

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 413

Press
~~Mis.~~

224-226

Dated 25.3.1861 19

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Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
25th March 1861.*

Read the following papers :—

No. 224. From J. D. MAYNE, Esq., Clerk of the Crown, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 18th March 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 Major General Richard Budd, Provincial Commander-in-Chief for the Penal Servitude of John Berry, 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 abovenamed individual.

No. 225. From Major W. J. WILSON, Commissioner of Police, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 21st March 1861, No. 39.

With reference to the Extract from
* *Judicial Department, dated 15th June 1858, No. 785.* Minutes of Consultation,* I have the honor to report for the information of His Excellency the Governor in Council, the arrival of a Military Convict,† from Bangalore this day, under sentence of Penal Servitude for 4 years.

2. The original Commitment of the prisoner, is herewith forwarded.

No. 226. ORDER THEREON, 25th March 1861, No. 413.

The Superintendent of Marine will provide passage to Western Australia for the Convict, John Berry, 1st Madras Fusiliers, sentenced to Penal Servitude.

(Signed) T. PYCROFT,
Chief Secretary.

The Date of the Trial of John Berry late a Private
of the 1st Madras Fusiliers.

John Berry. Tried at Bangalore by an
European General Court-Martial
held on the 25th February 1861.

Crown Office,
Madras,
18th March 1861.
E. J. P.

Wm. Mayne
Clerk of the Crown

Whereas in and by an Act of Parliament
passed in the Twentieth and Twentyfirst Years of the Reign of Her
Majesty Queen Victoria entitled An Act for punishing, Muting 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 amongst 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 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 so sentenced, or where he may
come or be as aforesaid, in obedience to the Directions for the
removal.

A. Bittleston

L.S.

Ms. B. 1. 6. 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 841. 842. 843. 844. 845. 846. 847. 848. 849. 850. 851. 852. 853. 854. 855. 856. 857. 858. 859. 860. 861. 862. 863. 864. 865. 866. 867. 868. 869. 870. 871. 872. 873. 874. 875. 876. 877. 878. 879. 880. 881. 882. 883. 884. 885. 886. 887. 888. 889. 890. 891. 892. 893. 894. 895. 896. 897. 898. 899. 900. 901. 902. 903. 904. 905. 906. 907. 908. 909. 910. 911. 912. 913. 914. 915. 916. 917. 918. 919. 920. 921. 922. 923. 924. 925. 926. 927. 928. 929. 930. 931. 932. 933. 934. 935. 936. 937. 938. 939. 940. 941. 942. 943. 944. 945. 946. 947. 948. 949. 950. 951. 952. 953. 954. 955. 956. 957. 958. 959. 960. 961. 962. 963. 964. 965. 966. 967. 968. 969. 970. 971. 972. 973. 974. 975. 976. 977. 978. 979. 980. 981. 982. 983. 984. 985. 986. 987. 988. 989. 990. 991. 992. 993. 994. 995. 996. 997. 998. 999. 1000.

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 labor, and otherwise dealt with under such Sentence, in the same manner as if he had been sentenced to be Imprisoned with hard labor 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 John Berry Regimental Number Two Thousand Seven hundred and Twenty Four, Private in Number Seven or Captain and Brevet Major Thomas Raikes' Company of the First Madras Fusiliers was tried by an European General Court Martial holden at Bangalore on Monday the Twenty Fifth of February One Thousand Eight hundred and Sixty One. and found guilty upon the following charge, viz. For having at Bangalore on or about the Second of February One Thousand Eight hundred and Sixty One, when a Prisoner in the Defaulters Room of the First Madras Fusiliers, struck his superior Officer Lance Corporal William Richards of Number Six Company of the said Regiment a blow on the face with his clenched hand, he, the said Lance Corporal William Richards being in the Execution of his Office as Corporal commanding the Defaulters Room Guard of the First Madras Fusiliers. And Whereas the said John Berry was sentenced by the said European General Court Martial to Penal Servitude for four Years. And Whereas a notification in writing of the aforesaid Conviction and Sentence of the said John Berry hath by Major-General Richard Budd

Provincial

Provincial Commander in Chief in the said Presidency 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 John Berry 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 John Berry there to remain in Custody until duly removed to such place as The Honorable the Governor in Council may be pleased to appoint and signify for the said John Berry for the residue of the term of his aforesaid Sentence. Given under my hand at Madras in the East Indies this Fifteenth Day of March 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)

John D. Mayne

Clerk of the Crown.

Proceedings of the Madras Govt.
Read the following letters —

From the Clerk of the
Crown — Inter 18 Mar. 61.
" the Comm^{rs}
of Police — 21 do N^o 39.

Brief — Order — 25 March 1861. N^o 413.
The Suptt. of Marine
will provide passage
to Western Australia
for the Convict, John Ber-
ry, 1st M^{ts} Fusileers, sen-
tenced to Penal servitude.

The Suptt. of Marine }
" Comm^{rs} of Police } D^y 26-3-61.

John Berry