

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	<i>872</i>	Press
	<i>168-170</i>	~~Mis.~~
Dated	<i>24. 6. 1861</i>	<i>14</i>

Not to be folded or roughly handled

6/7

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Proceedings of the Madras Government, Judicial Department,

24th June 1861.

Read the following papers:—

No. 168. From B. BROOKS, Esq., Deputy Clerk of the Crown; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 21st May 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 Intermediate custody of James Byrne, late a Private in the A. or Captain Cavendish Charles Fitzroy's Company of Her Majesty's 68th Light Infantry 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. 169. From Major W. J. WILSON, Commissioner of Police; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 17th June 1861, No. 73.

1. With reference to the Extract from *Judicial Department, dated 15th June 1858, No. 785.* Minutes of Consultation, noted in the margin, I have the honor to report for the information of His Excellency the Governor in Council, the arrival of a Military Convict* from Rangoon, yesterday, under sentence of Transportation for Life.

*James Byrne, Her Majesty's 68th Regiment Light Infantry.

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

No. 170. ORDER THEREON, 24th June 1861, No. 812.

The Superintendent of Marine will provide passage to England for the Convict James Byrne, Her Majesty's 68th Regiment Light Infantry.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Duplicate

The Date of the Trial of James Byrne late
a Private in the A. or Captain Cavendish Charles
Sitzroy's Company of H. & M. 68th Light Infantry.

James Byrne. Tried at Rangoon by an
European General Court-Martial
held on the 14th December 1860.

Crown Office,
Madras,
21st May 1861.


Cly. Clerk of the Crown.

Public & Legal Dept
 22.15.1867

1867/6/18
 N-828

Signed/Attestation

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Whereas in and by an Act of Parliament
 passed in the Twenty third year of the Reign of Her
 Majesty Queen Victoria entitled an act for punishing
 Mutiny and desertion and for the better payment of the
 Army and their Quarters. It is among of other things
 enacted that whenever any sentence of Penal servitude
 hereafter imposed upon any offender by
 any Court Martial held in the East Indies, or in
 any other part of Her Majesty's Foreign Dominions,
 or elsewhere beyond the Seas is to be carried into execution
 for the Term specified in such sentence or for any
 shorter term, or when sentence of Death passed by
 any such Court Martial has been or shall as aforesaid
 be commuted to penal servitude the same shall
 be notified by the Officer Commanding Her Majesty's
 Forces at the Presidency or station where the offender
 may come or be, or in his absence by the Adjutant
 General for the time being to some Judge of one
 of the Supreme Courts of Judicature in the East
 Indies or the Chief Justice or some other Judge
 as the case may be in any part of Her Majesty's
 Foreign Dominions who shall make order for
 the penal servitude or intermediate custody of
 such offender and upon any such order being made
 it shall be duly notified to the Governor of the
 Presidency if in the East Indies, or to the Governor
 of the Colony if in any of Her Majesty's Colonies,
 or to the person who shall for the time being
 be exercising the Office of Governor of such
 Presidency or Colony, who on receipt of such
 notification shall cause such offender to be
 removed or sent to some other Colony or 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 and treatment of
Convicts, which shall from Time to Time be
transmitted from Her Majesty through one of Her
Principal Secretaries of State to such Presidency
or Colony; and each offender shall, according to such
Directions, undergo the Sentence of Penal servitude
which shall have been passed upon him either
in the Presidency or Colony in which he has been
so sentenced, or in the Colony or Place to which he
has been so removed or sent, and whilst such
Sentence shall remain in force shall be liable
to be 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 Penal servitude, by the Judgment of a
Court of competent Jurisdiction in such Presidency
or Colony, or in the Colony or Place to which he has
been so removed or sent respectively. And
Whereas Private James Byrne Provincial Number
Four thousand one hundred and eighty one in the 4th
or Captain Cavendish Charles Fitzroy's Company of Her
Majesty's sixty eighth Light Infantry was tried by
an European General Court Martial holden at Rangoon
on Friday the fourteenth Day of December one thousand
eight hundred and sixty and found guilty upon the following
Charge: That he James Byrne on or about the eleventh
Day of December one thousand eight hundred and sixty
at Rangoon, he being then and there a Soldier, serving
in Her Majesty's Indian Territories at a distance of
upwards of one hundred and forty miles from the

Which said Sentence being revised
James Byrne was sentenced by a
General Court Martial to Penal
Term of his life, which said Sentence
was duly confirmed by His Excellency the
Council. And whereas a Notification
of the said Sentence was made to
of the said James Byrne hath by
Richard Budd Provincial Comm.
the said Presidency been made to
Sir Adam Pattleston, Knight, Officer
of the Supreme Court of Judicature
pursuant to the directions in the
It is therefore ordered by me that
James Byrne be removed and
conveniently may be to the Penitentiary
as the place of intermediate custody
said James Byrne there to remain
until duly removed to such place
the Governor in Council may be
and signify for the said James Byrne
residue of the Term of his afore-
said Sentence under my hand at Madras
this 1st day of January 1861.

Jan 2/61
22-628

A.C.

July 22 to Aug 9. 1861
1861

Judicial Department
Proceedings of the Madras Government.
Read the following letters

From the Dy. Clerk of the Crown

(Dated 21 May 1861)

Comr of Police

(—) 17 June 1861 No 73

Order thereon 24 June 1861 No 812

The Superintendent
Marine will provide
passage to England
for the Comr of Police
Byrne, Her Majesty's
68th Regiment. Light
Infantry.

To Supdt of Marine
Comr of Police

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