

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT

G.O. No.	<i>2056</i>	Press
		~~Mis.~~
	<i>166-168</i>	
Dated	<i>18.12.1862</i>	~~#~~

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Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
18th December 1862.*

Read the following papers :—

No. 166. From B. BROOKS, Esq., Deputy Clerk of the Crown; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint George, dated 10th December 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 Thomas Waddell, 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.

I have also to forward (in duplicate) copies of the Descriptive Register of the abovenamed offender forwarded to me by the Deputy Adjutant General H. M. B. Forces.

No. 167. From Lieutenant Colonel W. J. WILSON, Commissioner of Police; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated 12th December 1862, No. 151.

Judicial Department, dated 15th June 1858, No. 785. 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 yesterday received into the Penitentiary a Military Convict* under sentence of Penal Servitude for fourteen years.

The original Descriptive Roll of the Prisoner and commitment are herewith forwarded.

No. 168. ORDER THEREON, 18th December 1862, No. 2,056.

The Superintendent of Marine will provide passage to England for the Military offender, Private Thomas Waddell, H. M.'s 69th Regiment, under sentence of Penal Servitude.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Copy to C. H. Scotland

SS

Whereas in and by an act of Parliament passed in the Twenty fifth 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 as 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 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

of state to such Presidency or Colony and such 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 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 Whereas Private Thomas Waddell Regimental Number One hundred and thirty in the Fifth or Captain and Brevet Major George Hughes Messiter Company of the Majesty's Sixty Ninth Regiment of Foot was tried by a General Court Martial holden at Fort Saint George on the Seventh day of November One Thousand Eight hundred and Sixty Two and found guilty upon the following Charges - First. For having at Madras on or about the Fourth day of September One Thousand Eight hundred and Sixty Two when a Prisoner undergoing sentence of a Court Martial, offered violence to ensign William Francis Butler of the same Regiment his Superior Officer in the execution of his duty by throwing his Cap at him which struck him on the shoulder - First additional charge. For having at Madras on or about the morning of the twelfth of October One Thousand Eight hundred and Sixty Two, when a Prisoner in Hospital under Medical treatment, broken out of Hospital and having continued absent until apprehended

apprehended the same evening" Second additional charge. For having at Madras on or about the evening of the Fifteenth of October One Thousand Eight hundred and Sixty Two, when still a Prisoner as averted in the charge, offered violence towards Lieutenant R. B. C. Daubeny sixty ninth Regiment his superior Officer in the execution of his duty by endeavouring to kick him when visiting the cells and Third Additional Charge for having at the same time and place offered violence towards Provost Sergeant Richard Riley of the same Regiment, his Superior Officer in the execution of his office, by rushing at him with his hands upraised, and attempting to strike him". And Whereas the said Private Thomas Waddell was sentenced by the said General Court Martial to Penal servitude for a term of Fourteen Years. And Whereas a notification in writing of the aforesaid convictions, and sentence of the said Private Thomas Waddell hath by His Excellency Lieutenant General Sir James Hope Grant G. C. B. Commander in Chief in the said Presidency been made to me The Honourable Sir Colley Harman Scotland, Knight Chief Justice of the High 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 Thomas Waddell 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 Thomas Waddell there to remain in Custody until duly removed to such place as The Honourable the Governor in Council may be pleased to appoint and signify for the said Private Thomas Waddell for the residue of the term of his aforesaid sentence Given under my hand at Madras in the East Indies this Sixth Day of December in the Year of our Lord One Thousand Eight hundred and Sixty Two.

Signed, John De Mayne

Attest Copy, Clerk of the Crown

Mush.

Clerk of the Crown

Letter to Engd/13th January 1863

MS. 16202. 25772

Proceedings of the Madras Govt.

Read the following letters—

From the Clerk of
 the Crown — Enter 10th Dec. '62.
 " the Commr.
 of Police ————— 12th do. N^o. 151.

Order — 18th December 1862 N^o 2056

The Suptdt. of Marine will provide passage to England for the Military Offenders, as Private Thomas Waddell, &c. as Lt. 69th Regt., under sentence of Penal Servitude.

Tol. Letter to England N^o 20563

The Suptdt. of Marine.
 " Commr. of Police. } dup 18th