M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 107 Press ~~Mis.~~

148-150

Dated 28/1/1861 ~~19~~ .

7/8

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 28th January 1861.

Read the following papers :—

No. 148. From JOHN D. MAYNE, Esq , Clerk of the Crown, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 19th January 1861.

I have the honor to forward by the direction of the Honorable Sir Adam Bittleston, Knight, Officiating Chief Justice, copy of an Order (in duplicate) which His Lordship has made upon the requisition of His Excellency the Commander-in-Chief, for the Penal Servitude of Samuel Summers, late a Private of the 1st Madras Fusiliers, to the Penitentiary at Madras, therein to remain until his sentence of Penal Servitude shall be carried into effect in due course of Law ; and a statement (in duplicate) containing the date of the trial of the above named individual.

No. 149. From Major W. J. WILSON, Commissioner of Police, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 23rd January 1861, No. 9.

1. With reference to the Extract from Minutes of Consultation,* I have the honor to report for the information of the Honorable the Governor in Council the arrival of a Military Convict† from Bangalore on the 11th instant, under sentence of Penal Servitude for four years.

2. The original Commitment and Descriptive Roll of the prisoner are herewith forwarded.

* *Judicial Department, dated* 15*th June* 1858, *No.* 785.

† *Samuel Summers, Private First Madras Fusiliers.*

No. 150. ORDER THEREON, 28th January 1861, No. 107.

The Superintendent of Marine is requested to provide a passage to Western Australia for the Military Convict, Samuel Summers, late a Private of the 1st Madras Fusiliers, under sentence of Penal Servitude.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

The Date of the Trial of Samuel Summers late a Private of the 1st Madras Fusiliers –

Samuel Summers. Tried at Bangalore by an European General Court Martial held on the 17th day of December 1860. –

Crown Office
Madras.
19th January 1861.
Q.V.I.P.

Wm D'Magne
Clerk of the Crown.

Roll of Officers of the United States Ship Saratoga for the Year Ending December 31st 1849

Name	Rank	Date of Warrant	Appointed from	Remarks
Samuel Simmons	Purser	4 March 1841	Pennsylvania	
Wm. Smith	Surgeon	3 March 1843	Pennsylvania	
Wm. Smith	Assistant Surgeon	3 March 1843

Whereas in and by an Act of Parliament passed in the Twentieth and Twenty first years of the Reign of Her Majesty Queen Victoria intitled An Act for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East India Company and for regulating in such Service the Payment of Regimental Debts and the Distribution of the effects of Officers and Soldiers dying in the Service. It is among other things enacted. That whenever any Sentence of Transportation or Penal Servitude heretofore passed or hereafter to be passed upon any Offender under the Provisions of the said recited Act or of this Act, is to be carried into Execution, whether the same be an Original or Commuted Sentence, the same shall be notified by the Officer Commanding in Chief at the Presidency or Station where the Offender may come or be, or in his Absence by the Adjutant General for the time being, or Officer acting as such, to some Judge of one of the Supreme Courts of Judicature in the East Indies, or to the Chief Justice or other Judge, as the Case may be, of the Colony or Place, who shall make Order for the Transportation or Penal Servitude or intermediate Custody of such Offender in like Manner as for the Transportation, Penal Servitude, or intermediate Custody of any other Convict, and upon any such Order being made it shall be duly notified to the Governor of the Presidency, if in any of the Presidencies of the East Indies, or if elsewhere to the Governor of the Colony or Place, or to the Person who shall for the Time being

being be exercising the Office of Governor of such Presidency, Colony, or Place, who, on Receipt of such Notification shall cause such Offender to be removed or sent to some Place, or to undergo his Sentence within the Presidency or Colony where the Offender was to be sentenced, or where he may come or be as aforesaid, in Obedience to the Directions for the Removal and Treatment of Convicts which from Time to Time shall be in force in such Presidency, Colony, or Place, and such Offender shall undergo the Sentence of Transportation or of Penal Servitude which has been passed upon him in the Place to which he shall have been removed or sent, and whilst such Sentence shall remain in force shall be liable to be there imprisoned and kept to Hard Labour, and otherwise dealt with under such Sentence, in the same Manner as if he had been sentenced to be imprisoned with Hard Labour during the Term of his Transportation or of his Penal Servitude by the Judgment of a Court of Competent Jurisdiction in the Place to which he has been so removed or sent. And Whereas Samuel Summers Regimental Number Four Thousand One hundred and Thirty one Private in Number Ten or Captain George Markham Carters Company of the First Madras Fusiliers, was Tried by an European General Court Martial holden at Bangalore on Monday the Seventeenth Day of December One Thousand Eight hundred and Sixty and found Guilty upon the following Charge - That he Samuel Summers at Bangalore on the Twelfth of November One Thousand Eight hundred and Sixty, he being then and there a Soldier serving in the Territories of His Highness the Rajah of Mysore, at a distance of

of upwards of One hundred and twenty Miles from the Presidency of Fort Saint George, did feloniously steal take and carry away from the person of Abdool Shroff, Silver and Copper Coins amounting to Company's Rupees Fifty Eight, the property of the said Abdool - And Sentenced by the said European General Court Martial to suffer Penal Servitude for a Term of Four Years. And whereas a Notification in writing of the aforesaid Conviction and Sentence of the said Samuel Summers Hath by His Excellency Lieutenant General Sir Patrick Grant the Commander in Chief in the said Presidency has been made to me The Honorable Sir Adam Bittleston Knight Officiating Chief Justice of the Supreme Court of Judicature at Madras aforesaid pursuant to the directions in the said Act Contained - It is therefore ordered by me that the said Samuel Summers be removed and sent as soon as conveniently may be to the Penitentiary at Madras as the place of intermediate custody of and for the said Samuel Summers there to remain in custody until duly removed to such place as the The Honorable the Governor in Council may be pleased to appoint and signify for the said Samuel Summers for the residue of the Term of his aforesaid Sentence - Given under my hand at Madras in the East Indies this Fifteenth day of January in the year of Our Lord One Thousand Eight hundred and Sixty One. -

E. J. P.

John D. Mayne
Clerk of the Crown.

/ A true Copy /

Jno D Mayne
Clerk of the Crown.

Samuel Summers

Print

Title

Proceedings of the Madras Govt.

Read the following letters—

From the Clerk of the Crown——— 19th Jany. '61 - No. x.

" the Commr. of Police——— 23rd do ——— 9.

No. 107— 28 January 1861.

The Superintendent of Marine is requested to provide a passage to Western Australia for the Convict, Samuel Summers, late a Private of the 1st Madras Fusileers, under sentence of Penal Servitude.

The Superintendent of Marine — Desp. 29-1-61.

" Commr. of Police.