

MADRAS RECORD OFFICE.

Government of Madras.

Juridical DEPARTMENT.

G.O. No.	1824	Press
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Dated	15 - 11 - 1867	

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Not to be folded or roughly handled

15th November 1867.

No. 187. Read the following letter from the Acting Advocate General, to the Chief Secretary to Government, Fort Saint George; dated Madras, 7th November 1867.

I have the honor to communicate the result of three cases in which I prosecuted on behalf of the Government at the Criminal Sessions which have just terminated.

2. Two of these cases were prosecuted on behalf of the Mint, and were of the simplest character: in one, a family consisting of Vullian Bee, her son Mahomed Abeeollah, and his son, a little boy, named Mahomed Azeezoollah, were charged with being in possession of, and passing off, counterfeit coin. The evidence showed that the party were going about together in the Cutwal Bazaar, purchasing small supplies of vegetables, and paying for them with counterfeit quarter-rapee pieces. The two elder prisoners had each made one purchase of this sort. The woman was detected in the act of making a second, and the man, when arrested, was found with a counterfeit coin in his possession. The little boy was carrying the vegetables already bought, and had on his person a small bag containing eight counterfeit coins. The jury found the two elder prisoners guilty, and they were sentenced, the man to two years' rigorous imprisonment, the woman to nineteen months. The boy was acquitted, probably under the belief that he did not understand the nature of the fraud with which he was mixed up.

3. In the second case, the prisoner, Ahmed Hoossain, was charged with coining. A quantity of coining implements were found in his room, and two two-anna pieces in an unfinished state. He also was convicted, and sentenced to three years' rigorous imprisonment.

4. The third case was the most serious offence of the Sessions, viz., a charge of murder against Thomas Dalton, Quarter Master Serjeant attached to the 23rd Native Infantry, lately stationed at Trichinopoly. The evidence put it beyond all dispute that, on the 29th September, the prisoner murdered his wife by beating out her brains with a hammer. The only question was whether, at the time of doing so, he was of an unsound mind. It was not contended for the prisoner that any outbreak or even appearance of insanity had existed up to the day on which the act was committed. He was proved by the evidence of numerous witnesses to have been a zealous useful officer, of temperate habits, and a singularly cool and collected disposition. The evidence to show insanity was as follows:—Constable Casey said that, on Sunday morning, the 29th September, his wife, on her return from Church, said that Serjeant Dalton had been saying that people were watching to shoot him. In consequence, Casey, who was a friend of his, went to meet him, and walked home with him. On their way, Dalton said that he was being watched to be shot, and repeated the same thing several times. Johanna Dalton, his daughter, a most intelligent little girl of ten years old, said that, on his return from Church, Dalton said that the Officers were going to shoot the Roman Catholics; that he was to be shot; that the Priest was to be shot; that the Postmaster had been shot; that then he had accused his wife of intending to poison him: this seems to have been mere rambling talk, without any violence or excitement. Afterwards he gave Mrs. Dalton some books to burn, and then shut up all the doors and windows (the first time he had ever done so in the day time) saying he would go to sleep. He then went into the bed room and picked up a hammer, and came out holding it behind

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his back. His wife went to meet him with a baby in her arms, when he struck her three times on the head with the hammer. As she fell, he disengaged the baby from her arms, placed it on the cot, and then struck her repeatedly again. The cries of the children caused the servant to run to Bugle-Major Cox for assistance. On his arrival he asked Dalton what was the matter, to which the other first replied, "nothing," and then said his wife had been trying to poison him. Dalton then left his rooms with a drawn sword, and ran to the European Barracks. There he gave himself quietly up, repeating, however, to Serjeant Donnelly, and to Lieutenant Butler, the same statement, that his wife had been attempting to poison him.

5. On the other hand, it appeared that, in the previous April, when about to leave Palamcottah for Trichinopoly, he had discovered that his wife had written a promissory note over his own name, signed upon a newspaper cover, that is, that she had forged his name to a promissory note, and that she had pledged some jewels without his knowledge. This transaction had annoyed him greatly. Various promissory notes were also produced, which were outstanding in the Trichinopoly bazaar at the time of the murder, two of which were in the wife's writing, and two of which appeared to be forgeries of the prisoner's name; there was no evidence, however, that he knew of these. The daughter deposed to frequent quarrels, and to the prisoner having once beaten the deceased, and on another occasion threatened to hang her. Further, all the witnesses who saw Dalton after the occurrence, and the Constable Casey who was in charge of him for a month after his arrest, deposed to his being perfectly rational and quiet in his manner and talk. The most important evidence on this subject was given by Lieutenant Butler, who had two conversations with him immediately after he was arrested. In these, the prisoner explained to him that his wife had read a letter, in which he had told a relation that he intended to take his pension and go to America. He (Dalton) said that he concluded from this that she imagined he would desert her, and that she was poisoning him in order to secure a pension for herself and her children. He added that the poison was being administered in lime juice which he particularly disliked, but which she was always coaxing him to take. He dwelt on his long service and good character, requesting Lieutenant Butler to try and save his life, expressing his own opinion that, under the extenuating circumstances of the case, he would only be transported for life. Finally, he asked Lieutenant Butler to undertake the care and education of his children. Lieutenant Butler stated that Dalton's manner was perfectly composed and collected, and that his language throughout was rational and coherent. The tenor of it certainly showed a perfect consciousness that he had committed a criminal act which was capitally punishable.

6. The Chief Justice left two questions to the jury as to Dalton's state of mind: 1st, was he suffering from an insano delusion at the time he committed the act? 2nd, if so, then was he able, notwithstanding the delusion, to perceive that he was committing an act which was in itself wrong, and punishable by the law of the land. The jury brought in a general verdict of guilty. Upon this, the Chief Justice asked them whether, in their opinion, he was at the time suffering under an insano delusion, though aware of the criminal character of the act? This question they answered after some hesitation in the affirmative. The Judge then proceeded to pass upon the prisoner a sentence of penal servitude for life.

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No. 188.

ORDER THEREON, 15th November 1867, No. 1844.

Ordered that paragraphs 2 & 3 be communicated to the Mint Master, and paragraphs 4, 5, and 6 to the Military Department.

(True Extract).

Chief Secretary.

To the Mint Master,
„ Military Department.

Exd. J. H. Burns.

1874/188

W.M.

Sgt. Advocate General
15 Nov 1867 N: 1844

Order that paragraphs 2 & 3 be com-
municated to the Mint Master, and
paragraphs 4, 5 & 6 to the Military De-
partment.

To the Mint Master.

Military Department

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S. M. J.
The Advocate General

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