer to another contradiction in respect of Abdool Rahaman.

30

He said here that from the spot where he spoke to accused he turned on to the Standard Road and then went on to the Premier Road. On the last occasion he said he took the bank, came on the Premier Road and reached home 4 to 4.30 a.m. Here he said he spoke to the accused about 3.30 to 4 a.m., and last trial he said 2.30 to 3 a.m.

In the
Supreme Court
of Trinidad
and Tobago.

No.27.

10 In the case of Boodram. He states here that he said he did not say on the last occasion that the track was not between the office and the turntable.

Proceedings.

1st June 1955 -
continued.

2. Here witness says he rides between turntable and office. Last trial he said he walked.

3. On the last occasion Sergeant said he took statements from Pherangie and Deonarine during the 12th, 13th June week-end which he forwarded to the Coroner. Court informs Counsel witness was not asked that.

No.28.

Prosecution
Evidence.

EVIDENCE OF WILLIAM SAUNDERS (Recalled)

No.28.

20 Sergeant William Saunders, still on his oath: I admit I did not say on the last occasion "in the presence and hearing" that Gittens called my attention to blood stains on shirt. I now say on the last occasion that I said "I did not go there (accused's house) between 8.30 and 9 a.m. on 12th June 1954 in company with Corporal Forbes.

William
Saunders.

1st June 1955
Recalled.

No.29.

No.29.

EVIDENCE OF ARNOLD FORBES (Recalled)

Arnold Forbes.

30 Corporal Arnold Forbes: Recalled still on his oath: I admit at inquest saying "I produce the khaki pants which came from a line in the yard. It appeared to be freshly washed at the time. There were no signs of blood on the pants".

1st June 1955.
Recalled.

Witness shown the inquest proceedings (which have now arrived from Port of Spain). I admit saying

In the
Supreme Court
of Trinidad
and Tobago.

Prosecution
Evidence.

No.29.

Arnold Forbes
1st June 1955.

Recalled.
continued.

Deonarine
Pherangie.

"I took the pants and shirt from Ramsook at the station".

Corporal states that he admits passage in judge's notes is correct. I did say so: "On the 12th June 1954 I arrived at cocoa field about 8.30 a.m. I went into the house of accused. Sergeant Saunders went with me. I met Baboonie on step. Sergeant Saunders, Baboonie and I went into the house. I took no exhibits from the house when I went in morning".

10

Deonarine Pherangie: Counsel withdraws the statement that witness said positively that he had given his statement to the police after the inquest.

No.30.

Abdool Rahaman.

1st June 1955
Recalled.

No.30.

EVIDENCE OF ABDOOL RAHAMAN (Recalled)

Abdool Rahaman, recalled, still on his oath: Court reads judge's notes p.205. "At about 2.30 to 3 a.m. on the 12th June 1954 I saw accused and spoke to him. I crossed Fyzabad-Guapo Road by the bridge. I went to a Turntable, which is about 100 feet from Awadi's house. I had to cross Standard Road. From the turntable I passed by the tank. From the turntable there is a road through the fields. It stops at Standard field. It is on that road that Awadi's house is. From the Tank you come to the Standard Road. I passed from house of accused, as far as witness box is from Magistrate's Court. I did not travel along Standard Road at all. I came out by the tank. There is an old well. A bank is made. The bank is not round at all. The next bank has oil and mud. Accused was around 20 feet from me when he spoke to me on the oil bank".

20

30

When I said in the last trial I did not travel along the Standard Road at all I meant not between the gate by accused's house. I passed by the bridge coming by the turntable.

After speaking to the accused I said at last trial "I kept along the bank. I came on the road. I came on Premier Road. I eventually reached home at about 4 to 4.30 a.m."

Road means Standard Road.

Not cross-examined by either party.

In the Supreme Court of Trinidad and Tobago.

Prosecution Evidence.

No.30.

Abdool Rahaman.
1st June 1955.
Recalled.
Examination. -
continued.

No.31.

EVIDENCE OF BOODRAM (Recalled)

10 Boodram: still on his oath, says: I told the Judge at the last trial, p.199 "At night I walk from office to No.2 turntable. Accused's house is about 1/2 mile from where I walk. When I am going from office to No.2 turntable I walk, I ride my cycle". I mean "work". Pronounced "wak".

I also said p.201. Short cut "is not between the two points the office and the No.2 turntable".

No.31.

Boodram.
1st June 1955.
Recalled.

No.32.

PROCEEDINGS.

Seunarine states that there may be other contradictions in the notes and wishes to have the judge's notes to peruse.

Court enquires what is the purpose whether Counsel, if he does find any statement which he considers contradictory, he will be making an application to

No.32.

Proceedings.
1st, 2nd and
3rd June 1955.

In the
Supreme Court
of Trinidad
and Tobago.

again recall any such witness. Seunarine states
that would only be fair.

Court regrets that it cannot entertain application.

No.32.

Counsel closes his case.

Proceedings.

12.00 noon: Adjourned to 1.30 p.m.

1st, 2nd and
3rd June 1955 -
continued.

Resumed: 1.35 p.m.

Seunarine commences his address to jury.

3.31 p.m: Adjourned to 2nd June, 1955.

2nd June 1955.

9.30 a.m. Resumed.

11.20 p.m. Adjourned to 1.30 p.m.

10

Resumed:

Concludes 1.38 p.m.

Reply: 1.39 Durity replies.

3.00 p.m. Adjourned Friday 3rd June.

3rd June 1955.

Friday 3rd June 1955, 9.55 a.m: Resumed.

Concludes: 10.40 a.m.

Summation: Commenced 10.43 a.m.

11.58: Adjourned.

1.37 p.m: Resumed and continuing.

2.55 p.m: Concluded.

20

No.33.

No.33.

Summing Up.

SUMMING UP

3rd June 1955:

Summing Up by the Honourable Mr. Justice B.W.
Celestain, (Acting) at San Fernando Assizes
on 3rd June, 1955.

Mr. Foreman, Gentlemen:

This case has been a very interesting one and
I have noted that you have listened to it with rapt
attention and I am sure that no point - important
point - in this case has escaped you. Counsel for

30

the defence has put his defence with a great deal of skill and the only complaint I have to make is with respect to two matters, at which I hope he will take no offence. One is that in the first hour of his address to you he chiefly occupied himself with exhorting you to be courageously firm when returning your verdict; and secondly, he dealt exhaustively on the question of penalty and he told you that you have the power of life and death in your hands. On these two matters I just want to make a preliminary observation.

10

With regard to the first, I want to say that from my experience here, I am satisfied that the Jury in this Colony always discharge their duties with impartiality and fairness and they are fully sensible of their responsibility to the community in which they live; and therefore, in my humble view, I think it was unnecessary to exhort any Jury to be firm, whereby the impression may be got that they need such admonition. The other point is the question of penalty. Gentlemen, the penalties are fixed by the law of this land; you have nothing to do with it; I have nothing to do with it. You are merely asked to say here whether on the evidence led in this Court before you, the accused is guilty, and there your duties end. My duty is to direct you on the law and the penalty is, as I say, one imposed by law.

20

30

In any case where it turns out that sentence has to be passed in accordance with the penalty prescribed, the ultimate responsibility lies with His Excellency the Governor in Executive Council. Therefore gentlemen, let us proceed on our respective duties without giving any such matters any further thought.

40

Counsel for the defence told you that if it were not a question of a death penalty, you may take a chance; gentlemen, you can never take a chance with your oath. Every charge on which an accused person appears before you in the dock is a serious one and you can never take a chance. You must apply the same standard of care with respect to every accused that appears before you in this dock; that is all I wish to say with regard to that aspect of the defence. Otherwise, I think Counsel for the defence did everything it was possible for him to do; I am sure we are all grateful for the manner in which he did it and the points to which

In the
Supreme Court
of Trinidad
and Tobago.

No.33.

Summing Up.

3rd June 1955 -
continued.

In the
Supreme Court
of Trinidad
and Tobago.

No.33.

Summing Up.

3rd June 1955 -
continued.

our attention has been drawn. Likewise, I am thankful for the equally good way in which the case for the Crown has been presented, free of all trammels, so that we are not involved with a lot of issues, or collateral issues that really do not seriously affect the main issue before us.

The accused is indicted by the name of Ramsook Ramlochan and he is charged with Murder, the particulars of which are that he, on the 12th day of June, 1954, at Fuzabad, in the County of St. Patrick, murdered Mirwartee Ramlochan, also called Toy. To that indictment he has pleaded Not Guilty and it is now your duty, having heard all the evidence in this case, to say whether you find the accused Guilty or not. You have to assess that evidence which has been led here, both on behalf of the Crown and on behalf of the accused; the accused has gone in the box and given evidence. It is always a point in favour of the accused that he is willing to go into the witness box and give his evidence upon oath and submit himself to cross-examination and have his testimony tested: and Counsel for the defence has drawn your attention to the fact that throughout this case, he has placed no obstacle in the way of the authorities, the Police especially, or the department of Chemistry, or the doctor, to satisfy themselves with respect to any matter or thing on which they sought to be enlightened; whether with respect to the examination of his body, or the taking of extracts of his blood; all these things indeed, are points in favour of an accused person. 10 20 30

Now gentlemen, you have got to assess that evidence and it is entirely a matter for you to say what evidence you believe and to what extent; or what weight or value you attach to any such evidence, be it by a Police witness, a doctor or other expert. In the final analysis you are the sole judges; this is the constitutional method of trial, and it is laid down that you are the judges of the case; you are the judges of the facts and it is my duty to direct you on the law and to tell you how to apply it. 40

My duty is to deal with the admissibility of evidence and to direct you on certain legal principles by which you may be better able to appreciate that evidence; it is my duty to tell you what are the issues joined between the Crown and the accused and how you may apply that evidence to

these issues after you have found them; then, gentlemen, you are solely responsible for the verdict. You have got to apply the law after you have found the facts, as the trial is entirely a matter by you; I am only here to assist you with regard to the law and to summarise the facts for you in order that I should better explain what the issues are. And so, please remember gentlemen, you are the sole judges of the facts of the case and although you are in duty bound to accept all legal directions from me, when and if I do permit myself any expressions or observations on the facts, you will remember that that is not part of my duty; if I do, I am impinging on your province and it involves no legal obligation on your part to accept them.

10

20

30

40

50

At most you may consider them as suggestions for your consideration. My views on the facts are entitled to no more respect than similar observations offered or placed before you by either Counsel; you alone are responsible for determining every factual issue in this case. Now the verdict which you shall deliver must be a collective and unanimous one to be of any effect either way; it will be through the mouth of your foreman but each and everyone of you has a right to arrive at that verdict independently and separately; and your collective verdict should reflect that right and indeed that duty

(Court's attention was otherwise taken up on some urgent matter)

I am so sorry gentlemen, I was just saying that your verdict should really reflect that right and I should say, your duty, to arrive at your independent verdict.

The first legal direction which I shall give you deals with the burden of proof; that is always very important. In all criminal prosecutions gentlemen, which come before you in this Court, there is always a legal presumption in favour of the accused that he is innocent until the Prosecution satisfies you of his guilt. He who alleges must prove and it is incumbent on the Prosecution to prove every fact and circumstance which may be necessary and essential to constitute the offence with which the accused is charged; it is not the law that the accused person has to establish his innocence to your satisfaction or at all. Therefore, as I have said in the opening, it is entirely on the Crown to satisfy you beyond reasonable doubt of the guilt of the accused; therefore, when you

In the
Supreme Court
of Trinidad
and Tobago.

No.33.

Summing Up.

3rd June 1955 -
continued.

In the
Supreme Court
of Trinidad
and Tobago.

No.33.

Summing Up.

3rd June 1955 -
continued.

come to consider your verdict, having heard all the evidence in this case on behalf of the Crown as well as the evidence which has been offered you from the witness box by the accused, if you are left in any reasonable doubt as to whether the Prosecution has proven its case, that is, satisfied you in your mind and conscience of the guilt of the accused, then it will be your duty to acquit him.

If, on the other hand, the evidence as a whole leads you to a conclusion of guilt, such as would enable you to act with certainty, moral certainty, in any matter of great importance in your own affairs, equally it would be your duty to return a verdict of guilty. The defence of the accused, apart from denials, consists of an alibi; and that alibi is based on the assumption by the defence that death took place at a particular time and he is saying that at that particular time he was elsewhere. An alibi is always a good defence if you can prove it - if it sets up a reasonable doubt in the mind of the Jury; if it does, and you agree with the defence as to the time that death did occur, that he was elsewhere, then that is an end of the matter; the accused will be acquitted. But assuming you don't, still remember that the Prosecution has that onus cast upon it and you must still examine that evidence of the Prosecution, the evidence as a whole, and then come to your verdict; for a conviction, whenever it does take place, must rest on the strength of the Prosecution rather than on the absence or weakness of a defence alone.

Murder is the unlawful killing - unlawful and felonious killing of a human being under the Queen's Peace with Malice Aforethought. The person must be alive of course, because a person may die from natural causes almost simultaneously with, or before the act which would otherwise have caused death. The killing must be of a person, a human being, unlawfully and feloniously and with Malice Aforethought. Malice Aforethought merely means the intention to do a particular act which results in death and Aforethought does not connote any lengthy deliberation; it may be a moment, so long as it takes place before; it must precede the act; no long premeditation is necessary and Malice is of two kinds: Express and Implied.

