M.R.O. 1—36,000—16-10-29.

# MADRAS RECORD OFFICE.

## Government of Madras.

Judicial DEPARTMENT.

G.O. No. 265 Press ~~Mis.~~

153-155

Dated 19.2.1862 ~~19~~

6/6

**Not to be folded or roughly handled**

28/6/30

## *Proceedings of the Madras Government, Judicial Department, 19th February* 1862.

Read the following papers:—

No. 153. From J. B. NORTON, Esq., Clerk of the Crown; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 18th January 1862.

I have the honor to forward by the direction of the Honorable Sir Adam Bittleston, Knight, Puisne Justice, a duplicate of an Order and a copy thereof made by His Lordship upon the requisition of William George Woods, Lieutenant Colonel and Adjutant General of the Army, for the intermediate custody of Private Samuel Lees, Regimental number 4,139 in the 5th or Captain Edward Staines Daniell's Company of Her Majesty's 102nd Regiment Royal 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.

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No. 154. From Major W. J. WILSON, Commissioner of Police; to the Honorable T. PYCROFT, Chief Secretary to Government, Fort Saint George, dated 13th February 1862, No. 14.

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 four years.

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

* Samuel Lees, Private Her Majesty's Royal Madras Fusiliers.

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

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No. 155. ORDER THEREON, 19th February 1862, No. 265.

The Superintendent of Marine will provide passage to England for the Military offender, Private Samuel Lees, Her Majesty's 102nd Regiment Royal Madras Fusiliers, under sentence of Penal Servitude.

(Signed) T. PYCROFT,
*Chief Secretary.*

Exd. F Cartledge.

(Signed) A Bittleston

L.S

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 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 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 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 be or be, as aforesaid in Obedience to the directions for the Removal and treatment of Convicts, which shall

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 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 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 Samuel Lees Regimental Number Four thousand one hundred and Nine in the Fifth or Captain Edward Haines Daniell's Company of Her Majesty's One hundred and Second Regiment Royal Madras Fusiliers was tried by an European General Court Martial held at Bangalore on Monday the Thirtieth of December One thousand eight hundred and Sixty One and found Guilty upon the following Charge Viz Viz. For having at Bangalore on or about the 22nd of December One thousand eight hundred and Sixty One when a Prisoner undergoing the sentence awarded by a District Court Martial struck on the face with his fist Provost Sergeant Daniel Sinclair of the same Regiment his Officer being in the execution of his office and used violence against him by throwing a shot at him which struck him on the leg. And Whereas the said Private Samuel Lees was sentenced by an European General Court Martial to Penal Servitude for four Years to Commence at the Expiration of the imprisonment to which he has been previously sentenced by a District Court Martial. And Whereas a Notification in writing of the aforesaid Conviction & Sentence of the said Private Samuel Lees hath by William George Noble Lieutenant Colonel and Adjutant General of the Army in the said Presidency been made to the Honorable Sir Colley Norman 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 the Honorable Sir Adam Pittleston Knight Puisne Justice of Her Majesty's Supreme Court of Judicature at Madras that the said Private Samuel Lees be removed and sent as soon as conveniently may be to the Penitentiary at Madras as the place of intermediate Custody and for the said Private Samuel Lees 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 Samuel Lees for the residue of the Term of his aforesaid Sentence. Given under my hand at Madras in the Fort Fort George this Seventeenth Day of January in the Year of our Lord One thousand Eight hundred and Sixty Two -

Ecc 4

(Sigd) John Bruce Norton

Clerk of the Crown

A True Copy.

John Bruce Norton

Clerk of the Crown

Proceedings of the Madras Govt.

Read the following letters —

From the Clerk of the Crown — Enter 18th January 62. No. x.

" the Commr. of Police ——— 13th Feb. 62 No. 14.

Ord

Order — 19th Feby. 1862 No. 265.

The Superintendent of Marine will provide passage to England for the Military Offender, Private Samuel Lees, H. M. 102nd Regt. Royal Madras Fusileers, under sentence of Penal Servitude.

The Supt. of Marine. } despd. 19th
" Commr. of Police. }

Pro of Febry

Judicial 1862 Dpt.

Fet. 115.

Judl. Ltr. to Engd. 27th March 2nd. 6 of 1862 with One Encl.

dtd 28th Febry

From
Major W. F. W. Elson
Commissioner of Police

To
The Honble T. Pycroft Esqre.
Chief Secretary to Government
Fort St. George

Dated 13th February 1862
Recd. 14th

No. 14
Enclo. 2 Svo.

No. 291

Reports that he has received into the Penitentiary a Military Convict under sentence of penal servitude & forwards the Original Descriptive Roll of the prisoner & Commitment.

153 @ 155

With an Order.