

Jerusalem 20th March
1845

No 8.

Sir

I have the honor to transmit to Your Excellency Copies of my Despatches of the 21st and 22nd addressed to Colonel Rose, detailing my proceedings here relative to the late Murder in this City with which a Maltese Subject named Luigi Duffa has been charged.

I have the honor to be with the greatest respect

Yours most obedient
Servant
A. Young

His Excellency
The Right Honourable
Sir Stratford Canning &c.

of a letter to H.E.
Governor of Malta

Confidential
Signature

not

1845

Transmitting the copy of
Confidential
Signature
dated 21st March
1845, addressed to Colonel
Rose, stating that nothing
has transpired respecting
the subject of the Murder
Government the said copy
is sent from Palestine to
Constantinople.

Copy of the Register of British Subjects - Amstelveen - 1794

1794

copy Despatch 17th March 1844

No. 21

Sir

Your despatch of 10th dated 7th March, and inclosing a large Enquiry Paper, reached me on the 19th instant, in which You are pleased simply to refer me to the general instructions contained in the "Memorandum" for the guidance of Her Majesty's Consular Agents in the Livant in Criminal matters, dated Foreign Office July 2nd 1844 -

I have the honor to state to You that I have applied myself to those instructions, and I have acted thereon to the best of my ability and judgment. I have felt the responsibility of my position, and the desirability of endeavouring, in the first place, to give effect to the Act of Parliament, and the Orders in Council therein referred to, in order that Her Majesty's Government may see the working of the new system of Criminal Jurisdiction on which Her

Colonel Ross Esq
Her Majesty's Consul General

Consul General

118

WR

recd Apr 14

Requesting large Enquiry Paper

J. Duckworth

His Majesty's Consuls in the Levant are now required
to act - Had the Prisoner been wholly
without a Passport, I should have declined,
taking ~~any~~ part in the matter, but as his
Passport was forwarded to me from Beirut,
I felt that I was at liberty to accept of
his excuse for not having responded to
the Public Notice which has been exhibited
on my Office door since August last -

Being accepted as a British
subject, my only doubt was, as to the
mode by which the Prisoner was to be
held for the offence of which he was charged -

My first impression was, that
I was to be guided by the 42nd Article of the
Capitulations between Great Britain and
Turkey, referred to in the Order in Council
dated 19th June 1844. But on referring to
the Earl of Aberdeen's Memorandum of
the 2nd July, it appears, that "with regard
to the question of sending Criminals to
Matta for trial, it is the intention of
His Majesty's Government that, in the
first instance at least, that course should
only be taken with Criminals charged
with

"with Murder" - I therefore inferred, that the
42nd Article of the Capitulations embraces "mur-
der, slaughter," as the major crime which the
Consul is empowered to "hear and decide together
with the Turkish Authorities - and that cases
of Murder, as far as any decision can be come
to, are altogether beyond the jurisdiction of the
Consular Court - And that in such cases, the
second Paragraph of page 1004 of the "Memo-
randum" is to be followed as our instruction,
"The Ottoman Emperor having waived in
favor of Christian Powers rights in
territorial sovereignty -"

I accordingly summoned 3 witnesses,
and proceeded, in the presence of the Prisoner
and some of the Pachas' people, to take the
depositions of such witnesses as were pre-
sented to me against him - to which depo-
sitions I have now the honor to claim
your attention, that they may be man-
-mitted, in conformity with His Majesty's
-tions to His Excellency the Governor of
Matta - In order that the Prisoner
might not have to pass and re-pass -
through the Public Streets on going to and
from the Consulate, while the City is
crowded

crowded with Greek Pelopians - especially as
his wife had been twice to me to express her
fear that if her husband were to be seen out,
he would be in danger of being attacked -
I requested the Pacha to allow me to hold
my Court in a room in the Ismail, near to
where the Prisoner is confined - which His
Excellency politely consented to -

At the conclusion of my
proceedings, which occupied the greater
part of two days - the Pacha sent to
acquaint me that he had just received
Instructions from Agaad Pacha to hear
the case conjointly with me - I informed
His Excellency that I had already taken,
in conformity with my Instructions, what
appeared to me to be the requisite steps,
nevertheless, if his proceedings were to be of
a similar character with my own -
except simply the taking of the Depositions
of the Witnesses - had no objection - But
if he intended to proceed to judgment,
I must decline attending his Court -