Express Malice is where a person with a sedate and deliberate mind and formed design, say the ancient authorities, kills another; and that such state of mind may be evidenced by external

10

20

30

40

50

circumstances such as lying in wait, grudges, pre-concerted schemes; but in this case the Crown can give you no evidence whatever of that. There might be inferences and suggestions but there is no direct evidence before you of any scheme or malice which showed that there was pre-meditation. But the law, where Malice is not so expressed by outward acts, will infer it or imply it from a deliberate cruel act, a deliberate act which is intentional and unprovoked, and that is called Implied Malice.

10

20

30

If a person poisons another, although you can show no Malice, the law will imply it from the very act and that is called Implied Malice. When the Crown has proven Malice and the death was due to a voluntary act, the person is entitled to show by evidence or circumstances that the act was unintentional or provoked. But in this case that does not arise; the defence is not that they committed this act of killing under provocation or accidentally or otherwise so there is no need to tell you what are the circumstances under which a capital charge may be alleviated to one of Manslaughter; there is no question of that and this case is considered a case of either Murder or nothing: To cut a person's head off - or if a person intending to do grievous bodily harm, which means any serious inconvenience to bodily health or comfort, kills another - that is Implied Malice; and gentlemen, I suggest to you that having heard the facts of the case, there is abundant evidence from which you may come to the conclusion that the person who killed this girl did so voluntarily and with intent to do grievous bodily harm, or even more probably, to take life.

40

50

I should also tell you that Malice does not necessarily imply hatred of another person. It has come out in this case: Why should So and So kill, because he loved the girl; things like that. Malice does not necessarily connote hatred of anyone; it means merely a wicked or mischievous intention of the mind, that is, that when the person committed the act, he had a wicked or mischievous mind to do grievous bodily harm; for a person of discretion is presumed to intend the natural consequences of his act; so gentlemen, I can daresay you will have no trouble in coming to the conclusion that the evidence here will warrant the conclusion that whoever decapitated this girl intended to commit Murder.

In the
Supreme Court
of Trinidad
and Tobago.

No.33.

Summing Up.

3rd June 1955 -
continued.

In the
Supreme Court
of Trinidad
and Tobago.

No.33.

Summing Up.

3rd June 1955 -
continued.

The Crown is relying entirely on circumstantial evidence, circumstantial or indirect evidence. There is no direct evidence that the accused or anyone else committed the act which resulted in the death of Minwatee on the 12th of June; there is no direct evidence on that at all. By direct evidence is meant that the existence of a given thing or fact is proved either by its actual production as in the case of a thing like a blood-stained garment - by producing it; or in the case of a fact, by the testimony of someone who himself perceived it; that is called direct testimony - direct evidence. By indirect - sometimes called circumstantial or presumptive evidence is meant, that other facts are proved from which the existence of another fact may be logically inferred.

10

Now circumstantial evidence is more exacting upon us, not only because in the case of direct evidence it suffers from one sort of error only and that is, fallibility of assertion - a person may not be speaking the truth - but in the case of circumstantial evidence you have this additional possibility: the fallibility of inference; so that you first have to be sure of your facts and then draw the correct inferences and then say if they are logically probative of the main issue. Now this fallibility of inference is what we should guard against in dealing with circumstantial evidence as of the kind we have here before us in this case and great care should be taken in doing so; and that aspect of the question has called forth various pronouncements as to the care that should be taken in dealing with circumstantial evidence.

20

30

I have taken the following passage from Archbold's: "It must always be narrowly examined if "only because the evidence of the Crown may be "fabricated to cast suspicion on another. It is "also necessary before drawing an inference of the "accused's guilt from circumstantial evidence to be "sure there are no co-existing circumstances which "would weaken or destroy the inference. On the "other hand, it has been said that circumstantial "evidence is very often the best evidence; it is "evidence of surrounding circumstances which by "undesigned coincidence is capable of proving a "proposition with the accuracy of mathematics. It "is no derogation of evidence to say that it is "circumstantial".

40

Now the point about circumstantial evidence is that the witness deposes to a fact within his

50

knowledge which does not appear of itself to have any particular significance; he himself may not realise what part he is playing in the whole; another witness may depose to another incident not being aware of the force and effect in determining the main issue; but the person gathering them together - what is called Working Up a Case - may place them together and then ask you to infer therefrom that certain facts exist as the case might be. But it must be undesigned, a coincidence, a number of things coming together by no casual connection; but if you fabricate, then the whole effect of circumstantial evidence is destroyed. It must be genuine.

10

20

30

40

50

Now gentlemen, if you are satisfied that the evidence given by the Prosecution is reliable and trustworthy, having regard to all the other evidence in the case, then and only then may you proceed to the next step in dealing with this circumstantial evidence; namely, that you are satisfied beyond reasonable doubt that you have drawn the correct inference from the facts before you, and then that they prove the case for the Crown with the accuracy of mathematics; in other words, that you are irresistibly impelled to one conclusion and one conclusion only and that is, that the accused murdered the girl Minwartee. If that is so, then you will convict him - it matters not if there were other persons with him; if each took part in the furtherance of a common criminal purpose, in encompassing the death of that woman and one of them struck the fatal blow, even if it was not he, the accused, he would nevertheless be Guilty of Murder. That is the position.

He need not necessarily have struck the blow himself; if you are satisfied beyond reasonable doubt that he was the person aiding and abetting some other person or persons to do this act, with full knowledge, then he would be equally Guilty as the others - quite independently of the others. If, however, you feel doubtful or hesitant in your mind that that is the only reasonable conclusion to which you could come, then gentlemen you should acquit. For mere suspicion is not enough to warrant a conviction. That gentlemen, is the law as I understand it, on which I have just tried to make myself clear and by which you should be guided in dealing with this evidence which has come before you.

I myself have listened to this case with rapt

In the
Supreme Court
of Trinidad
and Tobago.

No.33.

Summing Up.

3rd June 1955 -
continued.

In the
Supreme Court
of Trinidad
and Tobago.

No.33.

Summing Up.

3rd June 1955 -
continued.

attention. It was unfortunate that I had mislaid my typescript and did not have my mind clear as to the case so as to be able to grapple with the evidence in the first week and therefore I was not fully able to appreciate the case for the Crown in cross-examination; in other words I was very much like you were, in your position; that is why over the week-ends I always requested you gentlemen not to discuss the case, but to keep an open mind on it. I have now studied it and it is my duty as I have told you before to say what the issues are which are joined between the Crown and the accused.

10

Just let me briefly go over the uncontentious grounds. The accused went through a form of marriage with the deceased Minwatee; the marriage is not supposed to have been registered, according to the defence. She was 13 years and four months old at the time of her death - quite a child from the way you may look at things. She was married on the 15th of May, 1954; and she was found dead in a cocoa field on the 12th June, 1954, less than a month after that marriage. The spot by measurement was 284 feet from their home where they lived in the yard of Deonarine Pherangie and his wife Baboonie. Baboonie is the sister of the accused's grandmother and the accused was wont to address her by the Hindu name for grandmother and her husband as grandfather.

20

On the 12th of June, Baboonie awoke at 4 a.m. as was her custom and she saw a light in the accused's kitchen; but she neither heard nor saw Toy. The accused had a separate kitchen - I think he himself said 10 or 12 feet, about 10 feet away from the main kitchen. At about 5 o'clock, Baboonie saw the accused come down from his house; apparently he had to step down and come to his kitchen; he took his tooth brush with him to the barrel and washed his mouth. Now that fact is admitted by the accused, except as regards time; he says at 5.30 that happened; at the same time it might enable you to gauge the opportunities of Baboonie in observing her neighbour.

30

40

Gentlemen, those of us who don't live on large acreages and have to be content with a house in the City or Town will know that without necessarily troubling yourself, you get to know the habits of your neighbour; you may look to see if your neighbour comes down the step to pick up the paper for instance and all over the world it is like that - a matter of common knowledge that some day you will

50

miss your neighbour and you will make enquiries of some one on the premises or place; or from the relatives or the servant: Where is So and So today? What is wrong? That is the sort of evidence this woman gives; she says that she did not see or hear Toy but from her observation she saw the accused step down from the house, go to the kitchen and take his tooth brush with him to the barrel and wash his mouth; she saw him return to his house; he went from his house to his kitchen and he took his breakfast basket - going to work; it was then about six o'clock. You remember the accused said so in his statement so I shall deal with that subsequently: he says the same time - six o'clock.

10

20

Baboonie's husband stated that he usually awakes around 10 to six and that about six he comes down; he heard the accused's voice downstairs but he did not see him. Baboonie said she had neither heard nor saw Toy that morning; and when the accused passed he asked for figs - that is not denied, that is admitted; and Baboonie asked him: Where is Toy? He replied: She dey home.

30

Well gentlemen, that is the first issue that is going to be joined - and probably the most serious issue, that is joined between the Crown and the accused: Was Minwatee at six o'clock with the accused - or whether it was 10 to six or 20 to six - at home alive in that house? Now gentlemen, you have to agitate your minds considerably on that point because when you have decided that one way or the other, the case will largely depend on that focal point.

40

Now every day Toy was in the habit of going over at Baboonie's as the accused went to work and this day she did not see Toy. She asked him: Where is Toy? This lady, she has been referred to frequently as an old lady, but she is to me far from old except that she is a grandmother - a woman here whom you have seen in the box; you can gauge her intelligence and you can say whether she is a spiteful person; whether she comes here and has concocted up a plot to give false evidence against the accused or not. There is nothing the defence can suggest against her except that her husband wanted the accused to marry another girl called Chanoo and after that Baboonie showed her displeasure by ceasing to cook for him. The accused went on and said elsewhere that he always spoke to her - and I will deal or hope I shall not forget to deal with the relationship with these two people;

50

In the
Supreme Court
of Trinidad
and Tobago.

No.33.

Summing Up.

3rd June 1955 -
continued.

In the
Supreme Court
of Trinidad
and Tobago.

No.33.

Summing-Up.

3rd June 1955 -
continued.

later on, the accused at one stage says that he did not speak to them and at another stage he said that he spoke to Baboonie and her son but not to Pherangie; he had other reasons why Pherangie should tell an untruth. But at present I am not going into these matters yet.

Let us take the situation round about six o'clock on the morning of the 12th of June. Toy's father, Ramkissoon Soodeen, was on his way to work and he went along the Fyzabad-Guapo Road and he made a little detour to give a salute to his daughter; he called her but he got no reply; he pulled out his watch and that was 6.20. So if we take it that round about six o'clock she was alive, by 6.20 the deceased was already missing. Baboonie heard Ramkissoon call the daughter and heard there was no reply. Now you will remember what she said. She said that 'I got up' - or the time that she got up .. 'was four o'clock and saw lights in the kitchen'; and she detailed the movements of one person in respect of that house; unfortunately the house has been removed, but she has given you evidence here gentlemen and it is a matter entirely for you to say whether you accept it or not.

Counsel for the accused says: 'Are you a watchman; or are you looking there?' She says: 'No, I was not looking: I am not a watchman, but while I am doing my work I am seeing, I am watching.' And from where the kitchen was, from the situation - she could not see inside the kitchen, but she could see people going up and down, from the house going to the kitchen and from the kitchen to the house and up to the time he took his basket that morning and got out, she never saw Toy. It is a matter for you to say what the distance is; it is no use saying how many feet because you actually saw the place pointed out and you will ask yourselves the question: 'Is it possible for these two young people to conduct their business in the morning without a sound - not a word - that would carry that short distance you saw between the kitchen of Baboonie and where the accused's kitchen was?'

She heard Ramkisson call out to Toy and heard and noticed that there was no reply so she went across and Ramkissoon told you that he left; he never thought anything of it; he is the father but he never thought of anything apparently; gentlemen, it is a matter for you but he never went into the house. But why did Baboonie go into the house! What was the difference! Had Baboonie any reason

10

20

30

40

50

from what she had seen! Why did she find it strange, the first time the father has called and Toy is not there, and he is going to work! But does that suggest, or does it not, that already Baboonie had found it strange that she had not seen Toy - the accused said she was there - she had not seen her ... Toy did not come out the house ... did not come to her ... the father called ... she was not there? What does she do?

10 She went to the kitchen, searched the nearby places, searched the house. Why! Or is this a fabrication?

20 But the neighbour came and nowhere was Toy to be found. She said she went to the house about 10 to seven, I think somewhere, and finally she and the neighbour went to the back. She had exhausted the near environs of the house and they went to the back and in the cocoa field pointed out to us by the Sergeant, 284 feet away, a matter of 94 yards, they saw Minwartee with her head off, lying on her back as you saw there in the picture. About 12 to 18 inches from the neck was the root of an immortal tree and that was cut away and brought for you; there was a chop on it and there was what appeared to be blood.

