

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1060	Press ~~Mis.~~
9-10	
Dated 6-8-1918	

Not to be folded or roughly handled

MS

Fort St. George, Judicial Consultation, 10th August 1858.

No. 9. Read the following letter from Colonel J. C. BOULDERSON, Commissioner of Police ;
to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated
29th July 1858, No. 103.

SIR,

The undermentioned Seamen now in Jail for offences committed under the Merchant Ship-
ping Act of 1854, have volunteered to serve as Seamen on the H. C. Frigate "*Auckland*," Cap-
tain Draught, and with reference to orders of Government of 29th September last year, No. 1258,
Judicial Department, having ascertained that the Masters of the ships, to which the Seamen be-
long, express no objection to their framing a new engagement ; I have the honor to request you,
to solicit His Lordship in Council, to sanction the discharge of these men from the Penitentiary
and Justices' Jail, to enable them to join that vessel.

Ship "*Mary Patrick*."

J. Antony.

Ship "*Eliza*."

W. West.

W. Campbell.

J. Benthon.

J. Frederick.

Ship "*Malacca*."

J. Cain.

J. Champlain,

J. Stuart.

Ship "*Cornwall*."

J. Teanby.

Ship "*Carnata*."

M. Jones.

No. 10. ORDER THEREON, No. 1060 ; dated 6th August 1858.

Under the provisions of Act XVIII of 1855, the Governor in Council resolves to remit
the unexpired portion of the sentence of imprisonment passed on J. Antony, W. West,
W. Campbell, J. Benthon, J. Frederick, J. Cain, J. Champlain, J. Stuart, J. Teanby and M. Jones
at present confined in the Penitentiary and Justices' Jail for offences committed against the Mer-
chant Shipping Act of 1854. The Commissioner of Police will make arrangements for sending
these men on board the "*Auckland*" in accordance with their engagement.

(Signed) T. PYCROFT,
Chief Secretary.

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ACT No. XVIII. OF 1855.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 6th June 1855.)

An Act to remove doubts relating to the power to grant Pardons and Reprieves and Remissions of Punishments in India.

WHEREAS doubts have arisen as to the power of the several Executive Governments in India to remit punishments awarded by Her Majesty's Supreme Courts of Judicature, and it is desirable that all doubts respecting the power to pardon or reprieve or grant remissions of punishment should be removed; It is declared and enacted as follows: (The sanction of Her Majesty to the passing of this Act having been previously obtained and signified in pursuance of an Act passed in the 17th year of the reign of Her said Majesty, entitled "An Act to provide for the Government of India.")

I. The person or persons for the time being authorized to administer the Supreme Executive Government in any Presidency or place within the Territories in the possession and under the Government of the East India Company have power to grant pardons and reprieves in respect of any crime or offence committed within such Presidency or place, or to remit the whole or any part of the punishment awarded in respect of any such crime or offence, whether the same be awarded by any of Her Majesty's Supreme Courts of Judicature or by any other Court or Officer exercising jurisdiction within the said Territories.

Executive Government of a Presidency declared to have power to grant pardons for offences committed therein.

Or to remit punishment awarded by Supreme Court of Judicature or any other Court, &c., in respect of such offences.

Mr. of Police. *Di. P. D. M.*
W. H. C.
L. H. C.

ACT NO. XVIII. OF 1855.

II. Nothing in this Act shall be construed to interfere with the

Act not to affect the provisions of the Statutes empowering the Governor General in Council to limit the authority of Lieutenant-Governors, &c.

authority of the

The power of granting pardons, &c., may be exercised by the Governor General in Council, so far as it is excepted from the authority of Lieutenant-Governors, &c.

provisions contained in the Statutes of the Imperial Parliament 16 and 17 Vic. Cap. 95 and 17 and 18 Vic. Cap. 77, or any other Statute, which empower the Governor General of India in Council, with the sanction therein mentioned, to limit the extent of the Lieutenant-Governors and other persons therein named; and in every such case the aforesaid power of granting pardons and reprieves and remissions of punishment in case, and so far as the same may be excepted from the authority of the said Lieutenant-Governors or other persons, may be exercised by the Governor General of India in Council.

III. Nothing in this Act shall be construed to interfere with the

Act not to interfere with the prerogative of the Crown to grant pardons.

undoubted right of Her Majesty to grant pardons or reprieves or remissions of punishment in any of the cases above-mentioned.

Judicial Department

no 1060

Extract from the Minutes of Consultation
Dated 6 August 1858.

Read the following letter
from the Commissioner of Police.

(See entry 29th July 58, no 105).

Under the provisions of Act
XVIII of 1855, the Governor in Council
resolves to remit the unexpired
portion of the sentence of imprison-
ment passed on J. Anthony,
W. Campbell, J. Baithery, J. Frederick,
L. Bain, J. Chaplain, J. Stewart, J. Canby
and Ch. Jones at present confined
in the Penitentiary and Justice
Gaol for offences committed against
the Merchant Shipping Act of 1854.
The Commissioner of Police will
make arrangements for sending
these men on board the Auckland
in accordance with their engage-
ment.

Commr of Police.

Supd. of the

Prison

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Abstracts of Minutes of the

2/5 August 1858

J. N^o 1428.

C. M. Lutz
R. C. Lutz