Whereupon His Excellency
assured me that he intended only to
examine the Prisoner and Witnesses - I

I replied that the Prisoner being a British
subject, I conceived he could only be ex-
amined before his own National Tribunal,
in conformity with provisions made by
Her Majesty's Government for that pur-
pose - And that I did not feel myself
authorised to unite in any examination of
the case, by which the Prisoner was to
be put upon his Trial - His Excellency's
Latin and Greek Interpreters were both
present during the whole of my proceed-
ings, which were wholly of a preliminary
character - If His Excellency wished
for his own satisfaction, to have the
Witnesses examined before the Prisoner,
and in his own presence, I saw no objec-
tion to my Interpreter being present, as
his Interpreters had been present in my
Court - But the Prisoner would of course
be put upon his guard by me, as I
could not consent to anything in the
form of a Trial - If His Excellency could
succeed in eliciting any fresh evidence
from the Witnesses, by cross examining
them, such evidence might be produced
on

on the trial - I repeated frequently, that I
had no wish to sever the Prisoners from
the just punishment of any crime of which
they may prove to have been guilty; - for
I knew it to be the wish of Her
Majesty's Government, that every possible
check should be put upon such of Her
Majesty's Subjects residing in Turkey, as
by their violent and lawless conduct,
rendered themselves obnoxious to the
Laws of the Country - But I had no
authority to sit in judgment on a British
Subject, charged with murder; my
duties were at present limited to the
mere taking of depositions for the
Authorities at Malta -

Mr Schwantz who has as-
sisted me as Interpreter in the examina-
tion of the witnesses - conveyed my final
message to the Pacha; and I beg to refer
You to his statement of his interview
with the Pacha, a copy of which is en-
closed - My proceedings in this very
delicate and responsible duty were thus
brought

brought to a close on Saturday evening -
On Sunday evening, the 18th Inst.
I had the honor to receive Your despatch
No. 12; at the close of which, You are
pleased to instruct me "to hear and
decide together with the Turkish Gov-
ernor in the case of the two Maltese,
Luigi Briffa, and a Viola Larosa -

I have most respectfully to
submit to You that these two cases
cannot be coupled together - The
latter individual has, I repeat to say,
succeeded in escaping the vigilance of
the Police, leaving his Puppet in my
hands - Although the wound which
Larosa inflicted, was of a most dangerous
character, and is not yet cured, he could
not, I apprehend, be arraigned on the
charge of Murder, of which Luigi Briffa
stands accused - I should therefore
have felt no scruple in hearing and
deciding Larosa's case, conformably to
the 42nd Article of the Capitulations between
Great Britain and Turkey - But I trust
that the course which I had already
adopted

adopted, and concluded, in Biffa's case,
previous to the receipt of your despatch,
1801, will meet with your approval.

I have been extremely anxious
that the present case should be the means
in some measure, developing the force
and range of our instructions from the
Foreign Office on the deeply interesting, and
very responsible positions in which Her
Majesty's Consuls in the Levant, are now
placed by their new regulations on
Criminal Jurisdiction.

It seems to me to be so
important a matter, in every sense,
that I have been cautious not to proceed
hastily, but rather to afford time and
opportunity for drawing out of the
present case, experience for the future,
in the working of our instructions on a
matter so gravely affecting our National
Character, no less than the personal
security of every British Subject residing
in Turkey. It appears to me, that in a
matter of life and death, it would be
impossible for British and Turkish
Functionaries, constituted as the Turkish
Courts

Courts to be aware, to act consistently together.
I may mistake Mr Schwartz's statement
of his interview with Ali Pasha on Satur-
day last, as a proof of it, for I think no
British Functionary could conscientiously
take part in proceedings, so contrary to
the spirit of British Justice.

You will be pleased to observe, that
without any previous examination of
witnesses. The Cadi calls upon the widow
of the murdered man to state in Court,
what kind of Justice she requires, or
whether she requires the Prisoner's blood,
or will accept of a pecuniary compensa-
tion. And upon her stating that she
required his blood, the Cadi turned to
the Prisoner with a question, which was
intended to extort from him a confession
of his guilt; upon which, Mr Schwartz
very properly left the room, and the
Court was broken up.