30 Well gentlemen, every picture tells a story. What do you consider was the story which was being told then by the person who killed that girl? She was there lying on her back and her neck near to this immortal tree and there was a chop on the root with apparently blood in it and the head was nearby. Was the person trying to suggest that this girl Minwartee was lying on her back and was chopped by some instrument in the nature of a cutlass right near where her head was - on that root? ... So near to that root? Was that what was intended for the person, any person, who came up to the spot? If that was so, Why? This is something new! Bodies are disposed of entirely: No body, no Murder; you have got to find the body. At least you may find it is difficult to dispose of, but bodies are burned or buried, or thrown in the sea - all sorts of things; but here you have the corpse being placed in a position which might suggest certain things.

40 Among the suggestions by Counsel for the accused is: Might this be the result, the action of a jealous lover? Well gentlemen, might not the intention here be .. the purpose of the person who

In the
Supreme Court
of Trinidad
and Tobago.

—
No.33.

Summing Up.

3rd June 1955 -
continued.

In the
Supreme Court
of Trinidad
and Tobago.

No.33.

Summing Up.

3rd June 1955 -
continued.

put that body there, that it should be thought that it was the act of a jealous lover as Counsel for the defence says, someone who was jealous that she had gone and married the accused and so had done that act? But still that would not dispose of the question of how did she get there and in so short a space of time. It was 7.30 when the body was discovered there. How did she get there?

Now, as if that were not sufficient of a mystery - because it must be a most inconvenient thing for anyone lying on the back to be beheaded in front of the throat it is a most difficult thing I should imagine - as if that were not sufficient of a mystery, let us see what the doctor says: "The clothing appeared in the normal condition for that sort of person; the hair on the head was tied by a bit of cloth in a tidy manner; her hair rolled into a bun at the back as is often seen in Indian women, and then tied with a bit of cloth. There was blood on the ground close to the spot where the neck rested, four or five table-spoonfuls of blood."

Here, in this early hour of the morning - this woman had her hair rolled in a bun, the hair neatly and tidily arranged; as against that, there was flour on the inside of both hands and some slightly on the back of her fingers. What was that intended for? What would be the natural inference from seeing a woman, a housewife, with dough on her hands? Would that, gentlemen, not give you the impression that she left home hastily whilst cooking?

The accused cannot enlighten you on that point at all; he does not know whether she was finished cooking or anything of the kind. You saw her garments; after sustaining that injury, if these were the garments she had at the time - the Crown says No; but that is a matter entirely for you ... anything I say gentlemen, or the defence says, or the Crown says, are suggestions you will decide among yourselves - and the head neatly tied and the hair neatly rolled in a bun at the back, and if she went out on her own accord, how comes it that this girl did not wipe her hands or take a knife and take off the dough? Why did she go out, if she intended to go anywhere, why not remove that dough from her hands?

There is not the slightest evidence that she went anywhere or that she was in the habit of going

10

20

30

40

anywhere except to Baboonie's place; no suggestion that she went to tie out a goat from persons who might know that she goes to tie out stock; nothing - and that is the mystery.

That is not enough, the doctor says; there was a small quantity of blood on the clothing near the neck ... 'I did not see any signs of blood on the head tie;' and then he viewed the body and so on. He came to the conclusion that death had been inflicted between four, at the outside, and seven; but you heard him explain to you that this rigor mortis is not so accurate. There was a slight cut on her finger; it might have been caused by the same instrument which took her head off. The doctor described it as a heavy cutlass and said that would depend on the sharpness and the amount of force used ... 'I would expect a heavy cutlass...' Here the doctor is asked: 'Having regard to your opinion as to the cause of death, the small amount of blood you saw there ... in your opinion could the body have been decapitated on that spot?' And he says: 'It is not my opinion that it was.' 'Why are you of that opinion?' 'Because the amount of blood (he estimates) every human being must have as a minimum to live was not present within the body or on the spot where the body rested.'

'If decapitation had taken place there when she was alive, what would you expect? 'There would have been a large quantity of blood around the body on the ground - at least three or four pints Imperial, about the place there; that would be about the minimum.' That is nearly half a gallon, is it not? '... If she had been decapitated there after death, her blood would have been in the body.'

So the doctor clearly is of the opinion there was no sign of bleeding around to account for decapitation there; so that, gentlemen, would send us after another point: Where then, was she decapitated? Do you accept that evidence? It has not been challenged; it is evidence of an expert. No other expert has come to tell you that that is not so; that there are some human beings without blood. In no part of the body could you find a tablespoonful of blood, he says. She died from massive haemorrhage, due to complete cutting across of the spinal cord and of the large blood vessel, across the neck ... 'I conclude that death must have occurred between 12 and 14 hours,' he said previously;

In the
Supreme Court
of Trinidad
and Tobago.

—
No.33.

Summing Up.

3rd June 1955 -
continued.

In the
Supreme Court
of Trinidad
and Tobago.

—
No.33.

Summing Up.

3rd June 1955 -
continued.

but upon cross-examination, to the credit of the accused's Counsel, the doctor stretched it to '12 to 15 hours.'

Well, why would anyone, or let us say, why would anyone interested in the crime wish to give a false impression and shift the body? Counsel for the accused has told you: 'To cast suspicion on the accused' But if she were going to a lover, it is obvious that she would be going when the husband was not there and what would be the point of killing her somewhere else and bringing her near the house when the husband is at work? Does that lead you anywhere?

10

But gentlemen, you have got to consider this: Is this a reasonable inference? These are matters for you; if this girl were killed on some other scene, some other spot besides where the body was found, by the root of the immortelle tree, then obviously she must have been transported there; according to the evidence of the chopped root, there was a cutlass; this head was severed with a heavy instrument like a cutlass and a similar instrument must have caused that wound and therefore assuming it was one person who did it, he would have had altogether three things to transport: a headless body, the head separately, and a cutlass. It is a matter gentlemen, entirely of commonsense and inference: Could one person have transported that? Normally - she is a girl of 13 - she would not normally be ... from the point of view of an adult, very heavy; but he would have had to transport the body, then he will have to have his cutlass with him; apparently the cutlass had blood because of that chop on the root. What did he do? Carry the body under his arm, the head in one hand and the cutlass in the other hand? Gentlemen, that is a matter that you must resolve ... Or does that distinctly point to the fact that there was more than one person concerned in this crime and that you might reasonably expect that one person carried the body and the other one the head and the cutlass? They are facts and inferences for you to consider.

20

30

40

First of all, do you believe the body was removed for the reasons the doctor gave? He is an expert but you may however say: 'I do not believe this or I do not believe that.' Then was it transported? It is a matter of logic. The root was chopped; the other person must have had some instrument corresponding to a cutlass. How did one man carry the body, the head and the cutlass?

50

Three things he had! Could he have made three trips to the spot?

10 If that is possible, then the question is that at six o'clock - sometime after six - between six and seven: that is what you have got to come to some decision about. Now gentlemen, if you think that the only reasonable conclusion that you can come to is that there was some other person who was concerned in this crime, it does not matter who the other person is, as far as you are concerned. You are not concerned with trying any other person except the man in the dock and you must not strain to find or come to any conclusion adverse to him; you must feel entirely impelled to any conclusion that you may come to - you must feel reasonably safe that that is the only conclusion that reasonable men would come to.

20 Then if you conclude that there were two persons concerned, the theory of the Crown becomes possible: that the blood stains were caused on the back of the shirt of the accused by blood from the same cutlass that was swung with a sweep. The doctor found that it was one wound, one cut; and that the cutting must have started from behind. And the Crown's suggestion is that they were walking in Indian file and she behind him and that another person acting in consort with him gave one wound, one cut and that the sweep of that cutlass threw spots of blood on the back of the accused.

30 Now it becomes very important both to the Crown and to the defence whether the accused had that shirt on his back on the 12th June, 1954, at Standard Road - very important to both sides. That is one of the big issues in this case joined between the Crown and the accused. The accused says that that shirt is his working shirt ... 'I did not have that shirt on until I reached Palo Seco where I work; it always remains there; for two months that shirt did not reach home - has not been home.' Well, if that was so, even if it got blood stains it could not possibly be connected with this case; it must have been somewhere other than in the vicinity of Standard Road or elsewhere from where this crime was committed. If it was in the truck at Palo Seco, two miles away, it could not possibly have anything to do with this case and so it is of paramount importance that you should make your decision one way or the other and if you are in doubt, you will resolve it in the favour of the accused.

40

50

In the
Supreme Court
of Trinidad
and Tobago.

No.33.

Summing Up.

3rd June 1955 -
continued.

In the
Supreme Court
of Trinidad
and Tobago.

No.33.

Summing Up.

3rd June 1955 -
continued.

Counsel for the accused says that he had a white shirt; that he went to work in a white shirt and a pair of khaki trousers; that when he reached there he took it off, took off both of them, put them somewhere in the truck and then put on working garb which consisted of the grey shirt and a pair of old cream flannels. Well, that was said somewhere in the box day before yesterday. But did he say so a year ago?

It is better to read the whole statement especially as we would be rising in 10 minutes, because it might be in some other part. After the formal part of it, the accused states in evidence:

10

'Minwartee is my wife; I call her Toy. I married to her on the 15th of last month, we married in the night. One week after, I carried my wife to live in my house which is in my grandfather's yard, and there is where me and my wife live all the time. Saturday morning I don't know the date my wife wake me up at half past five. I get up and wash my face and she give me a towel to wipe my face. She give me a cup of tea, I drink it and she give me my hand bag with my food and I left for work leaving her in the kitchen

20

Before I go any further, you will notice that he says here: 'I get up and wash my face.' And Counsel for the Crown made a great point of that

he did not say: '... and I changed my clothes.' Well gentlemen, as I say, that is a question of fact for you; but you are not, in construing evidence in this case, to be unduly harsh so long as it is reasonable and you feel it is reasonable for you to take it in favour of the accused, you should take it because a person does not necessarily say: 'I got up and said my prayers and changed my pyjamas' ... and things like that; and it is more than possible he may not have adverted to the point that he changed his clothes.

30

I just mentioned that before it passes me because it is something about which you should give him the benefit of the doubt; but I again tell you, you will do just what you like.

40

'... She give me my hand bag with my food and I left for work leaving her in the kitchen. I tell her I am going, she asked me if I am going to the dinner. I tell her if the old lady going

You may note that right away - not 'old people' but 'old lady'.

'... I tell her if the old lady going, go, and if she not going when I came from work both of us would go. I then left home and went across by my grandmother who live about 70 feet from my house in the same open yard....'

In the
Supreme Court
of Trinidad
and Tobago.

10 The point was made by the Crown: If you did have such a conversation at six o'clock and you said 'Go if the old lady is going' and straight-away you went to the old lady, why didn't you say to the old lady: 'If you are going, take Minwar-tee'; and then he said: 'the old people ... there are other old people in the village'; and that was his reply.

No.33.

Summing Up.

3rd June 1955 -
continued.

20 '... I called to my grandmother, 'Argie', and asked her if she have fig, she say she don't know. My cousin Jagdeo say from upstairs: See in the rice room, it have. I went inside and I get a han and it was the only han ripe. I bring it outside and put it on the table. I take out four from it and put it in my hand bag. I eat one on the table, my cousin eat one in front of me, I leave and went to work. I wait at Standard and Fyzabad-Guapo Road Junction, I waited for a while, then I catch a taxi, the brake foot fellow'

30 Here again the Crown has asked you to say that he stood at the Junction to have a look to see if anybody was going to his house. Considering that that is the natural and normal place where he would stand to get a taxi, I would not attach the same importance to it but it is a matter for you.

'... I can't say what time that was'

But here he says the time he got up was 5.30 and he was on his way at 5.40, but there in the statement he says, he can't remember what time that was. Of course he did not say he got a taxi right away; he waited a little while but we don't know how long that was.

40 '... He drop me at Siparia-Erin Road Junction. I take a next car a Ford I don't know the car, and I went down. I got off at Aziz at Quarry, he charged me 12 cents. After I reach there I went and take up work'

Now gentlemen, this is the part with which we are really concerned most: '... When I take up work, I change the pants I leave home in ...' That is very clear to me; I don't know if it is clear to you.

In the
Supreme Court
of Trinidad
and Tobago.

No.33.

Summing Up.

3rd June 1955 -
continued.

'... That was a long khaki pants. I put on an old pants which I had in the truck on which I works and the truck pull out ...' Nothing is said about a grey shirt.

'... At about 9 a.m. while off loading the truck at K.K.6, No.16 gate Palo Seco, the Police came to me, they told me to take my hand bag and lets go. I take my bag off the truck and come away with them. At the time my khaki pants I wear to work was on the truck. I take it when I was going with the Police...'

10

Not a word about white shirt.

'... The Police took me to my home, when I come I see so much of people and they carry me to my home and they say where my wife.. I say I leave she home and gone to work. The Police ask me if I see my wife if I could make she out, I say yes. They carry me in the cocoa where the body was, they take up a bag and see my wife dead there. I make she out by her clothes. Then after the Police bring me to Siparia Station. When I left home at six o'clock my wife was alive in the kitchen.

20

Signed: Ramsook.'

And he fixed the time of his departure at six, Baboonie at six, and has said here that his wife was alive there in that kitchen. Baboonie is saying: 'I never saw her; I never heard her that day.' In point of fact there is no one here in this case who saw the deceased alive that day besides the accused. Not a soul here can tell you - who has come before you can say - that 'I saw Mirwartee after 8 o'clock on the night of the 11th of June.' The only person who saw her after that as far as witnesses in this case are concerned is the accused.

