

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1272	Press
		~~Mis.~~
Leg.	50	
Dated	29 10 - 19 1857	

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 20th October 1857.

No. 49. Read the following letter from the Honorable Company's Solicitor; to the Acting Chief Secretary to Government, dated October 13th, 1857, No. 599.

SIR,

I have the honor to report for the information of Government, that I instructed Mr. Dale, to appear at the last Sessions, on behalf of the prosecution against Patrick Donovan, for shooting John Brandon, (with intent to murder him) on the 15th of September last.

The prisoner and the injured man are both Gunners in the Veteran Company of the Madras Artillery, and the crime was committed in the Bombproof Barrack in Fort Saint George.

The Grand Jury found a true Bill against the prisoner, without having the injured man (Brandon) before them, and I was of opinion that there was and would be sufficient evidence against him to ensure his conviction without the testimony of Brandon. I did not however think it right to risk the ends of justice in any degree by proceeding to trial in Brandon's absence, who, as I learned from Dr. Evans, the Physician of the General Hospital, was then in a precarious state, could not then appear before the Court for the purpose of giving evidence without risk to his life, and would not, in his (Dr. Evans') opinion, be in a fit state to appear before the Court in a less period than a week or 10 days. I therefore instructed Mr. Dale, to move on an affidavit by Dr. Evans, verifying the above facts, for a postponement of the trial of the prisoner, to the next Sessions, and this motion was at once granted by His Lordship the Chief Justice.

The prisoner will not therefore be tried until the next Sessions, which will commence on the 5th of January 1858.

Another reason and a very important one for postponing the trial was, that Brandon at the time was in a precarious state, and not in the opinion of Dr. Evans free from danger. If therefore the prisoner had been tried at the last Sessions and convicted of manslaughter, and Brandon had subsequently died from the effects of the injuries committed by the prisoner, justice would have been in some measure defeated, as the prisoner would have been convicted and sentenced for the lesser crime of manslaughter, whilst the crime for which he ought to have been tried and punished, was the more heinous one of murder.

(Signed) J. R. BOYSON,
Honorable Company's Solicitor.

No. 50.

ORDER THEREON, No. 1372; dated 19th October 1857.
To be recorded.

(Signed) E. MALTBY,
Acting Chief Secretary.

Dy to Cons 20th Oct.
Judicial. 1857. sept.

From the Hon. C^os Solici.
- cm. - 599.

27/10 Oct.

27/15 Oct. 1857.

N. 1697.

Reports that he instructed
Mr. Dale to appear at the
last sessions on behalf
of the prosecution against
Patrick Donohoe for
shooting John Brandon.
Explains the reasons for
the postponement of the
case to the next sessions.

N. 1372.

49 & 50

C. 16 Oct
R. 19 "

19 Oct. 1857