On Monday morning however
Mr Schwartz again went to the Pasha
and repeated to His Excellency on my
behalf, my wish that he should
satisfy

satisfy himself if he pleased, as to the
character of the evidence, of the witnesses,
by examining them, and although I felt
too poorly myself to attend, - parties from
my Office should be present to hear the
proceedings, which it was understood
were to be solely confined to the examina-
tion of the witnesses, and not as a trial
of the Prisoner, which I considered it was
not his in his brother's province, nor mine
to conduct - At Bradfordham my Cancellor
with Mr Schwart, and my Interpreter, Antonio
Kabar, attended - They inform me that
the proceedings were very short, the witness-
es were not sworn, and that their evidence
was not so materially different, from
what they had stated before me, as to
require note - But that the Cadi pro-
nounced Lettino's and Nicola Sturco's
evidence as immaterial -

Ali Pacha informs me
that he will forward a copy of his proceed-
ings to Agaad Pacha by this same con-
veyance - It is not for me to reflect
upon the Turkish mode of conducting
them

their Courts of Justice, excepting, so far
as I am concerned, I allude to it here,
not because I wish to censure the Prisoner
from Justice, but because I feel that
You will agree with me, that such a
mode of procedure, as Mr Schwart
describes, would be altogether incom-
patible with the prerogative of a British
Functionary sitting in a Court of joint
Jurisdiction, with Turkish Authorities,
on so serious a matter -

If the Prisoner consents to arrange
the affair by pecuniary compensation, he
acknowledges his guilt, and if he be con-
victed of murder, a British Functionary
could not take upon himself, under
any circumstances, to consent to a
pecuniary arrangement, for so serious
a crime - Should the Turkish Authori-
ties require his execution, the Consul
must either consent to it, or protest
against it - if he does the former, he
takes upon himself the serious respon-
sibility of acting the part of both judges
and

and Jury - and without reference to the
present case, I would submit, that as
a matter of Principle, the execution of a
recognized British subject, by Turkish
Authority, would be a dangerous precedent
in this Country - If the Consul protests
against the execution of a British Criminal,
he only removes the responsibility from
himself to his Superior.

It has therefore seemed
to me that in cases of Murder, the
proceedings must be either wholly
Turkish, as when the delinquent is
disavowed - or wholly British, where
he is recognized as a subject - In the
present case, the parties are all Christi-
-ians, but were the ^{murdered} party a Muslim,
the case would be ^{still more} delicate -

In concluding this report,
I would venture to suggest, for the con-
-sideration of Her Majesty's Government,
the expediency of causing a regular Court
of Justice to be held quarterly, at the
Residence of each of the Consuls General
in Turkey, under the direction, and

Precedence,

Precedence of a legal Officer, appointed
by the Consul, to visit the different Stations
in the Levant, periodically, in order to
try and determine all Civil and
Criminal cases which might have
occurred at the several Consulates +
during the Quarters.

Independently of the actual
trial of cases which might be brought
before him, the legal advice of such a
functionary to Her Majesty's Consular
Servants on the spot might occasionally
prevent a vast deal of Correspondence
with the Foreign Office, on comparatively
unimportant matters, which regards
only local or private interests - And
I humbly think that if British Courts
of this Character were held in the
Levant, their proceedings could not
fail of producing an excellent moral
effect, on both the Authorities and
people of the Country - They would
exhibit to them a model at least, of
a pure and incorruptible source of
Justice - a thing which in these Countries

is unfortunately ^{little} concerned of

have the honor to be

Sir
Your most obedient

Humble Servant

Jos. L. Young

The following questions were put to the Prisoner.

Q. What is your name?

A. Luigi Briffa

Q. Where were you born?

A. In Malta

Q. How old are you?

A. About 32 years.

Q. How long have you been in Jerusalem?

A. Two months.

Q. Why was your Passport not in the Office?

A. I left Beirut with some Travellers, for Egypt and did not think it necessary to take my Passport, as I travelled under their protection: and returned from Egypt alone by the Desert.

Q. Did you know of the notice which was in my Office, that all British Subjects were to present themselves within forty eight hours after their arrival?

A. No.

Q. Is this your Passport?

A. Yes.

Luigi

Enclosure No. 1,
in Mr Consul General's
Report of 1818, dated
20th March 1815.

