

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1367

225-228

Press
~~Mis.~~

Dated 21. 8. 1862

19.

Not to be folded or roughly handled

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Proceedings of the Madras Government, Judicial Department,
21st August 1862.

Read the following papers :—

No. 225. From J. B. NORTON, Esq., Clerk of the Crown; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 15th August 1862.

I have the honor to forward by the direction of the Honorable Sir Colley Harman Scotland, Knight, Chief Justice, a duplicate of an Order and a copy thereof made by His Lordship upon the requisition of His Excellency Lieutenant General Sir James Hope Grant, G. C. B., Commander-in-Chief, for the intermediate custody of Private Charles Napp of H. M.'s 69th Regiment of Foot, 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. 226. From J. B. NORTON, Esq., Clerk of the Crown; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 15th August 1862.

With reference to my letter of the 12th instant, I have the honor to forward a copy (in duplicate) of the Descriptive Register of Private Charles Napp, of H. M.'s 69th Regiment of Foot who has been sentenced by a General Court Martial to Penal Servitude.

No. 227. From Lieutenant Colonel W. J. WILSON, Commissioner of Police; to the Honorable T. PYCROFT, Chief Secretary to Government, Fort Saint George, dated 18th August 1862, No. 101.

With reference to the Extract from Minutes of Consultation, noted in the margin, I have the honor to report for the information of His Excellency the Governor in Council, that I received a Military Offender* on the 16th instant, under sentence of Penal Servitude for 7 years.

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

No. 228. ORDER THEREON, 21st August 1862, No. 1,367.

The Superintendent of Marine will provide passage to England for the Military Offender, Charles Napp, H. M.'s 69th Regiment, sentenced to Penal Servitude.

(Signed) T. PYCROFT,
Chief Secretary.

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Regt. G. E. de la Harpe

Det.

Whereas in and by an act of Parliament passed in the twenty fourth 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 amongst other things enacted that whenever any sentence of Penal servitude heretofore, or hereafter passed upon any Offender by any Court Martial holden 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 a sentence of Death passed by any such Court Martial has been or shall as aforesaid be commuted to penal servitude, the same shall 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 or 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 such Offender shall, according

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 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 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 ~~Private Charles Sapp~~ Regimental Number Three hundred and twenty four in the 6th or 7th and Brevet Major George Hughes M.B. Company of Her Majesty's 6th North Devon Regiment was tried in a General Court Martial holden at Fort St. George on the twentieth day of July One thousand eight hundred and sixty two, and found guilty upon the following Charges First for having at Madras on or about the twentieth day of May One thousand eight hundred and sixty two, deserted from Her Majesty's 6th North Devon Regiment of Foot, and not returning until brought back under escort, on or about the twenty third day of May One thousand eight hundred and sixty two. Second for Conduct to the prejudice of good order and military discipline, in having at Madras on or about the twenty fourth day of May One thousand eight hundred and sixty two when brought as a Prisoner to the order by Room of this Regiment, made use of the following mutinous and threatening language towards his Commanding Officer, Lieutenant Colonel Percival Fennick, namely "By God, Colonel Fennick, I will blow you down the stairs."

And whereas the said Private Charles Sapp was sentenced by the said General Court Martial to Penal servitude for four years

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And whereas the said sentence was commuted to penal servitude for seven years. And whereas a notification in writing of the aforesaid Commutation and sentence of the said Private Charles Sapp held by His Excellency Lieutenant General Sir James Hope Grant G. C. B. Commander in Chief in the said Presidency been made to me the Honorable Sir Colley Harman Scotland Knight 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 Private Charles Sapp 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 Private Charles Sapp 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 Private Charles Sapp for the residue of the term of his aforesaid sentence of seven years. Given under my hand at Madras in the Court of this fourteenth day of August in the year of our Lord One thousand eight hundred and sixty two.

Ed
Ch

Signed John Bruce Stirling
Clerk of the Crown.

(True Copy)

John Bruce Stirling
Clerk of the Crown.

Proceedings of the Madras Govt. ^{4th}
Read the following letters —

From the Clerk of the
Crown — Inter 15th Aug. '62. ^{Para 142-143}
" the Commr.
of Police — 18th do No. 101.

Orders - 21 Aug. 1862 No. 1367

The Suptt. of Marine
will provide passage to
England for the Military
offender, Charles Vapp, R.
M. 39th Regt., sentenced to
Penal Servitude.

The Suptt. of Marine?
Commr. of Police. ^{Sept 22nd}

Police

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Ind. 1000 of 1862.
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From
L. Col. M. J. Wilson
Commissioner of Police
The Hon. J. T. Sargent
Chief Secretary to Govt.
L. Col. M. J. Wilson

dated 18th
Rec. 18th August 1862

No. 101

Encl. Two.

No. 1652

Reports that he had
received a military
order under sentence
of penal servitude and
forwarded the original
commitment & discharge
state & roll of the prisoners
V. 101

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With an Order.