

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	<i>to 63/1038</i>	<u>Press</u>
		<u>Mis</u>
<i>80-83</i>		
Dated	<i>8 - 7</i>	<i>19-883</i>

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Not to be folded or roughly handled

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*Proceedings of the Madras Government, Judicial Department,
8th July 1863.*

Read the following papers:—

No. 80. From JOHN D. MAYNE, Esq., Acting Clerk of the Crown; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint George, dated Madras, 4th July 1863.

With reference to my letter of the 17th ultimo, I have the honor to forward a copy (in duplicate) of the Descriptive Return of Private John Johnson, of Her Majesty's 102nd Regiment Royal Madras Fusiliers, who has been sentenced by General Court Martial to Penal Servitude for seven years.

No. 81. From E. BARCLAY, Esq., Deputy Clerk of the Crown; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint George, dated Madras, 17th June 1863.

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 John Johnson, 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.

No. 82. From Lieutenant Colonel W. J. WILSON, Commissioner of Police; to J. D. SIM, Esq., Secretary to Government, Fort Saint George, dated Madras, 4th July 1863, No. 92.

Judicial Department, 15th June 1863, 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, the arrival of a Military Convict* from Cannanore yesterday, under sentence of Penal Servitude for seven years.

* John Johnson, Private Her Majesty's 102nd Regiment of Foot.

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

No. 83. ORDER THEREON, 8th July 1863, No. 1,098.

The Master Attendant in charge of the Office of Superintendent of Marine will provide passage to England for the Military Offender, John Johnson, under sentence of Penal Servitude.

(Signed) J. D. SIM,
Secretary to Government.

LS

signed L. Robertson

Whereas 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 whenever any sentence of Penal Servitude hitherto 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 & 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

time be transmitted from Her Majesty through one of Her Principal
Secretaries of State to such Presidency or Colony, and such Officer
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 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 removed
or sent respectively. And Whereas Private John Johnson
Regimental Number Three Thousand Nine hundred and Seventy
five in number Five or Captain Edward Staines Daniells Company
of Her Majesty's One hundred and Second Regiment Royal Madras
Infantry was tried by a General Court Martial holden at Cannanore
on the Second of May One Thousand Eight hundred and Sixty
three upon the following charge: That he John Johnson on the night
of the eleventh or the morning of the twelfth of March One thousand
Eight hundred and Sixty three at Cannanore being then and there
a Soldier serving in India at a distance of upwards of One hundred
and twenty miles from the Presidency of Fort Saint George, feloniously
~~steal to his own use and carry away three dozen reels of Cotton, three dozen
hanks, one box of blacking nine combs, four Hops and Rapes
Ten and Anna eleven in coin the property of the said Hyshaw
Cooley And Whereas the said Private John Johnson was found~~
Guilty

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Guilty of the said charge except as to the article Three dozen jumps
and One box of blacking which the Court found to be Two dozen
hanks only. And Whereas the said Private John Johnson was
sentenced by the said General Court Martial to Penal Servitude
for seven years and which said sentence was concurred in by the
Governor in Council. And Whereas a notification in writing of the
aforesaid Conviction and Sentence of the said Private John Johnson
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 Honorable Sir Collyer 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 John Johnson
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 John Johnson there to remain in Custody until he
removed to such place as the Honorable the Governor in Council
may be pleased to appoint and signify for the said Private
John Johnson for the residue of the Term of his aforesaid sentence
Given under my hand at Madras in the East Indies the
Seventeenth Day of June in the Year of our Lord One thousand
Eight hundred and Sixty Three.

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Ernest Barclay

Clerk of the Crown

A True Copy

Ernest Barclay

Clerk of the Crown

Proceedings of the Madras Govt. 14

Read the following letters -

From the Clerk of the
Crown _____ Enter 17th June & 4th July '63.
" the Commr. of
Police _____ 4th July '63 N^o 92.

Order - 8th July 1863 N^o 1098.

The Master Attendant in charge
of the Office of Suptt. of Marine
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The Master Att. in charge
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" Commr. of Police. } depd-11