30

Gentlemen, we will now adjourn until 1.30 for lunch.

Gentlemen, before the luncheon interval we were discussing the question of the shirt. The defence is that he did not have that grey shirt on at Standard Road but that he went to work in a white shirt and khaki pants and that when he got there, he took off the white shirt and khaki pants and then put on the grey shirt and a grey flannel pants and that he had that shirt in that place for about two months. You will remember all the cross-examination about it and so on; and, what did he

40

come home in after the grey shirt was taken by Saunders and so on. He said he permitted someone else to bring a shirt for him. And Counsel said: 'Yes, I know you will say that' and so on, or words to that effect. But the very day of the next morning - at five o'clock when he was giving a statement - in the whole of the statement ... because I will have to refer to it again ... he said: 'When I take up work, I change the pants I leave home in.'

10 It is so easy if he had changed the shirt to say that he had changed the shirt and pants he left home in. '... I put on an old pants which I had on the truck with which I work'... He could there again say: 'An old pants and an old shirt.' When the policemen came and told him: 'Let's go on', he said: 'My khaki pants was on the truck. I took it when I was going with the Police'. So there, you see, there is absolutely no mention of any white shirt; no other shirt but that grey shirt. That is very important because the Crown is hanging its case upon that shirt. They are saying: 'You did not strike the head off your wife but you had someone else in concert with you inveigled this girl under some pretence in some place - it does not matter what pretence and what place; you have no evidence of it; and one place is as good as another and one pretence is as good as another - but that is the inference drawn from the fact that the body was removed; and they say that the other person, 30 whoever he was, struck the head off; you were leading the way and that blood got on your shirt in that way and you left home that morning with it because you did not know that you had blood on the back of the shirt.

The accused said: 'I did not know there was blood on the back of my shirt but I did not leave with it; I left with the white shirt'. That is the issue that you have to decide - whether he left with a white shirt, having regard to the admission in his statement that he only left with the pants and came away with the pants; and the Police evidence that he only arrived with the grey shirt and the pants in the basket. That is the question you have to decide. 40

If you decide that he had on that grey shirt, then the Government Chemist's report is very material. Before reading that we will come to the other points. He admits that he had on a khaki pants, the one referred to in his statement - no question about that; he admitted the pants - that 50

In the
Supreme Court
of Trinidad
and Tobago.

No.33.

Summing Up.

3rd June 1955 -
continued.

In the
Supreme Court
of Trinidad
and Tobago.

No.33.

Summing Up.

3rd June 1955 -
continued.

a stain was also found on the leg. Then - this is a sore point with the defence - there is another pair of pants found on the line in his house; that was upside down with the pocket or pockets out. It is suggested that this is a long pair of pants; that it did not belong to him; and that Baboonie had opened the door and all sorts of things. Of course if you think so, you will give him the benefit of the doubt; but there is this one peculiar thing, that the Sergeant never gave evidence of the stains on the leg. To me, if he were fabricating evidence, he would have known whether the exhibit furnished more evidence than he stated. Counsel for the defence asked him: 'Anywhere else?' He said: 'Nowhere else'.

10

Well, the Chemist said 'that there were stains on the right leg; the Sergeant said: 'That is correct'. So that might assist you to come to the conclusion one way or the other as to whether the Sergeant was actually fabricating this thing either by putting the blood there himself Counsel said nearly everybody's blood is in Group O ... or he did not remember whether he saw any other area with blood.

20

Forbes went there in the morning and he said he went with Saunders; he admits saying so but the question is whether he was making a mistake and that Saunders had gone without him; but Saunders said he never went with him; he went with Baboonie and Gittens and found the pair of pants. Counsel says: 'You didn't find that pair of pants there; you are the architect of this case - this conspiracy'. The Sergeant he says, is the architect of this great conspiracy; he got all these people together; the Police had this case for some time and could do nothing about it; they could not read the X-ray negative, in other words, to borrow a phrase; they saw it there but could not say what it meant, until the Coroner instituted proceedings and they got busy ... They must have been told: 'You ought to be ashamed of yourselves'..... And they got hold of Boodram and Abdool Rahaman because they never gave their statement until long after.

30

40

This is a fact, but as I mentioned, in the case of circumstantial evidence, very often the deponent is not aware of the particular value of his evidence. He might not know, for instance Boodram, he may have wanted no reason or explanation: he may have come to his own conclusion, seeing a man and a girl - her father, a short distance

50

away - he may never connect with that Murder; it depends on how his brain works; maybe, long after, he heard of the inquest ... his brain begins to work; or he may have told somebody something and the Police got on to him; but it is a fact he did not give the Police a statement until in November. The same thing happened to Abdool Rahaman - it was some time after the boy was arrested; in the case of Pherangie, about two months after, and so on.

In the
Supreme Court
of Trinidad
and Tobago.

No.33.

Summing Up.

10 If a person actually sees another committing a crime, then you would expect him to say something about it earlier but where a person merely sees another doing something which is not of itself criminal, there is the possibility that he might feel no obligation to say anything about it. Well, that is what you will have to consider gentlemen, in making up your minds as to whether you believe these witnesses or not or to what extent you will believe them. But the Sergeant said that he had
20 on this shirt; Gittens came up and said: 'Look Sergeant, I see some spots there'.

3rd June 1955 -
continued.

You will remember that Counsel for the defence said, that in the Court below, and in the last trial, he did not say that; he admitted: That is quite so ... the Sergeant says: 'I was not asked.' With several of the questions you find here gentlemen - most of you are probably tried jurors, and you see in Court that Counsel gets quite disturbed when he asks a witness a question and in his reply he adds anything else; either side does - in the
30 case of witnesses. Counsel do not like witnesses to answer what they are not asked because if they once are given rein, they might say something damaging, or which might not be evidence, or something of the kind. He said: 'I was not asked and therefore it was not said'.

These are explanations which, whenever there is a contradiction - I am not going over the contradictions again, but there is the contradiction of Forbes ... He says 'on the line' ... you heard the explanation of the Crown on that: he was deducing something ... the Coroner asked him: 'You produce the pants on the line?' He said: 'Yes'. But he himself never found any exhibit in the house; but confronted again with the Judge's notes, it appears he did say: 'I took possession of the shirt and trousers from Ramsook'. Whether he meant he
40 actually went and took it on his own initiative, or whether on instructions or so, these are actually
50 questions you must get out by re-examination or by

In the
Supreme Court
of Trinidad
and Tobago.

—————
No.33.

Summing Up.

3rd June 1955 -
continued.

asking leave to ask further questions and that again will be something for you to say: that these men are what the defence says - that they are liars.

Well, that pair of pants - 3381 - Saunders said that he took it to the accused and the accused admitted they were his pants; he said: 'Are these your pants?' He said: 'They are mine'. And this pair of pants, along with the one he was wearing and the shirt - the shirt and the pants were taken off - and three articles were submitted. Defence Counsel with his usual keenness said: There was no evidence where these blood stains in the report were from; so I sub-poenaed the Government Chemist and you heard what he had to say; he had no doubt whatever, even after searching cross-examination that these blood stains all belong to Group O. On the exhibit on the right pants pocket, in three places, he found three areas circled in red, human blood, Group O ... on two areas on the right leg, circled in red; and that is what the Sergeant said he picked up from the line. 10 20

'... I see trousers 3380; I found human blood on the right leg. I see grey shirt 3384; I found human blood on the back of shirt on seven areas circled in red pencil; blood found on all these three exhibits were of Group O'.

You will remember all the different cross-examination or the cross-examination which was about the controls and qualitative tests, of substances likely to affect positive identification as to the group and so on; and the Chemist said: 'I did make proper controls; I am satisfied it was blood Group O; I had an assistant with me; we both carried out the tests together'. That is as positive as you could want. You have to ask yourselves: 'Am I satisfied beyond doubt that all these pants, these garments, belong to the accused?' 30

Two said to be taken off him; one was found at his house on a line and showing signs of being washed and which, according to Saunders, he said they were his. Is Saunders lying or trying to put this man in trouble - manufacturing evidence? (All these things are always possible but you have to use your knowledge of human beings as men of the world and say whether Saunders impresses you as a man to do that); and at the same time, remembered only three out of the five spots on the pants had human blood! 40

Now as I told you in the beginning, here you

first have to find the facts; you must be sure that there is no fallibility of assertion - in other words that in this case, if you believe the witnesses who gave this evidence, if you believe, you must first satisfy yourselves and then if you are satisfied about that, you will go further and say: "What are the inferences you may reasonably and logically draw from these findings?"

10 Now gentlemen, you do not see human blood scattered on human beings - normally, I am speaking generally, unless the person can tell you that there is a reason for it - that there is some source from which the blood emanates from the person. If you are working and blood appears on your shirt sleeve, somebody says: Hello, there's some blood'. So you will just pull back your cuff and look and say that you got a cut. That, according to the Sergeant, is what happened in this case. When they
20 saw these blood spots, they say: Well, it appears to be blood spots but we can't say they necessarily are concerned with this corpse. At some later stage if it is, at some later stage he might say that he had a cut or other sources from which it came - his own blood. And the doctor - you saw the doctor in the box ... you will form your own estimate of him, both as to his ability and the type of person, even though he is an expert; and come to your conclusion about him ... What did he say?

He said that he searched him and he found no sources whatever from which you could get any blood - no evidence of injury on his own body ... He found no source of bleeding at all; nowhere 'I saw no eczemas and none were drawn to my attention; there was no naked eye evidence to suggest he was suffering from any disease'. He said he looked and examined him with the naked eye for V.D.; he was fit; the Sergeant said that he also looked all over his body and it was quite clean and examined him with the naked eye for no eczemas. The accused, under cross-examination here said: I might not have had it then'. He said the stains found on the shirt are from the eczemas ... 'I had plenty sores on my feet: I had eczemas on my forearm - but I cannot remember if I had any that day' - to some one he said so; to his own Counsel he said so; in cross-examination - in cross-examination he said he can't remember if he had eczemas then; can't remember if in March this year he had it; he didn't have it now. But Counsel for the defence says he was in gaol awaiting trial for a long time and the food there is of such a

In the
Supreme Court
of Trinidad
and Tobago.

No.33.

Summing Up.

3rd June 1955 -
continued.

In the
Supreme Court
of Trinidad
and Tobago.

No.33.

Summing Up.

3rd June 1955 -
continued.

balanced diet, it may have cured him of his eczemas. Here is an advertisement for the gaol food, no doubt, but he could not even say he had them when the doctor examined him ... long before he started on this diet; he does not say he is sure he had them.

With regard to the right leg of the pants he wore, he said: 'I had a big sore'. He had sores all over his body; he used to scratch and it would bleed and that shirt never went home; that is how he got it. That shirt has been dealt with already. If the shirt was in the house of that man that day you will wonder why he tried to say that it did not go home for two months.

10

Now let us see what happened the day before: Both Pherangie and Baboonie told you very clearly - it is a matter for you to assess their testimony from their demeanour - that on the 11th, the day immediately before this girl was killed, that she came over to them; she was always in and out - no special reason; she runs home, comes back and so on. After Pherangie came home from work they had a talk; Baboonie said that took place in the presence of the accused but Pherangie does not say so; he said that he was not there; but the point was that it was brought to his notice and he was asked whether it was a fact that he expected the girl to remain there in the house by herself at night.

20

She may have been married but still she was only a child of 13 years and the place is surrounded by bush and she may not have got rid of her childish fears and the dark, in remaining alone. It seemed it must have meant something to her because she had never complained to her father, according to Ramkissoon Soodeen; but on this occasion she must have been so fearful that she apparently got these people, Ajah and Ajie, to intercede for her; and Pherangie, that is his evidence, says to the accused: 'That can't happen. You will leave her there lying in the house! She is to stop here until you come back'.

30

40

What is the objection to that! Accused has completely denied it; he is saying that he never had any conversation; it is a matter for you whether you believe him or if you are in doubt about his denial; but if you should decide when you deliberate, that these two people are telling the truth - that they did have this talk and he said he had to go to a dinner to cook; there was some prayer meeting, a Suraj Puran or Katha or

50

something like that and apparently the procedure here where you have these large prayer meetings is that you have to feed the guests - an old Eastern custom: when you have to pray for a long time, you feed the guests ... What Baboonie says is, he said he had to cook for dinner; Pherangie is more specific, saying he said: he had to go to dinner I thought he was going to eat dinner as most people would mean when they say they go to a dinner

10 But if that is so, that he was going to cook dinner, it would mean that he could cook for himself.

One of the reasons why he said he got married is that he had trouble cooking his meals; that is an incidental point but what could have been the reasonable objection if what they say is true: they lived on good terms ... neighbourly, elderly people ... this little child: what was wrong with her sleeping there until he came back from dinner next morning? Anyhow, according to Pherangie, he said

20 'I will not go again'. Rather than giving his permission, he said: 'I am not going'. That is the last time this girl was seen alive in connection with this case. We have no evidence here of anybody seeing that girl alive again except the accused; that is the only evidence we have about that.