Enclosure No. 1,
in Mr Consul General's
Report of 1818, dated
20th March 1815.

Luigi Briffa, you have been arrested, and brought before me by the Local Authorities, on the charge of having wounded a man named Hadji Kungio Scraphine, a subject of the Sublime Ottoman Porte, which wound caused the immediate death of the said Scraphine.

It is my duty therefore, as Her Majesty's Consul, to examine such witnesses as shall be brought before me by the Authorities and yourself, to give evidence relative to the above charge.

The Prisoner had been cautioned that his words would be taken down, and used against him at his Trial.

(Signed) W. J. Young
Consul

(Signed) C. Arbuthnot }
Regt Augt Warren } Witnesses
W. Manning }
J. Schwartz } Interpreter.

[Faint handwritten notes, possibly a list of questions or a transcript of an examination.]

[Faint handwritten text, possibly a narrative or a detailed account of the events.]

[Small handwritten mark or signature at the bottom right of the page.]

Inglewood N^o 1
 in the Grand Jury's
 Chamber N^o 21 dated
 17 March, 1845

Deposition of first witness for Prosecution.

Q. What is your name?

A. Letterino Borge.

Q. Of what County are you?

A. Of Malta

Q. How old are you?

A. Forty three years

Q. How long have you been in Jerusalem?

A. About three years

Q. Of what religion are you?

A. Latin (Roman Catholic)

Relate the circumstances

I was working in my shop a little
 after sunset on Saturday before last, and Luigi
 Briffa came to me and said, Have you done
 working? - I answered, yes; - and Luigi asked
 me to go and take a glass of wine with him;
 we went to drink in the shop of the Deceased;
 I said that I had something to eat, and went
 and brought it; the Prisoner was already intoxica-
 ted; after we had finished eating, and drunk
 a little wine, the Prisoner asked for some more
 wine, which I opposed his having; at last, we
 drank some more wine; after this, Prisoner
 asked again for wine, and the Deceased
 refused to give it, because it was late, and the

Deceased

Deceased wished to shut the shop: after this, the Deceased and myself advised him to go home, being much intoxicated; when the Deceased saw that he did not wish to go away he ~~and~~ and his Servants attempted to thrust him out of the shop; and one Servant took him round the waist to push him out, and the Prisoner wounded him in the hand with a knife.

When the Deceased saw that his Servant was wounded, he went to his assistance; I, seeing blood flowing, ran away, and as I went out, heard a cry from the Deceased; but in a few minutes returned, and found the man lying dead. I did not see the wound.

Q. Was the prisoner already intoxicated?
A. He was intoxicated when he first called upon me. I did not assist in putting the Prisoner out of the shop, because I thought he would leave without force. I did not see the knife with which the Prisoner killed the Deceased; we had not been using knives in eating; the Prisoner was not there when I returned and saw the Body; the Relatives of the Deceased were there weeping, and I ran away. Persons came in occasionally

but no one was present when the murder took place.

Q. How long were you in the shop?

A. The first time, when we went into the shop we had a glass of wine, and went out; we returned to the shop afterwards; it was probably half, or three quarters of an hour altogether. I did not know where the Prisoner went to.

Q. Have you any questions to ask the Witness? To Prisoner.

A. Prisoner asks. Was I quiet when we were eating?

Witness.

Prisoner asks.

Yes.

Did you not see that when the Deceased attempted to thrust me out, he struck me with his Pipe?

Witness.

Prisoner asks.

No.

Did you see the Servant of the Deceased come upon me with a knife in his hand, and throw me on the ground?

Witness.

No.

There were two Servants attempting to thrust the Prisoner out, before the Deceased joined them, and the Prisoner wounded the first Servant who came upon him, and upon

that

him

that the Deceased came to their assistance.

Consul. -

Witness.

Consul. -

Witness.

Is this the Deceased's Servant?

Yes.

Is this the one who was wounded?

Yes.

(Signed) Lettrino Borg.

Sworn to before me, having been first duly interpreted, and read over to the Witness this 14th of March 1845.

(Signed) W^m J. Young
Consul.

(Signed) Reg^d Aug^t Warren }
C. Arbuthnot } Apseors
W. Mannings }
J. Schwartz } Interpreter

Lettrino's Deposition continued.

Consul.

Witness.

Do you know this man?

Yes he is the other Servant of the Deceased, who assisted in thrusting out the Prisoner.

