M.R.O. 1—39,009—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1947 Press
~~Mis.~~

110—112

Dated 15 — 12 — ~~19~~ 1863

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 15th December 1863.

Read the following papers:—

No. 110. From J. B. NORTON, Esq., Clerk of the Crown; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated 8th December 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 Gunner Christopher Fisher of the C Battery 20th Brigade, Royal Artillery, to the Penitentiary at Madras, there 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. 111. 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 1863, No. 142.

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 yesterday under sentence of Penal Servitude for life.

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

2. The original commitment of the Prisoner is herewith forwarded.

Gunner Christopher Fisher, No. 314 of the C Battery 20th Brigade, Royal Artillery.

No. 112. ORDER THEREON, 15th December 1863, No. 1947.

The Master Attendant in charge of the Office of Superintendent of Marine, is requested to provide passage to England for the Military Offender, Gunner Christopher Fisher, under sentence of Penal Servitude.

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

Exd. T. McMootry.

Sig'd C. H. Scotland

L.S

Whereas in and by an act of Paliament 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 heretofore or hereafter passed upon any Offender by a 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 [illegible] or some other Judge, as the [illegible] may 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, 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 as aforesaid in Obedience to the directions for the [illegible] and treatment of Convicts which are [illegible] 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

in which he has been so Sentenced or in the Colony or place to which he has been so Removed or Sent and while 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 Gunner Christopher Fisher General Number Three hundred and Fourteen of the 6. Battery Twentieth Brigade Royal Artillery was tried by an European General Court Martial holden at Trichinopoly on the Third November One Thousand Eight hundred and Sixty Three and found Guilty upon the following Charge. For having at Trichinopoly on or about the Eleventh of September One Thousand Eight hundred and Sixty three when a Prisoner taken to Hospital for treatment Struck with his fist on the Chest Assistant Surgeon John Pearson Nash in Medical Charge of the Same Battery, his Superior Officer being in the execution of his office, at the same time calling him, "a Murderer" or words to that effect And Whereas the said Gunner Christopher Fisher was Sentenced by the said General Court Martial to Penal Servitude for Life and which said Sentence was approved and confirmed by His Excellency Lieutenant General Sir James Hope Grant G. C. B Commander in Chief of the Madras Army. And Whereas a notification in writing of the aforesaid Conviction and Sentence of the said Gunner Christopher Fisher hath by His Excellency the said Lieutenant General Sir James Hope Grant been made to me The Honorable Sir Colley Harman Peel 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 Gunner Christopher Fisher be removed and sent as soon as conveniently may be to the Central Prison at Madras

as

as the place of intermediate Custody of and for the said Gunner Christopher Fisher 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 Gunner Christopher Fisher for the Residue of the Term of his aforesaid Sentence. Given under my hand at Madras in the East Indies this Eighth Day of December in the Year of our Lord One Thousand Eight hundred and Sixty three.

Ent
Ch

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 8th Decr. '63.
" the Commrs. of Police ——— 12th do. No. 1142.

Order — 15th December 1863 No. 1941

The Master Attendant in charge of the Office of Superintendent of Marine is requested to provide passage to England for the Military offender, Gunner Christopher Fisher, under sentence of Penal Servitude.

The Master Attendant in charge of the Office } despd. 17th
" Commrs. of Police }

[redacted]

Rec'd. in the Legal Dept. 21st Jany. No. 2 of 1864

Rec'd. 15th Dec. 1863 and Entered

Ind. 1863 Dept.

From
Lt. Colonel W. F. Wilson
Commissioner of Police
To
The Hble. A. T. Arbuthnot
Chief Secretary to Government
Fort St. George

Dated 12th
Rec'd 14th December 1863.

No. 142
Enclo: One.
No. 2690

Reports the arrival of a Military Convict under sentence of penal servitude & forwards the Commitment of the prisoner.—

No. 112.—

Write an Order.

Ind. 2667.

Ind. Lr. to Engd.
27th January 2d. 2
of 1864

Lieut. Bree