Well, you might ask yourselves: What was his objection, when he went to his dinner, if he really had to go - he said he had to go next day, not at night, after he came from work! He said he had

30 no talk at all about any dinner with his wife and these people, but strange enough, a talk in the morning. Nobody heard that talk but himself, and he did not extend it - although you might consider it would have been very convenient for him to do so - to Baboonie

She (the deceased) asked him: 'Can I go to the dinner?' And he told her: 'If the old lady going you can go' ... 'if she going'; and then he went right over to the old lady but didn't tell her

40 anything about Toy wanting to go to the dinner ... 'Are you going?' ... In which case he could say to Toy: 'The old lady going so you can go too'. It would have been so natural; he was not bound to do it.

The Crown put it to him: No such conversation took place between your wife and yourself at that time because in the statement you said you were going to the old lady, while what you said here is 'old people' ... 'they are not the only old people;

50 there are other old people in the district'. But

In the
Supreme Court
of Trinidad
and Tobago.

No.33.

Summing Up.

3rd June 1955 -
continued.

In the
Supreme Court
of Trinidad
and Tobago.

No.33.

Summing Up.

3rd June 1955 -
continued.

in the statement he did not say 'old people'; he said 'old lady'. He told her: 'If the old lady going ... If she not going, when I come from work both of us would go'.

It is a matter always for you to decide, but it is definite in the statement: he was not talking of the elderly folk in the district but: 'the old lady; if she is going ... and if she is not going'. ... Not even Pherangie; and it might be strange that if Toy's going to the dinner was contingent upon Baboonie's going and that he was going there to ask for figs ... it seems a most natural thing ... of course he may have forgotten quite innocently ... but it does seem the most natural thing to assure himself so he could at once tell Toy what to do and say: 'Baboonie', ... or whatever he calls her, 'Toy wants to go to the dinner', and if she was going he could say to Toy: 'Baboonie is going', and so give his permission right away; but not a word about that.

10

20

Well, that is in regard to the dinner from his statement. Mind you, it is quite possible, standing by itself, that Toy was in that kitchen at the time; it is possible. But Baboonie never heard a word, never saw her; and she says she asked him: 'Where is Toy?' And he said: 'She home dey'. So Baboonie actually gave him an opening to say about the dinner, that Toy wanted to go to the dinner; but not one word; and gentlemen, that is a matter for you to decide because Baboonie was not there for this conversation which the accused said took place between himself and his wife about the dinner. Baboonie was not there, and if Baboonie was not there and you don't believe his defence about the white shirt and you believe that he had on that grey shirt, and that he told Baboonie: 'She home dey', that human blood was on that shirt - blood, which Counsel for the Crown is asking you to believe, in the absence of any reasonable explanation, was the blood of his slain wife ... that is the position there, gentlemen, that you have got to consider: Was she actually there?

30

40

In the statement he mentioned about the figs ... here he mentioned about the figs; and Counsel for the Crown is saying: Why you mentioned you had this conversation is because you wanted witnesses when the time came to prove that she was alive; that you told people she was alive so as to put her death after you left; and then of course, you will be out in the clear Whatever happened

50

after you left - well, you are not responsible: 'I left my wife home there in the kitchen and went to work'. That is what he would have been able to say; that is what the Crown's outlook on the question is; it may not be right.

You visited the scene gentlemen, and the man called Boodram pointed out places - you heard the contradictions and so on which were put to him by the defence; you heard me read out the notes and so on; I do not need to go into that again; if you don't believe him, cast him aside - but his evidence is that between 2 and 2.30 a.m. on the 12th June, he was going about his work: he pointed out the spot. He saw the accused and the girl called Sookdayeah. The Crown can't prove that there was definitely any love between Sookdayeah and the accused but they have produced a witness to say that at 2 o'clock in the morning, in that part of the world, there was this man going up to her house - taking the track to her home; and so from that circumstance you are being asked to infer as men of the world that there was some understanding of an amatory nature between them, otherwise how will you explain that!

Accused says: I do not know her; I know her like that, as Sookdeo's daughter. He denied having any affair with her, in other words. But Boodram says that on the morning of this girl's death they were together at two o'clock. You first have to decide if you believe him; and if you believe him, you draw the necessary inference. He went about his business; about half an hour later, he saw him and Sookdayeah's father round about the same spot and they went to a track called 68. They walked along it for some distance; it debouches into a field opposite the office and is sort of equidistant between that old pumping shed from the Fyzabad-Guapo Road and then another track which leads to the accused's house and neighbouring localities.

If Minwartee was not at home at six o'clock when the accused said she was and you come to the conclusion that he was pretending that she was there in the house and she was not, then, having regard to his whole conduct and the fact that soon after he left - within an hour or so - the body was found in that position, you are liberty if you so deem fit to infer that she was dead; she was at that time dead; and if he was telling a lie and saying that she was alive, would that be consistent

In the
Supreme Court
of Trinidad
and Tobago.

No.33.

Summing Up.

3rd June 1955 -
continued.

In the
Supreme Court
of Trinidad
and Tobago.

No.33.

Summing Up.

3rd June 1955 -
continued.

with any other hypothesis than that he was aware of the fact that his wife was dead?

Now the doctor says that she died between four and seven - and I dealt with the possibility of one person being present ... or whether, in view of the fact of the doctor's evidence that this body was removed to what apparently was intended to be a fake position, to what purported to be a fake site - a fake chop ... all these are inferences of fact which I have absolutely nothing to do with .. so it is a matter for you to say whether it was fake or not ... it is a question for you to say whether you think it possible for one or even two persons at this time of the year - between 6 and 6.20 ... because she was not at home at 6.20 if you believe her father's evidence ... between six and 6.20 ... if she was killed then, elsewhere than where the body was discovered, do you think then, gentlemen, it is reasonably possible for that body to have been moved about at that time in bright sunlight when the village awakes in an oil area and people go to work?

10

20

Assuming that you do say: Well, it is possible; then gentlemen, I think I am correct in saying you will realise that the person or persons transporting that body at that time in that district, that every yard that they made with that detruncated body was fraught with additional danger; and you will ask yourselves: Why should this man, having decapitated this girl not go off as fast as he could - put as much distance as he could between that dead body and himself? We are assuming now that it took place after the accused went to work. Why would he encumber himself with this dead body and run the risk with every step that he took, of being discovered with it in his hands?

30

He must have had to pass close to the accused's house - 284 feet - and they say it was recently brushed. From what direction did the body come? Why would the person who killed her incur this additional risk of discovery? Was he flying from a more serious danger? If this girl's body suppose she had been killed some distance away ... in that track for instance ... one place is as good as another ... you can substitute any other place ... what had the killer to be afraid of? Why would it have been better that the body should have been discovered nearer to the house? Could it possibly be that the further away she was from the house the more difficult it would have been to explain

40

50

her presence there where she was killed? That is a matter gentlemen, which you must take notice of but the fact remains that the person must have taken a grave risk if in bright sunlight, between 6 and 7.30 when the body was discovered, of walking around there with her head in one hand, a cutlass in another hand, and the trunk of a dead body.

10 But of course, if it were found nearer the house, so long as it was not found within the immediate observation of the Pherangie's house or any other house, it might be understandable; it could show that she had just run out a short distance from her house; but had she been found a great distance away, would it have been so easy to explain?

20 The doctor found this woman tidily dressed; her head tie was neatly wound around her head; she had on a slip as well. Counsel for the Crown has suggested that these clothes were put on afterwards and therefore the accused must have walked around with the clothes and things like that.

30 Gentlemen, I must warn you that with circumstantial evidence - you cannot be too careful and you must not make any harsh or unconscionable deductions. Whatever inference you draw from the facts of the case, let it be something that is reasonable; don't stretch any circumstances at all; don't make an inference upon an inference. It is a matter for you to say whether you think this girl was dressed for the road. You see, these are things of experience. The doctor found the band tidily wound around her head and it would be very difficult for the person to hold the head ... you saw it in the picture ... and tie that kind of straight slippery hair and that would show that it was done during life when the head could offer some resistance. Her hair was neatly dressed in a bun; she had on slips below the dress, then the dress, her hair all twisted, kept down, like East Indian women do - a very becoming style, and a neat head tie. How does that accord with the dough on her hands? ... How can a person go out dressed with dough on her hands when it was so easy to get off?

40 Why was there the dough? Was it to give you the impression that it happened before removal of the body ... that she was alive and had cooked that day? If you believe the doctor, at grave risk that body was removed and placed there. And the circumstances, gentlemen - it is a matter for you to draw the inference - must have been overwhelming

In the
Supreme Court
of Trinidad
and Tobago.

—
No.33.

Summing Up.

3rd June 1955 -
continued.

In the
Supreme Court
of Trinidad
and Tobago.

No.33.

Summing Up.

3rd June 1955 -
continued.

to cause anyone to take that additional risk. Then you had both hands with dough - on the inside of the hands. So that also was to give you the impression that here was a woman cooking ... the accused had his meals ... there was more there there is no evidence that there was further cooking ... cooked food was seen there: Why was this flour pasted up on both hands? Was it genuinely there? If it was genuinely there, that would show that she was at home cooking that morning. If it was not there and it was put on after death, you are entitled to say that it was put there to deceive you and to give the impression that she was alive at the material time in the morning.

10

The father Ramkissoon told you that on the 10th the accused came and told him he wanted him to take back his daughter because he was suffering from V.D. He denied that, and there is another issue between the accused and the Crown ... 'I never told him that'. But this father has given evidence before you; he did not say he went in the house; it is a matter for you to say whether he gives his evidence moderately and unimpassioned; he says there was no quarrel between them. The girl is dead now. He could say: 'Oh Yes, he threatened her'. It appears that he is very fair to the accused ... 'He came home for three days with her and had no complaints to make; they lived well'. Nobody has come forward to say there was any complaint; that is a point in the accused's favour.

20

30

But on the question of motive, 'It was a motiveless crime', says the defence. No crime is done without a motive except the person is insane. There might not be insufficient motive in your opinion, from men of your position, of your capacity; but it was not for money - she was not killed for her money; she was not raped; she was just a child; we have not heard of any enemies. Why then, should she be killed? Counsel for the Crown answered that and says: He wanted to get rid of her. Defence Counsel says: But we were not legally married, you know; and I could easily have just thrown her back.

40

Yes, that is a very good explanation except that every action has a reaction. How would the father have taken it? Where was his teeluck? The accused said the jewels were stolen, but when asked about it here, he says the wife told him so; the house was broken open and the wife told him,

50

and if he lied he lied after her. Well, he hadn't the means of giving back the teeluck and he was also in debt; the wedding cost him seven or eight hundred dollars and would the father have taken it that way? You do not know.

10 If there was more than one person concerned and he killed her with the help of another, you might find then that there is another person who might have a motive; you must remember that the Crown is not saying that he actually did the act, the whole attitude is that someone else did the act but he was equally guilty because he was present aiding and abetting; it was with his knowledge and sanction; he normally may have been content, but this other person concerned might have wished her death.

20 You see, this man, according to the Crown's evidence, he was married before; he got rid of his wife for whatever the reason and he got engaged to another girl, Chanoo; he took an engagement of \$4.00 and then, subsequently, he returned the engagement, he said he did not like her. According to Awardi, he said he was not going to get married any more; and he spoke about Toy; he said he knows of a girl, if she is not engaged, what about her; and he the accused saw this girl and he married her; he got teeluck.

30 But if you believe the father's evidence, within three weeks - from the 15th May to the 10th June - he told him: Take her back. And if you believe that and you don't accept his own evidence now, that he has a young lady, then that was a ruse to get rid of her. The Crown is not bound to show motive and who can tell what motivates the heart of any man? It all depends on his mentality, his disposition. He says he loved her plenty, but as I said this morning, malice has nothing to do with love or hatred; it merely means that you might decide to get rid of a person. You may love your own children and if you feel minded to kill them, it is still malice, however much you may love them. Well gentlemen, that is the situation here. The Crown's case is: That you are trying to get rid of this girl; you faked a terrible disease to scare the father into taking her back; the father was a bit slow; he said he would look into that; that miscarried; you had some plan to leave her in the house alone and go away. You cannot go further than you can safely see; you cannot say that he would bring a man and chop off her

40

50

In the
Supreme Court
of Trinidad
and Tobago.

No.33.

Summing Up.

3rd June 1955 -
continued.

In the
Supreme Court
of Trinidad
and Tobago.

head; you cannot say that at all. He may have come back and said: 'It is 10 o'clock; come and go to the dinner;' you cannot jump to hasty conclusions - only as far as you can see - as far as the circumstances show that it is reasonable.

No.33.

Summing Up.

3rd June 1955 -
continued.

That miscarried, whatever it was; we do not know ... questions about going about his business and leaving Toy ... he feints he was not going anywhere ... 'Let us go home' ... and that very night or early next morning - two o'clock - he was seen with another woman. Later on, between 2.30 and 3 o'clock, according to what Abdool Rahaman said in the first hearing, and between 3.30 and 4, according to the second hearing, he saw this man in the cocoa at a spot which was measured - 229 feet away; he called it 80 feet but it turned out to be 229 feet on actual measurement, the accused had a cutlass and he had a light and they exchanged greetings and they said they were both hunting. You heard of the route he took; you heard of the contradictions. And the man Abdool said it is the same thing - when he says the road, he means the Standard Road. When he says he was walking on the Standard Road, he meant in that area but he had walked on a quarter mile before.