(Signed) Lettrino Borg.

W^m J. Young

Consul.

(Signed) Reg^d Aug^t Warren }
C. Arbuthnot } Apseors
W. Mannings }
J. Schwartz } Interpreter

Indebted to
in Central Bureau
Donated N° 21 dated
17th March 1845

Deposition of second witness for
Prosecution

Q. What is your name?
 A. Nicola
 Q. Where were you born?
 A. Toncha on the Danube
 Q. How old are you?
 A. Do not know; - may be 25
 Q. Of what religion are you?
 A. Greek Christian
 Q. What is your occupation here?
 A. I was servant to the Deceased.
 Q. Where is your present dwelling place?
 A. Jerusalem. - I came as a Pilgrim
 and am uncertain how long I
 shall remain. - I am a Subject
 of the Porte
 Q. Look at the Prisoner, and say who
 he is, if you know
 A. I know him to be the man who
 killed my Master.
 Q. Relate the circumstances
 A. - The Prisoner, together with a Maltese
 whose name I do not know, but who
 was here last night, and identified
 me, came to drink wine at my
 Master's shop last Saturday week
 after sunset; - my master gave
 him

him wine; then prisoner asked for
me, which my Master gave.
Soon after my Master told the
Prisoner to leave the shop, because
he / master / wanted to go to supper;
Prisoner would not go, threw down
the glass, and broke it, and began
to swear. Master told me to
take away the glasses, on which
Prisoner drew a knife from his
person, and took me by the head
and wounded my hand: -

at that time the other servant
Hadji Georgi was standing near
and pushed him (Prisoner) aside
Then I ran out. Immediately
after I heard a cry and returned
and saw my Master lying on
the ground, in the act of dying;
blood coming out of his mouth:
People then came in, and I
knew nothing more.

Q. Had the Deceased any other servant
besides you?

A. Yes, one servant, Hadji Georgi.
Q. Did the Maltese witness usually
sleep at your Master's?

A. Yes, in the shop.

Q. Describe the knife Prisoner used.
A. I don't recollect the sort of knife he
used.

Q. - Show the wound you received.
A. - See it. It is a small wound, as
from a pointed weapon in the hand.

Q. Why did Prisoner wound you?
A. - It was angry with me for removing
the glasses.

Q. Were you wounded in the scuffle, or,
purposely, by the Prisoner?

A. Prisoner tried to wound me in the
neck, first pushing back my head.
In guarding my neck, I received
the wound on my hand.

Q. Had your Master been drinking
with Prisoner? -

A. No.

Q. What had your master been engaged
in before the dispute began?

A. He had been sitting quietly on a
bench, where he usually sat.

Q. Was any thing else broken besides
that one glass? -

A. I don't know.

Q. Who was in the shop during the dispute?

A. My Master, myself, and Hadji Georgi,
Prisoner, and the Maltese.

Q. How long had the two Maltese been in
the shop before the dispute took place?

A. I do not know, - they were in the
shop when I came.

his mark X Nicola Marco.

Sown

Inclusee N° 3
in Mr. Consul Stump's
Dispatch of 21st April
17th March 1845.

Deposition of third Witness for
Prosecution

- Q. What is your name?
A. Georgio Therchari
- Q. Where were you born?
A. Pozzoni Florencia
- Q. How old are you?
A. From 35 to 40 years.
- Q. Of what religion are you?
A. Christian (of Greek Rite)
- Q. What is your present occupation,
and where do you now live?
A. I came here as a pilgrim, and have
no particular occupation.
I live here at present.
- Q. Do you know the Prisoner?
A. Yes, he wounded the Deceased
called Georgio.
- Q. Relate what you know of the
matter.
A. I was in the shop of the Deceased
one evening after sunset, about a
fortnight ago, I don't recollect the
day or date, when I came into
the shop, the Deceased was ordering
the Servant Nicolo to remove some
glases and bottles from the table.

Prisoner

him

Prisoner who was there, got angry, and threw
 glasses on the ground, and broke them, and
 began to swear and curse the Inn keeper: -
 I saw Prisoner wound the Deceased as with
 a knife but I did not see the knife. -
 Prisoner then ran away, and Deceased
 cried out "I am dead". - Then I went
 near the Deceased, and took hold of him
 to support him; blood was then coming out of
 his mouth; I opened his waistcoat and saw
 the wound on his right breast. The wound
 was two inches wide. I laid him down, and
 threw water on his face, and then almost
 immediately after, he died in my presence. -

Then people came crowding in. -
 Q. When the quarrel took place
 was prisoner drunk?

