M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 205 66-68	Press ~~Mis~~
Dated 7 — 2 — ~~18~~ 1863.	

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 7th February 1863.

Read the following papers:—

No. 66. From Colonel J. M. PRIMROSE, Deputy Adjutant General H. M.'s British Forces; to the Secretary to Government, Military Department, Fort Saint George, dated Madras, 24th December 1862, No. 158.

13th December 1862.

By desire of the Commander-in-Chief, I have the honor to forward for submission to His Excellency the Governor in Council, an application from the Officer Commanding 1st Royals, in behalf of Captain Creagh of that Corps, preferring a claim of Rupees 54 against the Estate of George Fraser, who was convicted of felony and sentenced to four years' Penal Servitude; the proceeds of his Estate having been credited to Government.

From Colonel S. B. MONTGOMERY, Commanding 1st Battalion the Royal Regiment; to the Deputy Adjutant General H. M.'s B. Forces, Madras, dated Trimulgherry, 13th December 1862, No. 436.

I have the honor to transmit to you for submission to Government, the accompanying statement of a claim preferred by Captain James Creagh of the Battalion under my command against the Estate No. 2,889, George Fraser, late a Color Serjeant of the Regiment, who for the crime of felony has been sentenced by a General Court Martial to four years' Penal Servitude.

From Captain JAMES CREAGH, 1st Battalion the Royal Regiment; to the Adjutant, &c., &c., &c., 1st Battalion the Royal Regiment, dated Secunderabad, 11th December 1862.

I have the honor to request that you will bring to the notice of the Commanding Officer that Color Serjeant George Fraser was convicted by a General Court Martial and sentenced to seven years' Penal Servitude for forging the signatures of Privates D. Leaman and M. King and Corporal R. Snelling, by which means he, as Pay Serjeant of my Company, withdrew from the Regimental Saving's Bank and appropriated to his own use the sum of Rupees 81, Annas 2 and Pice 6, which sum I, as Captain of the Company, had to make good out of my own pocket.

The effects of Color Serjeant Fraser have been sold by auction and the proceeds thereof, 54 Rupees, credited to the public; to which sum considering myself entitled I am induced to request that you will ask the Commanding Officer to forward through the usual channel this my claim of 54 Rupees against the Estate of Color Serjeant George Fraser.

Transferred to the Judicial Department.

FORT SAINT GEORGE,
7th January 1863.

(Signed) H. MARSHALL, Colonel,
Secretary to Government.

Referred for the opinion of the Advocate General.

27th January 1863.

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

No. 67. From J. R. BOYSON, Esq., Government Solicitor, Madras; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Madras, dated 29th January 1863, No. 43.

1. I have the honor to acknowledge the Order of Government noted in the margin, and the papers which accompanied it relative to a claim preferred by Captain James Creagh against certain assets in the hands of Government belonging to the Estate of the late Color Serjeant Fraser which, by reason of his having been convicted of felony, became an escheat to the Crown.

Dated 27th January 1863, and endorsed on letter from Deputy Adjutant General to Government of 24th December 1862, No. 158.

2. I have submitted the papers for the consideration of the Advocate General, and have also conferred with him thereon, and I now forward a copy of his opinion.

3. I also return the order and papers above noted.

Proceedings of the Madras Government, Judicial Department,
7th February 1863.

COPY—OPINION.

Assuming the facts to be correctly stated in Captain Creagh's letter of the 11th December 1862, I am of opinion that there can be no possible objection to the Government, if it sees fit, complying with Captain Creagh's request, and permitting the Rupees 51 received, by way of escheat, from the proceeds of the effects of the Convict Color Serjeant Fraser, to be paid to Captain Creagh, in part reimbursement of the sum which he has made good on account of the Convict.

(Signed) T. SYDNEY SMYTH,
Advocate General.

29th January 1863.

(True Copy.)

(Signed) J. R. BOYSON,
Government Solicitor.

No. 68. ORDER THEREON, 7th February 1863, No. 205.

The Advocate General's opinion will be communicated to the Military Department.

2. The Accountant General will be instructed to report in what Department the Convict Serjeant Fraser's effects have been carried to the credit of Government.

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

Exd. T. McMootry

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Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letters:—

From the Dep^y Adjutant Genl. H. M's Forces } (Here Enter 24 Decr/62. No 158)

" The Government Solicitor } (Here Enter 29 Jany/63 No 43)

Order thereon 7th February 1863. No 205.

The Advocate General's opinion will be communicated to the Military Dept.

2. The Accountant General will be instructed to report in what department the Convict Serjeant Fraser's effects have been carried to the credit of Govt.

To The Military Department
" The Accountant General } despd 10th

Pro. Feby.

Sent. of 17 Feby.

Sent. 1863. Department.

No. 205.

PROCEEDINGS OF GOVERNMENT.

FAP 662-
" 824

Dated 7. Feby/63.

Communicating to the Military Department the opinion of the Advocate Genl relative to the claim preferred by Captain James Creagh against certain assets in the hands of Govt belonging to the Estate of Color Serjeant Fraser & instructing the Accountant Genl to report in what department or Convict Serjeant Fraser's effects have been carried —

66 @ 68

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