10

20

It is a matter entirely for you to decide. Here the suggestion was that this man was not speaking the truth; at no time was he ever genuine; at no time was he ever suffering from V.D.; at no time was he ever suffering from eczemas; all these things, he pretended about them, but he never had them and no one can say that he had them; and each time he pretended, he had some reason for it. He pretended that Toy was in the house; she was not in the house because nobody saw her. Baboonie says there is a door on the other side at the back but it has no steps and this girl always came and that day neither did she come nor did she see her from 4 o'clock which puts it at the outside, the earliest time - four o'clock in the morning ... she got up round about then and from that time she never saw this girl at all; she never heard her; and there were so many opportunities normally, by which, if she had been there, she would have been seen.

30

40

A search was made 20 minutes after he went to work according to Baboonie and according to his statement - the written statement in evidence here - she places that as the time the father called and got no answer; Baboonie heard it and she went over; she searched around and the deceased was not

50

found anywhere; that same morning that body was found not very far away; the doctor's evidence says: Another fake; that body was not there.

In the
Supreme Court
of Trinidad
and Tobago.

No.33.

Summing Up.

3rd June 1955 -
continued.

10 Well, that, gentlemen, seems to be the Crown's case; he pretended he was not going anywhere; he went and saw someone - he saw Sookdeo. If she was not at home, having regard to the nature of the girl ... she went nowhere, she was timid and afraid to remain in the house ... then if she went out she went with him. If he had blood on that shirt, if he had on that shirt, that blood must have come from the assailant's weapon on to his back .. that he had that shirt at all times ... at the time of the killing ... he left for work with it ... and he had it on up to the time when Corporal Gittens took it ... that he did not know blood was there ... that he never had any white shirt ... and that was seen out at 2.30 or 3.30 ... that another person had seen him that morning; and finally he was seen at 5 o'clock according to Baboonie going out the house to the kitchen and back to the house and finally he left ... he said he was going to cook ... and that he could cook ... and it is possible he is capable of cooking his own meals and the fact that these meals were cooked is not a circumstance which proves beyond doubt that the girl was in being after six o'clock. Nobody saw her; he himself, when asked about the way she hands him the towel said she just puts out her hand; but the old lady saw him leave and go by the tub or barrel, or whatever it was, to clean his teeth and that was at five.

20

30

40 The defence is: 'I love my wife; bought jewellery for her; ... pretty girl; ... I didn't like the others; and when I don't like people I don't kill them: I give them up; I loved Toy; this man, Pherangie is a bad man; when my wife's jewels were stolen, I took out a warrant to search his son-in-law's house and after that, he got annoyed; he said you are nasty people; he stopped speaking to me'. Subsequently to that he says, that he is a bad fellow; '... took my lumber while I was in gaol and he wants me to remain there so that I will not prosecute him'.

Another thing is that he wanted him to go and marry the girl called Chanoo at Cedros; because he broke the engagement, he had it for him. But that is very strange - his engagement ceremony for Toy took place at Pherangie's house.

50 Nothing apparently happened in that house because everything appeared in order: undisturbed.

In the
Supreme Court
of Trinidad
and Tobago.

No.33.

Summing Up.

3rd June 1955 -
continued.

Some evidence is given as to his reaction. Gentlemen, I didn't pay much attention as to whether he was undisturbed or not; if he was undisturbed or unemotional, it does not say that he killed his wife and all of us have different dispositions; some people are very calm and actually phlegmatic - cold; others make a lot of noise...very emotional; and they mean nothing by it; but what I might consider strange is, if you believe Gittens' evidence - he told him his wife was found in the cocoa field this morning beheaded, and he said nothing. When he came he said: 'That is my wife'. That is not a question of emotionalism; that is a question of fact.

10

He says: What you want me to say! I was struck and the Police didn't give me much time; I just say: That is my wife; and they took me away.

The defence said blood-stains might come from the exhibits. Sergeant Saunders said that in respect to each of these cases, he drew his attention to it; he said: 'I don't know' ... Didn't know how they got there and it seems he is still in the same position because he says he does not know if he had eczemas that day; and his Counsel says all sorts of things must have happened ... the clothes of the accused could have been wrapped with the clothes of the deceased and blood went from one set of clothes to the other; and all sorts of things like that - a matter gentlemen, for you to consider and not I.

20

I think I have dealt with the shirt; he denies that the Sergeant ever showed him any clothes or called his attention to any blood stains; he says Abdool had a grudge against him. Abdool says that: The man Seucheran was his uncle that I got two years for beating; but the accused says that Seucheran says: I went to gaol for all you, I am going to do for one of you.

30

He remembered his wife that morning came out when she handed him the towel; but with regard to everything else - if she had her head tied ... if she had on a night-gown ... he says: I didn't notice all these things; he didn't notice all this. He denied having any conversation with Pherangie and Baboonie about leaving Toy alone; he denied telling the father that he had V.D.; he was not in love with Sookdeyeah and he was never out in the road until half past two a.m. He admits that when he gave the statement, he did not say about the white shirt; he says: I did not change the

40

50

shirt the same time; I changed while travelling on the truck; he asked me about the pants; he did not ask me about the white shirt; ... he was not asked about the white shirt and that is why he did not mention about that shirt.

10 Well gentlemen, that is coming nearly to the end ... about this part: he says 'I cannot remember if Corporal Gittens told me at Palo Seco that this morning your wife was seen in the cocoa field at the back of your house with her head severed from her body; he told me something about my wife but I can't remember; he told me to take my things and come; I did not expect to find my wife dead when I left Palo Seco.

This dinner that they had to go to was along Standard Road, and past Sookdeo's house; so if it was a fact - you come to the conclusion that they did set out to go to the dinner - it would be along that direction.

20 He made quite a point about Deonarine having made some remark about '6.30 to quarter to seven' in the last hearing but that he did not say it on this occasion; the difficulty about that is that what Deonarine Pherangie may have said on the last occasion is not evidence in this case. At the end it was not put to Pherangie: If he had said so and so, why he had changed? For the purposes of evidence, this is valueless.

30 Well gentlemen, if you believe that the pants - the two pairs of pants - the khaki trousers, belong to him and you reject the evidence that he was suffering ... well he does not actually say he was suffering on that day ... he does not remember if he had eczemas; but if you reject the eczemas explanation, there is no explanation of human blood found on him in these circumstances and as to why the pants were washed.

40 In any case, it is a most extraordinary coincidence - the very day your wife is murdered, you have human blood on your garments. These are issues to which you have to direct your attention. The question of whether the Police arrested or not is immaterial. If the Police did not arrest, it is because at the time they did consider, says the defence ... you do not know what the reasons are. They are not suggesting any but it is so easy for the mind to see how, if you hold the view that there is more than one person here, then the Police may have held the same view and stayed their hands

In the
Supreme Court
of Trinidad
and Tobago.

No.33.

Summing Up.

3rd June 1955 -
continued.

In the
Supreme Court
of Trinidad
and Tobago.

No.33.

Summing Up.

3rd June 1955 -
continued.

... for a variety of reasons. But the fact that nobody else is here does not affect the case at all; you are merely concerned with the accused who is here.

Gentlemen, I think I have covered very carefully and extensively the salient points of the case. Counsel for the defence has called your attention to different parts of the evidence in conflict and it is not necessary for me to refer to each and every instance. You will remember what he said and you will remember the point made by Counsel for the Crown.

10

That is the case as I understand it. You are now to direct your attention to the various circumstances to which I have drawn your attention. Make up your mind whether you are positive about the various assertions made by the witnesses in this case; take each one to pieces and say which one you believe or to what extent, and what you reject or not. And when you have got your facts, if you do get your facts - if you can't be certain about your facts or be certain about anything, it is not possible for you to draw reasonable inferences from wrong premises ... if you can't get your premises right, there is no point in proceeding further - you will acquit; but if you are satisfied that these circumstances impel you to an inescapable conclusion of guilt on the part of the accused, then you will find him Guilty.

20

If you are left in any reasonable doubt after hearing all the evidence both for the Crown and on his behalf - if you are left in any reasonable doubt as I told you before, then you will acquit the accused.

30

I ask you gentlemen to consider your verdict.

No.34.

Proceedings.

3rd and 6th
June, 1955.

Verdict.

No.34.

PROCEEDINGS.

Jury wish to retire. They retire from 2.55 p.m.
to 4.03 p.m.

Jury are unanimously agreed.

Verdict: Guilty.

40

Called upon by Clerk of the Court: Accused states he is 18 years.

Seunarine states that he is not instructed as to accused's age.

Father, Ramlochan is sent for.

In the
Supreme Court
of Trinidad
and Tobago.

No.34.

Proceedings.
3rd and 6th
June, 1955.

10 Ramlochan, sworn on the lota: I am born in Siparia District. The accused is my son. I can't tell you the exact time he was born. He is about 17 to 18 years old. I can't remember when he left school. I made a guess. His mother is dead. Her name is Rampiaree. He went to Siparia Rd. School. I had two children. The younger one is about 16. They were born in Siparia. There was a third who is dead.

20 By Mr.Durity: His brother working here and there. His name is Ramjattan. He didn't come. My wife dead about 15 years. She died in San Fernando Hospital. I don't know the name of the school teacher. When she died I can't remember if Ramjattan was walking. Rampiaree buried in San Fernando cemetery.

Remanded for sentence to Monday 6th June for proof of age. Court not being satisfied that accused was under 18 years at the time of the offence, accused appears to be about 21 to 22 years of age.

Monday 6th June, 9.30 a.m. Resumed.

6th June 1955.

30 Mr.Seunarine states he has no evidence to offer the Court States:- I just saw certificate that is in the hands of Counsel for the Crown showing that the accused was 21 years at the time of his marriage. Court calls upon the Counsel for the Crown, who requests leave to rebut accused 's statement.

40 Sergt. William Saunders still on his oath is recalled and states: I was present in Court on Friday afternoon the 3rd June when Ramlochan, the father of accused gave evidence in the course of which I heard him say Rampiaree deceased had been his wife that she bore three children for him. There were two boys alive one is the accused and a younger one whose name is Ramjattan. In consequence of what I heard him say I went to the Registrar General's Department Warden's Office Siparia. I produce certified extracts of entries from the Registry Port of Spain from the information obtained at the Warden's Office Siparia from the years 1932 and 1937 respectively. They relate to

In the
Supreme Court
of Trinidad
and Tobago.

—
No.34.

Proceedings.

6th June 1955

- continued.

the birth in each case to the boy child of Rampiarae Siparia Road. I produce them. Tendered admitted and marked W.S.13 and 14.

Read to the Court 1st 11. XII. 1932. 2nd certificate is 23, VIII, 37. I also produce certified copy of an entry from the Hindu Marriage Register Book kept in Registrar General's Department Port of Spain relating to the marriage of Ramsook to one Baby Chadee. Tendered for identification marked "X". I was present in the Siparia Police Station on 23rd October 1954. On that day I arrested the accused on this charge. I took him to the Siparia Police Station. In making my entries in the charge book kept for that purpose I asked him certain questions. I asked him amongst other questions what was his age. He told me he was 24 years of age. I recorded it in the charge book in the column for that purpose. I can produce it if required.

10

Cross-examined: I am reading from the charge book. Siparia Police Station. I could have remembered without looking. I said on Friday I think he said he was 24 years. I can't say who was the father. I have no other information in addition to what the father gave.

20

RAMLOCHAN PUNDIT sworn on the lota: I am a marriage officer under the provisions of the Hindu marriage Ordinance. I live at Avocat Village. I remember 17th June 1951 at Delhi Road Fyzabad. I performed a marriage ceremony there between Ramsook Ramlochan. He is in the dock and one Baby Chadee. That is the person (Baby called into Court). I had to furnish the Registrar General with certain particulars. I issued my certificate after obtaining certain particulars from accused and from Baby. I asked him his occupation, age etc. That was on the day I performed that ceremony. I know this paper. It is a certified copy of the registration of the marriage. I put down the age he gave on the paper. He told me he was then 21 years of age and I put it down on the paper. I caused it to be registered with the Registrar General of the Colony by forwarding it to the Warden. This is a certified copy of the said marriage. Tendered admitted and marked R.P.1.

30

40

Cross-examined: I did not ask him to give the birth certificate.

Re-examined by leave: Ramlochan's father was present when I asked the boy his age. When the boy said 21 years the father did not say anything.

Read to Court

Seunarine says he cannot call any further evidence.

Court is satisfied that the accused on the evidence produced was over the age of 18 years on the date of the commission of the said offence - to wit 21 years and 6 months and so adjudges him.

In the
Supreme Court
of Trinidad
and Tobago.

No.34.

Proceedings.

6th June 1955

- continued.

Sentence.

10 Sentence of death by hanging is passed upon accused.

No.35.

GROUND'S OF APPEAL.

In the Court
of Criminal
Appeal.

No.35.

Grounds of
Appeal.