A. I think not.
 Q. What were you doing in the shop?
 A. Deceased had called me from
 the oven, where I was working
 for him, to take some spirits: -
 I was in the service of the
 Deceased.

his mark + George Thorchari

Sworn to before me this 15th of
 March, after being duly read and
 translated to the Deponent in the
 presence

Deposition of Joseph Thorchari for
 presence of the Prisoner.

(Signed) Wm J. Young
 Consul.

(Signed) Reg^d Aug^t Mannen
 C. Arbuthnot
 W. Manning
 J. Schwartz.

Affidavit
 Interpreter

Q. Do you remember a man killed
 being killed near a
 public house, and if so what do
 you know about the matter?
 A. I was sleeping in another
 part of the house of George near
 the oven the day the murder
 took place. I was woken by the
 noise of people crowding about
 the house, and was told that a
 Frank had killed because
 I know nothing more.

his mark + George Thorchari

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Interrogation of 17th
in the Grand Jury
Deposited of 17th April
17th April 1845

[Faint, mostly illegible handwritten text, likely a deposition or legal record.]

- Q. What is your name?
- A. Groso Micho
- Q. Where were you born?
- A. Adrianople
- Q. How old are you?
- A. Eighty years.
- Q. What Religion?
- A. Greek
- Q. Where do you now live?
- A. Jerusalem
- Q. Do you remember a man called Georgio being killed here a fortnight ago, and if so, what do you know about the matter?
- A. Yes. - I was sleeping in another part of the house of Georgio, near the oven the day the murder took place. - I was awake by the noise of people crowding about the house, and was told that a Frank had killed Georgio. I know nothing more.

his mark + Groso Micho

Sworn

Delivered at 5
in the Consul's presence
Departed at 21 o'clock
17th March 1845.

You have heard the testimony of the
several witnesses who have been examined
before you.

Have you on your side any witnesses to
produce in your defence?

A. - None. - I deny the truth of the
evidence given by the witnesses Nicola
and Therchari.

(Signed) Luigi Briffa.

Taken before me this 15th March 1845

(Signed) W^m J. Young
Consul.

Reg^t Aug^t Warren }
W. Manning } Assessors
C. Arbuthnot }
J. Schwartz } Interpreter.

17

The first part of the manuscript is the
most interesting and has been
written by the author.

It is a very good specimen of the
handwriting of the author.

Taken from the 15th sheet of the
manuscript.

Handwritten notes and signatures at the bottom of the page.

Faint handwritten text at the top of the page.

Vertical list of names or terms written in the right margin.

Small vertical note in the left margin.

Main body of faint handwritten text on the right page.

Small handwritten mark or signature at the bottom right.

Enclosure No 8
in the Consul's message
Departed No 21, dated
17th March 1845

On entering the Pasha's presence, I delivered the Consul's message to his Excellency, with which he appeared to be satisfied. But I had scarcely delivered it when, to my great consternation, the prisoner together with the wife of the deceased, and two children of hers were brought into the room, in the presence of the Pasha, who now held a short whispered communication with the Kadi; after which the latter asked the woman, what for she came to the Seraglio.

Woman. "I am come for justice" -

Kadi "Do you desire to have justice at our Divan?" -

Woman "Yes, Effendi" -

Kadi "What charge do you bring against that man?" - point to the prisoner

Woman "He killed my husband" -

Kadi "What kind of justice do you wish? Do you desire to have the prisoner's blood, or pecuniary compensation?"

Woman (After a short pause) "His blood, his blood - I wish him to be executed."

The Kadi then, addressing the prisoner, asked him

him, why he killed his husband - to which
I instantly charged the prisoner not to
answer a word to what he was asked, and
in the same time, I told the Pasha, that
he had no right to ask the prisoner any
questions whatever, as the latter was an
English Subject - and the Consul was not
present; & that for my part, I had no
authority to be present at their judicial
investigations - Then after telling the Pasha
that I should immediately go to inform
the Consul of His Excellency's proceedings,
I left the room.