20

1. The Appellant was gravely prejudiced in the presentation of his defence at the trial and as a result justice did not manifestly appear to be done in that the accused was not afforded the opportunity of having and/or seeing either a copy of or the original Judge's long hand note of the evidence at the previous trial (when the jury disagreed) so that the witnesses whose testimony was inconsistent with that given by them at the previous trial could not be fully contradicted and as a result the jury were unable truly to assess the credibility of the said witnesses. Moreover, although application was made for a copy of the Judge's long hand notes of the evidence at the previous trial in order to comply with the ruling contained by the Court of Criminal Appeal in the matter of R. vs. Boysie Singh & Others, No.118 of 1950 at P.17 of Volume XI - 1950-1951 of the Judgments delivered in the Supreme Court of Trinidad and Tobago to the effect that the course adopted in the trial No.118 of 1950 should not in future be taken, the notes were refused.

30

2. The Learned Trial Judge misdirected the Jury in that he did not place fully before them for their consideration the contradiction to be found in the evidence given by the witnesses at the trial

In the Court
of Criminal
Appeal.

—
No, 35,

Grounds of
Appeal -
continued.

and at the previous trial, with the result that the Jury may have been led to believe that there were in fact no contradictions.

3. The Appellant was gravely prejudiced at his trial by the persistent erroneous and misleading statement of Counsel for the Crown in his opening to the jury, viz: "that the doctor said that before 6.00 a.m. on 12/6/54 Minwatee was already dead and when the accused told Baboonee, a witness for the Crown, that the deceased was home in the kitchen alive at 6.00 a.m., he knew he was telling a lie. His wife was not there. She was already dead;" when there was no evidence anywhere, either in the depositions or in the previous trial to justify such an opening with the result that the Jury have been misled into believing that Minawatee in fact died before 6.00 a.m., and that what Counsel said was evidence; and the Learned Trial Judge misdirected the Jury by failing to direct them that it was their duty completely to disregard from their minds the statements of Counsel for the Crown herein-above mentioned.

10

20

4. The Appellant was gravely prejudiced at his re-trial by the following suggestions put to him whilst he was being cross-examined by the learned Counsel for the Crown, viz:-

(1) that one Sookdeo had chopped off the head of the deceased in the presence of the Appellant, with a cutlass;

(2) that by that means the blood of the deceased was spilt from the said cutlass on the back of the Appellant's shirt.

30

The above-mentioned suggestions were all entirely unsupported by any evidence whatever and were calculated to prejudice the Appellant gravely and in fact so prejudiced the Appellant in the eyes of the jury. The above-mentioned allegations against the said Sookdeo constitute an unwarranted attack on the said Sookdeo and the prejudice thereby created against the Appellant became incalculable especially as the said Sookdeo is alive and resides in the said district of Fyzabad.

40

5. The Learned Trial Judge misdirected the Jury in evaluating the evidence of a witness for the Prosecution, Baboonee, in that he told them that there is nothing the defence could suggest against this witness except that she Baboonee refused to cook for the accused when he refused to marry

girl, Chanco of Granville, with the result that the jury were misled into believing that that was the only reason why the defence was contending that Baboonee's evidence was untruthful and/or inaccurate and/or unreliable; when in fact the contention of the defence was and still is that Baboonee's husband, Deonarine Pherangee, another witness for the Crown, had many reasons for telling lies against the accused and that Baboonee was under the influence of her husband and as a result gave untruthful evidence against the accused.

In the Court
of Criminal
Appeal.

No.35.

Grounds of
Appeal -
continued.

6. The Learned Trial Judge misdirected the Jury when he failed to call their attention to the evidence of Baboonee a witness for the prosecution, viz: that during the early morning of the 12/6/54 she was not in a position to see if anyone entered or left the house of the accused through the back door either before the accused left for work or after he had done so, thereby removing from their consideration the possibility of the deceased having left the house, via the back door, alive, after the accused had left the house.

7. The Learned Trial Judge misdirected the Jury on the evidence dealing with the question of the time the accused actually left his house to go to work on the 12/6/54:-

(a) in that he omitted to tell the jury that although the accused is reported to have said in his statement to the Police that he left his home at 6.00 a.m., that the accused had also said in his evidence that he did not have his watch on the morning in question as it had been stolen, and

(b) in that he omitted to direct them that Deonarine Pherangee said that he awoke at 5.50 a.m. that morning and that the accused had at that time already left his home for work.

8. There was a misdirection by the Learned Trial Judge in that he failed to call the attention of the Jury to an important discrepancy between the evidence of Ramkissoon Soodeen and Baboonee, two witnesses for the prosecution, in that the evidence of Ramkissoon Soodeen was to the effect that he got to the house of the accused at 6.20 a.m. on 12/6/54 and did not find the deceased there then, whereas the evidence of Baboonee is to the effect that Ramkissoon Soodeen got to the said house at 6.30 a.m. on the said day.

9. The Learned Trial Judge misdirected the Jury

In the Court
of Criminal
Appeal.

No.35.

Grounds of
Appeal -
continued.

in that although he told them that the Crown is hanging its case on the shirt the accused was wearing when the Police saw him on the morning of the 12/6/54, and also told them that it was quite easy for the accused to have told the Police in the statement that he changed his shirt as he had said he changed his pants, yet he omitted to direct the Jury on a matter of great importance, viz: that the accused's evidence was that his statement to Sgt.Saunders, the Complainant, was limited to answers to questions put to him by the said Sergeant Saunders and that Sergeant Saunders had himself admitted that he did put certain questions to the accused to which he gave replies, which were embodied in the statement taken at 5.00 a.m. on the morning of the 13/6/54, at the Siparia Police Station, and this may have misled the jury into believing that the accused was under a duty to mention in the said statement the matter of the changing of the shirt.

10

20

10. The Learned Trial Judge in dealing with the blood stains on the clothing of the accused misdirected the jury in that he failed to tell them that:-

(a) there was no evidence as to the age of the blood found on the accused's clothing and that he failed to warn them that it was quite possible that in the absence of evidence of the age of the stains that the stains may have been on the clothing prior to the death of Minwatee and more so as the blood of the deceased and accused belonged to the same group "O" and further that Dr. Charles, a witness for the prosecution, in cross-examination stated that the majority of people have blood from group "O".

30

(b) that there was no evidence to shew that the accused's clothing was not contaminated with the deceased's clothing before transmission to the Government Chemist as the Officer of Police who had custody of accused's clothing also had custody of the deceased's clothing which had plenty of blood on it and further that both had group "O".

40

11. The Learned Trial Judge misdirected the Jury in that he omitted to draw their attention to the fact that blood from group "O" could be sub-grouped into group "OM", "ON" and "OMN", and that if the bloods were sub-grouped it was quite possible that the blood found on the accused's clothing would

50

have been of a sub-group quite different from the deceased's sub-group and that in the circumstances they ought to be very careful as the accused said that he had suffered from eczemas and used to scratch his body when he was hot and sweaty at work.

In the Court
of Criminal
Appeal.

No.35.

Grounds of
Appeal -
continued.

10 12. The Learned Trial Judge misdirected the Jury in that he failed to tell them that although Doctor Horace Charles said on examination of the accused there were no signs or source of bleeding yet he omitted to inform them that the Doctor stated that even if there were marks of cured eczemas he would not be able to say if they were on the accused's body, as he did not take a note of them and that eczemas could heal in one or two days, or one or two or three weeks, and more particularly as the accused said that his working clothing was washed perhaps once a month or once in two months, so that the Prosecution could not establish conclusively that the stains on the clothing of accused could not be from his own body.

20

30 13. The Learned Trial Judge misdirected the Jury by directing them that, if they rejected the eczema account of the accused then there is no explanation of blood on clothing of accused whereas the stains could quite reasonably have come from the accused scratching his body, and/or also from contamination and contact with deceased's clothing or other articles having blood of group "O", with the result that he thereby wrongfully withdrew from the consideration of the jury any other innocent explanation of the presence of stains on clothing of accused.

40 14. The Learned Trial Judge misdirected the Jury on the question of the finding of the pair of pants which Sgt. Saunders, a witness for the Crown stated he found on a line in the hall of the house of the accused at about 5.00 p.m., on 12/6/54, with stains resembling blood on one of the pockets in that he failed to give a clear direction on the point and omitted to mention to the Jury that Cpl. Forbes, another witness for the Crown who stated that he accompanied Sgt. Saunders in the morning of the said 12/6/54 through the house of the accused in effect contradicted the evidence of Sgt. Saunders as to the presence of any pair of damp pants in the line in the hall or anywhere in the house of the accused; and further omitted to state to the jury that Cpl. Forbes' evidence was that the pants came from a line in the "YARD" and further that there were no signs of blood on the pants. And

50

In the Court
of Criminal
Appeal.

No.35.

Grounds of
Appeal -
continued.

further that although Sgt. Saunders mentions on his search warrant that the pair of pants was found, no mention is made of any other exhibit taken from the house on the warrant, whereas in fact other exhibits were taken with the result that the Jury did not have the benefit of a balanced direction on this most material point in favour of the accused.

15. The decision is unreasonable and cannot be supported having regard to the evidence.

10

No.36.

Judgment.

29th July 1955.

No.36.

JUDGMENT

The Appellant was tried at the San Fernando Assizes in March of this year for the murder of a woman with whom he lived as his wife. The jury disagreed and he was re-tried in May and June and convicted and sentenced. He applied for leave to appeal against his conviction and submitted several grounds of appeal. At the hearing of his application his Counsel abandoned certain of the grounds and addressed argument to us on the remaining grounds. The application was treated as the appeal and at the conclusion of the argument the Court dismissed the appeal and we now proceed to give our reasons for the decision.

20

The four points argued were that :-

(a) an inaccurate and prejudicial statement had been made by Counsel for the prosecution in opening the case to the Jury;

(b) improper and prejudicial suggestions had been put to the Appellant in cross-examination;

30

(c) there had been misdirection and non-direction by the Trial Judge on certain points of the evidence; and

(d) "the Appellant was gravely prejudiced in the presentation of his defence at the trial and as a result justice did not manifestly appear to be done in that the accused was not afforded the opportunity of having and/or seeing either a copy of or the original Judge's long hand notes of the evidence at the previous trial (when the Jury disagreed) so that the

40

witnesses whose testimony was inconsistent with that given by them at the previous trial could not be fully contradicted and as a result the jury were unable truly to assess the credibility of the said witnesses. Moreover, although application was made for a copy of the Judge's long hand notes of the evidence at the previous trial in order to comply with the ruling contained by the Court of Criminal Appeal in the matter of R. vs. Boysie Singh & Others No.118 of 1950 at p.17 of Volume XI-1950-1951 of the Judgments delivered in the Supreme Court of Trinidad and Tobago to the effect that the course adopted in the trial No.118 of 1950 should not in future be taken, the notes were refused".

10

20

30

40

With respect to the first point, we consider that the specific statement by Counsel for the Crown as to the evidence the doctor would give could have been more accurately phrased but the evidence given by the doctor made it perfectly clear to the jury that he was only estimating the time of death.

With regard to the second point, Counsel for the Appellant submitted that the suggestion put to the Appellant in cross-examination that he had an associate or partner in the commission of the crime was improper and highly prejudicial in that there was no evidence to support it. In our view, there was such evidence, that evidence being that the Appellant had been seen about two o'clock in the morning of the murder with a young woman within a mile or two of the Appellant's house and that half an hour later the Appellant was again seen in the same vicinity with that woman's father who was carrying a cutlass; and that the Appellant was also seen by another witness about 4 o'clock that morning carrying a cutlass at a spot about 80 feet from the place where the body was found. There was also evidence from which the jury could infer that the murder might not have been committed where the dismembered body was found. It cannot therefore be successfully maintained that there was no evidence on which the suggestions could be based.

With regard to the third point, we are satisfied that there was no mis-direction or non-direction of such a nature as to warrant any interference with the verdict.

The argument advanced on the last point was

In the Court
of Criminal
Appeal.

No.36.

Judgment.

29th July 1955.

- continued.

In the Court
of Criminal
Appeal.

No.36.

Judgment

29th July 1955
- continued.

based on the judgment of the Court of Criminal Appeal in the case of R. v. Boysie Singh & Others reported in Volume XI of the Trinidad Law Reports P.17 where the Court stated "where there is a re-trial and it is desired to prove at the second trial inconsistent testimony of witnesses at the first trial it is undesirable for Counsel for a prisoner at the first trial to give evidence of statements made at that trial. The Judge's long hand notes of evidence is the best evidence of such testimony". No authority was quoted in support of that proposition and indeed that proposition appears to us to be in the teeth of all authority.

10

In the 33rd Edition of Archbold at p.1289 the following passage is to be found:

"The Judge's notes are not the best evidence of what took place at the trial and are not admissible except to refresh the memory of the Judge if called as a witness; Judges of superior courts should not be called".

20

That statement of the law is based on the case of R. v. Child & Cox at p.197 which decided that the notes of evidence taken by a Judge at a trial are not admissible in evidence to prove what was said at that trial. In the course of the argument in that case Counsel proposed to have the notes of the trial Judge read and Mr. Justice Taulfourd ruled that the Judge's notes stood in no better position than anybody else's notes: they could only be used in evidence to refresh the memory of the party taking them. It was no doubt unusual to produce a Judge as a witness but that did not make his notes admissible in evidence. R. v. Morgan & Cox p.107 also decided that a Judge's notes are not admissible in evidence. Further support for this proposition is to be found in the case of R. v. Bird & Uxor & Cox at p.20 where Counsel applied to put in the notes of the learned Judge and that was disallowed.

30

The statement in the judgment of R. v. Boysie Singh & Others, was clearly per incuriam and in view of the authorities quoted above we have no hesitation in disagreeing with it and the procedure therein outlined should not be followed in the future. We are of opinion that the long hand notes taken by a Judge in the course of a trial are not admissible at a second trial to prove what witnesses said at the former trial. If it is desired to prove that

40

a witness is either contradicting himself or is making statements inconsistent with his former testimony, the proper method is for some person (e.g. a solicitor or his clerk) to give evidence of what the witness said at the former trial, refreshing his memory from his notes, if necessary.

For these reasons the Appeal was dismissed and the conviction and sentence affirmed.

Dated the 29th day of July, 1955.

10

J.L.M. PEREZ,
Chief Justice.

S. E. GOMES,
Senior Puisne Judge.

C.V. ARCHER,
Puisne Judge.

In the Court
of Criminal
Appeal.

No.36.

Judgment.

29th July 1955

- continued.

No.37.

ORDER GRANTING SPECIAL LEAVE TO APPEAL
IN FORMA PAUPERIS.

AT THE COURT AT BUCKINGHAM PALACE

The 1st day of December, 1955.

20

PRESENT:

THE QUEEN'S MOST EXCELLENT MAJESTY

LORD PRESIDENT
EARL OF MUNSTER

MR. BOYD-CARPENTER
MR. MAUDLING

WHEREAS there was this day read at the Board a Report from the Judicial Committee of the Privy Council dated the 10th day of November 1955 in the words following, viz:-

30

"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 Ramsook Ramlochan in the matter of an Appeal from the Court of Criminal Appeal for Trinidad and Tobago between the Petitioner and Your Majesty Respondent setting forth (amongst other matters) that the Petitioner was indicted for the murder of one Minwatee Ramlochan (also called

In the
Privy Council.

No.37.

Order granting
Special Leave
to Appeal in
forma pauperis.

1st December,
1955.

In the
Privy Council.

No.37.

Order granting
Special Leave
to Appeal in
forma pauperis.

1st December,
1955 -

continued.

Toy) on the 12th day of June 1954 at Fyzabad and tried in March 1955 in the Court of the San Fernando Assizes when the jury disagreed: that the Petitioner was re-tried in the said Court and in June 1955 convicted of murder and sentenced to death: that the Petitioner appealed to the Court of Criminal Appeal which Court on the 29th July 1955 dismissed the Appeal: And humbly praying Your Majesty in Council to grant the Petitioner special leave appeal in forma pauperis from the Judgment of the Court of Criminal Appeal for Trinidad and Tobago dated the 29th day of July 1955 or for further or other relief:

10

"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 in forma pauperis against the Judgment of the Court of Criminal Appeal for Trinidad and Tobago dated the 29th day of July 1955:

20

"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."

30

HER MAJESTY having taken the said Report into consideration was pleased by and with the advice of Her 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 Trinidad and Tobago for the time being and all other persons whom it may concern are to take notice and govern themselves accordingly.

W. G. AGNEW.

E X H I B I T S

W.S.12.- SEARCH WARRANT

Exhibits.

W.S.12.

Exhibit W.S.12.

Search Warrant.

TRINIDAD AND TOBAGO.

12th June 1954.

SEARCH WARRANT

(Part IX Schedule 111, Ch. 3 No.4)

County of St. Patrick.

10 WHEREAS it appears on the oath of WILLIAM SAUNDERS Sgt.No.2318 Fyzabad Police Station there is reasonable ground for believing that a cutlass or some other sharp cutting instrument with blood stains and blood stained clothing which would afford material evidence in an indictable offence, namely murder concealed in the premises or possession of RAMSOOK RAMLOCHAN of Standard Road Fyzabad. This is therefore to authorize and require you to enter into the said premises at any time and to search for the said things, and to bring the same before me or some other Magistrate or Justice.

20 Dated this 12th day of June 1954.

NATHANIEL GOWER
Magistrate or Justice.

Insert description of thing to be searched for and of the offence in respect of which the search is made.

30 Executed by 2318 Sgt.Saunders in company with S.I.Desuza and Const.Allette at the home of Ramsook Ramlochan in the presence of Baboonie Ramsook's Grandmother at ... 30 hrs. on the 12.6.54 at Standard Road one long Khaki pants water wash hanging on a line in the house with stains on the pocket seized.

M.SAUNDERS Sgt.2318.

W.S.10.- STATEMENT OF RAMSOOK RAMLOCHAN.

W.S.10.

Exhibit W.S.10.

Siparia Police Station.
Sunday, 13th June 1954.

Statement of
Ramsook
Ramlochan.

RAMSOOK RAMLOCHAN after having been cautioned as follows :-

13th June 1954.

40 My name is William Saunders. I am a Sergt. of Police. I am making enquiries into a report that the dead body of your wife Minwatee was found with

Exhibits.

W.S.10.

Statement of
Ramsook
Ramlochan.13th June 1954
continued.

the head off in your grandfather's cocoa field at Standard Gate yesterday. I would like to know anything you can tell me about it. You are not obliged to say anything unless you wish to do so but whatever you say will be taken down in writing and may be given in evidence states: MINAUATHI is my wife I call her Toy. I married to her on the 15th of last month we married in the night. One week after I carried my wife to live in my house which is in my grandfather's yard and there is where me and my wife live all the time. Saturday morning I don't know the date my wife wake me up at half past five. I get up and wash my face and she give me a towel to wipe my face. She give me a cup of tea, I drink it and she give me my hand bag with my food and I left for work leaving her in the kitchen. I tell her I am going she asked me if I am going to the dinner. I tell her if the old lady going go, and if she not going when I come from work both of us would go. I then left home and went across by my grandmother who live about 70 feet from my house in the same open yard. I called to my grandmother "Argie" and asked her if she have fig, she say she don't know. My cousin Jagdeo say from upstairs see in the rice room it have. I went inside and I get a han it was the only hand ripe. I bring it outside and put it on the table. I take out four from it and put it in my hand bag. I eat one on the table my cousin eat one in front of me I leave and went to work. I wait at Standard and Fyzabad Gwapo Road Junction, I waited for a while then I catch a taxi, the break foot fellow. I can't say what time that was, he drop me at Siparia Erin Road Junction. I take a next car a ford I don't know the car, and I went down. I get off at Aziz at Quarry, he charged me twelve cents. After I reach there I went and take up work. When I take up work I change the pants I leave home in, that was a long khaki pants, I put on an old pants which I had in the truck on which I works, and the truck pull out. At about 9 a.m. while off loading the truck at K.K.6., No.16 gate Palo Seco, the police came to me, they told me to take my hand bag and lets go. I take my bag off the truck and come away with them. At the time my khaki pants I wear to work was on the truck I take it when I was going with the police. The police took me to my house, when I come I see so much of people and they carry me to my home and they say where my wife. I say I leave she home and gone to work, the police ask me if I see my wife if I could make she out, I say yes, they carry me in the cocoa where the body was,

10

20

30

40

50

they take up a bag and I see my wife dead there. I make she out by her clothes. Then after the police bring me to Siparia Station. When I left home at 6 o'clock my wife was alive in the kitchen.

Rannook 13.6.54.

Wit. J.Ferguson, S.I.

The above statement was read over and certified to be correct and signed in my presence at Siparia Station at 5 a.m. on the 13.6.54.

N.Saunders, Sgt.2318.

Exhibits.

W.S.10.

Statement of
Ramsook
Ramlochan.

13th June 1954

- continued.

10

W.S.9.- LETTER TO CHEMIST (With Report appended)

W.S.9.

Exhibit W.S.9.

GENERAL SAMPLES - Advice Letter to Chemist.

Fyzabad Police Station,
Monday, 14th June 1954.

Letter to
Chemist
(with Report
Appended)

14th June 1954.

Government Chemist:

The following samples in connection with the case of MURDER No.2318 Sgt.SAUNDERS are forwarded for analysis in charge of No.2810 Cpl.FORBES A.

20

Eustace Bernard Ag. Supt.
Inspector or Officer in Charge.

Description as Samples	Nature of Analysis required.
------------------------	------------------------------

- | | | |
|---------|------------------------------------|--|
| 3380 | 1 One pair khaki long pants | To ascertain the prisoner (sic) of human blood and determine its groups. |
| 3381 | 2 One pair khaki long pants | |
| 3382 | 3 One piece of stained white cloth | |
| 3383 | 4 One piece of stained white cloth | |
| 30 3384 | 5 One grey shirt | |
| 3385) | 6 One pair old black watchekongs. | |

CERTIFICATE OF ANALYSIS

To The Superintendent of Police:

SEE REVERSE SIDE FOR REPORT

.....
Government Chemist.

Government Laboratory.

To The Superintendent, Siparia:

Human blood belonging to Group O was found to

Exhibits.

W.S.9.

Letter to
Chemist
(with Report
Appended)

14th June 1954
- continued.

be present on the pair of khaki long pants (No. 3380), the pair of khaki long pants (No.3381) and on the grey shirt (No.3384).

There was no evidence of the presence of blood on the exhibits numbered 3382, 3383, 3385 and 3386 respectively.

Sgd. ALBERT E. KERR,
Deputy Government Chemist.

3rd August, 1954.

A.F.4.

Letter to
Chemist
(with Report
Appended)

14th June 1954.

A.F.4.- LETTER TO CHEMIST (With Report Appended)

10

Exhibit A.F.4.

GENERAL SAMPLES - Advice Letter to Chemist.

Fyzabad Police Station,
Monday, 14th June 1954.

To The Government Chemist:

The following samples in connection with the case of MURDER No.2318 Sgt.SAUNDERS vs are forwarded for analysis in charge of Constable

Eustace Bernard Ag. Supt.
Officer in Charge.

20

Description of Samples	Nature of Analysis Required	
3391 One Sample of blood from Ramsook Ramlochan	Grouping of blood.	
3392 One sample of blood from Minawathee Ramlochan	To search for presence of human blood and group it belongs.	
3393 One sample of clipping fingernails from Ramsook Ramlochan.		
3394 One sample of scrapings from the fingernails of Ramsook Ramlochan.		30
3395) Four samples washings 3398) from forearms instep and forehead including the hair.		

CERTIFICATE OF ANALYSIS

To the Superintendent of Police:

SEE OTHER SIDE FOR REPORT

Government Laboratory,

.....
Government Chemist.

40

To the Superintendent of Police, Siparia:

The blood in the test-tube numbered 3391 belonged to Group O.

The blood in the test-tube numbered 3392 belonged to Group O.

There was no evidence of the presence of blood on any of the exhibits numbered 3393, 3394, 3395, 3396, 3397 and 3398 respectively.

ALBERT E. KERR,
Deputy Government Chemist.

3rd August, 1954.

Exhibits.

A.F.4.

Letter to
Chemist
(with Report
Appended)

14th June 1954
- continued.

10

W.S.11.- WARRANT

W.S.11.

Exhibit W.S.11.

Warrant.

TRINIDAD AND TOBAGO.

WARRANT OF APPREHENSION IN INDICTABLE CASES
(Ch. 4 No. 1)

23rd October,
1954.

District St.Patrick - Siparia.

To all Constables:

20

WHEREAS by information on Oath given before me, the undersigned Magistrate that one RAMSOOK RAMLOCHAN is charged with unlawfully killing and murdering one MINWATEE RAMLOCHAN between the 11th and 12th days of June 1954 at Standard Road, Fyzabad.

Ch. 4 No.9 Sec.4 (1)

30

Now therefore, these are to authorize and require you, and each of you, forthwith to take the body of the said RAMSOOK RAMLOCHAN of Standard Road Fyzabad and him to bring before me or any other Magistrate for examination on the said charge, and for so doing this shall be your sufficient warrant.

Given under my hand at Siparia Mag's. Court this 23rd day of October, 1954.

JOHN A. BRATHWAITE.
Magistrate.

Executed by reading the warrant at Siparia Police Station at 12.30 hrs. on the 23rd October 1954. Prisoner arrested and cautioned. Prisoner said I charge for Murder but I don't know what way.

M. SAUNDERS, Sgt.

IN THE PRIVY COUNCIL

No. 46 of 1955

ON APPEAL

FROM THE COURT OF CRIMINAL APPEAL

FOR TRINIDAD AND TOBAGO

B E T W E E N:

RAMSOOK RAMLOCHAN Appellant

- and -

THE QUEEN Respondent

RECORD OF PROCEEDINGS

T.L.WILSON & CO.,
6, Westminster Palace Gardens,
Victoria Street,
London, S.W.1.
Solicitors for the Appellant.

CHARLES RUSSELL & CO.,
37, Norfolk Street,
Strand,
London, W.C.2.
Solicitors for the Respondent.