Signe / L. Schwartz

Jerusalem - 15th March. 1845 -

028

Indorsement of 27.
in Mr. Consul Young's
Despatch of 21. dated
17. March 1845

copy

Muscatem Balluch 1845

No 22

561

Sir

I have the honor to inform
you that Mr. Pasha has just sent for
my Interpreter to hear two free witnesses
- he named Giorgio Lazari yolkifusalli
and Foli Luca of Constantinople
who have just presented themselves at
his Divan to give evidence against the
Prisoner Ali Pasha.

My Interpreter Antonio
Kabaec took down their statement as
follows - "Witness state that on
" the evening of the murder, after the
" Prisoner had four hours, they went to
" his house and found him on the wall,
" and told him to come down as they
" wanted to speak to him - The Prisoner
" who had a knife in his hand, told
" them to go away as he did not know
" them, and recognized no one but his
" Consul, and said that he had killed

Colonel Ross C.B. the
Her Majesty's Consul General

"the man, and that if they came up
to him he would kill them."

The Prisoner denied all knowledge
of these persons, and consequently
stated their evidence to be false.

I sent to the Pacha to say that
I thought it was a very irregular way
of proceeding, that these witnesses were
not presented before me, at the same
time that Examined the others, and
that they were were not presented at
his own Divan yesterday when he was
formally taking the evidence of the
parties who were known to have been
present at the time of the murder.

This proceeding of the Pacha's
seems to me to be another evidence of
the utter impossibility of our acting in
conjunction with the Turkish Courts
of Law in such very serious matters
at the present.

I expect to say that I am not
without my suspicion that Ali Pacha
is leading himself to a Foreign Influence

here through the Greek Convent, in this
matter, and I would therefore beg respect-
fully to suggest to you that if there is one
of His Majesty's Ships at Brindisi, which
could conveniently proceed to Jaffa in
order to receive the Prisoner on board
to wait the issue of further proceedings
it might prevent future difficulties.

I have not spoken to the witnesses
about their going to Malta, because they
might take occasion to absent themselves,
where their presence here is required.

I must also mention that I have
been privately cautioned against the
proceedings of the Pacha's father and his
son, who are said to have been leading
themselves to the Greek Convent in order
to prosecute this matter, and that the
two last witnesses have been brought
forward by them.

I have the honor to be

Signed J. G. G. G.

I beg to say that I have not sent to the
Governor of Malta a copy of my correspondence
with you on a very important case, as I was

not sure that it would be requisite that
I should do so, viz -

Delivered at 7.
in the Court House
Dated 15th March 1845

reference to the examination
of the post mortem
against the prisoner

copy

563

London 18th March 1845

Sir

I have the honor conformably
to the subjoined abstract from the
Earl of Aberdeen's general instructions
in such cases, to transmit to Your
Excellency a copy of the depositions
which I have taken in a case of
Murder committed in this City
on the 1st Instant of which a Maltese
subject named Luigi Duffa has
been accused.

I beg also to annex a
copy of the Medical Man's post mortem
examination of the Corpse of the
deceased.

I have the honor to be

Sir

Your most obedt
servant
James B. Swain

signed for J. B. Swain

Consul

to the Secretary

General

Lt. Patrick Stewart

Commandant

Commander in Chief
of the

Abstract

Abstracts from

Memorandum for the guidance
of Her Majesty's Consular Servants in the
Levant with reference to the exercise of
Jurisdiction under the Orders in Council

" And when in such cases the
" Depositions taken by the Consuls —
" must be first transmitted to the
" Governor of a Station, in order that he
" may ascertain whether in the opinion
" of the legal Authorities of that Island
" there is a reasonable probability of
" obtaining a conviction — "

Jerusalem 25th March 1845

No 9.

Sir

I have the honor to report to your Excellency that the Bishop of Lydd has this week been duly installed Patriarch of Jerusalem, and that his Holiness will probably not reside at Constantinople according to the custom of later years but remain at the Seat of his Patriarchate

I have the honor to be with the greatest respect

Sir

Your Excellency's most obedient

Humble Servant,

J. L. Young

Your Excellency

The Right Honorable

Sir Stratford Canning & Co.

Original of the Government of the Levant and Cyprus in charge of the Levant

Jerusalem 25th March 1845
in his Excellency's
Dispatch of 18th April